INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION

for

550 PIERCY ROAD
INDUSTRIAL DEVELOPMENT

File Nos. H22-015, ER22-089, T22-015

CITY OF SAN JOSÉ
CALIFORNIA

June 2023

MITIGATED NEGATIVE DECLARATION

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

PROJECT NAME: 550 Piercy Road Industrial Development Project

PROJECT FILE NUMBER: H22-015, ER22-089, and T22-015

PROJECT DESCRIPTION: The project application is for a Site Development Permit and Vesting Tentative Map to allow the construction of two industrial buildings on a 28.9-acre single vacant parcel located at 550 Piercy Road in San José, California. The total square footage of the proposed industrial buildings would be 430,000 square feet, with 257,149 square feet for Building 1 and 172,851 square feet for Building 2. Additional improvements for site circulation, site access, drainage, and infrastructure are included in the proposed project.

PROJECT LOCATION: 550 Piercy Road, in the City of San José.

ASSESSORS PARCEL NO.: 678-08-043

COUNCIL DISTRICT: 2

APPLICANT CONTACT INFORMATION: HUSPRF INVESTOR SPV I LP, 2800 Post Oak Blvd, Suite 4800, Houston, TX 77056

FINDING

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

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

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

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

C. AIR QUALITY – The project would not have a significant impact on this resource, therefore no mitigation is required.

D. BIOLOGICAL RESOURCES.

Impact BIO-1: American badger has the potential occur within the project site. Construction activities may result in direct mortality of individual and/or loss of habitat for this species if present within the project site during construction.

MM BIO-1a: building permits, a qualified biologist shall conduct an Employee Education Program for the construction crew. The qualified biologist shall meet with the construction crew at the onset of construction at the project site to educate the construction crew on the following: 1) the appropriate access route(s) in and out of the construction area and review project boundaries; 2) how a biological monitor shall examine the area and agree upon a method which shall ensure the safety of the monitor during such activities, 3) the identification of special-status species that may be present; 4) the specific mitigation measures that shall be incorporated into the construction effort; 5) the general provisions and protections afforded; and 6) the proper procedures if a special-status species is encountered within the project site to avoid impacts.

Documentation of the completed Employee Education Program shall be provided to the Director of Planning, Building and Code Enforcement or Director's designee within 14 days of program completion.

MM BIO-1b: A qualified biologist shall conduct focused pre-construction surveys for badger dens no more than two weeks prior to the start of any construction activity in all suitable habitat proposed for construction, ground disturbance, or staging. If no potential badger dens are present, no further mitigation is required. If potential dens are observed, the following measures are required to avoid potential significant impacts to the American badger:

- If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent badgers from re-using them during construction.
- If the qualified biologist determines that potential dens may be active, the entrances of the dens shall be blocked with soil, sticks, and debris for three to five days to discourage the use of these dens prior to project disturbance. The den entrances shall be blocked to an incrementally greater degree over the three- to five-day period. After the qualified biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction.

- If the qualified biologist determines that the potential den is an active natal den the qualified biologist shall establish a no-construction buffer around the den. The buffer will be delineated by fencing or flagging. No construction shall be allowed inside the buffer until the qualified biologist determines the young are no longer reliant upon the den for survival.

Documentation and recommendations of the completed focused badger survey shall be provided to the Director of Planning, Building and Code Enforcement or Director's designee within 14 days of program completion.

Impact BIO-2: Construction activities associated with the project could result in the loss of active nests of nesting raptors or other migratory birds (including grasshopper sparrows), or nest abandonment. Raptors and other protected avian species have the potential to nest within and adjacent to the project site.

MM BIO-2: Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31 (inclusive).

If demolition and construction cannot be scheduled to occur between September 1 and January 31 (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist or biologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive). During this survey, the qualified ornithologist/biologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

If an active nest is found in an area that would be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife (only if needed), shall determine the extent of a construction free buffer zone to be established around the nest, (typically 250 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The buffer would ensure that raptor or migratory bird nests would not be disturbed during project construction or until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.

Impact BIO-3: Western burrowing owls have the potential to occur within the project site. Construction activities may result in direct mortality of individuals and/or loss of habitat for these species if present within the project site during construction.

MM BIO-3a: : Prior to the issuance of any demolition, grading or building permits, a qualified biologist shall conduct preconstruction surveys in all suitable habitat areas. The purpose of the preconstruction surveys is to document the presence or absence of burrowing owls on the project site, particularly in areas within 250 feet of construction activity. To maximize the likelihood of detecting owls, the preconstruction survey shall last a minimum of three hours.

The survey shall begin 1 hour before sunrise and continue until 2 hours after sunrise (3 hours total) or begin 2 hours before sunset and continue until 1 hour after sunset. A minimum of two surveys shall be conducted (if owls are detected on the first survey, a second survey is not needed). All owls observed shall be counted and their location shall be mapped. Surveys shall conclude no more than 2 calendar days prior to construction. Therefore, the project applicant must begin surveys no more than 4 days prior to construction (2 days of surveying plus up to 2 days between surveys and construction). To avoid last minute changes in schedule or contracting that may occur if burrowing owls are found, the project applicant may also conduct a preliminary survey up to 14 days before construction. This preliminary survey may count as the first of the two required surveys as long as the second survey concludes no more than 2 calendar days in advance of construction. If no burrowing owls are observed during the preconstruction survey no further mitigation is required.

Documentation summarizing results of preconstruction surveys shall be provided to the Director of Planning, Building and Code Enforcement or Director's designee, prior to the issuance of any demolition, grading or building permits.

MM BIO-3b: If evidence of western burrowing owls is found during the breeding season (February 1–August 31, inclusive), prior to the issuance of any demolition, grading or building permits (whichever occurs first), the project applicant shall prepare an avoidance and minimization plan. The plan shall include measures to avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging). The plan shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval prior to the issuance of any demolition, grading or building permits (whichever occurs first).

Avoidance shall include establishment of a 250-foot non-disturbance buffer zone around nests. Construction may occur outside of the 250-foot non-disturbance buffer zone. Construction may occur inside the 250-foot non-disturbance buffer during the breeding season if:

- the nest is not disturbed, and
- the project applicant develops an avoidance, minimization, and monitoring plan that will be reviewed by the Implementing Entity and CDFW prior to project construction based on the following criteria.
    - The Implementing Entity and the Wildlife Agencies approves of the avoidance and minimization plan provided by the project applicant.
    - A qualified biologist monitors the owls for at least 3 days prior to construction to determine baseline nesting and foraging behavior (i.e., behavior without construction).
    - A qualified biologist monitors the owls during construction and finds no change in owl nesting and foraging behavior in response to construction activities.

If there is any change in owl nesting and foraging behavior as a result of construction activities, these activities shall cease within the 250-foot buffer. Construction cannot resume within the 250-foot buffer until the adults and juveniles from the occupied burrows have moved out of the project site.

If monitoring indicates that the nest is abandoned prior to the end of nesting season and the

burrow is no longer in use by owls, the non-disturbance buffer zone can be removed. The qualified biologist shall excavate the burrow to prevent reoccupation after receiving approval from the Wildlife Agencies.

During the non-breeding season (September 1–January 31, inclusive), the project applicant shall establish a 250-foot non-disturbance buffer around occupied burrows as determined by a qualified biologist. Construction activities outside of this 250-foot buffer are allowed. Construction activities within the non-disturbance buffer are allowed if the following criteria are met in order to prevent owls from abandoning important overwintering sites.

- The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities.
- If there is any change in owl nesting and foraging behavior as a result of construction activities, these activities shall cease within the 250-foot buffer.
- If the owls are gone for at least one week, the project applicant may request approval from the Implementing Entity that a qualified biologist excavate usable burrows to prevent owls from re-occupying the site. After all usable burrows are excavated, the buffer zone shall be removed and construction may continue.

Monitoring must continue as described above for the non-breeding season as long as the burrow remains active.

MM BIO-3c: Based on the avoidance, minimization, and monitoring plan developed (as required above), during construction, the project applicant shall establish and maintain the non-disturbance buffer zones throughout the construction period, if applicable. A qualified biologist shall monitor the site consistent with the requirements described above to ensure that buffers are enforced and owls are not disturbed. The qualified biologist shall also conduct training with construction personnel on the avoidance procedures, buffer zones, and protocols in the event that a burrowing owl flies into an active construction zone.

E. CULTURAL AND TRIBAL CULTURAL RESOURCES.

Impact CR-1: The project may impact pre-historic resources or historic-era archaeological deposits during excavation and construction activities.

MM CR-1.1: Cultural Sensitivity Training. Prior to issuance of any grading permits, the project applicant shall conduct a Cultural Awareness Training for construction personnel. The training shall be facilitated by a qualified project archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. Documentation verifying that Cultural Awareness Training has been conducted shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee within 7 days of completion of training.

MM CR-1.2: Monitoring Plan. Prior to issuance of any demolition, grading, or building permits (whichever occurs first), a qualified archeologist, in consultation with a Native American representative registered with the Native American Heritage Commission for the

City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall prepare a monitoring plan for all earthmoving activities. The Plan shall be submitted to the Director of the Planning, Building, and Code Enforcement or the Director's designee for review and approval. The plan shall include, but is not limited to, the following:

- Monitoring schedules
- Contact information
- Recommendation for monitoring methods
- Timing of reporting finds

MM CR-1.3: Sub-Surface Monitoring. A qualified archeologist in collaboration with a Native American monitor, 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 also be present during applicable earthmoving activities in accordance with in the Monitoring Plan in MM CR-1.2. These could include but not are not limited to, trenching, initial or full grading, lifting of foundation, boring on site, or major landscaping.

MM CR-1.4 Evaluation. The project applicant shall notify the Director of Planning, Building, and Code Enforcement or Director's designee of any finds during the grading or other construction activities. Any historic or prehistoric material identified in the project area during the during excavation activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. All documentation and recordation shall be submitted to the Northwest Information Center and Native American Heritage Commission (NAHC) Sacred Land Files, and/or equivalent prior to the issuance of an occupancy permit. A copy of the evaluation shall be submitted to the Director of Planning, Building, and Code Enforcement or the Director's designee.

With implementation of the mitigation measures and standard permit conditions discussed above, the proposed project would have a less than significant impact with respect to causing a substantial adverse change on archaeological resource

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

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

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

I. HAZARDS AND HAZARDOUS MATERIALS.

Impact HAZ-1: Soils at the project site were determined to show trace elements of chrysotile

fibers that are indicative of the presence of asbestos. In addition, the project site contains evidence of serpentine and ultramafic rock. Release of asbestos dust during ground disturbing activities could result in the exposure of hazardous materials to the public or the environment.

MM HAZ-1: Prior to issuance of any demolition or grading permits, the project applicant shall prepare an Asbestos Dust Mitigation Plan (ADMP) for submittal to the Bay Area Air Quality Management District (BAAQMD) for approval. The ADMP must describe dust control measures during grading as well as long term dust control measures. The ADMP shall include, at a minimum, the following measures consistent with the California Air Resources Board (CARB) Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations:

- Track-out prevention and control measures;
- Active stockpiles shall be adequately wetted or covered with tarps;
- Control for disturbed surface areas and storage piles that remain inactive for more than seven days;
- Control for traffic on unpaved roads, parking lots, and staging areas;
- Control for earthmoving activities; and,
- Control for off-site transport.

A copy of the BAAQMD-approved ADMP shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee and the Environmental Compliance Officer in the City of San José Environmental Services Department before issuance of the grading permit.

With implementation of this mitigation measure, the project would have a less than significant impact to the public or the environment related to reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment..

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

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

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

M. NOISE – The project would not have a significant impact on this resource. Therefore, no mitigation is required.

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

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

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

Q. TRANSPORTATION –

Impact TR-1: The project daily Vehicle Miles Travelled (VMT) generated by the project would be 14.69 per worker, which exceeds the City of San José VMT Evaluation Tool's industrial threshold of 14.37 daily VMT per worker.

MM TR-1.1: Prior to the issuance of any grading or building permits, the project applicant shall prepare plans that illustrate the design of the site enhancements, and shall coordinate with the City's Department of Parks, Recreation, & Neighborhood Services, Department of Transportation, and the Department of Public Works to incorporate the following:

- Traffic Calming Measures and Bike Access Improvements. The project development shall include narrowing of the existing roadway lane widths along Silicon Valley Boulevard to implement Class IV protected bikeways in both directions between Hellyer Avenue and Eden Park Place. The project also includes the installation of the on-street Class IV bikeway per City standards along the project's frontage along Hellyer Avenue. The bike lanes would connect the existing Coyote Creek Trailheads and encourage the use of bicycles (see Appendix H, Figure 6 for conceptual designs of the planned improvements).
- Pedestrian Network Improvements. The pork-chop island on the southwest corner at the Hellyer Avenue and Silicon Valley Boulevard intersection shall be removed (see Appendix H, Figure 6). The improvement shall require tightening the corner radius at the southeast corner and modifying the signal to accommodate pork chop island removals. This shall improve the multi-modal environment by eliminating unsignalized pedestrian/vehicle conflict points, increasing visibility of pedestrians at the intersection corner, and providing a safer refuge for pedestrians waiting to use the crosswalks.

Final plans shall be submitted and reviewed as part of the Public Improvement Plan submitted to the City of San Jose Public Works prior to the issuance of development permits for the proposed project. Per City specifications, the Public Improvement Plan shall describe all public improvements in the public right-of-way included under the proposed project. All identified improvements shall be constructed prior to the issuance of the final occupancy permit.

Based on the City's VMT Evaluation Tool, the project applicant shall ensure that implementation of the multimodal infrastructure improvements described above shall lower the project VMT to 14.11 per worker (a reduction of about 4.8 percent), which would reduce the project's VMT to below the City's threshold of 14.37 VMT per worker.

Prior to the issuance of any grading or building permits, the project applicant shall submit the project design plans showing enhancements to the City's Department of Parks, Recreation, & Neighborhood Services, Department of Transportation, and the Department of Public Works for review and approval.

R. TRIBAL CULTURAL RESOURCES – Refer to item E. Cultural and Tribal Cultural Resources above.

S. UTILITIES AND SERVICE SYSTEMS – The project would not have a significant impact

on this resource. Therefore, no mitigation is required.

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

U. MANDATORY FINDINGS OF SIGNIFICANCE.

Cumulative impacts would be less than significant. The proposed Project would implement the identified mitigation measures and would have either have no impacts or less-than-significant impacts on riparian habitat or other sensitive natural communities, migration of species, or applicable biological resources protection ordinances. Therefore, the proposed Project would not contribute to any cumulative impact for these resources. The Project would not cause changes in the environment that have any potential to cause substantial adverse direct or indirect effects on human beings.

PUBLIC REVIEW PERIOD

The public review period starts on **June 8, 2023,** and end on **June 28, 2023.** Before **June 28, 2023, 5:00pm**, any person may:

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

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

CHRISTOPHER BURTON, Director
Planning, Building and Code Enforcement

June 6, 2023 — Tina Garg

Date — Deputy

Tina Garg
Environmental Project Manager

Circulation Period: June 8, 2023, to June 28, 2023

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Chapter 1. Introduction

Project Overview

The project application is for a Site Development Permit and Vesting Tentative Map to allow the construction of two industrial buildings on a 28.9-acre single vacant parcel located at 550 Piercy Road in San José, California. The total square footage of the proposed industrial buildings would be 430,000 square feet, with 257,149 square feet for Building 1 and 172,851 square feet for Building 2. Additional improvements for site circulation, site access, drainage, and infrastructure are included in the proposed project. Additional details related to the proposed project are described in Chapter 2. Project Description.

California Environmental Quality Act Compliance

This Initial Study has been prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulations and policies of the City of San José. The purpose of this Initial Study is to provide objective information regarding the environmental consequences of the proposed project to the decision makers considering the project.

The City of San José is the lead agency under CEQA for the proposed project. The City has prepared this Initial Study to evaluate the environmental impacts that might reasonably be anticipated to result from the construction of this project, as described below.

Publication of this Initial Study marks the beginning of a 20-day public review and comment period. During this period, the Initial Study will be available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 20-day public review period should be sent to:

City of San José Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street
Tower, Third Floor
San José, California 95113
Attn: Tina Garg
Tina.Garg@sanjoseca.gov

This Initial Study and all documents reference in it are available for public review in the Department of Planning, Building and Code Enforcement at the above address, on the City's environmental page at www.sanjoseca.gov/negativedeclarations and a copy of this Initial Study will be available on the State Clearinghouse CEQAnet Webportal at https://ceqanet.opr.ca.gov/Search/.

Following the conclusion of the public review period, the City of San José will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the project at a regularly scheduled public hearing. The City shall consider the Initial Study/MND together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

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

PROJECT DATA

1. **Project Title**: 550 Piercy Road Industrial Development Project

2. **Lead Agency Contact:** City of San José Department of Planning, Building and Code Enforcement, 200 E. Santa Clara Street, San José, CA 95113
   Environmental Planner: Tina Garg

3. **Project Owner & Applicant:** HUSPRF INVESTOR SPV I LP, 2800 Post Oak Blvd, Suite 4800, Houston, TX 77056

4. **Applicant's Representative:** The Schoennauer Company, LLC, 90 Hawthorne Way, San José, CA 95110. Attn: Erik Schoennauer

5. **Project Location:** The project site is approximately 28.9 gross acres located at 550 Piercy Road. The parcel is currently vacant.

   Assessor's Parcel Numbers (APNs): 678-08-043. **City Council District:** 2

6. **Project Description Summary:** The project application is for a Site Development Permit and Vesting Tentative Map to allow the construction of two industrial buildings on a 28.9-acre single vacant parcel. The total square footage of the proposed industrial buildings would be 430,000 square feet, with 257,149 square feet for Building 1 and 172,851 square feet for Building 2. The maximum height of each building would be 50 to 52 feet. The total square footage includes approximately 30,000 square feet of ground floor office and 13,985 square feet of mezzanine office, as well as other site improvements common amenity areas, internal roadways for site circulation, stormwater treatment areas, and landscaping. The proposed project includes 84 loading docks (46 for Building 1 and 38 for Building 2), 347 automotive parking stalls (including 12 accessible parking spaces, 140 electric vehicle capable parking spaces, 36 spaces with Electric Vehicle Supply Equipment (EVSE), and 8 clean air spaces), 28 motorcycle stalls, 36 bicycle spaces (10 long-term spaces and 26-short-term spaces), and 80 trailer parking stalls. Access to the proposed development would be provided via four access driveways, two connecting to Piercy Road, and two connecting to Hellyer Avenue. The exact usage of the proposed buildings is yet to be determined, but would likely be utilized for industrial distribution, manufacturing, and/or research & development activities. The project site would also be subdivided into two lots, one for each of the proposed buildings.

7. **Envision 2040 San José General Plan Designation**: Industrial Park

8. **Zoning Designation**: IP Industrial Park

9. **Habitat Conservation Plan Designations**:
   Area 1: Private Development Covered
   Land Cover: Grain, Row-crop, Hay and Pasture, Disked / Short-term Fallowed (28.3 acres) Urban-Suburban (0.4 acres), Potential Serpentine Fee Zone (4.8 acres)
   Land Cover Fee Zone: Fee Zone B (Agricultural and Valley Floor Lands) (28.4 acres), Urban Areas (No Land Cover Fee) (0.4 acres)

10. Surrounding Land Uses:

- North: Piercy Road, rural residential, open space
- South: Hellyer Avenue, open space, Coyote Creek
- East: Rural Residential, agricultural
- West: Commercial/industrial

Chapter 2. Project Description

PROJECT LOCATION

The project site is located within the City limits of San José, in Santa Clara County, between Piercy Road to the north and Hellyer Avenue to the south (refer to Figure 1). The project site consists of a single lot that is approximately 28.9-acres in size. The Assessor's Parcel Number (APN) is 678-08-043 (see Figure 2). The project site is currently vacant. An aerial photograph of the project site and surrounding area is presented in Figure 3.

PROJECT DESCRIPTION

The proposed development is the construction of two single-story industrial shell buildings (see Figure 4). Surface parking lots are proposed around the two buildings and site circulation would be achieved via the construction of new paved internal roadways. The proposed buildings would be approximately 257,149 square feet and 172,851 square feet in size with maximum heights of approximately 50 and 52 feet, respectively (see Figures 6a through 6d). The proposed area would include approximately 7,500 square feet of mezzanine floor for building one and 6,500 square feet of mezzanine floor for building two (for a total of 14,000 square feet between the two buildings). Each industrial building would include two to three office spaces with under-slab vapor barriers. In addition, a total of approximately 84 loading docks would be provided between the two buildings: 46 for the north building and 38 for the south building.

The proposed site plan for the project is presented in Figure 4. Floor plans are provided in Figures 5A through 5B. Elevations for the proposed industrial buildings are shown in Figures 6A through 6D. Additional project details are described below.

The industrial use(s) of the proposed buildings is yet to be determined but would likely be utilized for industrial warehousing, light manufacturing, local industrial distribution, and/or research & development activities, as permitted by the zoning code. Additional project details are described below.

Access and Parking. Site access improvements include the construction of one (1) 26-foot-wide driveway on Piercy Road, one (1) 45-foot-wide driveway on Piercy Road, and two (2) 45-foot-wide driveways on Hellyer Avenue. Surface parking would be provided throughout the project site. The project includes 347 automotive parking stalls (including 12 accessible parking spaces, 140 electric vehicle capable parking spaces, 36 spaces with Electric Vehicle Supply Equipment (EVSE), and 8 clean air spaces), 28 motorcycle stalls, 36 bicycle spaces (10 long-term spaces and 26-short-term spaces), 80 trailer parking stalls, and 84 loading dock spaces.

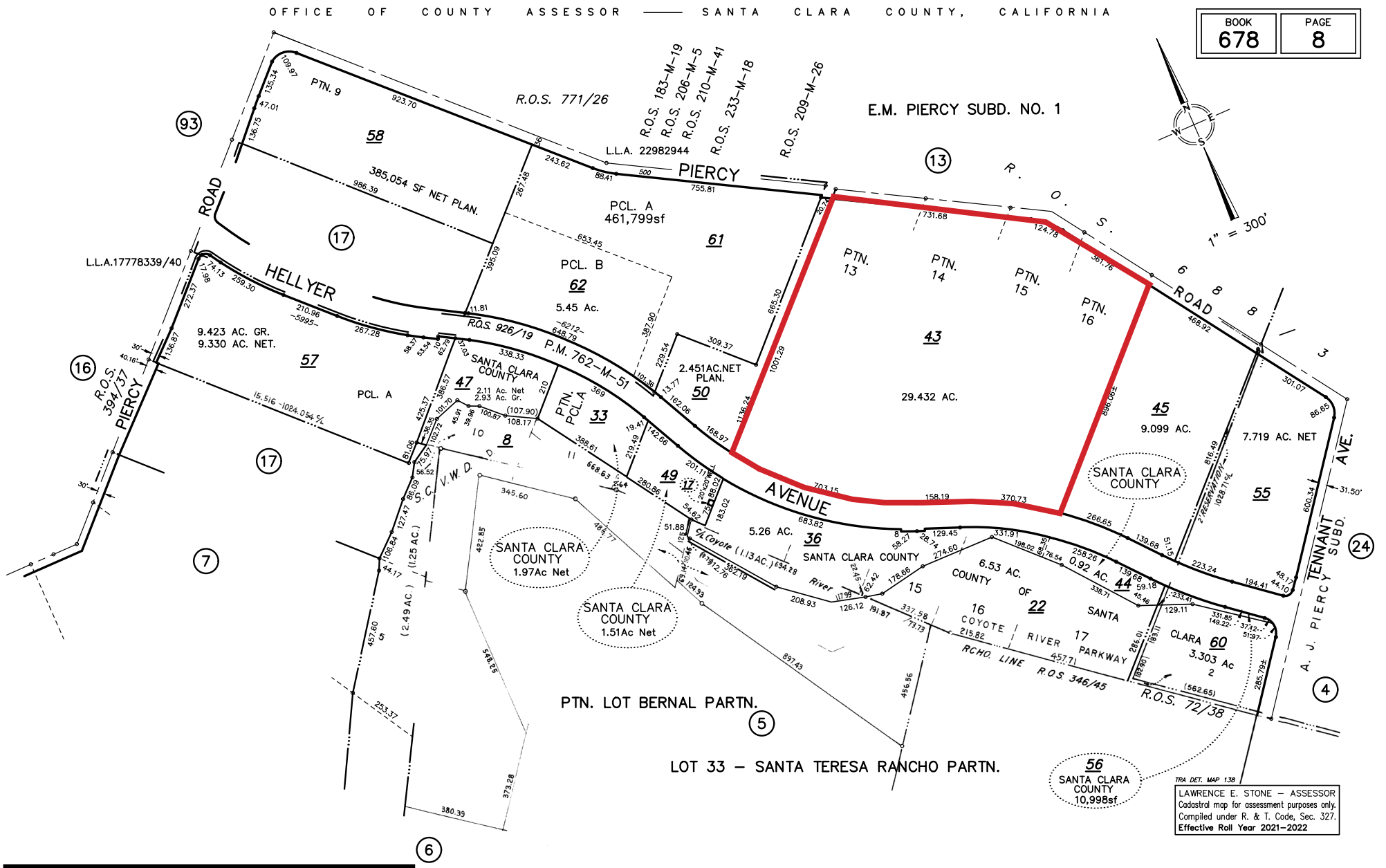
Lighting. Outdoor lighting would be provided for site access and security purposes. All outdoor exterior lighting will conform to the City Council's Outdoor Lighting Policy (4-3), Interim Lighting Policy Broad Spectrum Lighting (LED) for Private Development, and Citywide Design Standards and Guidelines.

Location Map

550 Piercy Road Industrial Development
Initial Study

Figure
1

Path: P:\DDA Current Projects\2022-09 Piercy Rd Industrial\Figures\Figure 1 - Location Map.pdf



Source: Santa Clara County Assessor, February 2022

APN Map

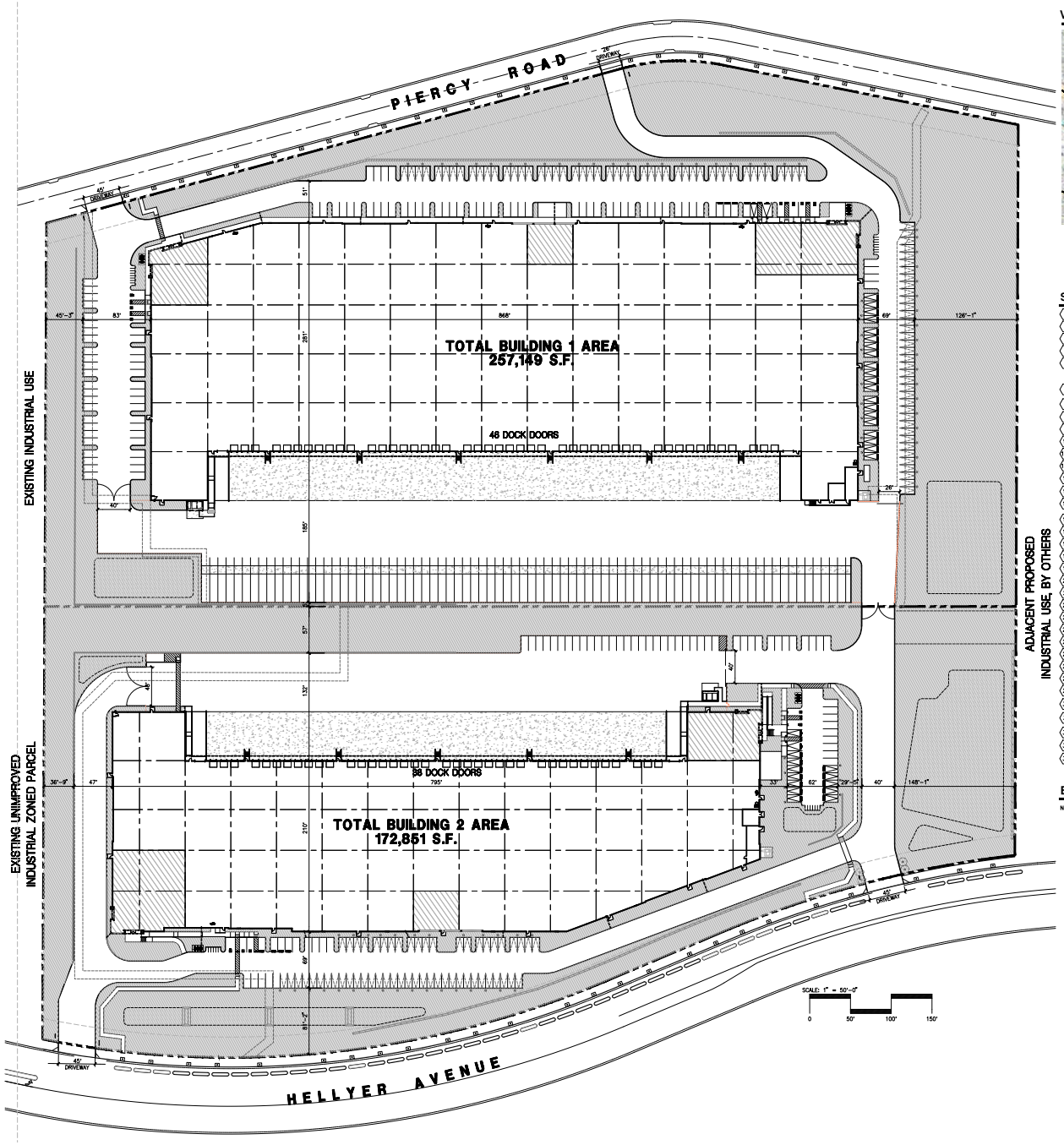
550 Piercy Road Industrial Development
Initial Study

Figure 2

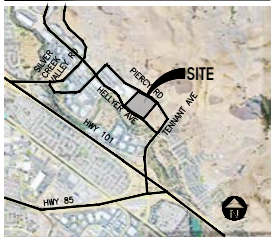
Vicinity Map

550 Piercy Road Industrial Development
Initial Study

Figure
3



VICINITY MAP



SITE PLAN KEYNOTES

1. HEAVY BROOM FINISH CONCRETE PAVEMENT.
2. ASPHALT CONCRETE (AC) PAVING
3. ACCESSIBLE PATH OF TRAVEL
4. DRIVEWAY APRONS
5. 5'-0"XS'-6"X4" THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH SLOPE TO BE 1/4" : 12" MAX.
6. APPROXIMATE LOCATION OF TRANSFORMER. CONTRACTOR TO VERIFY
7. 8' TALL BLACK VINYL COATED CHAIN LINK FENCE.
8. CONCRETE WALKWAY, MEDIUM BROOM FINISH. SEE "L" DRAWINGS.
9. CONCRETE RAMP WITH CONCRETE GUARD WALL. SEE "C" DRAWINGS.
10. BIKE RACK.
11A. ELECTRIC VEHICLE CHARGER
11B. FUTURE ELECTRIC VEHICLE CHARGER AT EV CAPABLE STALL
12. EXTERIOR STEEL STAIR.
13. 12' x 14' DRIVE-IN DOOR
14. LANDSCAPE.
15. CONC. FILLED GUARD POST 6" DIA. U.N.O. 48" H.
16. PRE-CAST CONC. WHEEL STOP.
17. TRUNCATED DOMES.
18. ACCESSIBLE PARKING STALL SIGN.
19. HARDSCAPE AT ENTRANCE. SEE "L" DRAWINGS.
20. ACCESSIBLE ENTRY SIGN.
21. PUMP ROOM.
22. RETAINING WALL.
23. ELECTRICAL ROOM.
24. CONCRETE DOLLY PAD. SEE SITE PLAN FOR WIDTH AND "C" DRAWINGS.
25. KNOCK OUT PANELS.
26. TRASH ENCLOSURE. SEE AD.6.
27. AMENITY AREA.
28. MPOE CLOSET.
29. SEISMIC FAULTS PER CORNERSTONE REPORT, BUILDING IS 25' FROM FAULT MINIMUM IN ALL LOCATIONS
30. POTENTIAL GENERATOR FOR ELECTRIC FIRE PUMP
31. CONNECT ROOF DRAIN TO CURB-O-LET.
32. SPILL TO GRADE
33. PROPOSED LOCATION OF MONUMENT SIGNAGE
34. METAL CANOPY ABOVE.

EXISTING LANDSCAPING NOTES

NO TREES TO BE REMOVED ON SITE

SITE PLAN GENERAL NOTES

- CONCRETE PAVING. SEE "C" DRWGS. FOR THICKNESS
- STANDARD PARKING STALL (9' X 18')
- CLEAN AIR/ VANPOOL/EV WITH EVCS (EV CHARGER INSTALLED)
- EV CAPABLE
- CLEAN AIR/ VANPOOL/EV WITHOUT EVCS
- TRAILER PARKING (10' X 53')
- LANDSCAPED AREA
- NON-ACCESSIBLE PATH
- ACCESSIBLE PARKING STALL (9' X 18') + 5' W/ ACCESSIBLE AISLE SEE DETAIL 11/AD.1
- ACCESSIBLE PARKING (VAN) STALL (12' X 18') + 5' W/ ACCESSIBLE AISLE
- MOTORCYCLE PARKING STALL (3' X 6')
- PATH OF TRAVEL, MINIMUM WIDTH TO BE 4', SLOPE NOT TO EXCEED 5% IN THE DIRECTION OF TRAVEL AND CROSS SLOPE NOT TO EXCEED 2%, SEE CIVIL FOR GRADING PLAN

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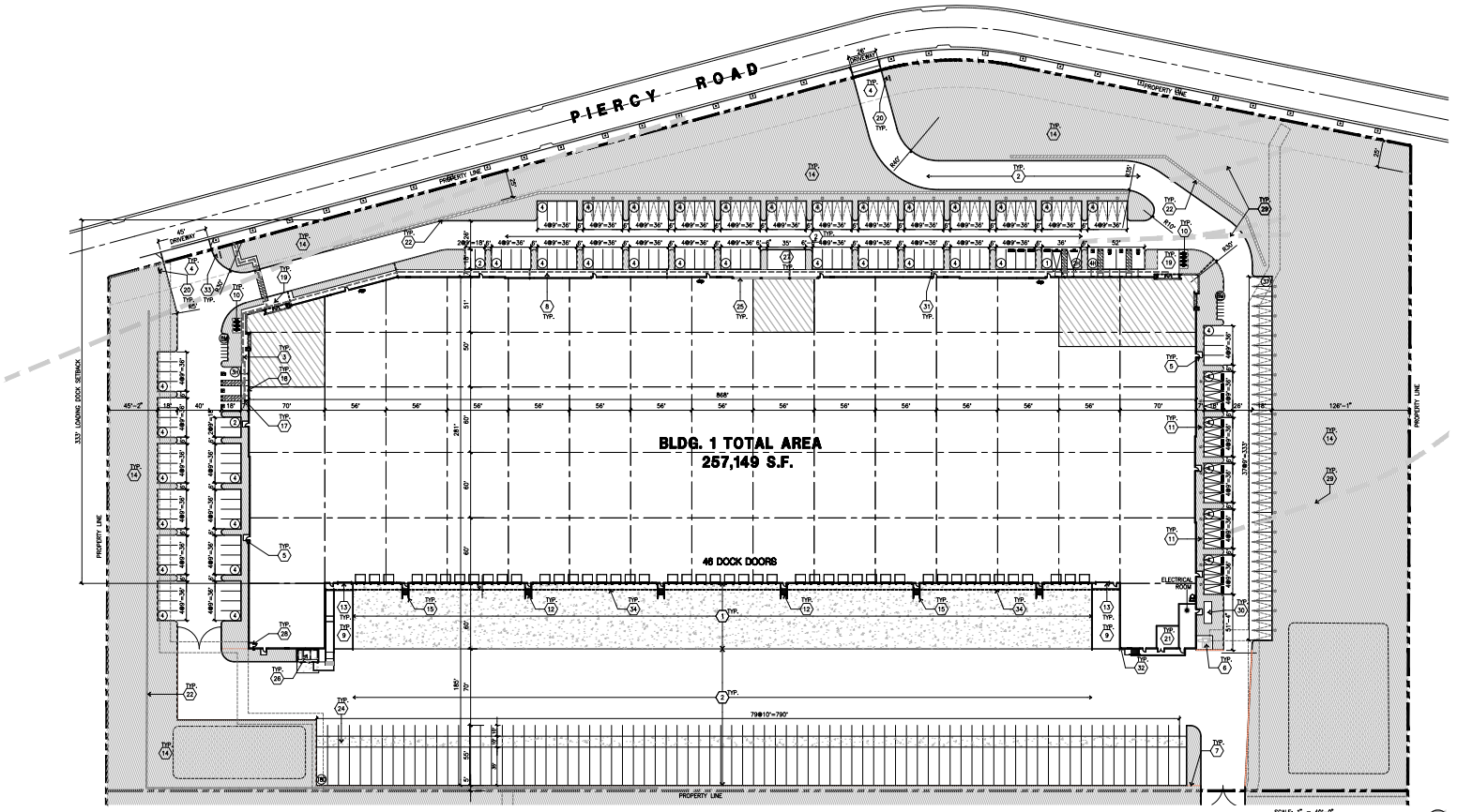
2. IF SOILS ARE EXPANSIVE IN NATURE, USE STEEL REINFORCING FOR ALL SITE CONCRETE
3. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE WALL, FACE OF CONCRETE CURB OR GRID LINE U.N.O.
4. SEE "C" PLANS FOR ALL CONCRETE CURBS, GUTTERS AND SWALES
5. PROVIDE STRUCTURAL CALCULATION AND CONSTRUCTION ANCHORAGE DETAIL FOR TRANSFORMER PRIOR TO INSTALLATION.
6. SEE "C" DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR SHALL VERIFY ACTUAL UTILITY LOCATIONS.
7. PROVIDE POSITIVE DRAINAGE AWAY FROM BLDG. SEE "C" DRAWINGS.
8. CONTRACTOR TO REFER TO "C" DRAWINGS FOR ALL HORIZONTAL CONTROL DIMENSIONS. SITE PLANS ARE FOR GUIDANCE AND STARTING LAYOUT POINTS.
9. SEE "C" DRAWINGS FOR FINISH GRADE ELEVATIONS.
10. CONCRETE SIDEWALKS TO BE A MINIMUM OF 4" THICK W/ TOOLED JOINTS AT 6' O.C. EXPANSION/CONSTRUCTION JOINTS SHALL BE A MAXIMUM 12' EA. WAY W/ 1:20 MAX. SLOPE. EXPANSION JOINTS TO HAVE COMPRESSIVE EXPANSION FILLER MATERIAL OF 1/4". FINISH TO BE A MEDIUM BROOM FINISH
11. U.N.O. PROVIDE KNOX BOXES AT ALL OFFICE ENTRANCES.
12. PAINT CURBS AND PROVIDE SIGNS TO INFORM OF FIRE LANES AS REQUIRED BY FIRE DEPARTMENT.
13. ON-SITE FIRE MAIN, FIRE SPRINKLER, AND SPRINKLER MONITORING SYSTEM SHALL BE SUBMITTED SEPARATELY TO THE FIRE DEPARTMENT FOR REVIEW AND PERMITTING.
14. ALL VERTICAL MOUNTING POLES OF FENCING SHALL BE CAPPED.
15. LANDSCAPED AREAS SHALL BE DELINEATED WITH A MINIMUM SIX INCHES (6") HIGH CURB
16. ALL INTERIOR AND EXTERIOR WALK SURFACES TO BE NON-SLIP TYPE

Source: HPA Architecture, February 2023

Site Plan

550 Piercy Road Industrial Development
Initial Study

Figure
4



TABULATION

	BLDG. 1	BLDG. 2	TOTAL
SITE AREA			
In s.f.	708,822	305,761	1,014,583
In acres	16.27	7.02	23.29
BUILDING AREA			
Office - 1st floor	18,000	10,000	28,000 sf
Office - mezzanine	7,500	4,000	11,500 sf
Warehouse	231,649	154,500	386,149 sf
TOTAL	257,149	173,500	430,649 sf
FLOOR AREA RATIO			
Maximum Allowed			GP = 1.0 / LI = 0.4
Actual	0.363	0.570	0.425
AUTO PARKING REQUIRED			
Office - 1/250 s.f.	102	56	158 stalls
Whse: 5-10K @ 2/5,000 s.f.	2	2	4 stalls
5,001 - 25K @ 5/25,000 s.f.	5	5	10 stalls
above 25K @ 1/5,000 s.f.	42	26	68 stalls
TOTAL	151	89	240 stalls
EV PARKING REQUIRED			
EV Capable (40% of total parking)	60	36	96 stalls
EVSE (10% of total parking)	15	9	24 stalls
– EVSE Standard	20	12	
– ADA EVSE Parking (8'x 18')	1	1	
– ADA EVSE Van Parking (8'x 18')	1	1	
CLEAN AIR REQUIRED			
CLEAN AIR (9'x18') (101-150 STALLS = 18)			18 stalls
CLEAN AIR (9'x18') (201 AND OVER = 12% of total parking)	25		25 stalls
AUTO PARKING PROVIDED			
Standard (9' x 18')	93	58	151 stalls
ADA Parking (8' x 18')	4	4	8 stalls
ADA Van Parking (12' x 18')	2	2	4 stalls
EV Capable	60	36	96 stalls
EVSE	22	14	36 stalls
– EVSE Standard	20	12	
– ADA EVSE Parking (8'x 18')	1	1	
– ADA EVSE Van Parking (8'x 18')	1	1	
Clean air (9'x18') (in addition EVSE above)	4	3	7 stalls
TOTAL	211	133	344 stalls
MOTORCYCLE REQUIRED			
Motorcycle for warehouse required 1 for every 10 code req'd auto parking	15	11	26 stalls
MOTORCYCLE PROVIDED (9 x 8')	15	11	26 stalls
BIKE PARKING REQUIRED			
Office - 1/4,000 s.f.	7	4	11 stalls
Warehouse 5 long term spaces per 10 full time employees	10	7	17 stalls for Warehouse
Warehouse 1 long term space per 10 full time employees	5	3	8 stalls
TOTAL	15	11	26 stalls
BIKE PARKING PROVIDED			
Long Term (20% of total)	5	4	9 stalls
Short Term (80% of total)	14	10	24 stalls
TOTAL	20	14	34 stalls
TRAILER PARKING PROVIDED			
Trailer (10' x 53')	79	0	79 stalls
ZONING ORDINANCE			
General Plan - Industrial Park			
Zoning - IP Industrial Park			
MAXIMUM BUILDING HEIGHT ALLOWED			
Height - 50' (up to 52' in some areas)			
SETBACKS			
Building		Parking	
Front - 15'		Front Passengers- 25', Front Trucks/Busses- 40'	
Side - 0'		Landscape	
Rear - 0'		Min. 10'	

SITE PLAN KEYNOTES

1. HEAVY BROOM FINISH CONCRETE PAVEMENT.
2. ASPHALT CONCRETE (AC) PAVING
3. ACCESSIBLE PATH OF TRAVEL.
4. DRIVEWAY APRONS
5. 5'-6"X5'-6"X4" THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH SLOPE TO BE 1/4" : 12" MAX.
6. APPROXIMATE LOCATION OF TRANSFORMER. CONTRACTOR TO VERIFY
7. 8' TALL BLACK VINYL COATED CHAIN LINK FENCE.
8. CONCRETE WALKWAY, MEDIUM BROOM FINISH. SEE "L" DRAWINGS.
9. CONCRETE RAMP WITH CONCRETE GUARD WALL. SEE "C" DRAWINGS.
10. BIKE RACK.
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11B. FUTURE ELECTRIC VEHICLE CHARGER AT EV CAPABLE STALL
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- TRAILER PARKING (10' X 53')
- LANDSCAPED AREA
- ACCESSIBLE PARKING STALL (9' X 18') + 5' W/ ACCESSIBLE AISLE - SEE DETAIL 11/AD.1
- ACCESSIBLE PARKING (VAN) STALL (12' X 18') + 5' W/ ACCESSIBLE AISLE
- MOTORCYCLE PARKING STALL (3' X 6')
- PATH OF TRAVEL. MINIMUM WIDTH TO BE 4'. SLOPE NOT TO EXCEED 5% IN THE DIRECTION OF TRAVEL AND CROSS SLOPE NOT TO EXCEED 2%. SEE CIVIL FOR GRADING PLAN

EXISTING LANDSCAPING NOTES

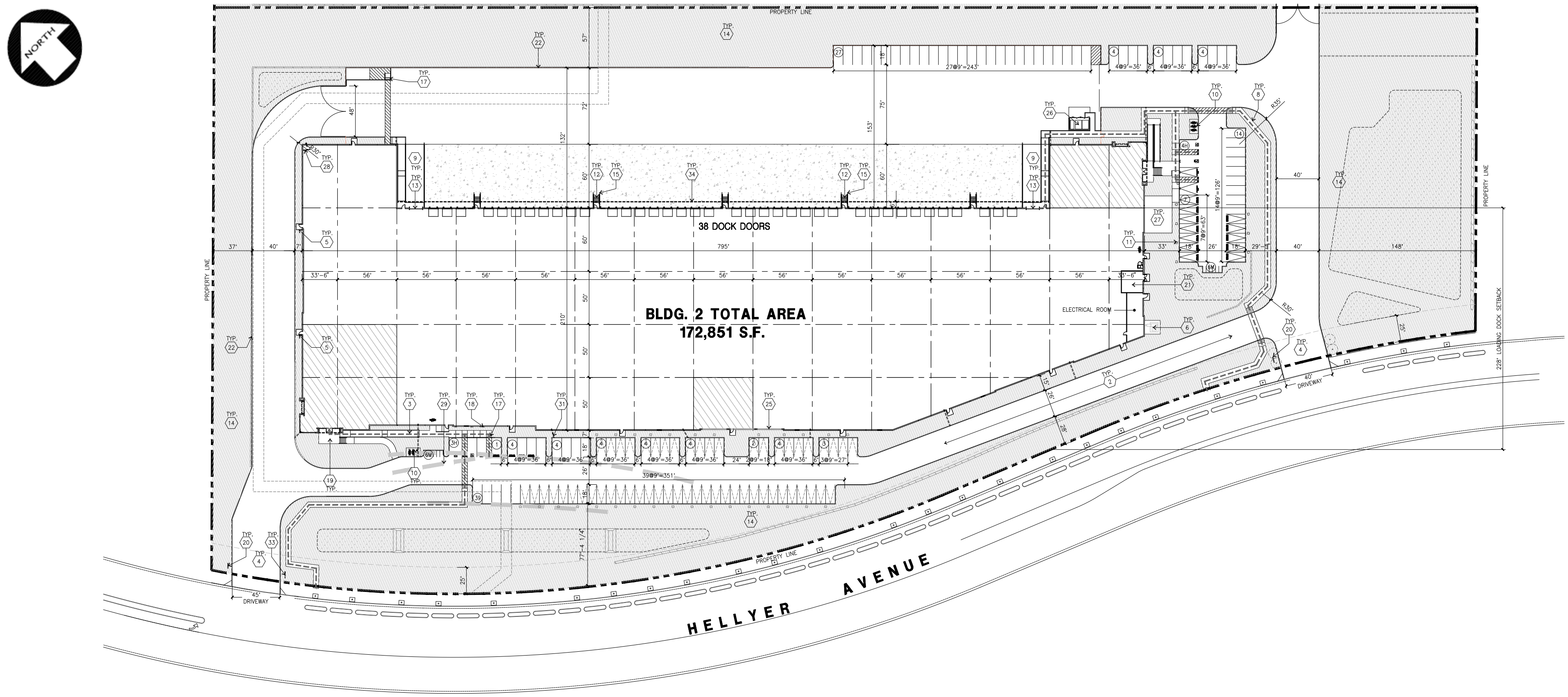
NO TREES TO BE REMOVED ON SITE

Source: HPA Architecture, February 2023

Floor Plan - Building 1

550 Piercy Road Industrial Development
Initial Study

Figure
5a



OVERALL SITE PLAN (A)
scale: 1"=40'-0"

SCALE: 1" = 40'-0" 0 40' 80' 120' TRUE NORTH

TABULATION

	BLDG. 1	BLDG. 2	TOTAL
SITE AREA			
In s.f.	708,622	550,147	1,258,769 sf
In acres	16.27	12.63	28.90 ac
BUILDING AREA			
Office - 1st floor	18,000	12,000	30,000 sf
Office - mezzanine	7,500	6,485	13,985 sf
Warehouse	231,649	154,366	386,015 sf
TOTAL	**257,149**	**172,851**	**430,000** sf
FLOOR AREA RATIO			
Maximum Allowed	GP = 10, EDP = 0.4		
Actual	0.363	0.314	0.342
AUTO PARKING REQUIRED			
Office: 1/250 s.f.	102	74	176 stalls
Whse: 0-5K @ 2/5,000 s.f.	2	2	4 stalls
5,001 - 25K @ 5/25,000 s.f.	5	5	10 stalls
above 25K @ 1/5,000 s.f.	42	26	68 stalls
TOTAL	**151**	**107**	**258** stalls
EV PARKING REQUIRED			
EV Capable (40% of total parking)	85	55	140 stalls
EVSE (10% of total parking)	22	14	36 stalls
~ EVSE Standard	*20*	*12*	
~ ADA EVSE Parking (9'x 18')	*1*	*1*	
~ ADA EVSE Van Parking (9'x 18')	*1*	*1*	
CLEAN AIR REQUIRED			
CLEAN AIR (9'x18') (101-150 STALLS = 18)		18	18 stalls
CLEAN AIR (9'x18') (201 AND OVER = 12% of total parking)	26		26 stalls
AUTO PARKING PROVIDED			
Standard (9' x 18')	93	58	151 stalls
ADA Parking (9' x 18')	4	3	7 stalls
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Clean air (9'x18') (in addition EVSE above)	4	4	8 stalls
TOTAL	211	136	347 stalls
MOTORCYCLE REQUIRED			
Motorcycle for warehouse required 1 for every 10 code req'd auto parking	16	11	27 stalls
MOTORCYCLE PROVIDED (3'x 6')	16	12	28 stalls
BIKE PARKING REQUIRED			
Office: 1/4,000 s.f.	7	5	12 stalls
Warehouse employees	90	70	160 employees
Warehouse 1 long term space per 10 full time employees	9	7	16 stalls
TOTAL	16	12	28 stalls
BIKE PARKING PROVIDED			
Long Term (20% of total)	6	4	10 stalls
Short Term (80% of total)	14	12	26 stalls
TOTAL	20	16	36 stalls
TRAILER PARKING PROVIDED			
Trailer (10' x 55')	79	0	79 stalls
ZONING ORDINANCE			
General Plan - Industrial Park			
Zoning - IP Industrial Park			
MAXIMUM BUILDING HEIGHT ALLOWED			
Height - 50' (up to 52' in some areas)			
SETBACKS			
Building	Parking		
Front - 15'	Front Passenger- 25', Front Trucks/Busses- 40'		
Side - 0'	Landscape		
Rear - 0'	Min- 10'		

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- MOTORCYCLE PARKING STALL (3' X 6')
- PATH OF TRAVEL. MINIMUM WIDTH TO BE 4'. SLOPE NOT TO EXCEED 5% IN THE DIRECTION OF TRAVEL AND CROSS SLOPE NOT TO EXCEED 2%, SEE CIVIL FOR GRADING PLAN

EXISTING LANDSCAPING NOTES

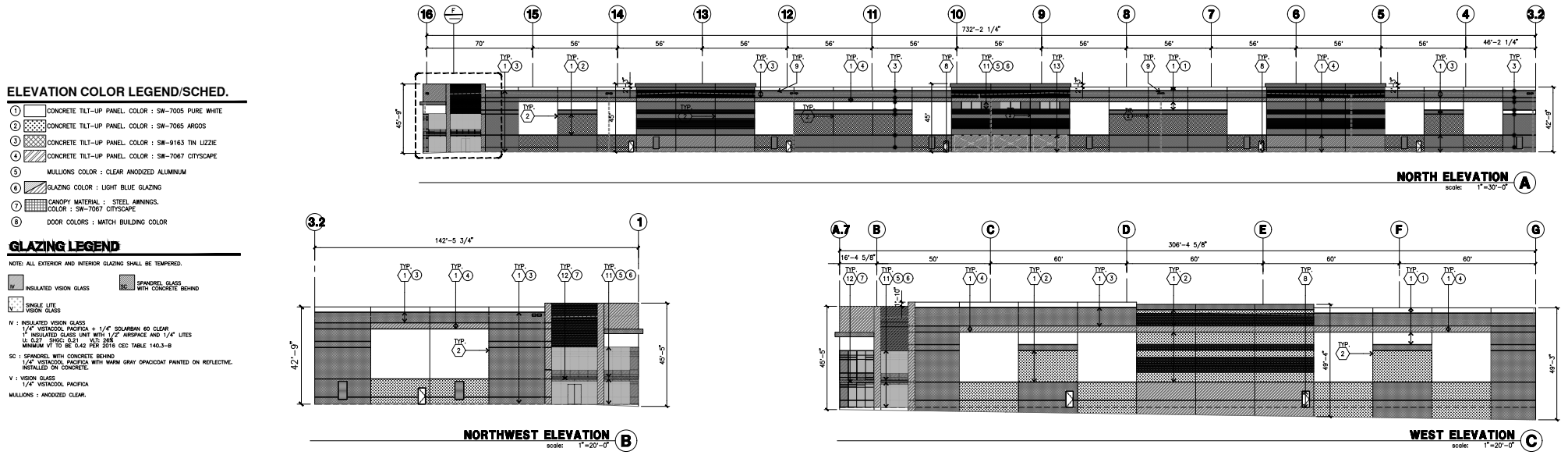
NO TREES TO BE REMOVED ON SITE

Source: HPA Architecture, February 2023

Floor Plan - Building 2

Figure
5b

550 Piercy Road Industrial Development
Initial Study

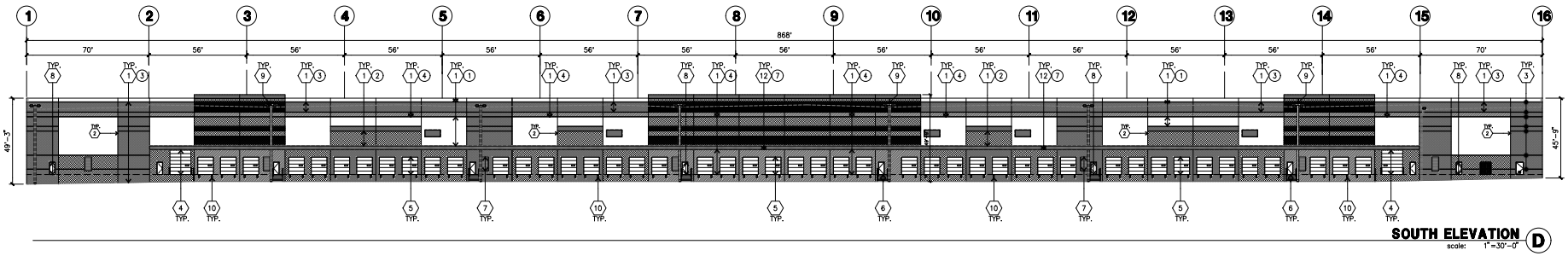


Source: HPA Architecture, November 2022

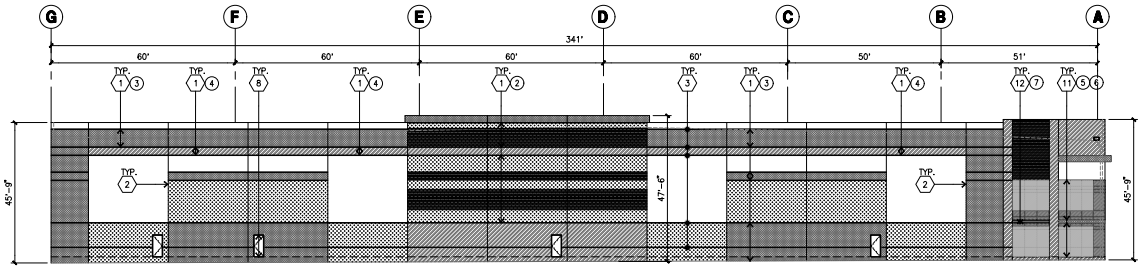
Elevations - Building 1 - North & West

550 Piercy Road Industrial Development
Initial Study

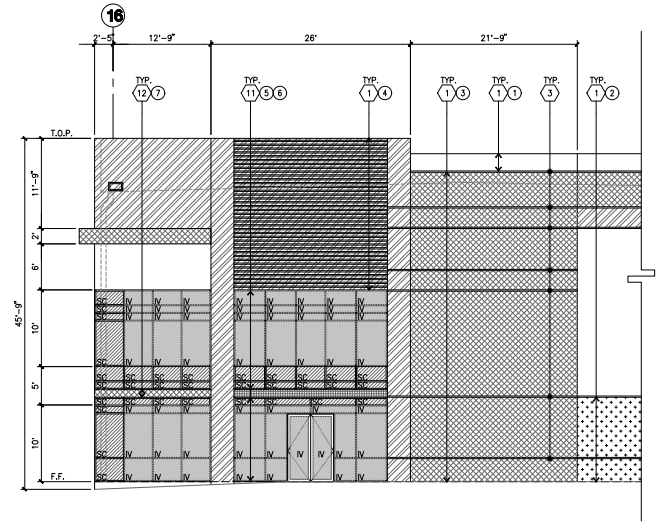
Figure
6a



SOUTH ELEVATION (D)
scale: 1"=30'-0"



EAST ELEVATION (E)
scale: 1"=20'-0"



ENLARGED NORTH ELEVATION (F)
scale: 1/8" = 1'-0"

KEYNOTES - ELEVATIONS

1. CONCRETE TILT-UP PANEL(PAINTED). FINISH GRADE VARIES. SEE 'C' DRAWINGS. WATERPROOF ALL WALLS WHERE EXTERIOR GRADE IS HIGHER THAN FINISH FLOOR AND EXPOSED TO THE WEATHER. WATERPROOFING TO BE PROTECTED WITH PROTECTION BOARD AND A MIN. OF 6" OF GRAVEL. PROVIDE TRENCH DRAIN AT BOTTOM AND DAYLIGHT TO CURB OR TAKE TO STORM DRAIN.
2. PANEL JOINT.
3. PANEL REVEAL. ALL REVEALS TO HAVE A MAX. OF 3/8" CHAMFER. REVEAL COLOR TO MATCH ADJACENT BUILDING FIELD COLOR. U.N.O.
4. OVERHEAD DOOR @ DRIVE THRU. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND.
5. OVERHEAD DOOR @ DOCK HIGH. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND.
6. EXTERIOR METAL STEEL STAIR.
7. METAL LOUVER. ALUMINUM MILL FINISH.
8. HOLLOW METAL DOORS. PROVIDE COMPLETE WEATHER STRIPING ALL AROUND DOOR. PROVIDE FOR RAIN DIVERTER ABOVE DOOR.
9. EXTERIOR DOWNSPOUT WITH OVERFLOW SCUPPERS.
10. DOCK BUMPER.
11. ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING.
12. METAL CANOPY
13. KNOCK OUT PANEL.

GENERAL NOTES - ELEVATIONS

1. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.
2. ALL PAINT FINISHES ARE TO BE SLAT UNLESS NOTED OTHERWISE.
3. T.O.P. EL.= TOP OF PARAPET ELEVATION.
4. F.F.= FINISH FLOOR ELEVATION.
5. STOREFRONT CONSTRUCTION: GLASS, METAL ATTACHMENTS AND LINTELS SHALL BE DESIGNED TO RESIST — MPH. EXPOSURE "C" WINDS. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.
6. CONTRACTOR SHALL FULLY PAINT ONE CONCRETE PANEL W/SELECTED COLORS. ARCHITECT AND OWNER SHALL APPROVE PRIOR TO PAINTING REMAINDER OF BUILDING.
7. BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT.
8. FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATH. PROVIDE 1" DIAMETER HOLES AT CONCRETE WALL.
9. USE ADHESIVE BACK WOOD STRIPS FOR ALL REVEAL FORMS.
10. THE FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT TO BE SPRAYED-ON
11. ALL ROLL-UP DOORS AND SERVICE DOORS TO BE PAINTED TO MATCH BUILDING COLOR
12. WHERE GLAZING CROSSES THE PANEL JOINT AND A SINGLE MULLION SHALL BE PROVIDED, DOUBLE MULLIONS ARE NOT AN ACCEPTABLE ALTERNATE.

ELEVATION COLOR LEGEND/SCHED.

1. CONCRETE TILT-UP PANEL. COLOR : SW-7005 PURE WHITE
2. CONCRETE TILT-UP PANEL. COLOR : SW-7065 ARGOS
3. CONCRETE TILT-UP PANEL. COLOR : SW-9163 TIN LIZZIE
4. CONCRETE TILT-UP PANEL. COLOR : SW-7067 CITYSCAPE
5. MULLIONS COLOR : CLEAR ANODIZED ALUMINUM
6. GLAZING COLOR : LIGHT BLUE GLAZING
7. CANOPY MATERIAL : STEEL AWNINGS. COLOR : SW-7067 CITYSCAPE
8. DOOR COLORS : MATCH BUILDING COLOR

GLAZING LEGEND

NOTE: ALL EXTERIOR AND INTERIOR GLAZING SHALL BE TEMPERED.

IV : INSULATED VISION GLASS

SC : SPANDREL GLASS WITH CONCRETE BEHIND

V : SINGLE LITE VISION GLASS

IV : INSULATED VISION GLASS
1/4" VISTACOOL PACIFICA + 1/4" SOLARBAN 60 CLEAR
1" INSULATED GLASS UNIT WITH 1/2" AIRSPACE AND 1/4" LITES
U: 0.27 SHGC: 0.21 VLT: 26%
MINIMUM VT TO BE 0.42 PER 2016 CEC TABLE 140.3-B

SC : SPANDREL WITH CONCRETE BEHIND
1/4" VISTACOOL PACIFICA WITH WARM GRAY OPACICOAT PAINTED ON REFLECTIVE. INSTALLED ON CONCRETE.

V : VISION GLASS
1/4" VISTACOOL PACIFICA

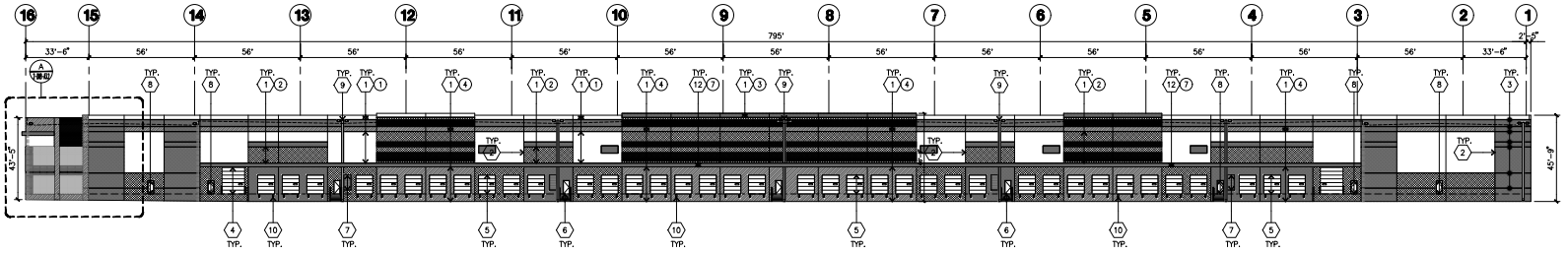
MULLIONS : ANODIZED CLEAR.

Source: HPA Architecture, November 2022

Elevations - Building 1 - South & East

550 Piercy Road Industrial Development
Initial Study

Figure
6b



NORT ELEVATION A
scale: 1"=30'-0"

KEYNOTES - ELEVATIONS

1. CONCRETE TILT-UP PANEL(PAINTED). FINISH GRADE VARIES. SEE "C" DRAWINGS. WATERPROOF ALL WALLS WHERE EXTERIOR GRADE IS HIGHER THAN FINISH FLOOR AND EXPOSED TO THE WEATHER. WATERPROOFING TO BE PROTECTED WITH PROTECTION BOARD AND A MIN. OF 6" OF GRAVEL. PROVIDE TRENCH DRAIN AT BOTTOM AND DAYLIGHT TO CURB OR TAKE TO STORM DRAIN.
2. PANEL JOINT.
3. PANEL REVEAL. ALL REVEALS TO HAVE A MAX. OF 3/8" CHAMFER. REVEAL COLOR TO MATCH ADJACENT BUILDING FIELD COLOR. U.N.O.
4. OVERHEAD DOOR @ DRIVE THRU. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND.
5. OVERHEAD DOOR @ DOCK HIGH. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND.
6. EXTERIOR METAL STEEL STAIR.
7. METAL LOUVER. ALUMINUM MILL FINISH.
8. HOLLOW METAL DOORS. PROVIDE COMPLETE WEATHER STRIPING ALL AROUND DOOR. PROVIDE FOR RAIN DIVERTER ABOVE DOOR.
9. EXTERIOR DOWNSPOUT WITH OVERFLOW SCUPPERS.
10. DOCK BUMPER.
11. ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING.
12. METAL CANOPY
13. KNOCK OUT PANEL.

GENERAL NOTES - ELEVATIONS

1. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.
2. ALL PAINT FINISHES ARE TO BE SLAT UNLESS NOTED OTHERWISE.
3. T.O.P. EL.= TOP OF PARAPET ELEVATION.
4. F.F.= FINISH FLOOR ELEVATION.
5. STOREFRONT CONSTRUCTION: GLASS, METAL ATTACHMENTS AND LINTELS SHALL BE DESIGNED TO RESIST – MPH. EXPOSURE "C" WINDS. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.
6. CONTRACTOR SHALL FULLY PAINT ONE CONCRETE PANEL W/SELECTED COLORS. ARCHITECT AND OWNER SHALL APPROVE PRIOR TO PAINTING REMAINDER OF BUILDING.
7. BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT.
8. FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATH. PROVIDE 1" DIAMETER HOLES AT CONCRETE WALL.
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GLAZING LEGEND

NOTE: ALL EXTERIOR AND INTERIOR GLAZING SHALL BE TEMPERED.

IV INSULATED VISION GLASS

SC SPANDREL GLASS WITH CONCRETE BEHIND

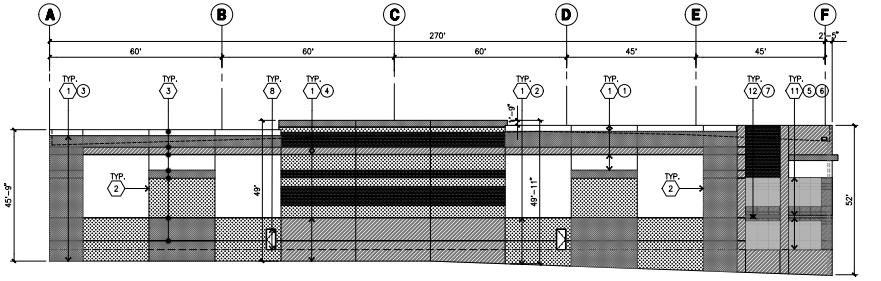
V SINGLE LITE VISION GLASS

IV : INSULATED VISION GLASS
1/4" VISTACOOL PACIFICA + 1/4", SOLARBAN 60 CLEAR
1" INSULATED GLASS UNIT WITH 1/2" AIRSPACE AND 1/4" LITES
U: 0.27 SHGC: 0.21 VLT: 38%
MINIMUM VT TO BE 0.42 PER 2016 CEC TABLE 140.3-B

SC : SPANDREL WITH CONCRETE BEHIND
1/4" VISTACOOL PACIFICA WITH WARM GRAY OPACICOAT PAINTED ON REFLECTIVE. INSTALLED ON CONCRETE.

V : VISION GLASS
1/4" VISTACOOL PACIFICA

MULLIONS : ANODIZED CLEAR.



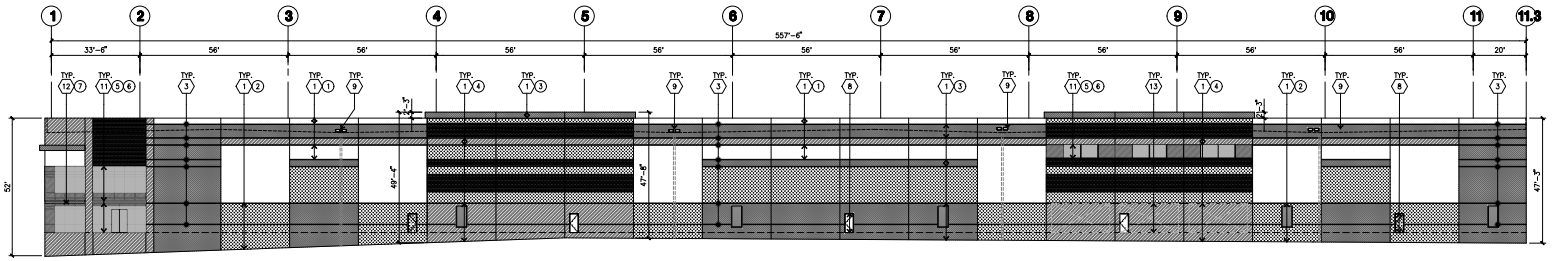
WEST ELEVATION B
scale: 1"=20'-0"

Source: HPA Architecture, November 2022

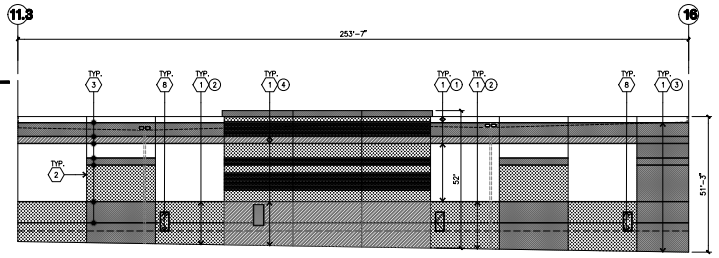
Elevations - Building 2 - North & West

550 Piercy Road Industrial Development
Initial Study

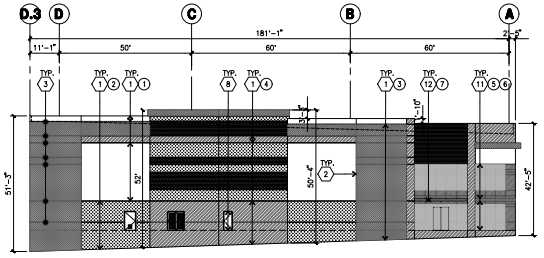
Figure
6c



SOUTH ELEVATION C
scale: 1"=20'-0"



SOUTH EAST ELEVATION D
scale: 1"=20'-0"



EAST ELEVATION E
scale: 1"=20'-0"

GLAZING LEGEND

NOTE: ALL EXTERIOR AND INTERIOR GLAZING SHALL BE TEMPERED.

IV INSULATED VISION GLASS

SG SPANDREL GLASS WITH CONCRETE BEHIND

V SINGLE LITE VISION GLASS

IV : INSULATED VISION GLASS
1/4" VISTACOOL PACIFICA + 1/4" SOLARBAN 60 CLEAR
1" INSULATED GLASS UNIT WITH 1/2" AIRSPACE AND 1/4" LITES
U: 0.27 SHGC: 0.31 / VLT: 28%
MINIMUM VT TO BE 0.42 PER 2016 CEC TABLE 140.3-B

SC : SPANDREL WITH CONCRETE BEHIND
1/4" VISTACOOL PACIFICA WITH WARM GRAY OPACICOAT PAINTED ON REFLECTIVE. INSTALLED ON CONCRETE.

V : VISION GLASS
1/4" VISTACOOL PACIFICA

MULLIONS : ANODIZED CLEAR.

KEYNOTES - ELEVATIONS

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8. DOOR COLORS : MATCH BUILDING COLOR

Source: HPA Architecture, November 2022

Elevations - Building 2 - South & East

550 Piercy Road Industrial Development
Initial Study

Figure
6d

Utilities. The project includes the provision of services and utilities to serve the project, including water, storm drainage, wastewater, and solid waste. A 54-foot-wide easement to Pacific Gas & Electric Company (PG&E) spans the middle of the project site. In addition, an existing 48-inch stormwater gravity main runs near the western boundary of the project site. A stormwater control plan is provided in Figure 7, which identifies 17 Drainage Management Areas throughout the site. Storm drainage features of the proposed project include eight onsite unlined bioretention areas, which would drain to stormwater pipes that would ultimately connect to the City's existing stormwater system located within Hellyer Avenue, to the south of the project site. The bioretention areas are intended to collect and filter stormwater prior to being conveyed to the City's stormwater system. The project would include a solar-ready roof on each of the two proposed buildings.

Landscaping. Landscape plans have been prepared for the project, which are presented in Figure 9. The project includes the planting of approximately 222 trees. The project site does not contain any trees.

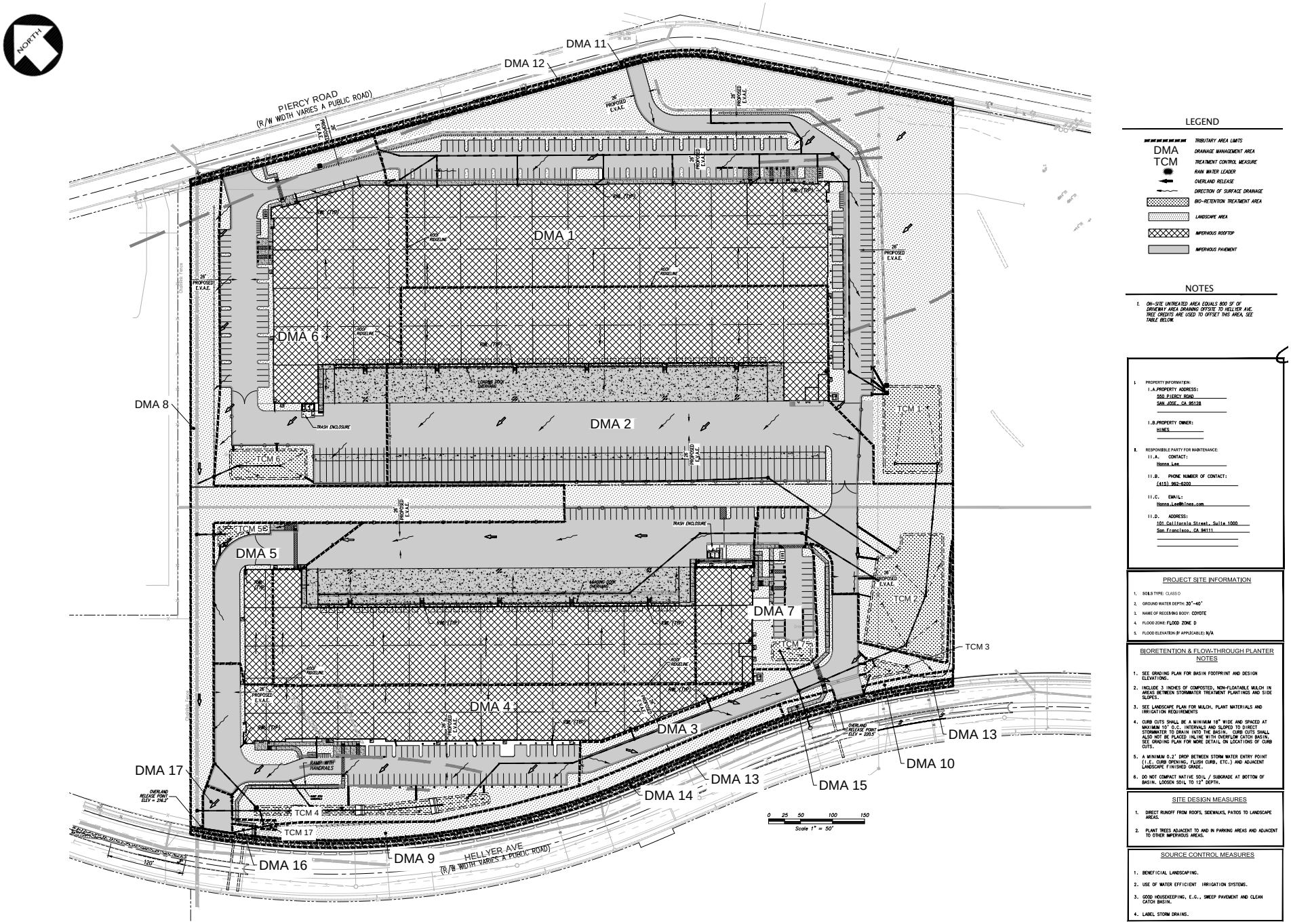
Offsite Improvements. The project proposes improvements along Piercy Road, Hellyer Avenue and Silicon Valley Boulevard. Improvements include the replacement and widening of the existing sidewalk with new tree wells along the project frontage on Hellyer Avenue and Piercy Road. For Building 2 on Hellyer Avenue, the project would remove the existing median to construct a southbound left-turn lane at the northern driveway and construct a median at the southern driveway. Therefore, the southern driveway would be restricted to right turns only while the northern driveway would be a full access driveway. In addition, on-street Class IV bikeway would be installed on Hellyer Avenue per City standards. Silicon Valley Boulevard would have additional Class IV bikeway improvements installed to improve access to Coyote Creek Trail. The existing pork chop island at the western corner of the Hellyer Avenue and Silicon Valley Boulevard Intersection would be removed and replaced by a new traffic signal pole and new crosswalk striping.

GENERAL PLAN AND ZONING

The site is designated as *Industrial Park* in the City's 2040 General Plan. The *Industrial Park* designation is intended for a wide variety of industrial users such as research and development, manufacturing, assembly, testing and offices. The site also has a conforming zoning designation of IP – Industrial Park.

PROJECT CONSTRUCTION

Site photos of the existing site are provided in Figure 10. Development of the project would involve the excavation of approximately 167,308 cubic yards (CY) of material to be excavated from the site and used as backfill on the site. No import or export of soil would occur as part of the proposed project. The maximum excavation depth for the proposed project would be 29 feet, which is associated with initial or rough grading efforts at the beginning of the project. A grading and drainage plan is provided in Figure 8. All construction staging areas, including parking for construction workers, would be located on the site; no off-site staging of equipment or materials is proposed.

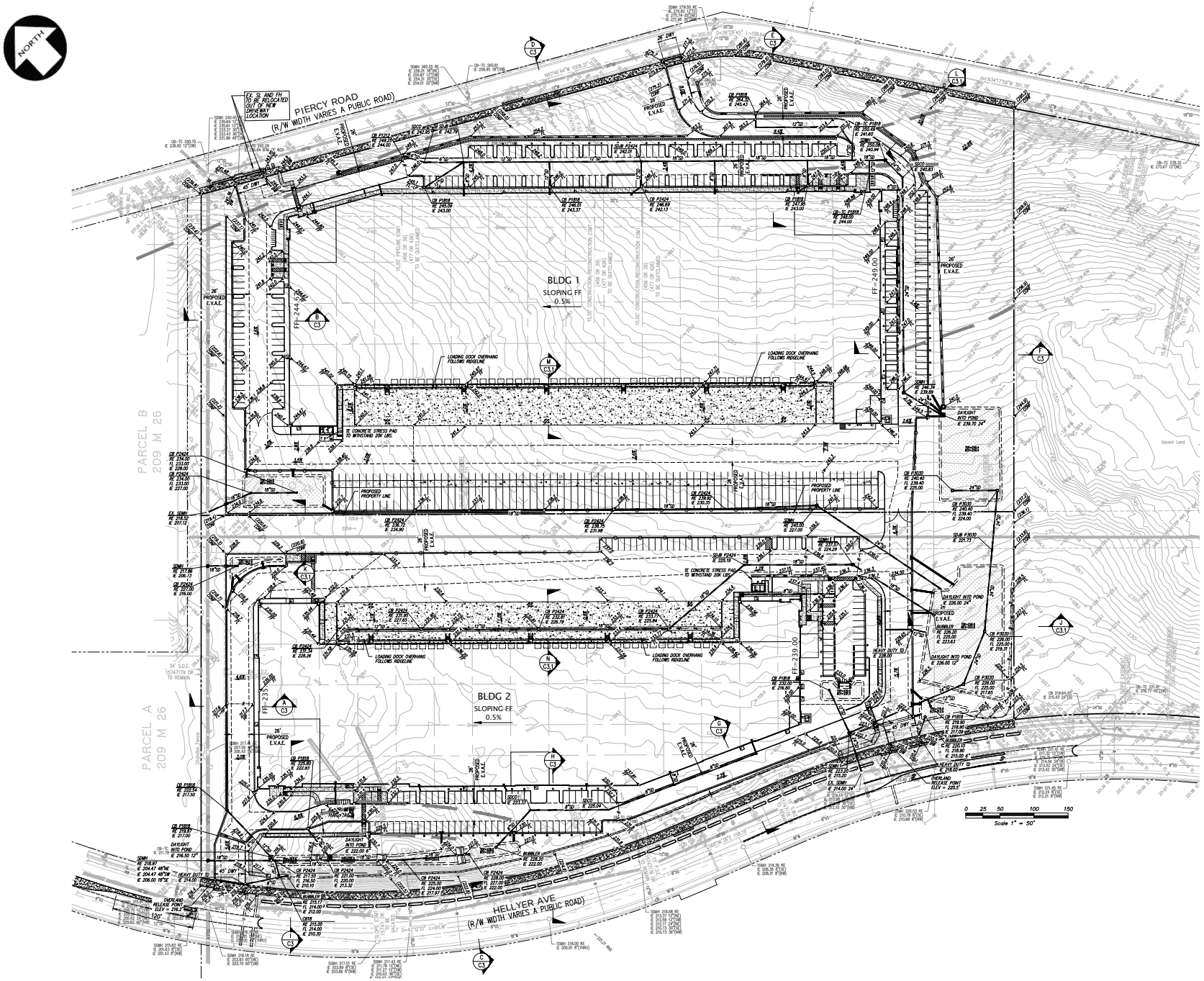


Source: Kier & Wright, January 2023

Stormwater Management Plan

550 Piercy Road Industrial Development
Initial Study

Figure
7

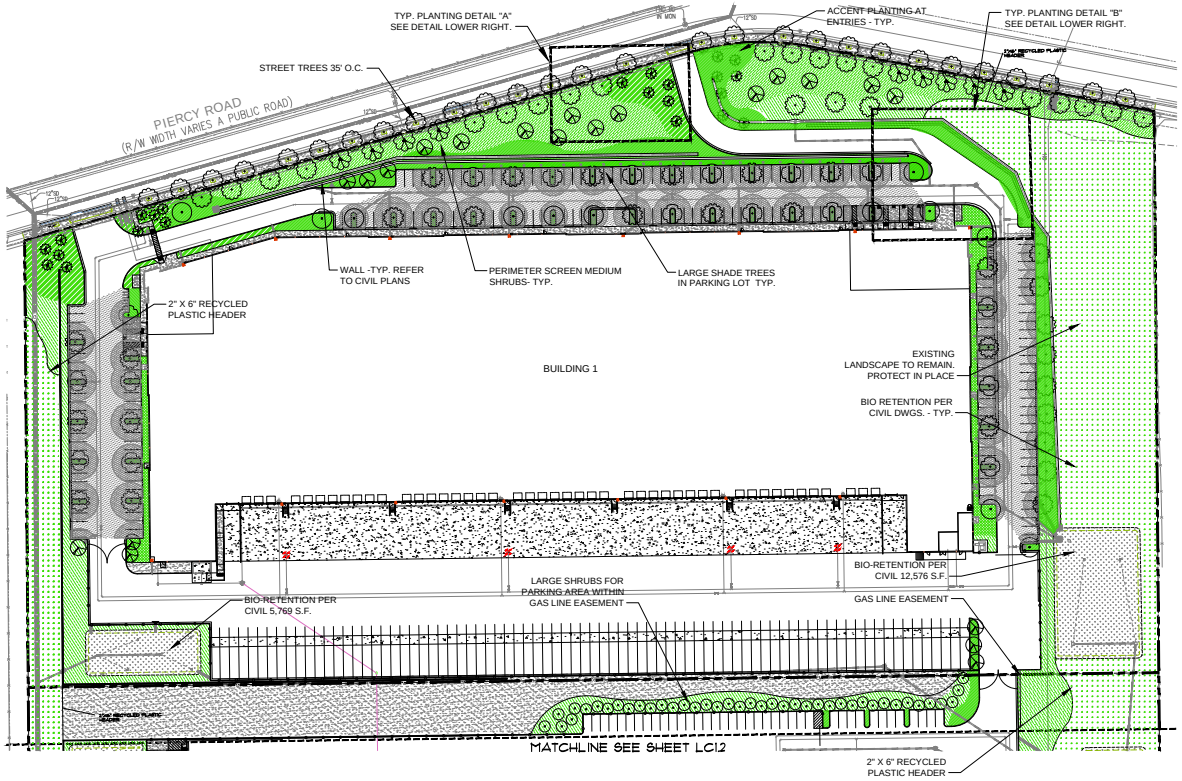


Source: Kier & Wright, January 2023

Grading and Drainage Plan

550 Piercy Road Industrial Development
Initial Study

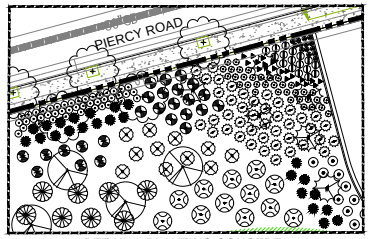
Figure
8



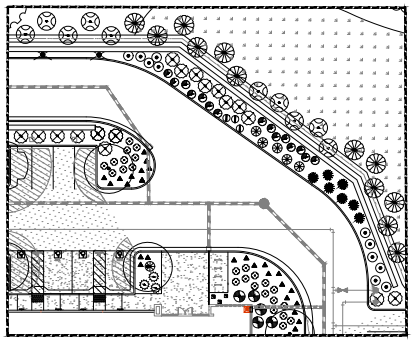
LEGEND

'N' CA NATIVE	SYM.	NO.	BOTANICAL NAME	COMMON NAME	SIZE	WATER REGIME /ZONE	MATURE HABIT H X W
TREES							
N	+	43	PISTACIA CHINENSIS	CHINESE PISTACHE	24" BOX 8' MIN. CAL.	L	35' X 40'
		36	LAGERSTROEMIA 'TUSCARORA'	CRAPE MYRTLE	15 GAL. 1 1/4" CAL. MIN.	L	20' X 12'
		18	LAURUS N. 'SARATOGA'	BAY LAUREL	15 GAL. 1 1/4" CAL. MIN.	L	35' X 25'
		39	CELTIS OCCIDENTALIS	HACKBERRY	15 GAL. 1 1/4" CAL. MIN.	L	50' X 40'
		29	CALOCEDRUS DECURRENS	INCENSE CEDAR	15 GAL. 6' MIN. HEIGHT	L	40' X 15'
		43	STREET TREE TO BE DETERMINED BY CITY ARBORIST IN FINAL DESIGN				
		24	OLEA 'SWAN HILL'	SWAN HILL OLIVE	15 GAL. 6' MIN. HEIGHT	L	35' X 30'
LARGE SHADE SHRUBS							
		43	LARGE SHRUBS TO REPLACE PARKING AREA TREES IN GAS LINE EASEMENT				

- PARKING LOT PLANTING-LOW SCREEN FLOWERING SHRUBS/ PERENNIAL ACCENTS W/ BARK MULCH
- PROJECT ACCENT PLANTING- LOW ACCENT SHRUBS/GROUNDCOVER/PERENNIALS WITH LARGE BOULDER ACCENTS W/ BARK MULCH
- SCREEN PLANTING MED TO LARGE SHRUBS 10' MAX. HEIGHT WITH BARK MULCH
- FOUNDATION PLANTING LARGE SHRUBS WITH LOW SHRUB ACCENT BARK MULCH
- FRONTAGE PLANTING FLW. SHRUBS AND PERENNIALS W/ BARK MULCH W/ ORNAMENTAL GRASSES/ BOULDER ACCENT AREAS
- BIO-RETENTION NATIVE GRASS SOD SEE NOTE BELOW THIS SHEET
- EXISTING PLANTS TO REMAIN OR RESTORATION SEEDING WHERE DISTURBED
- GRAVEL MULCH



DETAIL A PLANTING CONCEPT


DETAIL B PLANTING CONCEPT

MULCH

NOT SHOWN

BARK MULCH-ALL PLANTERS NOT DESIGNATED FOR SOD. SHREDDED WOOD FINE OR FIR WASTE MULCH - PLACE 3" MIN. DEPTH OR AS SPECIFIED NON-FLOATABLE WOOD WASTE FROM A LOCAL PRODUCER. 3/4" DIA. COLOR DARK BROWN, NO VISIBLE CONTAMINANTS PLACE 3" MIN. DEPTH OF BARK IN ALL PLANT BASINS SAMPLES OF MULCH SHALL BE SUBMITTED TO THE OWNER FOR APPROVAL PRIOR TO DELIVERY TO THE SITE.

(TO BE PROVIDED IN FINAL PLANS)

AUTOMATIC CONTROLLER (W/ ET DATA, REPEAT CYCLING
IRRIGATION ZONES PER PLANT WATER REQUIREMENTS
RAIN SENSOR TO BE SPECIFIED
SOIL AMENDMENTS TO BE INCORPORATED
PLANTER SURFACE AREAS TO BE MULCHED
WATER USAGE TO MEET STATE WATER EFFICIENT LANDSCAPE STANDARD
LANDSCAPE PLAN TO MEET STAGE 2 DROUGHT RESTRICTIONS
DOCUMENTATION PACKAGE REQUIRED AT FINAL INSTALLATION PER FINAL PLANS
PLANS TO MEET 'BAY FRIENDLY' DESIGN GUIDELINES

LANDSCAPE CALCULATIONS BLDG 1:

SITE AREA LANDSCAPE REQUIRED:
HELLYER AVE. SETBACK MINIMUM 15' (PROVIDED)
PIERCY ROAD SETBACK MINIMUM 20' (PROVIDED)
PARKING SPACES PROVIDED: 212
PARKING LOT TREES REQUIRED 1/4 SPACES: 53
PARKING LOT TREES PROVIDED = 60
TOTAL PARKING AREA = 71,618 S.F.
REQUIRED PARKING AREA SHADE - 35,809 S.F. (MIN. 50% OF PARKING AREA)
PARKING AREA SHADE PROVIDED AT MATURITY = 45,856 S.F. (62%)
STREET TREES REQUIRED 1 PER 50 L.F.: (PROVIDED)

BIO-RETENTION SOD

BIO-RETENTION NATIVE GRASS TO BE 'NATIVE PRESERVATION SOD' AS AVAILABLE FROM DELTA BLUEGRASS CO. OR EQUAL. SOD SHALL BE GROWN IN A SANDY BASE TOPSOIL. TEMPORARY IRRIGATION TO BE PROVIDED FOR ESTABLISHMENT. SOD SHALL BE LAID WITH A MINIMUM OF 18" OVERLAP BETWEEN ADJACENT ENDS AND SHALL BE LAID HORIZONTAL/PARALLEL TO ANY SLOPE. SOD SHALL BE LAID TIGHT TO HEADER AND OR ADJACENT PAVEMENT. THE MINIMUM DIMENSION OF ANY CUT PIECE SHALL BE 12".

LARGE SHRUBS

	DODONAEA V. 'PURPUREA'	HOPSEED	5 GAL.	L	10' X 10'
N	CEANOTHUS CONCHA	CEANOTHUS	5 GAL.	L	6' X 10'
N	SYMPHORICARPOS ALBUS	SNOWBERRY	5 GAL.	L	5' X 6'
N	GARRYA ELLIPTICA 'JAMES ROOF'	SICK TASSEL	5 GAL.	L	8' X 8'
N	ARCTOSTAPHYLOS DENIFLORA	MANZANITA	5 GAL.	L	8' X 8'
N	ARBUTUS U 'COMPACTA'	DW. STRAWBERRY TREE	5 GAL.	L	6' X 6'

DROUGHT TOLERANT SHRUBS

	LANTANA M. 'GOLD RUSH'	GOLD RUSH LANTANA	5 GAL.	L	2' X 4'
	RHAPIOLEPSIS 'CLARA'	INDIAN HAWTHORNE	5 GAL.	L	4' X 4'
	PHORMIUM MAORI MAIDEN	NEW ZEALAND FLAX	5 GAL.	L	3' X 5'
N	SALVIA C. 'MOZO BLUE'	CLEVELAND SAGE	5 GAL.	L	3' X 4'
	PHORMIUM 'TINY TIGER'	NZ FLAX	5 GAL.	L	3' X 2'
	SANTOLINA VIRENS	SANTOLINA	5 GAL.	L	3' X 3'
N	CEANOTHUS MARITIMUS	WILD LILAC	5 GAL.	L	1' X 6'
	RHAPIOLEPSIS I. 'PINK DANCER'	INDIAN HAWTHORNE	5 GAL.	L	4' X 4'
N	ARCTOSTAPHYLOS UVA -URSI	MANZANITA	5 GAL.	L	2' X 3'

PERENNIALS

N	TULBAGHIA VIOLACEA	SOCIETY GARLIC	1 GAL.	L	1' X 2'
N	VERBENA LILACINA	VERBENA	1 GAL.	L	1' X 2'
N	ACHILLEA 'MOONSHINE'	YARROW	1 GAL.	L	2' X 3'

GRASSES

N	FESTUCA MAIREI	ATLAS FESCUE	1 GAL.	L	3' X 3'
N	FESTUCA CALIFORNICA	CALIF. FESCUE	1 GAL.	L	2' X 2'
N	CALAMAGROSTIS ACUTIFLORA	FEATHERREED	1 GAL.	L	1' X 2'
N	CAREX DIVULSA	BERKELEY SEDGE	1 GAL.	L	2' X 2'
N	MUHLENBERGIA RIGENS	DEER GRASS	1 GAL.	L	4' X 4'

VINES

	BOUGAINVILLEA SPECIES	CLIMBING VINE	1 GAL.	L	15' X 3'

NOTE

NOTE: NO EXISTING TREES TO BE REMOVED ONSITE

PRELIMINARY LANDSCAPE PLAN

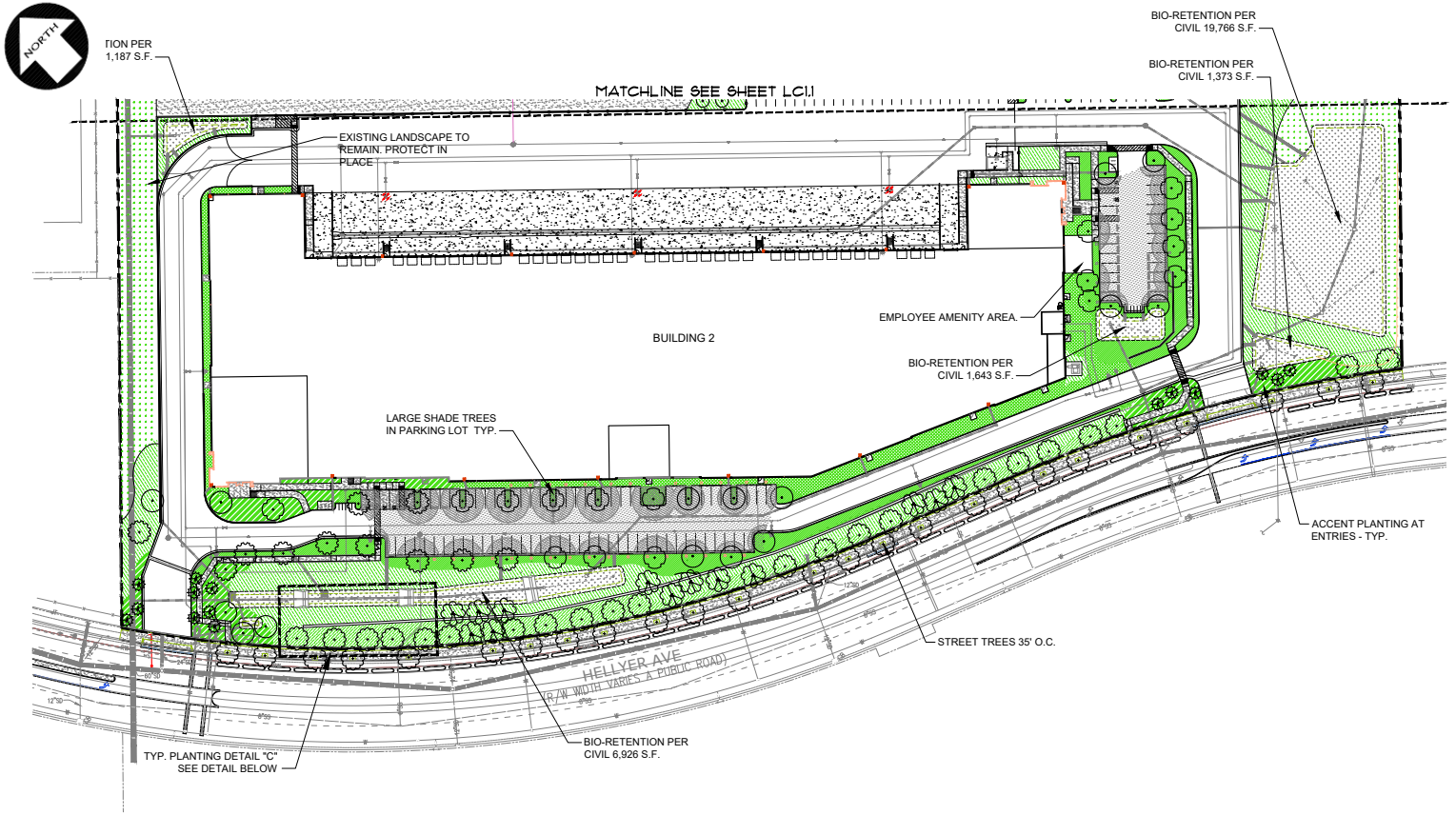
SCALE: 1" = 50'-0"

Source: Green Design Landscape Architects, December 2022

Landscape Plan - Building 1

550 Piercy Road Industrial Development
Initial Study

Figure
9a



LANDSCAPE NOTES:

THE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIALS FOR ONE FULL YEAR UPON FINAL ACCEPTANCE OF THE PROJECT. THE CONTRACTOR SHALL MAINTAIN THE SITE INCLUDING WATER SCHEDULING AND MOWING, FOR THE ONE YEAR GUARANTEE PERIOD. ANY PLANTS REPLACED UNDER THIS GUARANTEE SHALL BE GUARANTEED FOR ONE FULL YEAR FROM THE DATE OF REPLACEMENT. TAG ALL REPLACED PLANT MATERIAL WITH REPLACEMENT DATE.

SOIL IN THE PLANTER AREAS SHALL BE AMENDED PER A SOIL ANALYSIS REPORT AND RECOMMENDATIONS PREPARED BY AN AGRICULTURAL SUITABILITY SOIL TESTING SERVICE AFTER PLANTERS ARE BROUGHT TO GRADE PER CIVIL GRADING PLAN. ALL SOIL ANALYSIS AND REPORTS SHALL SATISFY THE REQUIREMENTS OF 492.5 IN THE CALIFORNIA WATER EFFICIENT LANDSCAPE ORDINANCE FOR A SOIL MANAGEMENT REPORT. THE RESPONSIBILITY OF PREPARATION THIS REPORT SHALL BE THE LANDSCAPE CONTRACTOR'S RESPONSIBILITY. THE CONTRACTOR SHALL SUBMIT THE REPORT TO THE GENERAL CONTRACTOR FOR SUBMITTAL TO THE CITY. SHRUB PLANTERS: COLLECT A MINIMUM OF 16 SOIL SAMPLES FROM ONSITE PLANTER AREAS AFTER PLANTERS HAVE BEEN BROUGHT TO GRADE. THOROUGHLY MIX THE COLLECTED SAMPLES AND SUBMIT ONE MIXED SAMPLE FOR ANALYSIS WITH RECOMMENDATIONS FOR ORGANIC SOIL AMENDMENT. PLANTER AREA SOILS SHALL BE AMENDED PER THE SOIL ANALYSIS RECOMMENDATIONS TO A MIN. DEPTH OF 6" PRIOR TO PLANTING. AT MINIMUM FOR SOILS LESS THAN 6% ORGANIC MATTER IN THE TOP 6 INCHES OF SOIL, COMPOST AT A RATE OF FOUR CUBIC YARDS PER 1,000 S.F. OF PERMEABLE AREA SHALL BE INCORPORATED TO A DEPTH OF SIX INCHES INTO EXISTING SOIL. PLANTER AREAS: LOOSEN SOIL TO A DEPTH OF 12" PRIOR TO AMENDING. SPREAD AMENDMENT AND INCORPORATE PER SOIL ANALYSIS RECOMMENDATIONS OR MIN. STATED WHICH EVER IS GREATER. RAKE OUT ALL ROCK AND DEBRIS GREATER THAN 1 1/2" DIA. RAKE TO AN EVEN GRADE. SOIL REPORT SHALL INCLUDE SOIL INFILTRATION RATE FOR IRRIGATION SCHEDULING. PLANT BACKFILL SHALL BE AMENDED AT THE TIME OF PLANTING PER THE SOIL RECOMMENDATIONS. ALL PLANTS SHALL BE SPRAYED WITH VERMA-PLEX OR EQUAL ORGANIC FOLIAR FERTILIZER AFTER INSTALLATION.

A COPY OF THE SOIL ANALYSIS AND SOIL AMENDMENTS INCORPORATED SHALL BE SUBMITTED THE OWNER AND THE CITY AS PART OF THE PROJECT LANDSCAPE DOCUMENTATION PACKAGE.

THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING PLANT MATERAIL PER SYMBOLS AND SPACING INDICATED ON THE PLAN. SYMBOLS PREVAIL OVER QUANTITIES LISTED IN THE PLANT LEGEND.

24 HR. MIN. NOTICE TO THE OWNER REPRESENTATIVE REQUIRED FOR PLANT MATERIAL REVIEW PRIOR TO PLANTING. ALL PLANT SUBSTITUTIONS SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT.

ALL PLANTS NOT MEETING OR EXCEEDING REQUIREMENTS AND RECOMMENDATIONS OF ANSI Z60.1 'AMERICAN STANDARD FOR NURSERY STOCK' SHALL BE REJECTED. THE CONTRACTOR SHALL RECEIVE ON-SITE APPROVAL OF PLANT MATERIAL BY THE OWNER'S REPRESENTATIVE PRIOR TO PLANTING. FAILURE TO RECEIVE APPROVAL PRIOR TO PLANTING MAY RESULT IN REJECTION AND THE CONTRACTOR SHALL REPLACE ALL REJECTED PLANT MATERIAL AT HIS EXPENSE. THE OWNER RESERVES THE RIGHT TO INSPECT AND EVALUATE PLANT MATERIAL THROUGHOUT THE CONSTRUCTION AND MAINTENANCE PERIOD.

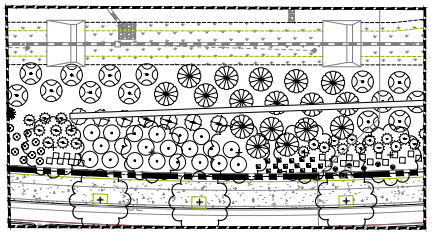
THE CONTRACTOR IS RESPONSIBLE FOR NOTIFYING THE OWNERS REPRESENTATIVE A MIN. OF 48 HOURS IN ADVANCE FOR THE FOLLOWING SITE OBSERVATIONS AND/OR MEETINGS.
A. PRECONSTRUCTION MEETING WITH ALL PARTIES.
B. PLANT MATERIAL ON SITE, PRIOR TO INSTALLATION.
C. PLANT LOCATIONS STAKED, PRIOR TO PLANTING.
D. FINAL PROJECT WALK-THROUGH
E. ADDITIONAL SITE OBSERVATIONS DETERMINED BY THE OWNER'S REPRESENTATIVE OR CONTRACTOR.

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE AND PROVIDE PLANT MATERIAL AS SPECIFIED ON THIS PLAN. THE CONTRACTOR MAY SUBMIT A REQUEST TO PROVIDE SUBSTITUTIONS FOR THE SPECIFIED PLANT MATERIAL UNDER THE FOLLOWING CONDITIONS.
A. ANY SUBSTITUTIONS PROPOSED SHALL BE SUBMITTED TO THE OWNER'S REPRESENTATIVE WITHIN TWO WEEKS OF THE AWARD OF CONTRACT. SUBSTITUTIONS MUST MEET EQUIVALENT DESIGN AND FUNCTIONAL GOALS OF THE ORIGINAL PLANT MATERIAL AS DETERMINED BY THE OWNER'S REPRESENTATIVE. ANY CHANGES MUST HAVE THE APPROVAL OF THE OWNER'S REPRESENTATIVE.

B. THE REQUEST MUST BE ACCOMPANIED BY AT LEAST THREE NOTICES FROM PLANT SUPPLIERS THAT THE PLANT MATERIAL SPECIFIED IS NOT AVAILABLE PRIOR TO THE CONSTRUCTION

LANDSCAPE CALCULATIONS BLDG 2:

SITE AREA LANDSCAPE REQUIRED.
HELLYER AVE. SETBACK MINIMUM 15' (PROVIDED)
PIERCY ROAD SETBACK MINIMUM 20' (PROVIDED)
PARKING SPACES PROVIDED: 144
PARKING LOT TREES REQUIRED 1/4 SPACES: 37
PARKING LOT TREES PROVIDED: 81
TOTAL PARKING AREA = 30,092 S.F.
REQUIRED PARKING AREA SHADE =15,046 S.F. (MIN. 50% OF PARKING AREA)
PARKING AREA SHADE PROVIDED AT MATURITY = 15,021 S.F. (50%)
STREET TREES REQUIRED 1 PER 30 L.F.: (PROVIDED)
NOTE: NO EXISTING TREES TO BE REMOVED ONSITE



DETAIL C PLANTING CONCEPT

PRELIMINARY LANDSCAPE PLAN
SCALE: 1" = 50'-0"

Source: Green Design Landscape Architects, December 2022

Landscape Plan - Building 2

550 Piercy Road Industrial Development
Initial Study

Figure
9b

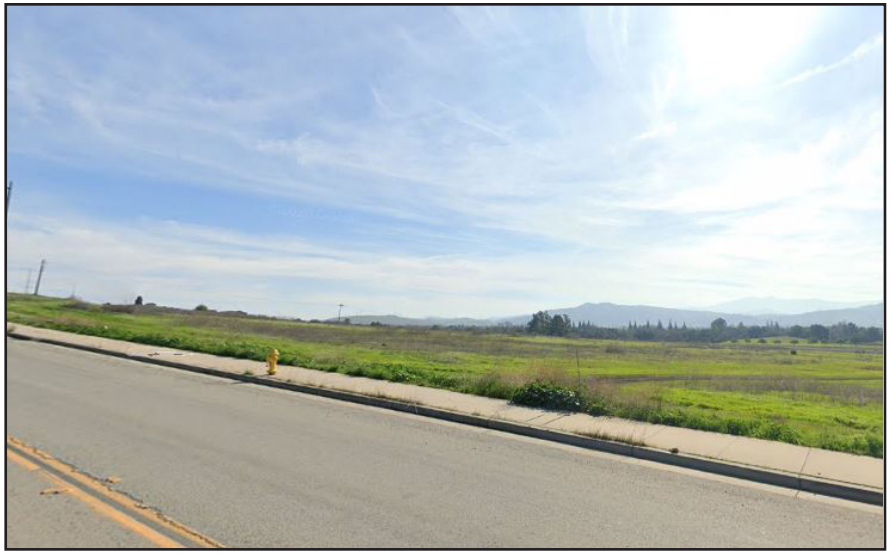


Photo #1: South facing view of property from Piercy Road.
Source: Google - February 2020

Photo #2: West facing view of property from Piercy Road.
Source: Google - February 2020

Photo #3: South facing view of property from Hellyer Avenue.
Source: Google - March 2021

Photo #4: East facing view of property from Hellyer Avenue.
Source: Google - March 2021

Site Photos

550 Piercy Road Industrial Development
Initial Study

Figure
10

The project would use fuels, lubricants, paints, and solvents during construction activities. The project would prepare and implement a Storm Water Pollution Prevention Plan and appropriate best management practices to minimize the impact on water quality from release of hazardous materials during construction. In addition, the applicant proposes to implement standard protection measures for the temporary onsite storage of fuel and other hazardous materials used during construction, including storing and handling materials in accordance with industry standards and manufacturer recommendations.

Extended construction hours are proposed, and construction would occur Monday through Saturday from 7 AM to 10 PM. The construction schedule for the project assumes that the earliest possible start date to be June 2023, based on updated construction scheduling information provided by the project applicant in 2022.[1] The development would be built out over a period of 12 months, with construction expected to conclude in June 2024. The earliest date of full operation of the project is assumed to be August/September 2024.

PROJECT OPERATIONS

The project intends to redevelop the property as a speculative industrial warehouse. While no end users have been identified, the building is programmed and designed to attract users such as logistics, e-commerce, warehouse/distribution, wholesaling, and industrial services. The future operational use is assumed to be industrial distribution, light manufacturing, or research and development as allowed by the zoning code. This environmental analysis assumes that the proposed warehouse building would operate during normal business hours, from 8 AM to 5 PM. In addition, Saturday operational hours are proposed from 8 AM to 5 PM. The proposed project would generate an estimated 160 employees. The proposed project would not include cold storage and would incorporate the following Condition of Approval:

> *Condition of Approval – Approved operations under this permit include dry storage only, with no option for the conversion to cold storage in the future. If conversion to cold storage is proposed in the future, additional environmental review is required.*

PROJECT APPROVALS

The City of San José is the lead agency with responsibility for approving the proposed project. The project may require the following permits and approvals from the Lead Agency:

- Site Development Permit
- Vesting Tentative Map

[1] The air quality analysis used a default CalEEMod construction schedule based on a starting month of January 2023. Additionally, default CalEEMod construction information (i.e., construction phases, durations, and equipment) were used for the analysis. Based on information from the applicant, the project would start in June 2023 and only require a total duration of 12 months, assuming the same CalEEMod default hours worked per day, the same default amount of equipment used for the project, and the same default amount of time each piece of equipment is used per day. The proposed 12-month schedule would reduce the default number of workdays per phase, but all other CalEEMod default values would remain. CalEEMod construction defaults for days per phase used in the analysis are conservative and represent a larger construction effort than the one proposed by the client. Therefore, the total and annual emissions are overestimated given a default 18-month schedule, while the daily maximum emissions estimated for construction in the AQ analysis would not be changed, as the CalEEMod default hours per day, equipment fleet, and equipment hours per day would remain unchanged. Therefore, the 12-month construction schedule would not change the conclusions of the air quality report, which is based on a CalEEMod default value of 18 months (Illingworth & Rodkin, personal communication with Jay Witt, May 2023).

- Building Permit
- Grading Permit
- Other Public Works Clearances, as applicable

In addition, the following permits would be required from responsible and trustee agencies who have jurisdiction over the project site:

- Approval of Asbestos Dust Management Plan (ADMP) – Bay Area Air Quality Management District

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Chapter 3. Environmental Evaluation

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The key environmental factors potentially impacted by the project are identified below and discussed within Chapter 3. Environmental Setting and Impacts. Sources used for analysis of environmental effects are cited in the checklist and listed in Chapter 4. References.

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

EVALUATION OF ENVIRONMENTAL IMPACTS

A brief explanation is required for all answers except “No Impact” answers. Answers need to be adequately supported by the information sources cited by the lead agency. 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 project-specific screening analysis).

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.

All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. 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.

- A "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 EIR is required.

- A "less than significant with mitigation incorporated" response applies where the incorporation of mitigation measures has reduced an effect from a potentially significant impact to 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.

Important Note to the Reader:

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

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

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

ENVIRONMENTAL SETTING AND IMPACTS

The following section describes the environmental setting and identifies the environmental impacts anticipated from implementation of the proposed project. The criteria provided in the CEQA environmental checklist was used to identify potentially significant environmental impacts associated with the project. Sources used for the environmental analysis are cited in the checklist and listed in Chapter 4 of this Initial Study.

A. AESTHETICS

Regulatory Framework

State

State Scenic Highways Program

The State Scenic Highways Program is managed by the California Department of Transportation (Caltrans) and is designed to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The nearest state-designated scenic highway is the portion of SR 9 that starts near the Monte Sereno City Hall and which stretches to the intersection of SR 9 and SR 35. The beginning of this officially designated highway located approximately 11.5 miles west of the project site near Monte Sereno. In addition, the scenic designated portion of Interstate 680 in Fremont that starts near Mission Boulevard is located about 21 miles north of the project site. The project site is not located near these designated scenic highways.

Senate Bill 743

Senate Bill (SB) 743 was adopted in 2013 and requires lead agencies to use alternatives to level of service (LOS) for evaluating transportation impacts, specifically vehicle miles traveled (VMT). SB 743 also included changes to CEQA that apply to transit-oriented developments, as related to aesthetics and parking impacts. Under SB 743, a project's aesthetic impacts will no longer be considered significant impacts on the environment if:

- The project is a residential, mixed-use residential, or employment center project, and
- The project is located on an infill site within a transit priority area.

SB 743 also states that aesthetic impacts do not include impacts on historical or cultural resources. Further, it clarifies that local governments retain their ability to regulate a project's transportation, aesthetics, and parking impacts outside of the CEQA process.

Local

Outdoor Lighting Policy (City Council Policy 4-3)

The City of San José's Outdoor Lighting Policy (City Council Policy 4-3) and City of San José Interim Lighting Policy Broad Spectrum Lighting for Private Development promote energy efficient outdoor lighting on private development to provide adequate light for nighttime activities while benefiting the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

City's Scenic Corridors Diagram

The City's General Plan defines scenic vistas in the City of San José as views of and from the Santa Clara Valley, surrounding hillsides, and urban skyline. Scenic urban corridors, such as segments of major highways that provide gateways into the City, can also be defined as scenic resources by the City. The designation of a scenic route applies to routes affording especially aesthetically pleasing

views. The project property is not located along any scenic corridors per the City's Scenic Corridors Diagram. Silver Creek Valley Road is designated as rural scenic corridor northeast of the project site, however, the project site is located outside of this scenic corridor.

General Plan Policies

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

Envision San José 2040 Relevant Aesthetic Policies	
Policy CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City.
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-1.13	Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.
Policy CD-1.17	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-1.28	To maintain and protect the integrity, character, and aesthetic environment of the streetscape in industrial, commercial, and residential neighborhoods, new billboards should be permitted only through a discretionary review process and only where they do not create visual clutter and blight. The relocation of existing billboards from impacted areas to locations where they would have a less visually blighting effect should be encouraged.
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood

Envision San José 2040 Relevant Aesthetic Policies	
	fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy CD-8.1	Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance and applied through the zoning designation for properties throughout the City. Land use designations in the Land Use/ Transportation Diagram provide an indication of the typical number of stories.

Existing Setting

The project site is located on a single parcel within San José. The project site is vacant. The site is located in an area that features a mix of agricultural, industrial, and residential land uses. The project site is bordered by the following land uses:

- North: Piercy Road, rural residential, open space
- South: Hellyer Avenue, open space, Coyote Creek
- East: Rural Residential, agricultural
- West: Commercial/industrial

Photographs of the property are presented in Figure 10 and an aerial of the project area is provided in Figure 3. As shown in the photos, the parcel is vacant and lacks both landscaping and onsite trees. Offsite street trees are located in the median of Hellyer Avenue near the south boundary of the property.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1.	AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:					
a)	Have a substantial adverse effect on a scenic vista?			X		1, 2
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X	1, 2
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X		1, 2
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X		1, 2

Explanation

a) **Less Than Significant Impact**. Based on the City's General Plan, scenic resources include the broad sweep of the Santa Clara Valley, the hills and mountains that frame the Valley floor, the

baylands, and the urban skyline itself, particularly high-rise development downtown. The project site is located on a vacant parcel in an urbanized location in San José.

Views of the Santa Cruz Mountain Range are available to the to the south from Piercy Road, and Hellyer Avenue, which are publicly accessible roadways. Site photos of the project site showing the Santa Cruz Mountain range in the distance are provided in Figure 10 (photographs 1 and 2). These views may be partially obstructed by the proposed industrial development. However, these views would be obstructed within a limited portion of Piercy Road directly adjacent to the proposed development, and views from other adjacent roadways would not be affected by the proposed project. In addition, Silver Creek Valley Road in the vicinity of the project site is designated as a Rural Scenic Corridor in the General Plan. However, the proposed project site is not visible from this portion of Silver Creek Valley Road due to existing topography and development. The project, therefore, would have a less than significant impact related to adverse effects on a scenic vista.

b) **No Impact**. The project site is not located within a state-designated scenic route or City-designated scenic corridor. As discussed above, the nearest designated scenic highway is the portion of SR 9 that starts near the Monte Sereno City Hall and extends to the intersection of SR 9 and SR 35, located about 11.5 miles west of the project site. In addition, the project site is located about 21 miles from the scenic designated portion of Interstate 680 in Fremont. The project site is not visible from this portion of SR 9 or any other designated scenic highways and, therefore, would not impact scenic resources within a state-designated scenic highway.

c) **Less Than Significant Impact**. The project would alter the existing visual character of the site and its immediate surroundings by introducing two new industrial buildings onto a site that is currently vacant. The building elevations are presented in Figure 6A-6D. The building heights for the proposed buildings would not exceed 52 feet (see Figures 6A – 6D). The project site is bordered by a mix of existing rural residential, agricultural (grazing), and commercial/industrial uses, as well as open space. Due to the project site's location in an area featuring a mix of rural residential, open space, and industrial land uses, the project site is considered to be located in an urbanized area. The proposed buildings would not exceed 52 feet in height, and of similar scale as the adjacent industrial/commercial development to the north of the site.

The proposed project would be required to 1) conform to the City's Design Guidelines, and 2) undergo design review to ensure the scale and mass are compatible with surrounding development. The City of San Jose Municipal Code (Zoning Code) includes other development standards to assist in ensuring scenic quality such as minimum lot area, minimum setbacks, and minimum street frontage (see Table 20-120 of the Zoning Code); the City would confirm consistency with these requirements as part of the development review process. The proposed project is consistent with the allowable development types under the *Industrial Park* General Plan designation, which allows a wide variety of industrial users such as research and development, manufacturing, assembly, testing and offices. Building 2 would have a maximum height of 52 feet, which exceeds the standard maximum height of 50 feet for the *Industrial Park* designation. However, for properties located within the New Edenvale area bounded by Silicon Valley Boulevard, Piercy Road, Hellyer Avenue, the Coyote Creek Trail, Silver Creek Valley Road, and Highway 101, maximum allowable building height is one hundred twenty feet per Section 20.85.020.

In addition, the project proposes landscaping to soften the visual effects of development through planting of shrubs and groundcover in outdoor areas and planting of trees along the project frontages on Piercy Road and Hellyer Avenue. By adhering to these requirements, the project would have a less than significant impact related to substantially degrading the existing visual character or quality of the site and its surroundings within this urbanized area.

d) **Less Than Significant Impact**. The existing site is vacant and does not have any current sources of light and glare. The project would introduce new sources of light and glare and increase the amount of light and glare compared to existing conditions. New sources of lighting would include outdoor lighting for access and security, indoor lighting, and employees' vehicles and trucks entering and exiting the site as well as vehicle lights. Building entries would be lit using mounted area downlights or sconces, and lighting would be provided throughout the parking areas. All outdoor lighting would conform to City Council Policy 4-3: Outdoor Lighting on Private Developments and would be shielded to direct light downwards to ensure that lighting does not spill over onto nearby residential properties, consistent with City standards. In addition, the proposed buildings would not utilize or otherwise introduce materials into the design that would create substantial glare. The project would have a less than significant impact related to creating new sources of substantial lighting and glare that would adversely affect day or nighttime views in the vicinity of the proposed project.

Conclusion: The project would have a less than significant impact on aesthetics.

B. AGRICULTURAL AND FORESTRY RESOURCES

Regulatory Framework

State

California Land Conservation Act

The Williamson Act, officially designated as the California Land Conservation Act of 1965, enables local governments to enter into contracts with private landowners, for the purpose of restricting specific parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments that are based on farming and open space as opposed to full market value. Regulations and rules regarding implementation of Williamson Act contracts are established by local participating cities and counties, as guided by the Williamson Act.

Farmland Mapping and Monitoring Program

The California Department of Conservation prepares and maintains farmland map data for Counties throughout the state, including for Santa Clara County, through the Farmland Mapping and Monitoring Program (FMMP). The FMMP produces statistical data and maps for the purpose of analyzing potential impacts on agricultural resources. The FMMP is designed to regulate the conversion of agricultural land to permanent non-agricultural uses. The FMMP contains a rating system based on soil quality and irrigation status, with the best quality land being designated as "Prime Farmland". Maps are updated every two years using computer mapping, aerial photography, public review, and field reconnaissance. The FMMP for Santa Clara County has data from 1984 to the present day, including historical land use conversion, PDF maps, and GIS data.

Existing Setting

CEQA requires the evaluation of agricultural and forest/timber resources where they are present. The developed infill project site does not contain any agricultural and forest/timber resources.

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 "Grazing Land" on the 2018 Santa Clara County Important Farmland Map (California Department of Conservation). The project site is not presently used for grazing or other forms of agriculture.

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).

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
2.	AGRICULTURAL AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:					
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	4
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	2
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X	2
d)	Result in the loss of forest land or conversion of forest land to non-forest use?				X	2
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X	2

Explanation

a) **No Impact**. The project site is vacant site in a semi-rural area and is designated as Grazing Land on the Important Farmlands Map for Santa Clara County. The project site does not contain any prime farmland, unique farmland, or farmland of statewide importance. The project would have no impact related to the conversion of prime farmland, unique farmland, or farmland of statewide importance to non-agricultural uses.

b) **No Impact**. The project is proposed on a site that is not zoned for agricultural use, and does not contain lands under Williamson Act contract; therefore, the project would have no impact with respect to conflicting with agricultural uses or a Williamson Act contract.

c) **No Impact**. The project 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). The proposed project would have no impact related to conflicting with existing zoning or rezoning of forest land or timberland.

d) **No Impact**. See c) above. The project would have no impact related to changes to the environment that would result in the loss of forest land or conversion of forest land to non-forest uses.

e) **No Impact**. As per the discussion above, the project would not involve changes in the existing environment which, due to their location or nature, could result in conversion of farmland or forest land, since none are present on the site. The project would have no impact related to the conversion of farmland to non-agricultural use or forest land to non-forest use.

Conclusion: The project would have no impact on agricultural and forest resources.

C. AIR QUALITY

An air quality assessment was prepared for the project by Illingworth & Rodkin, Inc. (May 1, 2023). This report is included as Appendix A.

Regulatory Framework

Federal

Federal Clean Air Act and United States Environmental Protection Agency

The Federal Clean Air Act (CAA) authorized the establishment of federal air quality standards and set deadlines for their attainment. The CAA identifies specific emission reduction goals, requires both a demonstration of reasonable further progress and attainment, and incorporates more stringent sanctions for failure to meet interim milestones. The U.S. EPA is the federal agency charged with administering CAA and other air quality-related legislation. The CAA of 1970, as amended, establishes air quality standards for several pollutants.

The United States Environmental Protection Agency (U.S. EPA) administers the National Ambient Air Quality Standards (NAAQS) under the Federal Clean Air Act. The U.S. EPA sets the NAAQS and determines if areas meet those standards. Violations of ambient air quality standards are based on air pollutant monitoring data and judged for each air pollutant. Areas that do not violate ambient air quality standards are considered to have attained the standard. The U.S. EPA has classified the region as a nonattainment area for the 8-hour O_3 standard and the 24-hour $PM_{2.5}$ standard. The Bay Area has met the CO standards for over a decade and is classified as an attainment area by the U.S. EPA. The U.S. EPA has deemed the region as attainment/unclassified for all other air pollutants, which include PM_{10}. At the State level, the Bay Area is considered nonattainment for ozone, PM_{10} and $PM_{2.5}$.

State

California Clean Air Act

In addition to being subject to federal requirements, California has its own more stringent regulations under the California Clean Air Act, which is administered by the California Air Resources Board (ARB) at the State level under the California EPA (Cal/EPA). The ARB is responsible for meeting the State requirements of the Federal Clean Air Act, administering the California Clean Air Act, and establishing the California Ambient Air Quality Standards (CAAQS). The California Clean Air Act requires all air districts in the State to achieve and maintain CAAQS.

Regional and Local

Bay Area Air Quality Management District

The BAAQMD is primarily responsible for assuring that the federal and state ambient air quality standards for criteria pollutants are attained and maintained in the Bay Area. The BAAQMD's May 2017 CEQA Air Quality Guidelines update the 2010 CEQA Air Quality Guidelines, addressing the California Supreme Court's 2015 opinion in the *California Building Industry Association vs. Bay Area Air Quality Management District* court case.

In an effort to attain and maintain federal and state ambient air quality standards, the BAAQMD establishes thresholds of significance for construction and operational period emissions for criteria pollutants and their precursors, which are summarized in Table 1 in the impact discussion below.

2017 Bay Area Clean Air Plan

The BAAQMD, along with other regional agencies such as the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), develops plans to reduce air pollutant emissions. The most recent clean air plan is the *Bay Area 2017 Clean Air Plan: Spare the Air, Cool the Climate* (2017 CAP), which was adopted by BAAQMD in April 2017. This is an update to the 2010 CAP, and centers on protecting public health and climate. The 2017 CAP identifies a broad range of control measures. These control measures include specific actions to reduce emissions of air and climate pollutants from the full range of emission sources and is based on the following four key priorities:

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

General Plan Policies

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

Envision San José 2040 Relevant Air Quality Policies	
Policy MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
Policy MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
Policy MS-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-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.

Envision San José 2040 Relevant Air Quality Policies	
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
Policy MS-13.2	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

Existing Setting

Air Pollutants and Contaminants

Multiple federal and state standards govern air pollution to regulate and mitigate health impacts. At the federal level, there are six criteria pollutants established for NAAQS: carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO_2), ozone (O_3), suspended particulate matter (PM: $PM_{2.5}$ and PM_{10}), and sulfur dioxide (SO_2). California sets standards similar to the NAAQS as California Ambient Air Quality Standards (CAAQS). Note that California includes pollutants or contaminants that are specific to certain industries, such as oil and gas refining, mining, PVC manufacturing, which are not associated with this project. These include hydrogen sulfide and vinyl chloride.

Ozone. Ozone is a secondary air pollutant produced in the atmosphere through a complex series of photochemical reactions involving reactive organic gases (ROG) and oxides of nitrogen (NO_X). The main sources of ROG and NO_X, often referred to as ozone precursors, are combustion processes (including combustion in motor vehicle engines) and the evaporation of solvents, paints, and fuels. In the Bay Area, automobiles are the single largest source of ozone precursors. Ozone is referred to as a regional air pollutant because its precursors are transported and diffused by wind concurrently with ozone production through the photochemical reaction process. Ozone causes eye irritation, airway constriction, shortness of breath, and can aggravate existing respiratory diseases such as asthma, bronchitis, and emphysema.

Carbon Monoxide. Carbon monoxide is an odorless, colorless gas usually formed as the result of the incomplete combustion of fuels. The single largest source of CO is motor vehicles. While CO transport is limited, it disperses with distance from the source under normal meteorological conditions. However, under certain extreme meteorological conditions, CO concentrations near congested roadways or intersections may reach unhealthful levels that adversely affect local sensitive receptors (e.g., residents, schoolchildren, the elderly, hospital patients, etc.). Typically, high CO concentrations are associated with roadways or intersections operating at unacceptable levels of service (LOS) or with extremely high traffic volumes. Exposure to high concentrations of CO reduces the oxygen-carrying capacity of the blood and can cause headaches, nausea, dizziness, fatigue, impair central nervous system function, and induce angina (chest pain) in persons with serious heart disease. Very high levels of CO can be fatal.

Nitrogen Dioxide. Nitrogen Dioxide is a reddish-brown gas that is a byproduct of combustion processes. Automobiles and industrial operations are the main sources of NO_2. Aside from its contribution to ozone formation, NO_2 also contribute to other pollution problems, including a high

concentration of fine particulate matter, poor visibility, and acid deposition. NO_2 may be visible as a coloring component on high pollution days, especially in conjunction with high ozone levels. NO_2 decreases lung function and may reduce resistance to infection. On January 22, 2010, the U.S. EPA strengthened the health-based NAAQS for NO_2.

Sulfur Dioxide. Sulfur dioxide is a colorless, irritating gas formed primarily from the incomplete combustion of fuels containing sulfur. Industrial facilities also contribute to gaseous SO_2 levels in the region. SO_2 irritates the respiratory tract, can injure lung tissue when combined with fine particulate matter and reduces visibility and the level of sunlight.

Particulate Matter. Particulate matter is the term used for a mixture of solid particles and liquid droplets found in the air. Coarse particles are those that are larger than 2.5 microns but smaller than 10 microns (PM_{10}). $PM_{2.5}$ refers to fine suspended particulate matter with an aerodynamic diameter of 2.5 microns or less that is not readily filtered out by the lungs. Nitrates, sulfates, dust, and combustion particulates are major components of PM_{10} and $PM_{2.5}$. These small particles can be directly emitted into the atmosphere as by-products of fuel combustion, through abrasions, such as tire or brake lining wear, or through fugitive dust (wind or mechanical erosion of soil). They can also be formed in the atmosphere through chemical reactions. Particulates may transport carcinogens and other toxic compounds that adhere to the particle surfaces and can enter the human body through the lungs.

Lead. Lead is a metal found naturally in the environment as well as in manufactured products. The major sources of lead emissions have historically been mobile and industrial. As a result of the phase-out of leaded gasoline, metal processing is currently the primary source of lead emissions. The highest levels of lead in the air are generally found near lead smelters. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers. Over 20 years ago, mobile sources were the main contributor to ambient lead concentrations in the air. In the early 1970s, the U.S. EPA established national regulations to gradually reduce the lead content in gasoline. In 1975, unleaded gasoline was introduced for motor vehicles equipped with catalytic converters. The EPA banned the use of leaded gasoline in highway vehicles in December 1995. As a result of the EPA's regulatory efforts to remove lead from gasoline, emissions of lead from the transportation sector and lead levels in the air decreased dramatically.

Air Pollutants of Concern in the Bay Area

High ozone levels are caused by the cumulative emissions of ROG and 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, reduce 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 (PM_{10}) and fine particulate matter ($PM_{2.5}$). 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

In addition to the criteria pollutants discussed above, TACs are another group of pollutants of concern. TACs are injurious in small quantities and are regulated by the EPA and CARB. Some examples of TACs include benzene, butadiene, formaldehyde, and hydrogen sulfide. The identification, regulation, and monitoring of TACs is relatively recent compared to that for criteria pollutants.

High volume freeways, stationary diesel engines, and facilities attracting heavy and constant diesel vehicle traffic (distribution centers, truck stops) were identified as posing the highest risk to adjacent receptors. Other facilities associated with increased risk include warehouse distribution centers, large retail or industrial facilities, high-volume transit centers, or schools with a high volume of bus traffic. Community health risk assessments typically look at all substantial sources of TACs located within 1,000 feet of project sites and at new TAC sources that the project would introduce. These sources include railroads, highways, busy surface streets, and stationary sources identified by BAAQMD.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average). According to the 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. Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Air Quality Setting

The project is located in Santa Clara County, which is part of the San Francisco Bay Area Air Basin. The Air Basin includes the counties of San Francisco, Santa Clara, San Mateo, Marin, Napa, Contra Costa, and Alameda, along with the southeast portion of Sonoma County and the southwest portion of Solano County. This project is within the jurisdiction of the BAAQMD. Air quality conditions in the San Francisco Bay Area have improved significantly since the BAAQMD was created in 1955. Ambient concentrations of air pollutants, and the number of days during which the region exceeds air quality standards, have fallen dramatically. Exceedances of air quality standards occur primarily during meteorological conditions conducive to high pollution levels, such as cold, windless winter nights or hot, sunny summer afternoons.

Local Climate and Air Quality

Air quality is a function of both local climate and local sources of air pollution. Air quality is the balance of the natural dispersal capacity of the atmosphere and emissions of air pollutants from human uses of the environment. Climate and topography are major influences on air quality.

Climate and Meteorology. During the summer, mostly clear skies result in warm daytime temperatures and cool nights in the Santa Clara Valley. Winter temperatures are mild, except for very cool but generally frost-less mornings. Further inland, where the moderating effect of the bay is not as strong, temperature extremes are greater. Wind patterns are influenced by local terrain, with a northwesterly sea breeze typically developing during the daytime. Winds are usually stronger in the spring and summer. Rainfall amounts are modest, ranging from 13 inches in the lowlands to 20 inches in the hills.

Air Pollution Potential. Ozone and fine particle pollution, or $PM_{2.5}$, are the major regional air pollutants of concern in the San Francisco Bay Area. Ozone is primarily a problem in the summer, and fine particle pollution in the winter. Most of Santa Clara County is well south of the cooler waters of the San Francisco Bay and far from the cooler marine air, which usually reaches across San Mateo County in summer. Ozone frequently forms on hot summer days when the prevailing seasonal northerly winds carry ozone precursors southward across the county, causing health standards to be exceeded. Santa Clara County experiences many exceedances of the $PM_{2.5}$ standard each winter. This is due to the high population density, wood smoke, industrial and freeway traffic, and poor wintertime air circulation caused by extensive hills to the east and west that block wind flows into the region. Recently, wildfires have caused many days per year of unhealthy air during summer and fall due to high particle pollution (e.g., $PM_{2.5}$ and PM_{10} levels that exceed standards).

Attainment Status Designations. The CARB is required to designate areas of the state as attainment, nonattainment, or unclassified for all state standards. An "attainment" designation for an area signifies that pollutant concentrations did not violate the standard for that pollutant in that area. A "nonattainment" designation indicates that a pollutant concentration violated the standard at least once, excluding those occasions when a violation was caused by an exceptional event, as defined in the criteria. An "unclassified" designation signifies that data does not support either an attainment or nonattainment status. The CCAA divides districts into moderate, serious, and severe air pollution categories, with increasingly stringent control requirements mandated for each category.

Existing Air Pollutant Levels. BAAQMD monitors air pollution at various sites within the Bay Area. The closest air monitoring station (158 Jackson Street) that monitored O_3, CO, NO, NO_2, and $PM_{2.5}$ over the past five years (2017 through 2021) is in the City of San José, approximately nine miles northwest of the project site. The data shows that the project area has exceeded the state and/or federal O_3, PM_{10}, and $PM_{2.5}$ ambient air quality standards one or more times during the past few years. [2] The most recent time-period available illustrating air quality trends collected by BAAQMD and CARB is presented in Appendix A. Ozone standards (including 1-hr concentration and 8-hr concentration) were exceeded at a range between 1 to 8 days annually between 2017 and 2021. $PM_{2.5}$ concentrations were exceeded at a range between 1 to 12 days annually between in 2017 and 2021. As a note, these levels were influenced by smoke from wildfires.

Sensitive Receptors

The BAAQMD defines sensitive receptors as facilities where sensitive population groups are located, including residences, schools, childcare centers, convalescent homes, and medical facilities. Land uses such as schools and hospitals are considered more sensitive than the general public to poor air quality because of increased susceptibility to respiratory distress within the populations associated with these uses. For cancer risk assessments, children are the most sensitive receptors since they are more susceptible to cancer-causing TACs. Residential locations are assumed to include infants and small children. The closest sensitive receptors to the project site are the single-family residences 400 feet to the north, and 700 feet to the east. Additional sensitive receptors are the single-family residences located approximately 700 feet to the northwest of the project site.

[2] https://www.baaqmd.gov/about-air-quality/current-air-quality/air-monitoring-data/#/

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
3. 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?			X		2, 5, 6, 7
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X		2, 5, 7
c) Expose sensitive receptors to substantial pollutant concentrations?			X		2, 5, 7
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			X		2, 5, 7

Explanation

a) **Less Than Significant Impact**. Using the BAAQMD's methodology, a determination of consistency with the 2017 CAP should demonstrate that a project: 1) supports the primary goals of the air quality plan; 2) includes applicable control measures from the air quality plan, and 3) does not disrupt or impede implementation of air quality plan control measures. The consistency of the project with the applicable control measures is presented in Table 1.

As summarized in the "Project Consistency" column of Table 1, the project would not conflict with the 2017 CAP's goal to attain air quality standards and would not result in exceedances of BAAQMD 2017 thresholds for criteria air pollutants as described in b) below. Therefore, the project would have a less than significant impact on clean air planning efforts.

Table 1
2017 CAP Applicable Control Measures

Control Measures	Description	Project Consistency
Transportation Measures		
Bicycle and Pedestrian Access and Facilities (TR9)	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The project would include bicycle parking consistent with City's Zoning Ordinance standards. In addition, the project would improve bicycle access by providing new on-street Class IV bikeway along Hellyer Avenue per City standards. Therefore, the project is consistent with this measure.
Energy Control Measures		
Decrease Electricity Demand (EN2)	Work with local governments to adopt additional energy efficiency policies and programs. Support local government energy efficiency	The project would be required to comply with Building Energy Efficiency Standards (Municipal Code Title 24), which would help

Table 1 2017 CAP Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
	program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times.	reduce energy consumption. The project would also be required to comply with the City's Green Building Policy (Council Policy 8-13), Private Sector Green Building Policy (Council Policy 6-32) and the City's Green Building Ordinance, which would increase building efficiency over standard construction. The project would also enroll into the City of San José Clean Energy GreenSource program. Therefore, the project is consistent with this control measure.
Building Control Measures		
Green Buildings (BL1)	Collaborate with partners such as KyotoUSA to identify energy-related improvements and opportunities for onsite renewable energy systems in school districts; investigate funding strategies to implement upgrades. Identify barriers to effective local implementation of the CALGreen (Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Work with ABAG's BayREN program to make additional funding available for energy-related projects in the buildings sector. Engage with additional partners to target reducing emissions from specific types of buildings.	The project would be required to comply with CALGreen and the City's Green Building Policy (Council Policy 8-13), Private Sector Green Building Policy (Council Policy 6-32) the City's Green Building Ordinance, and the most recent California Building Code which would increase building efficiency over standard construction. Therefore, the project is consistent with this control measure.
Urban Heat Island Mitigation (BL4)	Develop and urge adoption of a model ordinance for "cool parking" that promotes the use of cool surface treatments for new parking facilities.	The project would include tree planting and other landscaping features, including planting of shrubs, and groundcover, to outdoor areas. These features would reduce the project's heat island effect associated with the proposed surface parking. The project, therefore, is consistent with this measure.
Water Management Control Measures		
Support Water Conservation (WR2)	Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	The project would be required to adhere to State and local polices to conserve water, including, but not limited to, the California Model Efficient Landscape Ordinance, AB 1668: Water Conservation and Drought Planning, AB 2731: Landscape Water Use Efficiency,

Table 1 2017 CAP Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
		implementation of a stormwater control plan, and adherence to the City's levelled water shortage restrictions on potable water use. Therefore, the project is consistent with this control measure.
Natural and Working Lands Measures		
Urban Tree Planting (NW2)	Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, the Air District's technical guidance, best management practices for local plans, and CEQA review.	Consistent with the City's tree replacement requirements, the project would plant 222 trees and include other landscaping features such as planting of various shrubs and groundcover in outdoor areas. Therefore, the project is consistent with this control measure.

b) **Less Than Significant Impact**. The San Francisco Bay Area is considered a non-attainment area for ground-level ozone and $PM_{2.5}$ under both the Federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM_{10} under the California Clean Air Act, but not the federal act. The area has attained both State and federal ambient air quality standards for carbon monoxide.

The City of San José uses the thresholds of significance established by the BAAQMD to assess air quality impacts of proposed development. The BAAQMD CEQA Guidelines include screening levels and thresholds for evaluating air quality impacts in the San Francisco Bay Area Air Basin. As part of an effort to attain and maintain ambient air quality standards for ozone and PM_{10}, the BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for ozone precursor pollutants (ROG and NO_X), PM_{10}, and $PM_{2.5}$ and apply to both construction period and operational period impacts. The applicable thresholds are presented below in Table 2.

Table 2 BAAQMD Air Quality Significance Thresholds			
Pollutant	**Construction Thresholds**	**Operational Thresholds**	
	Average Daily Emissions (lbs./day)	**Average Daily Emissions (lbs./day)**	**Annual Average Emissions (tons/year)**
Criteria Air Pollutants			
ROG, NO_x, $PM_{2.5}$ (exhaust)	54	54	10
PM_{10} (exhaust)	82	82	15
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust ($PM_{2.5}$, PM_{10})	Construction Dust Ordinance or other Best Management Practices	Not Applicable	

Table 2 BAAQMD Air Quality Significance Thresholds			
Pollutant	**Construction Thresholds**	**Operational Thresholds**	
	Average Daily Emissions (lbs./day)	**Average Daily Emissions (lbs./day)**	**Annual Average Emissions (tons/year)**
Health Risks and Hazards for Sources within 1,000 Feet of Project			
Excess Cancer Risk	10 per one million	10 per one million	
Chronic or Acute Hazard Index	1.0	1.0	
Incremental annual average $PM_{2.5}$	0.3 µg/m^3	0.3 µg/m^3	
Health Risks and Hazards for Sensitive Receptors (Cumulative from All Sources within 1,000-Foot Zone of Influence) and Cumulative Thresholds for New Sources			
Excess Cancer Risk	100 per 1 million		
Chronic Hazard Index	10.0		
Annual Average $PM_{2.5}$	0.8 µg/m^3		
Greenhouse Gas Emissions (Land Use Projects)			
GHG Annual Emissions	1,100 metric tons or 4.6 metric tons per service population		
Notes: ROG = reactive organic gases, NOx = nitrogen oxides, PM_{10} = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, and $PM_{2.5}$ = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less; GHG = greenhouse gas; ppm = parts per million; µg/m^3 = micrograms per cubic meter			

The air quality assessment for the project (Appendix A) used the California Emissions Estimator Model (CalEEMod) Version 2020.4.0 to estimate air pollutant emissions from construction and operation of the project at buildout.[3]

Construction Emissions

CalEEMod computes annual emissions for construction that are based on the project type, size, and acreage. The model provides emission estimates for both on-site and off-site construction activities. On-site activities are primarily made up of construction equipment emissions, while offsite activity includes worker, hauling, and vendor traffic. The construction build-out scenario, including equipment list and schedule, were based on CalEEMod defaults for a project of this type and size that was reviewed and approved by the applicant. The applicant provided estimated soil, concrete, and asphalt hauling quantities.

The vehicle mix for this study was based on CalEEMod default assumptions, where worker trips are assumed to be comprised of light-duty autos (EMFAC category LDA) and light duty trucks (EMFAC category LDT1 and LDT2). Vendor trips are comprised of delivery and large trucks (EMFAC category MHDT and HHDT) and haul trips, including cement trucks, are comprised of large trucks (EMFAC category HHDT). Travel distances are based on CalEEMod default lengths, which are 10.8 miles for worker travel, 7.3 miles for vendor trips and 20 miles for hauling (soil import/export). Each trip was assumed to include an idle time of 5 minutes.

[3] CalEEMod quantifies ozone precursors, criteria pollutants, and greenhouse gas emissions from the construction and operation of new land use development and linear projects in California.

The construction schedule assumed that the earliest possible construction start date would be June 2023. The proposed project would be built out over a period of approximately 12 months, or estimated 242 construction workdays. The earliest year of full operation for the entire project is assumed to be June 2024.[4] Emission rates for construction equipment and traffic are lower in future years as newer equipment with lower emissions rates is introduced into the overall fleet replacing older equipment with high emission rates.

Average daily emissions were annualized for each year of construction by dividing the total annual construction emissions by the number of active workdays during that year. Table 3 shows annualized average daily construction emissions of ROG, NO_X, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the entire project. As indicated in Table 3, predicted annualized project construction emissions for the entire project would not exceed the BAAQMD significance thresholds during any year of construction.

Table 3
Construction Period Emissions

Year	ROG	NOx	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Construction Emissions Per Year (Tons)				
2023	0.22	2.98	0.17	0.10
2024	2.38	1.55	0.09	0.05
Average Daily Construction Emissions Per Year (pounds/day)				
2023 (242 construction workdays)	1.81	24.61	1.40	0.83
2024 (159 construction workdays)	29.89	19.48	1.19	0.64
BAAQMD Thresholds (pounds per day)	*54* lbs./day	*54* lbs./day	*82* lbs./day	*54* lbs./day
Exceed Threshold?	No	No	No	No

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soil. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less-than-significant if best management practices are implemented to reduce these emissions. The City has adopted BAAQMD's best management practices as a Stand Permit Condition, as outlined below, and these fugitive dust control measures shall be implemented during construction activities.

[4] The air quality analysis used a default CalEEMod construction schedule based on a starting month of January 2023. Additionally, default CalEEMod construction information (i.e., construction phases, durations, and equipment) were used for the analysis. Based on information from the applicant, the project would start in June 2023 and only require a total duration of 12 months, assuming the same CalEEMod default hours worked per day, the same default amount of equipment used for the project, and the same default amount of time each piece of equipment is used per day. The proposed 12 month schedule would reduce the default number of workdays per phase, but all other CalEEMod default values would remain. CalEEMod construction defaults for days per phase used in the analysis are conservative and represent a larger construction effort than the one proposed by the client. Therefore, the total and annual emissions are overestimated given a default 18-month schedule, while the daily maximum emissions estimated for construction in the AQ analysis would not be changed, as the CalEEMod default hours per day, equipment fleet, and equipment hours per day would remain unchanged. Therefore, the 12 month construction schedule would not change the conclusions of the air quality report, which is based on a CalEEMod default value of 18 months. (Illingworth & Rodkin, personal communication with Jay Witt, May 2023).

As indicated in Table 3, the construction emissions from all construction activities are below the recommended thresholds of significance; therefore, the proposed project's construction would have less than significant impact related to emissions of ROG, NO_X, exhaust PM_{10}, and exhaust $PM_{2.5}$. The proposed project would adhere to City's Standard Permit Condition for dust control BMPs recommended to reduce potential impacts related to fugitive dust emissions during project construction.

Standard Permit Conditions

Construction Air Quality

- 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.

The standard permit condition would achieve greater than a 50 percent reduction in on-site fugitive $PM_{2.5}$ emissions. These measures are consistent with recommendations in the

BAAMQD CEQA Guidance for providing "best management practices" to control construction emissions if the emissions don't exceed BAAQMD thresholds. The proposed project would have a less than significant impact with respect to resulting in a considerable net increase of criteria pollutants during construction.

Operational Emissions

Operational air emissions from the project would be generated primarily from trucks using the industrial warehouse and autos driven by future employees and vendors or customers. Evaporative emissions from architectural coatings and maintenance products (classified as consumer products) are typical emissions from these types of uses. CalEEMod was used to estimate emissions from operation of the proposed project assuming full build-out in 2025.[5] Operations were assumed to occur 365 days a year to provide a conservative analysis. The project was assumed to operate seven days per week as a worst-case scenario.

Annual emissions were predicted using CalEEMod. The daily emissions were calculated assuming 365 days of operation. Table 4 shows average daily emissions of ROG, NO_X, total PM_{10}, and total

Table 4
Operational Emissions

Scenario	ROG	NO_x	PM_{10}	$PM_{2.5}$
2025 Project Operational Emissions *(tons/year)*	3.04 tons	5.20 tons	2.64 tons	0.72 tons
BAAQMD Thresholds (tons /year)	*10 tons*	*10 tons*	*15 tons*	*10 tons*
Exceed Threshold?	***No***	***No***	***No***	***No***
2025 Project Operational Emissions *(lbs/day)*[1]	16.67 lbs.	28.51 lbs.	14.47 lbs.	3.95 lbs.
BAAQMD Thresholds (pounds/day)	*54* lbs.	*54* lbs.	*82* lbs.	*54* lbs.
Exceed Threshold?	***No***	***No***	***No***	***No***

[1] Assumes 365-day operation

As shown on Table 4, above, the proposed project would not exceed operational air quality thresholds for ROG, NO_x, PM_{10} or $PM_{2.5}$. The proposed project would have a less than significant impact with respect to resulting in a considerable net increase of criteria pollutants during operation.

Conclusion

As described previously, as part of an effort to attain and maintain ambient air quality standards for O3, $PM_{2.5}$ and PM_{10}, the BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for O3 precursor pollutants (ROG and NOx), PM_{10}, and $PM_{2.5}$ and apply to both construction period and operational period impacts. The project emissions would not exceed the established BAAQMD CEQA thresholds, which are sufficient and based on a level at which projects would not cumulatively contribute to a violation of the NAAQS/CAAQS.

c) **Less Than Significant Impact.** Project impacts related to increased community risk can occur either by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity or by significantly exacerbating existing cumulative

[5] This assumes that the earliest full year of operation would be 2025.

TAC impacts. This project would introduce new sources of TACs during construction (i.e., on-site construction and truck hauling emissions) and operation (i.e., trucks and other vehicle traffic).

Project construction activity would generate dust and equipment exhaust that would affect nearby sensitive receptors. Traffic generated by the project would consist of mostly light-duty gasoline-powered vehicles along with some trucks, which would produce TAC and air pollutant emissions.

Project impacts to existing sensitive receptors were addressed for temporary construction activities and long-term operational conditions. There are also several sources of existing TACs and localized air pollutants in the vicinity of the project. The impact of the existing sources of TAC was also assessed in terms of the cumulative risk which includes the project contribution.

Community Health Risk Impacts

Construction Emissions

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. Construction exhaust emissions may still pose health risks for sensitive receptors such as surrounding residents. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to $PM_{2.5}$. Diesel exhaust poses both a potential health and nuisance impact to nearby receptors.

The CalEEMod model and EMFAC2021 emissions provided total annual PM_{10} exhaust emissions (assumed to be DPM) for the off-road construction equipment and for exhaust emissions from on-road vehicles, with total emissions from all construction stages as 0.09 tons (180 pounds). The on-road emissions are a result of haul truck travel during grading activities, worker travel, and vendor deliveries during construction. A trip length of one mile was used to represent vehicle travel while at or near the construction site. It was assumed that these emissions from on-road vehicles traveling at or near the site would occur at the construction site. Fugitive $PM_{2.5}$ dust emissions were calculated by CalEEMod as 0.12 tons (231 pounds) for the overall construction period.

Operational Truck Traffic Emissions

The project's trip generation estimates include 258 daily truck trips generated from operating the proposed project, which are assumed to be heavy-duty diesel-powered trucks and a source of long-term DPM emissions. These trucks would travel to and from the site and are anticipated to idle onsite for 5 minutes for each trip. Daily passenger vehicle trips generated by the project would not generate a significant amount of TAC emissions and were not included in the analysis.

TAC emissions from truck traffic and onsite activities were computed assuming half of the trucks would travel along Piercy Road at an average speed of 25 mph and the other half would travel on Hellyer Avenue at an average speed of 40 mph. While on-site, the trucks were assumed to travel a total distance of one mile at a speed of 15 mph and idle for 5 minutes.

Dispersion Modeling

The U.S. EPA AERMOD dispersion model was used to predict concentrations of DPM and PM2.5 concentrations at sensitive receptors in the vicinity of the project area. The AERMOD dispersion model is a BAAQMD-recommended model for use in modeling analysis of these types of emission activities for CEQA projects. The modeling used a five-year meteorological data set (2013-2017) from the San José Airport prepared for use with the AERMOD model by the BAAQMD.

Receptor heights of 5 feet (1.5 meters) were used to represent the breathing height of modeled sensitive receptors. Receptors for this assessment included locations where sensitive populations may be present for extended periods of time (i.e., chronic exposures). This includes the existing single-family residences to the east and southeast of the project site (see Figure 11). Residential receptors are assumed to include all receptor groups (i.e., third trimester, infants, children, and adults) with almost continuous exposure to project emissions.

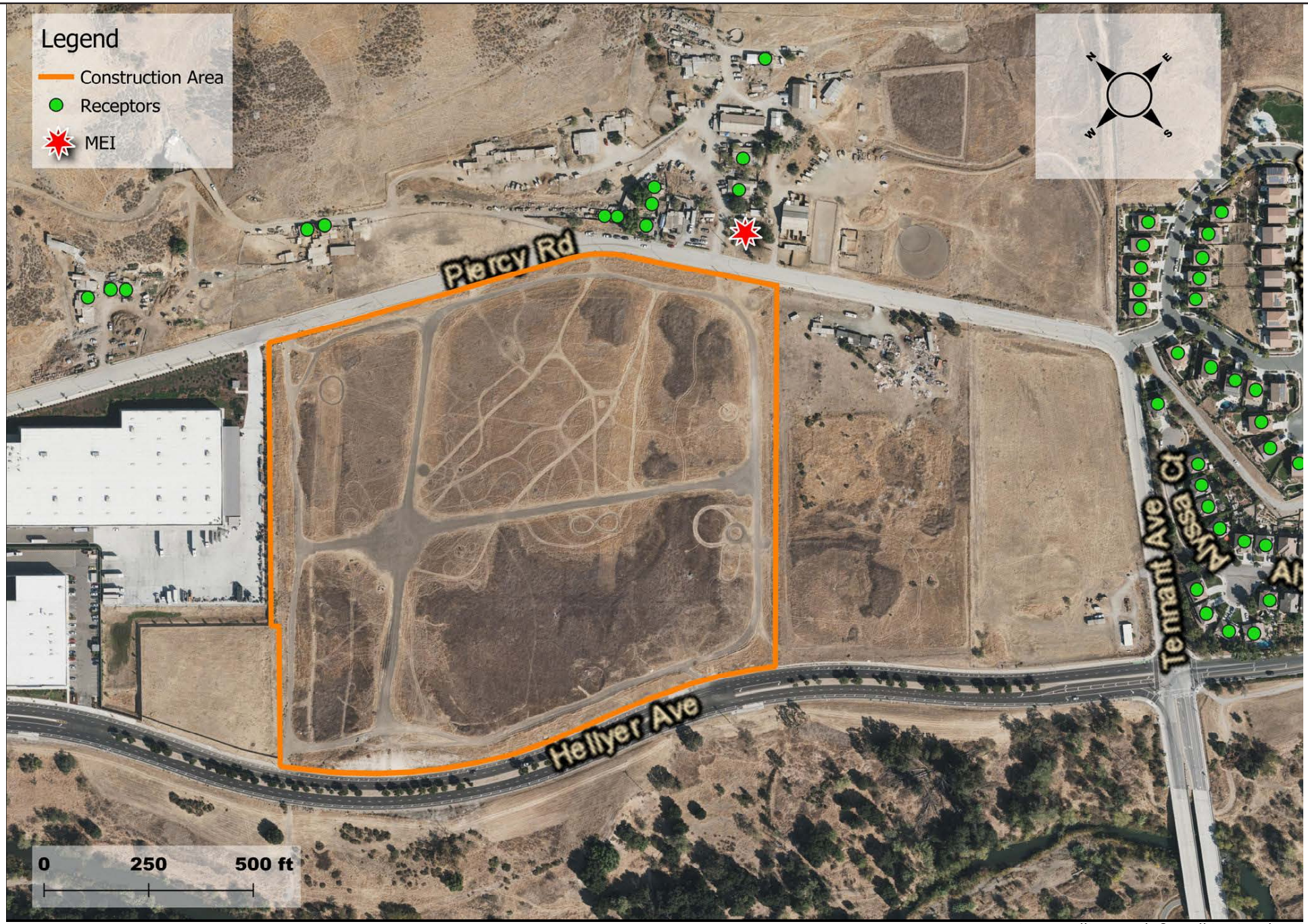
Construction Sources

For modeling fugitive $PM_{2.5}$ emissions, a near-ground level release height of 7 feet (2 meters) was used for the area source. Fugitive dust emissions at construction sites come from a variety of sources, including truck and equipment travel, grading activities, truck loading (with loaders) and unloading (rear or bottom dumping), loaders and excavators moving and transferring soil and other materials, etc. All of these activities result in fugitive dust emissions at various heights at the point(s) of generation. Once generated, the dust plume will tend to rise as it moves downwind across the site and exit the site at a higher elevation than when it was generated. For all these reasons, a 7-foot release height was used as the average release height across the construction site. Emissions from the construction equipment and on-road vehicle travel were distributed throughout the modeled area sources. Figure 11 shows the project site, construction area modeled, and receptors.

Truck Traffic

Truck traffic generated by the project would access the site either from Piercy Road or via Hellyer Avenue and circulate/idle on site. Onsite TAC emissions (DPM, TOG Exhaust, and $PM_{2.5}$) were modeled as area sources, while truck traffic on Piercy Road and Hellyer Avenue were modeled as area sources along a line (i.e., line area sources).

An emission release height of 11.5 feet (3.4 meters) was used for truck exhaust area sources and DPM sources, while a release height of 4.3 feet (1.3 meters) was used for fugitive dust emissions. Initial vertical dimensions of 6.8 meters and 2.9 meters were also used, respectively. TAC emissions, in grams per second, were input into AERMOD assuming 24 hours per day of operation. This yields a lower emissions rate but yields higher ambient concentrations given stable atmospheric conditions present during the nighttime hours. Figure 12 shows the area sources used for modeling emissions from project operation.

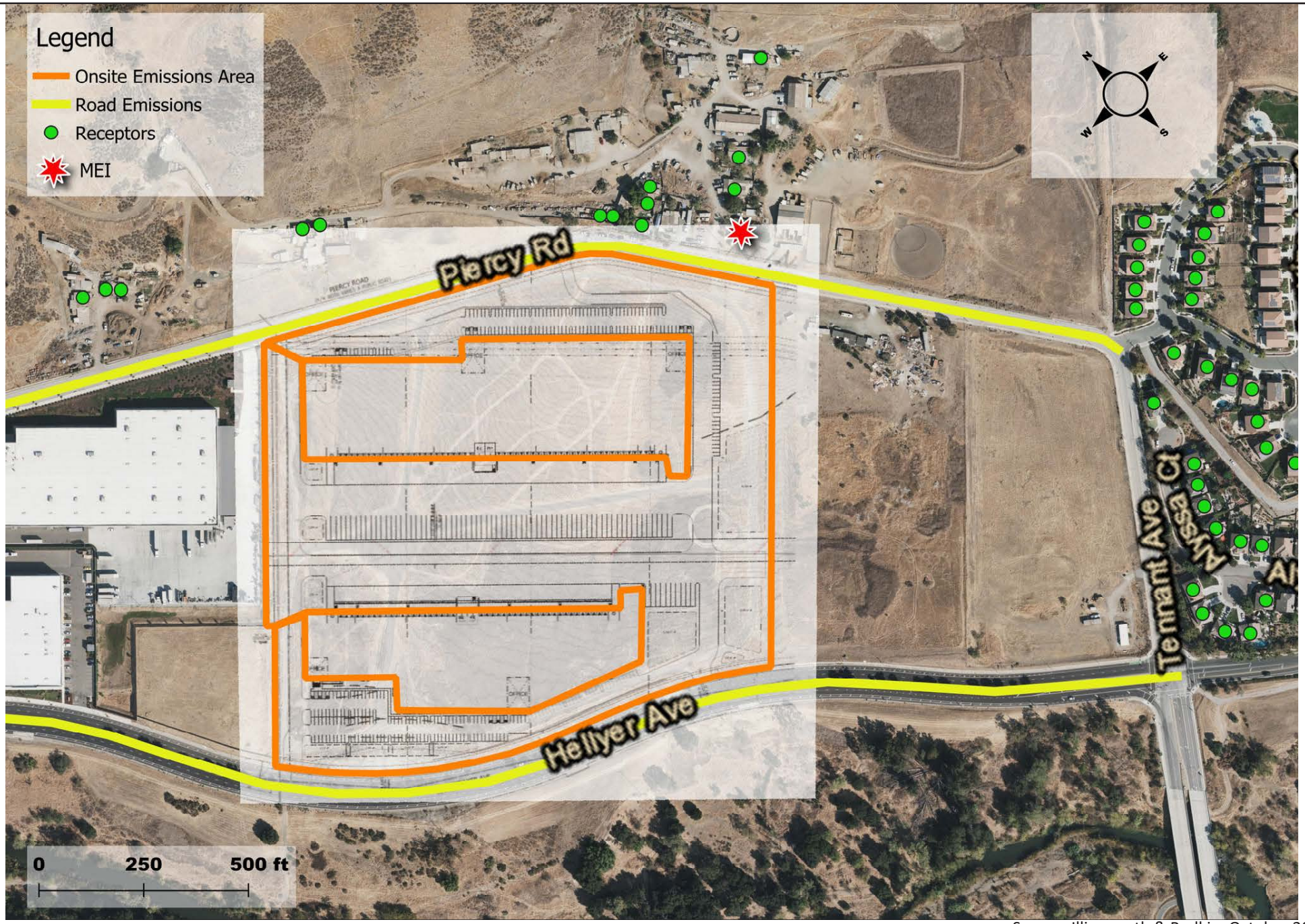


Source: Illingworth & Rodkin, October 2022

Project Site and Location of Maximum TAC Impacts - Construction

550 Piercy Road Industrial Development
Initial Study

Figure
11



Source: Illingworth & Rodkin, October 2022

Project Site and Location of Maximum TAC Impacts - Operation

550 Piercy Road Industrial Development
Initial Study

Figure
12

Health Risks of all Project TAC Sources at Project MEI

The maximum modeled annual TAC and $PM_{2.5}$ concentrations, which includes both the DPM and fugitive $PM_{2.5}$ concentrations, were identified at nearby sensitive receptors (as shown in Figures 11 and 12) to find the maximally exposed individuals (MEI). The cumulative risk impacts from a project are the combination of construction and operation sources. These sources include on-site construction activity and truck traffic generated during operation of the project. The maximum project cancer risk impact is computed by adding the construction cancer risk for an infant/child to the increased cancer risk for the project operational conditions from the truck traffic at the MEI. Residential sensitive receptors were assumed to be present near the site for up to 30 years. The cancer risks from construction and operation of the project were summed together. Unlike, the increased maximum cancer risk, the annual $PM_{2.5}$ concentration and HI risks are not cumulative but based on an annual maximum risk for the entirety of the project.

The project MEI was located at a single-family residence located across from the project site on Piercy Road (See Figures 11 and 12). Table 5 summarizes the maximum cancer risks, $PM_{2.5}$ concentrations, and HI for project related construction and operational activities affecting the MEI.

Table 5
Project Health Risk Impacts at the Off-site MEI

Source		Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index
Project Impact at MEI				
Project Construction (Years 0-2)	Unmitigated	6.10 (infant)	0.05	<0.01
Project Operation (Years 2-30)	Unmitigated	1.82	<0.01	<0.01
Total/Maximum Project Impact (Years 0-30)		7.92	<0.06	<0.01
BAAQMD Recommended Threshold		***10***	***0.3***	***1.0***
Exceed Threshold?		No	No	No

The maximum cancer risks, annual $PM_{2.5}$ concentration and non-cancer hazards at the MEI from the project (construction and operation activities) would be below the single-source significance thresholds. This represents a less than significant impact.

Cumulative Community Health Risk at Construction MEI

The cumulative impacts of TAC emissions from construction of the project are summarized in Table 6. The following planned project is located within 1,000 feet of the proposed project:

- 644 / 675 Piercy Road – this industrial project site is located at 644 & 675 Piercy Road and is adjacent to the southeast of the proposed project site. The project consists of a 225,000-sf industrial warehouse building. Construction for the 644 & 675 Piercy Road project was proposed to occur between 2023-2024, which means there could be overlapping periods with the proposed project. While the construction schedules may change for both projects, construction could occur simultaneously.

The construction risks and hazard impact values for this development were available from the project's air quality technical report conducted by Illingworth & Rodin, Inc. For the purpose

of this analysis, it was conservatively assumed the entire construction period from the proposed project would overlap with the nearby development's construction schedule. This approach likely provides an overestimate of the health risk and hazard levels since it assumes that maximum impacts from the nearby development occurs concurrently with the proposed project at the proposed project's MEI. The construction risks reported in the air quality assessment are included in Table 6.

Table 6
Impacts from Combined Sources at Project MEI

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index
Project Impacts			
Total/Maximum Project Impact	7.92	<0.06	<0.01
Cumulative Sources			
ColFin 2019-2D Industrial Owner LLC (Facility ID #24373, Generator), MEI at over 1,000 feet	0.18	<0.01	-
644 & 675 Piercy Road Mitigated Construction Emissions – MEI at 115 feet	0.68	0.01	<0.01
Combined Sources	8.78	<0.08	<0.02
BAAQMD Cumulative Source Threshold	***100***	***0.8***	***10.0***
Exceed Threshold?	*No*	*No*	*No*

As shown in Table 6, the health risks from project activities (construction and operation) would not exceed the maximum increased cancer risk single-source threshold or cumulative source threshold. Likewise, the maximum annual $PM_{2.5}$ concentration and HI values would not exceed their respective single or cumulative thresholds. The proposed project would have a less than significant impact with respect to exposing sensitive receptors to substantial pollutant concentrations.

d) **Less Than Significant Impact**. The proposed project consists of the development of a vacant site with industrial buildings. The future use of the proposed project is not known at this time. Common sources of odors and odor complaints are uses such as transfer stations, recycling facilities, painting/coating facilities, landfills, and wastewater treatment plants. The proposed project facility is not anticipated to be utilized for these or other land uses that would result in new sources of odor. During construction, use of diesel-powered vehicles and equipment could temporarily generate localized odors, which would cease upon project completion. This represents a temporary impact and implementation of abatement measures for construction period emissions identified in c) above would further assure that this impact is less than significant. In addition, truck trips associated with operation of the proposed project may also produce odors associated with the use of diesel-powered vehicles. However, truck trips would not exceed three trips per building each hour. As a result, operational concentrations of diesel odors would be sporadic and would dissipate without adversely affecting surrounding receptors. The proposed project would have a less than significant impact with respect to resulting in odors or other emissions adversely affecting a substantial number of people.

Conclusion: The project would have a less than significant impact on air quality.

D. BIOLOGICAL RESOURCES

A biological resources report was prepared to address the potential biological resources on and adjacent to the project site by Denise Duffy & Associates, Inc. (October 2022), and is contained in Appendix B. The conclusions and recommendations of this report is discussed in the following section.

Regulatory Framework

Federal and State

Federal Endangered Species Act

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 United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project will result in the "take" of a species listed as threatened or endangered. To "take" a listed species, as defined by the State of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" said species. "Take" is more broadly defined by the federal Endangered Species Act to include "harm" of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Section 15380(b) and (c) of the CEQA Guidelines provided that all potential rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review 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 federal Migratory Bird Treaty Act (MBTA) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Construction disturbances during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment, a violation of the MBTA. Additionally, nesting birds are considered special-status species are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

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 US 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.

Regional and Local

Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (HCP) was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife. The HCP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The project site is located within the boundaries of the HCP and is designated as follows:

- Area 1: Private Development Covered
- Land Cover: Grain, Row-crop, Hay and Pasture, Disked / Short-term Fallowed (28.3 acres) Urban-Suburban (0.4 acres)
- Land Cover Fee Zone: Fee Zone B (Agricultural and Valley Floor Lands) (28.4 acres), Urban Areas (No Land Cover Fee) (0.4 acres)

In addition, the HCP indicates that nitrogen deposition has damaging effects on many of the serpentine plants in the HCP area, including the host plants that support the Bay checkerspot butterfly. Because serpentine soils tend to be nutrient poor and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species. 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. All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area, including the project site. The displacement of native serpentine plant species and subsequent decline of several federally-listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County.

City of San José Tree Ordinance

The City of San José's Municipal Code includes tree protection measures (Municipal Code Title 13, Chapters 13.28 [Street Trees, Hedges and Shrubs] and 13.32 [Tree Removal Controls]) that regulate the removal of trees. An "ordinance-sized tree" on private property is defined as any tree having a main stem or trunk, 12 inches in diameter (38 inches or more in circumference) at a height measured 54 inches (4.5 feet) above ground. For multi-trunk trees, the circumference is measured as the sum of the circumferences of all trunks at 54 inches above grade. On single-family or duplex lots, a permit is required to remove ordinance-sized trees, even if they are unhealthy or dead. On multi-family, commercial, or industrial lots, a permit is required to remove a tree of any size. The Code defines a "heritage tree" as any tree that because of factors including but not limited to its history, girth, height, species or unique quality, has been found by the City Council to have a special significance to the community. Pruning or removing a heritage tree is illegal without first consulting the City Arborist and obtaining a permit. Finally, street trees are those that are located in the public right-of-way between the curb and sidewalk. A permit is required before pruning or removing a street tree.

Council Policy 6-34: Riparian Corridor Protection and Bird-Safe Design

The City's Riparian Corridor Policy Study analyzed streams and riparian corridors in the City of San José and addresses how development should protect and preserve these riparian corridors. Furthermore, the City's Riparian Corridor Protection and Bird-Safe Design Policy (Council Policy 6-34) supplements the regulations for riparian corridors and provides guidance for project design that protects and preserves these riparian corridors (City of San José 2016). The Riparian Corridor Policy applies to projects within 300 feet of a riparian corridor's top of bank or edge of vegetation, whichever is greater. The Riparian Corridor Protection and Bird-Safe Design Policy establishes a standard of a 100-foot riparian corridor setback, with an exception for projects where no significant environmental impact will occur.

General Plan Policies

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

Envision San José 2040 Relevant Biological Resource Policies	
Policy CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.
Policy ER-2.1	Ensure that new public and private development adjacent to riparian corridors in San José are consistent with the provisions of the City's Riparian Corridor Policy Study and any adopted Santa Clara Valley Habitat Conservation Plan/ Natural Communities Conservation Plan (HCP/NCCP).
Policy ER-2.2	Ensure that a 100-foot setback from riparian habitat is the standard to be achieved in all but a limited number of instances, only where no significant environmental impacts would occur.
Policy ER-2.3	Design new development to protect adjacent riparian corridors from encroachment of lighting, exotic landscaping, noise and toxic substances into the riparian zone.
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 MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
Policy MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not

Envision San José 2040 Relevant Biological Resource Policies	
	feasible, include appropriate tree replacement, both in number and spread of canopy.
Policy MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
Policy MS-21.8	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals: 1. Avoid conflicts with nearby power lines. 2. Avoid potential conflicts between tree roots and developed areas. 3. Avoid use of invasive, non-native trees. 4. Remove existing invasive, non-native trees. 5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species. 6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.

Existing Setting

The project property consists entirely of vacant land. Review of historical records indicates that the property has been utilized with orchards dating to circa 1939 to 1970. An aerial photograph from 1982 shows the site in production with row crops and shows an exercise track for horses. An aerial photograph from 1998 shows a predominantly undeveloped site with a few structures related to horse ranches, including the exercise track, corrals, sheds, and barns. Aerial photography from the period of 2006 to 2016 shows an undeveloped site and that the horse ranch equipment and structures have been removed. The parcel is located approximately 400 feet from Coyote Creek. The site does not contain landscaping or onsite trees. Offsite street trees are located in the median of Hellyer Avenue near the south boundary of the property.

Habitat Types

A biological resources report was completed for the project by Denise Duffy & Associates, Inc. (October 2022), and is contained in Appendix B. The biological analysis includes a discussion of habitat types present on the property and special-status species with the potential to occur on the project site. Habitat types within the project site consist of developed/ruderal and annual grassland land cover types as summarized below. A habitat map is provided in Appendix B.

The project site is at the base of the Mount Hamilton foothills abutting Hellyer Avenue and Piercy Road on its southwestern and northeastern borders, respectively. The site is composed of annual grassland (25.7 acres) and developed/ruderal (3.1 acres) habitat types. There are no sensitive habitats on the project site, but adjacent parcels contain Coyote Creek riparian woodlands and serpentine bunchgrass grasslands. Land cover at the site was also identified using the Santa Clara Valley HCP Geobrowser which depicts land cover as defined in the Santa Clara Valley HCP. Land cover at the site consists of Grain, Row-crop, Hay and Pasture, Disked / Short-term Fallowed (28.3 acres) and Urban-Suburban (0.4 acres).

Special-Status Species

Published occurrence data within the project site and surrounding quadrangles were evaluated to compile a table of special-status species known to occur in the vicinity of the project site. Each of these species were evaluated for their likelihood to occur within and immediately adjacent to the project site. The special-status species that are known to or have been determined to have a moderate or high potential to occur within or immediately adjacent to the project site are discussed below. All other species, which are assumed unlikely to occur or to have a low potential to occur based on the species-specific reasons presented in Appendix B, are therefore unlikely to be impacted by the project, and are not discussed further.

American Badger

The American badger is a CDFW species of special concern. Badgers occupy a diversity of habitats within California. The principal requirements seem to be sufficient food, friable soils, and relatively open, uncultivated grounds. Grasslands, savannas, and mountain meadows near timberline are preferred. Badgers feed primarily on burrowing rodents, such as gophers, squirrels, mice, and kangaroo rats, as well as some insects and reptiles. Badgers also break open beehives to eat both the brood and honey. This species is active all year long and is nocturnal and diurnal. Mating occurs in summer and early fall and two to five young are born in burrows dug in relatively dry, often sandy soil, usually with sparse overstory cover.

Annual grassland within the site provides suitable habitat for American badger. The CNDDB reports 16 occurrences of this species within the quadrangles reviewed, the nearest of which located approximately 0.4 mile south of the project site. No burrows of sufficient size to support his species were observed during the biological survey; however, this species has the potential to move into the site prior to development. Therefore, this species has a moderate potential to occur within the project site.

Western Burrowing Owl

The burrowing owl is a CDFW species of special concern and is also a covered species in the Santa Clara Valley HCP. Burrowing owls are year-round residents of open, dry grassland and desert habitats. This species generally inhabits open grassland and desert areas that contain rodent burrows (often California ground squirrel) for roosting and nesting cover. They are also known to utilize pipes, culverts, and nest boxes in areas where burrows are not available. Burrowing owls move their perches to thermoregulate and commonly perch in open sunlight in the early morning moving to shade, or to burrow, when hot. Burrowing owls exhibit yearlong circadian activity, hunting in both day and night. They frequently perch or stand at their burrow entrances in the daytime. Burrows are essential to reproductive behavior where the male burrowing owl gives courtship displays and notes in front of the burrow. Breeding occurs between March and August, peaking in April and May. Clutch size on average is two to ten with an average of five to six eggs. Young emerge from the burrow at about two weeks and fly by week four. Prey species include mostly insects, small mammals, reptiles, birds, and carrion. They hunt from a perch and hovers, hawks, dives, and hops after prey on the ground.

Annual grassland within the site provides suitable nesting and foraging habitat for burrowing owls. The CNDDB reports 52 occurrences of this species within the quadrangles reviewed, the nearest located approximately one mile northeast of the project site. This species was not observed during the

biological survey, however suitable animal burrows were observed within the project boundary. Therefore, this species has a moderate potential to occur within the project site.

Grasshopper Sparrow

The grasshopper sparrow is a CDFW species of special concern. Grasshopper sparrows occur in grasslands, prairies hayfields, and open pastures with little to no scrub cover and often with some bare ground. This species nests in small colonies where population numbers in a given area often change from year to year. Males sing from a low perch to defend territory and sometimes sing at night. Nest sites are often on the ground, very well hidden at the base of weeds, shrubs, or clumps of grass. The annual grassland at the site provides suitable foraging and nesting habitat for the grasshopper sparrow. The CNDBB reports one occurrences of this species within the quadrangles reviewed, the nearest located approximately 3.8 miles southeast of the project site. The annual grassland at the site provides suitable foraging and nesting habitat for the grasshopper sparrow. The CNDBB reports one occurrence of this species within the quadrangles reviewed, located approximately 3.8 miles southeast of the project site. Therefore, this species has a moderate potential to occur within the project site.

Raptors and Other Protected Avian Species

Raptors, their nests, and other native nesting birds are protected under California Fish and Game Code and the MBTA. While the life histories of these species vary, overlapping nesting and foraging similarities allow for their concurrent discussion. Most raptors are breeding residents throughout most of the wooded portions of the state. Stands of live oak, riparian deciduous, or other forest habitats, as well as open grasslands, are most frequently utilized for nesting. Breeding occurs February through September, with peak activity May through July. Prey for these species include small birds, small mammals, and some reptiles and amphibians. Many raptor species hunt in open woodland and habitat edges. Various species of raptors and other nesting birds, such as red-tailed hawk (Buteo jamaicensis), red-shouldered hawk (Buteo lineatus), American kestrel (Falco sparverius), great horned owl (Bubo virginianus), and turkey vulture (Cathartes aura), have a potential to nest within any of the trees present adjacent to the project site.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
4. 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?		X			1, 2, 17
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			X		1, 2, 17

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
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?			X		1, 2, 17
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X		1, 2, 17
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		1, 2
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X		1, 2, 8, 9

Explanation

a) **Less Than Significant with Mitigation Incorporated**.

American badger, a CDFW species of special concern, has the potential to occur within the proposed project site, due to the presence of annual grassland habitat on the project site. Mortality of individual badgers as a result of the proposed project would be considered a potentially significant impact.

Impact BIO-1: American badger has the potential occur within the project site. Construction activities may result in direct mortality of individual and/or loss of habitat for this species if present within the project site during construction.

Mitigation Measures

MM BIO-1a Prior to the issuance of any demolition, grading or building permits, a qualified biologist shall conduct an Employee Education Program for the construction crew. The qualified biologist shall meet with the construction crew at the onset of construction at the project site to educate the construction crew on the following: 1) the appropriate access route(s) in and out of the construction area and review project boundaries; 2) how a biological monitor shall examine the area and agree upon a method which shall ensure the safety of the monitor during such activities, 3) the identification of special-status species that may be present; 4) the specific mitigation measures that shall be incorporated into the construction effort; 5) the general provisions and protections afforded; and 6) the proper procedures if a special-status species is encountered within the project site to avoid impacts.

Documentation of the completed Employee Education Program shall be provided to the Director of Planning, Building and Code Enforcement or Director's designee within 14 days of program completion.

MM BIO-1b A qualified biologist shall conduct focused pre-construction surveys for badger dens no more than two weeks prior to the start of any construction activity in all suitable habitat proposed for construction, ground disturbance, or staging. If no potential badger dens are present, no further mitigation is required. If potential dens are observed, the following measures are required to avoid potential significant impacts to the American badger:

- If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent badgers from re-using them during construction.
- If the qualified biologist determines that potential dens may be active, the entrances of the dens shall be blocked with soil, sticks, and debris for three to five days to discourage the use of these dens prior to project disturbance. The den entrances shall be blocked to an incrementally greater degree over the three- to five-day period. After the qualified biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction.
- If the qualified biologist determines that the potential den is an active natal den the qualified biologist shall establish a no-construction buffer around the den. The buffer will be delineated by fencing or flagging. No construction shall be allowed inside the buffer until the qualified biologist determines the young are no longer reliant upon the den for survival.

Documentation and recommendations of the completed focused badger survey shall be provided to the Director of Planning, Building and Code Enforcement or Director's designee within 14 days of program completion.

The project site does not contain any trees. However, mature trees located off-site, may provide nesting habitat for migratory birds, including raptors (birds of prey). Construction activities associated with the project could result in the loss of fertile eggs of nesting raptors or other migratory birds (including grasshopper sparrows), or nest abandonment. Raptors and other protected avian species have the potential to nest within and adjacent to the project site. See additional discussion under e below.

Impact BIO-2: Construction activities associated with the project could result in the loss of active nests of nesting raptors or other migratory birds (including grasshopper sparrows), or nest abandonment. Raptors and other protected avian species have the potential to nest within and adjacent to the project site.

Mitigation Measures

MM BIO-2 Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31 (inclusive).

If demolition and construction cannot be scheduled to occur between September 1 and January 31 (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist or biologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive). During this survey, the qualified ornithologist/biologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

If an active nest is found in an area that would be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife (only if needed), shall determine the extent of a construction free buffer zone to be established around the nest, (typically 250 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The buffer would ensure that raptor or migratory bird nests would not be disturbed during project construction or until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.

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

Impact BIO-3: Western burrowing owls have the potential to occur within the project site. Construction activities may result in direct mortality of individuals and/or loss of habitat for these species if present within the project site during construction. [6]

Mitigation Measures

MM BIO-3a Prior to the issuance of any demolition, grading or building permits, a qualified biologist shall conduct preconstruction surveys in all suitable habitat areas. The purpose of the preconstruction surveys is to document the presence or absence of burrowing owls on the project site, particularly in areas within 250 feet of construction activity. To maximize the likelihood of detecting owls, the preconstruction survey shall last a minimum of three hours. The survey shall begin 1 hour before sunrise and continue until 2 hours after sunrise (3 hours total) or begin 2 hours before sunset and continue until 1 hour after sunset. A minimum of two surveys shall be conducted (if owls are detected on the first survey, a second survey is not needed). All owls observed shall be counted and

[6] This mitigation is based upon the survey requirements in the SCVHP and derived from the CDFW burrowing owl survey protocol.

their location shall be mapped. Surveys shall conclude no more than 2 calendar days prior to construction. Therefore, the project applicant must begin surveys no more than 4 days prior to construction (2 days of surveying plus up to 2 days between surveys and construction). To avoid last minute changes in schedule or contracting that may occur if burrowing owls are found, the project applicant may also conduct a preliminary survey up to 14 days before construction. This preliminary survey may count as the first of the two required surveys as long as the second survey concludes no more than 2 calendar days in advance of construction. If no burrowing owls are observed during the preconstruction survey no further mitigation is required.

Documentation summarizing results of preconstruction surveys shall be provided to the Director of Planning, Building and Code Enforcement or Director's designee, prior to the issuance of any demolition, grading or building permits.

MM-BIO-3b If evidence of western burrowing owls is found during the breeding season (February 1–August 31, inclusive), prior to the issuance of any demolition, grading or building permits (whichever occurs first), the project applicant shall prepare an avoidance and minimization plan. The plan shall include measures to avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging). The plan shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval prior to the issuance of any demolition, grading or building permits (whichever occurs first).

Avoidance shall include establishment of a 250-foot non-disturbance buffer zone around nests. Construction may occur outside of the 250-foot non-disturbance buffer zone. Construction may occur inside the 250-foot non-disturbance buffer during the breeding season if:

- the nest is not disturbed, and
- the project applicant develops an avoidance, minimization, and monitoring plan that shall be reviewed by the Implementing Entity and CDFW prior to project construction based on the following criteria.
    - The Implementing Entity and the Wildlife Agencies approves of the avoidance and minimization plan provided by the project applicant.
    - A qualified biologist monitors the owls for at least 3 days prior to construction to determine baseline nesting and foraging behavior (i.e., behavior without construction).
    - A qualified biologist monitors the owls during construction and finds no change in owl nesting and foraging behavior in response to construction activities.
    - If there is any change in owl nesting and foraging behavior as a result of construction activities, these activities shall cease within the 250-foot buffer. Construction cannot resume within the 250-foot buffer

until the adults and juveniles from the occupied burrows have moved out of the project site.
    - If monitoring indicates that the nest is abandoned prior to the end of nesting season and the burrow is no longer in use by owls, the non-disturbance buffer zone can be removed. The qualified biologist shall excavate the burrow to prevent reoccupation after receiving approval from the Wildlife Agencies.

During the non-breeding season (September 1–January 31, inclusive), the project applicant shall establish a 250-foot non-disturbance buffer around occupied burrows as determined by a qualified biologist. Construction activities outside of this 250-foot buffer are allowed. Construction activities within the non-disturbance buffer are allowed if the following criteria are met in order to prevent owls from abandoning important overwintering sites.

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

Monitoring must continue as described above for the non-breeding season as long as the burrow remains active.

MM-BIO-3c Based on the avoidance, minimization, and monitoring plan developed (as required above), during construction, the project applicant shall establish and maintain the non-disturbance buffer zones throughout the construction period, if applicable. A qualified biologist shall monitor the site consistent with the requirements described above to ensure that buffers are enforced and owls are not disturbed. The qualified biologist shall also conduct training with construction personnel on the avoidance procedures, buffer zones, and protocols in the event that a burrowing owl flies into an active construction zone.

With implementation of the identified mitigation measures, the project's impact to nesting birds and raptors, as well as western burrowing owls, would be less than significant.

b) **Less Than Significant Impact**. The project is located on disturbed property and does not contain any sensitive natural communities (see Appendix B). Riparian woodlands are located

about 280 feet from the site on an adjacent parcel to the southwest of the project site. In addition, serpentine bunchgrass grasslands are located approximately 510 feet on an adjacent parcel to the northwest of the project site. The project site does not contain any streams, creeks or wetlands. Based on this discussion, the project would have a less than significant impact on riparian habitat or other sensitive natural communities.

c) **Less Than Significant Impact**. The project property does not contain any state or federally protected wetlands. See also discussion b) above. The proposed project would have a less than significant impact with respect to having a substantial adverse effect on state or federally protected wetlands.

d) **Less Than Significant Impact**. The project is proposed in a semi-urbanized setting and has not been found to contain any native resident or wildlife species. The southwestern adjacent parcel contains Coyote Creek riparian woodlands approximately 380 feet southwest of the Hellyer Avenue border of the project site. The northwestern adjacent parcel contains serpentine bunchgrass grasslands, located approximately 510 feet northwest of the Piercy Road border of the project site. There are no streams, creeks or wetlands located on the project site, which is largely dominated by nonnative annual forbs and dirt roads. Therefore, the proposed project would have a less than significant impact with respect to interfering 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) **Less Than Significant Impact**. The project site is dominated by developed/ruderal and annual grassland habitat types and does not contain any trees. Construction of the proposed project would therefore not result in the removal of any trees from the project site. No tree replacement would be required. In addition, the proposed project includes the planting of approximately 279 new trees on the site. The proposed project would have a less than significant impact with respect to conflicting with local policies or ordinances protecting biological resources.

f) **Less Than Significant Impact**. The project is located within the Santa Clara Valley HCP plan area and is considered a Covered Activity. The project is located on land designated by the Santa Clara Valley HCP as Agricultural and Valley Floor Lands (Fee Zone B). The project would be required to pay the current fee for Fee Zone B prior to the issuance of any grading permits. Total fee amounts would be determined in consultation with Santa Clara Valley Habitat Agency staff.

In addition, the nitrogen deposition fee applies to all projects that create new vehicle trips. A nitrogen deposition fee will be required for each new vehicle trip generated by the project, at the time of development. The project would implement the following standard permit condition in accordance with the Santa Clara Valley HCP.

Standard Permit Condition

- The project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant would be required to submit the Santa Clara Valley Habitat Plan Coverage Screening Form (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 the nitrogen deposition fee 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

With implementation of this standard permit condition and payment of all fees as assessed by the Santa Clara Valley Habitat Agency, the project would comply with the Santa Clara Valley HCP. The proposed project would therefore have a less than significant impact with respect to conflicting with the provisions of an adopted Habitat Conservation Plan.

Conclusion: The project would have a less than significant impact on biological resources with implementation of identified mitigation measures and permit conditions.

E. CULTURAL RESOURCES

This section is based on a Historical/Archaeological Literature Review and Assessment was prepared by Charles Mikulik Archaeological Consulting (CMAC) for the project (July 2022) (Appendix C). *This report may discuss locations of specific archaeological sites and is confidential. For this reason, it is not included in this Initial Study. Qualified personnel, however, may request a copy of the report from the City's Planning Division.*

Regulatory Framework

Federal

National Register of Historic Places

The National Register of Historic Places (NRHP) is the nation's most comprehensive list of historic resources and includes historic resources significant in American history, architecture, archeology, engineering, and culture, at the local, State, and national level. National Register Bulletin Number 15, How to Apply the National Register Criteria for Evaluation, describes the Criteria for Evaluation as being composed of two factors. First, the property must be "associated with an important historic context" and second, the property must retain integrity of those features necessary to convey its significance. A resource is considered eligible for the NRHP if the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and:

1. are associated with events that have made a significant contribution to the broad pattern of our history; or

2. are associated with the lives of persons significant to our past; or

3. 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; or

4. yielded, or may be likely to yield, information important in prehistory or history.

State

California Environmental Quality Act and California Register of Historical Resources

The California Environmental Quality Act (CEQA) requires regulatory compliance for projects involving historic resources throughout the State. Under CEQA, public agencies must consider the effects of their actions on historic resources (Public Resources Code, Section 21084.1). The CEQA Guidelines define a significant resource as any resource listed in or determined to be eligible for listing in the California Register of Historical Resources (California Register) [see Public Resources Code, Section 21084.1 and CEQA Guidelines Section 15064.5 (a) and (b)].

The California Register of Historical Resources (CRHR) was created to identify resources deemed worthy of preservation and was modeled closely after the NRHP. The criteria are nearly identical to

those of the NRHP, which includes resources of local, State, and regional and/or national levels of significance. Under California Code of Regulation Section 4852(b) and Public Resources Code Section 5024.1, an historical resource generally must be greater than 50 years old and must be significant at the local, State, or national level under one or more of the following four criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

2. It is associated with the lives of persons important to local, California, or national history.

3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or important creative individual or possesses high artistic values.

4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Properties of local significance that have been designated under a local preservation ordinance (local landmarks register or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be historical resources for the purposes of CEQA unless a preponderance of evidence indicates otherwise (Public Resources Code, Section 5024.1g; California Code of Regulations, Title 14, Section 4850).

California Code of Regulations Section 4852(c) addresses the issue of "integrity," which is necessary for eligibility for the CRHR. Integrity is defined as "the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." Section 4852(c) provides that historical resources eligible for listing in the CRHR must meet one of the criteria for significance defined by 4852(b)(1 through 4), and retain enough of their historic character of appearance to be recognizable as historical resources and to convey the reasons for their significance.

Archaeological Resources and Human Remains

Archaeological sites are protected by policies and regulations under the California Public Resources Code, California Code of Regulations (Title 14 Section 1427), and California Health and Safety Code. California Public Resources Code Sections 5097.9-5097.991 require notification of discoveries of Native American remains and identifies appropriate measures for the treatment and disposition of human remains and grave-related items.

Both State law and the County of Santa Clara County Code (Sections B6-19 and B6-20) require that the Santa Clara County Coroner be notified if cultural remains are found. If the Coroner determines the remains are Native American, the Native American Heritage Commission (NAHC) and a "most likely descendant" must also be notified.

Local

Historic Preservation Ordinance

Under the City of San José Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), preservation of historically or architecturally worthy structures and neighborhoods that impart a distinct aspect to the City of San José and that serve as visible reminders of the historical and cultural heritage of the City of San José, the State, and the nation is promoted. This is encouraged in order to 1) stabilize neighborhoods and areas of the city; 2) enhance, preserve and increase property values; 3) carry out the goals and policies of the City's General Plan; 4) increase cultural, economic, and aesthetic benefits to the City and its residents; 5) preserve, continue, and encourage the development of the City to reflect its historical, architectural, cultural, and aesthetic value or traditions; 6) protect and enhance the City's cultural and aesthetic heritage; and 7) promote and encourage continued private ownership and utilization of such structures.

The landmark designation process requires that findings be made that proposed landmarks have special historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature, and that designation as a landmark conforms to the goals and polices of the General Plan.

General Plan Policies

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

Envision San José 2040 Relevant Cultural Resource Policies	
Policy LU-13.4	Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.
Policy LU-13.15	Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.
Policy LU-14.1	Preserve the integrity and enhance the fabric of areas or neighborhoods with a cohesive historic character as a means to maintain a connection between the various structures in the area.
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

City of San José Historic Resources Inventory

The Historic Resources Inventory (HRI) is a list of citywide historic resources identified and/or evaluated in surveys (including Contributing Structures and Structures of Merit), properties listed in the NRHP and CRHR, and properties that have been designated as City Landmarks, City Landmark Historic Districts and Conservation Areas in accordance with the City of San José's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code). For a historic resource to qualify as a City Landmark or City Landmark Historic District, it must have "special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature" and be one of the following resource types:

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

In addition, the designation must conform to the goals and polices of the General Plan.

Existing Setting

Archaeologic Resources

A Historical/Archaeological Literature Review and Assessment was completed for the project site by CMAC (July 2022). On June 8, 2022, CMAC conducted a records search at the Northwest Information Center of the California Historical Resources Information System, an adjunct to Sonoma State University. The purpose of this record search was to obtain and review previous cultural resource records, cultural resource studies, and any additional documentation pertaining to historic properties located within a half-mile extent of the project site.

All recorded archaeological sites within ½ mile, and all other cultural resources and studies within and adjacent to the project site were reviewed. Additional research was conducted using available database files, CMAC's library and a search of applicable historic-era maps and aerial imagery.

Eleven Native American archaeological sites have been recorded within approximately ½ mile radius from the project site. A previous, historic-era resource, consisting of a single-family residence and a farm/ranch was recorded for the project site; however, this resource is no longer present on the site. This resource was evaluated in 1999 by Basin Research Associates and was determined not to be eligible for the California Register. No other historic or pre-historic sites are recorded within the project area.

Several previous studies have occurred within the project area between 1978 and 2012. Most notably, in 2000, a letter report was prepared by Miley Holman and Matthew R. Clark of Holman & Associates that was specific to the project parcel. This survey determined that there were archaeological resources on the surface of the site during the initial pedestrian survey, primarily chert flakes and fire-altered rock. Subsurface testing was conducted for the site to determine the extent of resources on the site. No subsurface materials were found. The study determined that, though the site qualified as a prehistoric site, the property itself does not appear to contain any definable resource areas, concentrations of artifacts, large cultural features, or predictable locations of burials. This report recommended monitoring for earth disturbing activities occurring on the project site.

The findings of the archaeological review indicate that there is a low to moderate sensitivity for historic-era archaeological deposits, and a moderate to high sensitivity for buried pre-contact archaeological deposits within the project area.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
5. CULTURAL RESOURCES. Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?				X	1, 2, 19
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X			1, 2, 10
c) Disturb any human remains, including those interred outside of dedicated cemeteries?			X		1, 2

Explanation

a) **No Impact.** The site is vacant and does not contain any structures. In addition, based on a review of the City's Historic Inventory GIS Viewer[7], no listed historical resources are located in the immediate vicinity of the project site. As discussed above, a single-family residence and farm were previously located on the site. These structures were previously evaluated and determined not to be eligible for inclusion on the California Register. These structures have since been removed from the site. No other historic or potentially historic resources are known to exist on the site. The project consists of development of vacant site with two new industrial buildings and does not contain any historic resources. The project, therefore, would have no impact with respect to causing a substantial adverse change in the significance of historic resources.

b) **Less Than Significant with Mitigation Incorporated**. Based on the archaeological literature review prepared for the project, no archaeological sites have been identified in the project area. However, the 2000 study prepared by Holman & Associates indicated that subsurface pre-historic resources potentially exist on the site. The project site has a low to moderate sensitivity for historic-era archaeological deposits, and a moderate to high sensitivity for buried pre-contact archaeological deposits within the project area. The project involves the construction of two industrial buildings, which would require excavation to a maximum depth of 29 feet associated with initial or rough grading efforts at the beginning of the project to install building foundations. As a result, it is possible that archaeological resources may be encountered during construction.

[7] City of San José, Historic Inventory GIS Viewer, Available at: https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/historic-preservation/historic-resources-inventory

Impact CR-1: The project may impact pre-historic resources or historic-era archaeological deposits during excavation and construction activities.

Mitigation Measures

MM CR-1.1 **Cultural Sensitivity Training.** Prior to issuance of any grading permits, the project applicant shall conduct a Cultural Awareness Training for construction personnel. The training shall be facilitated by a qualified project archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. Documentation verifying that Cultural Awareness Training has been conducted shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee within 7 days of completion of training.

MM CR-1.2 **Monitoring Plan.** Prior to issuance of any demolition, grading, or building permits (whichever occurs first), a qualified archeologist, in consultation with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall prepare a monitoring plan for all earthmoving activities. The Plan shall be submitted to the Director of the Planning, Building, and Code Enforcement or the Director's designee for review and approval. The plan shall include, but is not limited to, the following:

- Monitoring schedules
- Contact information
- Recommendation for monitoring methods
- Timing of reporting finds

MM CR-1.3 **Sub-Surface Monitoring.** A qualified archeologist in collaboration with a Native American monitor, 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 also be present during applicable earthmoving activities in accordance with in the Monitoring Plan in MM CR-1.2. These could include but not are not limited to, trenching, initial or full grading, lifting of foundation, boring on site, or major landscaping.

MM CR-1.4 **Evaluation.** The project applicant shall notify the Director of Planning, Building, and Code Enforcement or Director's designee of any finds during the grading or other construction activities. Any historic or prehistoric material identified in the project area during the during excavation activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. The techniques used for

data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. All documentation and recordation shall be submitted to the Northwest Information Center and Native American Heritage Commission (NAHC) Sacred Land Files, and/or equivalent prior to the issuance of an occupancy permit. A copy of the evaluation shall be submitted to the Director of Planning, Building, and Code Enforcement or the Director's designee.

In addition to the mitigation identified above, as part of the development permit approval, the project will conform to the following standard permit conditions to avoid impacts associated with disturbance to buried archaeological resources during construction for accidental discovery outside of the monitored times.

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 Commission for the City of San Jose and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 shall examine the find. The archaeologist in consultation with the Tribal representative shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and 2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

With implementation of the mitigation measures and standard permit conditions discussed above, the proposed project would have a less than significant impact with respect to causing a substantial adverse change on archaeological resources.

c) **Less Than Significant Impact**. Though unlikely, human remains may be encountered during construction activities. Standard permit conditions identified below, as well as standard permit conditions identified in b) above to avoid impacts associated with disturbance to human remains, including those interred outside of dedicated cemeteries.

Standard Permit Conditions

- If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered

during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

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

With implementation of the standard permit conditions identified above, the proposed project would have a less than significant impact with respect to disturbance of human remains, including those interred outside of dedicated cemeteries.

Conclusion: The project would have a less than significant impact on cultural resources with implementation of mitigation measures and standard permit conditions.

F. ENERGY

Regulatory Framework

Many federal, State, and local statutes and policies address energy conservation. At the federal level, energy standards set by the U.S. Environmental Protection Agency (EPA) apply to numerous consumer and commercial products (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

State

California Renewable Energy Standards

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

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

California Building Codes

At the State level, the Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years. Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[8] The newest edition of the California Building Standards Code is the 2022 edition with an effective date of January 1, 2023. However, the project application was received by the City in December 2022. As a result, the proposed project is analyzed under the 2019 California Building Standards Code, which was the applicable code at the time of application submittal.

The California Green Building Standards Code (CalGreen) establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality.

[8] CEC. 2016 Building Energy Efficiency Standards for Residential and Nonresidential Buildings. 2013. http://www.energy.ca.gov/2015publications/CEC-400-2015-037/CEC-400-2015-037-CMF.pdf.

Local

Council Policy 6-32 Private Sector Green Building Policy

At the local level, the City of San José sets green building standards for municipal development. All projects are required to submit a Leadership in Energy and Environmental Design (LEED),[9] GreenPoint,[10] or Build-It-Green checklist as part of their development permit applications. Council Policy 6-32 "Private Sector Green Building Policy," adopted in October 2008, establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It fosters practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water and other resources in the City of San José. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32 and shown in Table 7 below.

Table 7
Private Sector Green Building Policy Applicable Projects

Applicable Project Minimum Green Building Rating	Minimum Green Building Rating
Commercial/Industrial – Tier 1 (Less than 25,000 square feet)	LEED Applicable New Construction Checklist
Commercial/Industrial – Tier 2 (25,000 square feet or greater)	LEED Silver
Residential – Tier 1 (Less than 10 units)	GreenPoint or LEED Checklist
Residential – Tier 2 (10 units or greater)	GreenPoint Rated 50 points or LEED Certified
High Rise Residential (75 feet or higher)	LEED Certified

Source: City of San José. Private Sector Green Building Policy: Policy Number 6-32. October 7, 2008. https://www.sanjoseca.gov/DocumentCenter/Home/View/363

Municipal Code

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

Climate Smart San José

Climate Smart San José is a plan developed by the City to reduce air pollution, save water, and create a healthier community. The plan articulates how buildings, transportation/mobility, and citywide growth need to change in order to minimize impacts on the climate. The plan outlines strategies that City departments, related agencies, the private sector, and residents can take to reduce carbon emissions consistent with the Paris Climate Agreement. The plan recognizes the scaling of renewable energy,

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

electrification and sharing of vehicle fleets, investments in public infrastructure, and the role of local jobs in contributing to sustainability. It includes detailed carbon-reducing commitments for the City, as well as timelines to deliver on those commitments.

In January 2010, the State of California adopted the California Green Building Standards Code (CalGreen) that establishes mandatory green building standards for all buildings in California. The code was subsequently updated in 2013. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality.

San José Reach Code Initiative for Building Efficiency

The City Council approved Ordinance No. 30311 in September 2019 to amend various sections of Title 24 of the City's Municipal Code to adopt provisions of the 2019 California Green Building Standards Code and California Building Energy Efficiency Standards with certain exceptions, modifications and additions which serve as a Reach Code to increase building efficiency, mandate solar readiness and increase requirements related to electric vehicle charging stations. The Reach Code goes into effect on January 1, 2020 and affects all new construction.

San José Clean Energy

San José Clean Energy (SJCE) is an electricity supplier operated by the City's Community Energy Department. Since launching in February 2019, SJCE has provided City businesses and residents with access to cheaper and cleaner energy sources. SJCE serves as an alternative to traditionally privatized energy sources by being a community-governed organization. Oversight for SJCE activities is provided by City Council in cooperation with a Community Advisory Commission.

General Plan Policies

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

Envision San José 2040 Relevant Energy Policies	
Policy MS-1.6	Recognize the interconnected nature of green building systems, and, in the implementation of Green Building Policies, give priority to green building options that provide environmental benefit by reducing water and/or energy use and solid waste.
Policy MS-2.1	Develop and maintain policies, zoning regulations, and guidelines that require energy conservation and use of renewable energy sources
Policy MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
Policy MS-2.3	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy MS-2.4	Promote energy efficient construction industry practices.
Policy MS-2.6	Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.

Envision San José 2040 Relevant Energy Policies	
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-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
Policy MS-14.1	Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.
Policy MS-14.4	Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

Existing Setting

San José Clean Energy (SJCE) is the electricity provider for residents and businesses in the City of San José. SJCE sources electricity, and the Pacific Gas and Electric Company (PG&E) delivers it to customers using existing PG&E utility lines. SJCE buys its power from a number of suppliers. Sources of renewable and carbon-free power include California wind, solar, and geothermal; Colorado wind; and hydroelectric power from the Pacific Northwest. SJCE customers are automatically enrolled in the GreenSource program, which provides 60 percent GHG emission-free electricity. Customers can enroll in the TotalGreen program through SJCE and receive 100 percent GHG-free electricity from entirely renewable resources. The project would be enrolled in and receive energy from the SJCE program at the GreenSource level.[11]

PG&E also furnishes natural gas for residential, commercial, industrial, and municipal uses. In 2021, natural gas facilities provided 7 percent of PG&E's electricity delivered to retail customers; nuclear

[11] Energy was assumed to be provided by PG&E in the air quality analysis to provide a conservative air quality analysis.

plants provided 39 percent; hydroelectric operations provided 4 percent; and renewable energy facilities including solar, geothermal, and biomass provided 50 percent.[12]

Total energy usage in California was approximately 7,881 trillion British thermal units (Btu) in the year 2017, the most recent year for which this data was available. In 2017, California was ranked second in total energy consumption in the nation, and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,416 trillion Btu) for residential uses, 19 percent (1,473 trillion Btu) for commercial uses, 23 percent (1,818 trillion Btu) for industrial uses, and 40 percent (3,175 trillion Btu) for transportation. This energy is mainly supplied by natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2020 was consumed primarily by the commercial sector (72 percent), followed by the residential sector consuming 26 percent. In 2020, a total of approximately 16,435 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.[13] SJCE is the electricity provider for residents and businesses in the City of San José. SJCE sources the electricity and PG&E delivers it via their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, which provides 60 percent GHG emission-free electricity. Customers can choose to enroll in SJCE's TotalGreen program at any time to receive 100 percent GHG emission-free electricity from entirely renewable sources.

Natural Gas

PG&E provides natural gas services within the City of San José. In 2018, approximately one percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.[14] In 2018, residential and commercial customers in California used 34 percent of the state's natural gas, power plants used 35 percent, the industrial sector used 21 percent, and other uses used 10 percent. Transportation accounted for one percent of natural gas use in California. In 2020, Santa Clara County used approximately 3.4 percent of the state's total consumption of natural gas.[15]

Fuel for Motor Vehicles

In 2019, 15.4 billion gallons of gasoline were sold in California.[16] The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 25.4 mpg in 2020.[17] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles

[12] Pacific Gas & Electric (PG&E), Clean energy solutions, 2021.
[13] CEC, Energy Consumption Data Management System: Electricity Consumption by County, 2021.
[14] California Gas and Electric Utilities, 2019 California Gas Report Supplement, 2019.
[15] CEC, Energy Consumption Data Management System: Gas Consumption by County, 2021.
[16] California Department of Tax and Fee Administration, Motor Vehicle Fuel Distribution, 2020.
[17] United States Environmental Protection Agency (EPA), The 2021 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975, 2021.

per gallon by the year 2020, was subsequently revised to apply to cars and light trucks model years 2011 through 2020.[18] [19]

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
6. 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?			X		1, 2, 7
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X		1, 2

Explanation

a) **Less Than Significant Impact**. Energy use consumed by the proposed project was estimated in the Air Quality & Greenhouse Gas Assessment prepared by Illingworth & Rodkin (Appendix A). This included electricity consumption for the proposed industrial development. A discussion of the project's effect on energy use is presented below.

Construction Impacts

The anticipated construction schedule assumes that the project would be built out over a period of approximately 12 months for the industrial buildings. The project would require site preparation, grading, site construction, paving, and architectural coating. The construction phase would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., excavation, and grading), and the actual construction of the buildings. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks. The construction energy use has not been determined at this time.

The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. This is because equipment and fuel are not typically used wastefully due to the added expense associated with renting, maintaining, and fueling of construction equipment. Therefore, the opportunities for future efficiency gains during construction are limited. The proposed project does, however, include several measures that would improve the efficiency of the construction process. Implementation of the BAAQMD BMPs detailed as standard permit conditions in *Section C. Air Quality* would restrict equipment idling times to five minutes or less and would require the applicant to post signs on the project site reminding workers to shut off idle equipment.

[18] United States Department of Energy, Alternative Fuels Data Center: Energy Independence and Security Act of 2007, 2007.
[19] United States Government Publishing Office, Public Law 110–140—Dec. 19, 2007 Energy Independence and Security Act of 2007, 2007.

With implementation of the BAAQMD BMPs, the short-term energy impacts associated with use of fuel or energy related to construction would be less than significant.

The proposed project would be built to the State's CALGreen code, which includes insulation and design provisions to minimize wasteful energy consumption. Although the proposed project does not include on-site renewable energy resources, the proposed building would be built to align with LEED standards, consistent with San José Council Policy 6-32.

Operational Impacts

Operation of the proposed project would consume energy, in the form of electricity and natural gas, primarily for building heating and cooling, lighting, cooking, and water heating. The City of San José passed an ordinance in December 2020 that prohibits the use of natural gas infrastructure in new buildings. This ordinance applies to any new construction (with the exception of hospitals, restaurants, etc.) starting August 1, 2021. The ordinance is the latest milestone for Climate Smart San José, the City's GHG emission reduction plan adopted by City Council in 2018. Table 8 summarizes the estimated annual energy use of the proposed project.

Table 8
Estimated Annual Energy Use of Proposed Project

Proposed Project	Electricity Use (kWh)	Natural Gas Use[1] (kBtu)
Parking Lot	46,760	0
Unrefrigerated Warehouse – No Rail	1,939,300	0

Source: Illingworth & Rodkin, Inc., *550 Piercy Road Industrial Development Project Air Quality Assessment*, Attachment 2, Section 5, October 19, 2022.
[1] All project natural gas use was set to zero and assigned to electricity use in CalEEMod in accordance with Climate Smart San José.

The energy use increase is a conservative estimate, because these estimates for energy use do not take into account the efficiency measures incorporated into the project. In addition, the project would be built to the 2019 California Building Code standards and Title 24 energy efficiency standards (or subsequently adopted standards during the one-year construction term), and CALGreen code. These measures include insulation and design provisions to minimize wasteful energy consumption, thereby improving the efficiency of the overall project. The proposed project also includes a solar ready roof for each of the proposed buildings to facilitate future development of renewable energy on the site. In addition, the project would be required to submit a LEED, GreenPoint, or Build-It-Green checklist as part of their development permit applications in accordance with Council Policy 6-32, which promotes practices to minimize the use and waste of energy, water, and other resources in the City of San José.

Transportation-Related Energy-Use

The proposed project would result in an increase in traffic to the project site of approximately 1,989 net new daily vehicle trips (Appendix H). The total annual vehicle-miles-traveled (VMT) for the project is approximately 10,664,720 assuming an average trip length of 14.69 per

employee (refer to *Section Q. Transportation*). Using the U.S. EPA's estimated average fuel economy of 23.2 miles per gallon (mpg), the project would result in the consumption of approximately 459,686 gallons of gasoline per year.[20] The project site is served by VTA's local bus route 42.

The proposed project would provide bicycle parking consistent with the requirements of the City of San José Municipal Code. The inclusion of bicycle parking and proximity to transit would incentivize the use of alternative methods of transportation to and from the site. Based on the project's alignment with measures required for LEED Certification, the proposed project would comply with existing State energy standards.

While the proposed project would result in an increase in energy expended due to consumption of gasoline, this energy use would be reduced through the availability of bus transit service and the provision of bicycle parking spaces. In addition, the proposed project is consistent with the General Plan designation of *Industrial Park,* so the increased energy use associated with the proposed project was accounted for in the 2040 General Plan EIR. Based on the discussion above, the project would have a less than significant impact with respect to resulting in the wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.

b) **Less Than Significant Impact**. Operation of the proposed project would consume energy for building heating and cooling, lighting, water heating, and operation of the facility. Energy would also be consumed during vehicle trips generated by workers, delivery drivers, and other occupants of the site. Although the project would increase the project site's energy use, the proposed development would be completed in compliance with the current energy efficiency standards set forth in Title 24, CALGreen, and the City's Municipal Code. The project would have a less than significant impact with respect to conflicting with or obstruct a state or local plan for renewable energy or energy efficiency.

Conclusion: The project would have less than significant impacts related to energy use.

[20] Association of Bay Area Governments. April 2017. *Plan Bay Area 2040 Draft Environmental Impact Report*. Table 2.1-6. 1,718 daily trips (X 260 weekdays) = 446,680 yearly trips (X 7.85 miles) = 2,292,721 annual VMT ÷ 23.2 mpg = 151,169 gallons/year

G GEOLOGY AND SOILS

A Preliminary Geotechnical investigation for the property was prepared by Cornerstone Earth Group (May 23, 2022). A copy of this report is provided in Appendix D.

Regulatory Framework

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Zoning Act was passed in 1972 with the intent to reduce the loss of life and property associated with surface rupture caused by active fault lines. The Alquist-Priolo Earthquake Zoning Act prohibits the placement of structures for human occupancy above active faults and sets minimum distances for construction away from the fault line. These fault lines are shown on Alquist-Priolo Maps, which are produced by the California Geological Survey.

Seismic Hazards Mapping Act

The 1990 Seismic Hazards Mapping Act (SHMA) directs the California Geological Survey to identify and map areas prone to various earthquake-related hazards, including liquefaction, landslides, and amplified ground shaking. The SHMA is intended to reduce the threat of seismic hazards to public health and to minimize the loss of life and property through identification and mitigation of seismic hazards. The State Geologist establishes regulatory zones (Zones of Required Investigation) and issues Seismic Hazard Zone Maps. These maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling construction and development.

California Building Code

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

- Building standards that have been adopted by state agencies without change from building standards contained in national model codes;
- Building standards that have been adopted and adapted from the national model code standards to meet California conditions; and
- Building standards, authorized by the California legislature, that constitute extensive additions not covered by the model codes that have been adopted to address particular California concerns.

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

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

- Aligns engineering requirements in the building code with major revisions to national standards for structural steel and masonry construction, minor revisions to standards for wood construction, and support and anchorage requirements of solar panels in accordance with industry standards;

- Clarifies requirements for testing and special inspection of selected building materials during construction; and

- Recognizes and clarifies design requirements for buildings within tsunami inundation zones.

Paleontological Resources Regulations – California Public Resources Code

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

Local

Municipal Code Chapter 17.10 – Geologic Hazard Regulations

Chapter 17.10 of the City's municipal code provides regulations for natural and artificial geologic hazards. Geologic hazard zones are defined as being any land in an area identified as very high, high, or moderate/high landslide susceptibility zones, being on a California earthquake fault zone map, or one of the City maps dated 1983 or 1985. Provisions made under this Chapter include prohibiting construction or grading of any property in a geologic hazard zone except in full compliance with Chapter 17.10, and granting any certificate holder, contractor, certified engineering geologist or consulting geotechnical and/or civil engineer the power to order immediate cessation of construction in the event a new geologic hazard is discovered.

Section 17.10.600 of this code states that "[n]o regional study which requires or contemplates any invasive testing or soil disturbance shall be conducted by an applicant unless and until the director approves a plan for the regional study." This section outlines various requirements for such a report, including requiring supervision of a certified engineering geologist or geotechnical engineer, incorporation of dust control measures to avoid air quality impacts from fugitive dust, requiring preparation of a cultural resources assessment to avoid cultural impacts, and other requirements.

Municipal Code Chapter 17.40 – Dangerous Building Code

Chapter 17.40 of the City's municipal code regulates dangerous buildings, defined as "any building or structure or portion thereof which creates an endangerment to the life, limb, health, property, safety or welfare of the occupants of the building or members of the public." Dangerous buildings are considered

to be “public nuisances” and the City Manager has the power to restrict such buildings from use or occupancy and to initiate abatement procedures.

General Plan Policies

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

Envision San José 2040 Relevant Geology and Soil Policies	
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.
Policy EC-4.2	Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process. [The City Geologist will issue a Geologic Clearance for approved geotechnical reports.]
Policy EC-4.4	Require all new development to conform to the City of San José’s Geologic Hazard Ordinance.
Policy EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.
Action EC-4.10	Require a Certificate of Geologic Hazard Clearance to be issued by the Director of Public Works prior to issuance of grading and building permits within defined geologic hazard zones.
Action EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
Action EC-4.12	Require review and approval of grading plans and erosion control plans prior to issuance of grading permits by the Director of Public Works.
Policy ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

Existing Setting

The project site slopes from the north to the south, with an elevation ranging from approximately 220 to 250 feet above mean sea level (Google Earth, April 2022). Regionally, the topographic slope is to the north, towards San Francisco Bay. The project site consists of a single vacant parcel.

As discussed above, a preliminary geotechnical investigation for the property was prepared in May 2022 by Cornerstone Earth Group (see Appendix D).

The geotechnical investigation evaluated the subsurface conditions of the project site through review of available background information and performance of two borings ranging from 25 to 40 feet. Site conditions at the time of field surveys consisted of an open field covered in low grasses and weeds, with gravel roads on the perimeter and crossing the site.

The project site is located in Santa Clara Valley, an alluvial basin that lies between the Santa Cruz Mountains to the southwest and the Diablo Range to the northeast. Santa Clara Valley bedrock consists of Franciscan Complex and Cretaceous-age marine sediment. This bedrock is overlain by Santa Clara Formation sediments, which consist of a complex distribution of sand, silt, and clay lenses.

The project is located in the seismically-active San Francisco Bay Area region. Major active fault systems in the area are the San Andreas, Calaveras, Hayward, and Monte Vista-Shannon. Surface fault rupture tends to occur along existing fault traces. The California Geological Survey (formerly Division of Mines and Geology) has produced maps showing Alquist-Priolo Earthquake Fault Zones along faults that pose a potential surface faulting hazard. No Alquist-Priolo zones are mapped in the vicinity of the project. In addition, the Santa Clara County Fault Rupture Hazard Zones map does not identify any fault hazard zones in the project area. However, the site is located within city-designated geologic hazard zone for fault surface rupture, primarily based on the location of the Piercy Fault, a reverse or thrust fault which trends along the base of the nearby foothills and adjacent to Piercy Road.

Liquefaction is a phenomenon in which the strength and stiffness of a soil is reduced by seismic shaking or other rapid loading. Liquefied soil can also settle. The site is located within an area zoned by the State of California as having potential for seismically induced liquefaction hazards, [21] and by the City of San José on the GIS Map Viewer.[22] In addition, the site is located within a State-designated Liquefaction Hazard Zone and a Santa Clara County Liquefaction Hazard Zone as described in Appendix D.

[21] California Geological Service, EQ Zapp: California Earthquake Hazards Zone Application, 2019.
[22] https://gis.sanjoseca.gov/maps/publicgisviewer/

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
7. 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.			X		1, 2, 18
ii) Strong seismic ground shaking?			X		1, 2, 18
iii) Seismic-related ground failure, including liquefaction?			X		1, 2, 18
iv) Landslides?			X		1, 2, 18
b) Result in substantial soil erosion or the loss of topsoil?			X		1, 2
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X		1, 2, 18
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X		1, 2, 18
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?				X	1, 2
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X		1, 2, 3

Explanation

ai) **Less than Significant Impact**. The site is not located within a State of California Earthquake Fault Hazard Zone. However, the site is mapped in a Santa Clara County Fault Hazard Zone, with the Piercy Fault having been mapped as occurring to the immediate northeast of the project site, with splays from this fault located on the east side of the site. Approximate distances of nearby active faults as are shown in Table 9, below:

Table 9
Approximate Fault Distances

Fault Name	Distance	
	(miles)	(kilometers)
Hayward (Southeast Extension)	3.2	5.1
Monte Vista-Shannon	4.5	7.2
Calaveras	5.3	8.5

Table 9 Approximate Fault Distances		
Fault Name	**Distance**	
	(miles)	**(kilometers)**
Sargent	10.6	17.1
San Andreas (1906)	12.2	19.7
Hayward (Total Length)	13.2	21.2
Source: Appendix D		

As discussed above, splays from the Piercy fault are located on the eastern portion of the site. As identified in the Phase 1 Geotechnical Geohazard Evaluation contained in Appendix D, a previous site study conducted for the project site mapped building setbacks for the site. The proposed project would locate the two industrial buildings within these setbacks and west of the fault traces, as shown on Figure 8, which would reduce the risk of loss, injury, or death involving a known surface fault. As a result, the risk of ground rupture within the site is considered low. This will be confirmed as part of the design-level geotechnical investigation detailed in the standard permit condition identified below. The project site is not mapped within an Alquist-Priolo Earthquake Fault Zone. Based on Appendix D, the preliminary investigation also concluded that the project will not have major geotechnical issues as the project site has potential presence of moderately expansive near-surface clay and would provide adequate foundation support for the proposed structures. Furthermore, the project will be designed and developed in accordance with the 2019 California Building Code guidelines and City's standard permit condition that would require review and approval of a geotechnical investigation report addressing the potential hazard of liquefaction by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The report should also include, but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). This would avoid or minimize potential direct or indirect damage from potential of fault rupture on the project site.

Standard Permit Condition

- A Geotechnical Report shall be submitted, reviewed, and approved by the City Geologist. The Geotechnical Report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with State of California guidelines for the preparation of seismic hazard evaluation reports (CGS Special Publication 117A, 2008, and the Southern California Earthquake Center report, SCEC, 1999). A recommended minimum depth of 50 feet should be explored and evaluated in the investigation. The City Geologist will review the Geotechnical Report and issue a Geologic Clearance.

With implementation of the standard permit condition identified above, the proposed project would have a less than significant impact with respect to substantial adverse effects related to rupture of a known earthquake fault.

aii) **Less Than Significant Impact**. Due to its location in a seismically active region, the proposed structures would be subject to strong seismic ground shaking during their design life in the event of a major earthquake on any of the region's active faults. This could pose a risk to proposed structures and infrastructure. Seismic impacts will be minimized by implementation of standard engineering and construction techniques in compliance with the requirements of the California and Uniform Building Codes for Seismic Zone 4 as specified in the standard permit condition identified under impact ai), above. With implementation of the standard permit condition identified above, the proposed project would have a less than significant impact with respect to substantial adverse effects related to strong seismic ground shaking.

aiii) **Less Than Significant Impact**. As described above, the project site may be subject to strong ground shaking in the event of a major earthquake. The proposed project is located in a liquefaction zone, which represents a potential hazard to future occupants of the proposed development. A design-level geotechnical analysis would be required prior to construction to identify potential geotechnical hazards, including hazards from liquefaction, and provide recommendations to minimize these hazards. The project will be designed and constructed in accordance with a design-level geotechnical investigation as a standard permit condition. With implementation of the standard permit condition identified above, the proposed project would have a less than significant impact with respect to substantial adverse effects related to liquefaction and other forms of seismic-related ground failure.

aiv) **Less Than Significant Impact**. As indicated in the geotechnical report, landslides are not predicted on the lower and flatter slopes adjacent to and southwest of Piercy Road. Landslides do occur upslope of Piercy Road, but not in the immediate vicinity. Therefore, the project site is not expected to be subject to landslides. The proposed project would have a less than significant impact with respect to substantial adverse effects as a result of landslides.

b) **Less Than Significant Impact**. Development of the project would involve the excavation of approximately 168,102 cubic yards (CY) of material, which could result in a temporary increase in erosion. The project site is larger than one acre and would be required to obtain a Construction General Permit issued by the California State Water Resources Control Board. In addition, the project has prepared an Erosion Control Plan for grading occurring between October 1st and April 30th in compliance with Policy EC-4.5 of the General Plan. The Erosion Control Plan identifies a number of erosion reducing features, including a stabilized construction entrance, straw wattle sediment traps, and drop inlet sediment filters. The project will implement the standard measures identified in *Section J. Hydrology and Water Quality* section of this Initial Study as well as the standard permit conditions below to minimize erosion.

Standard Permit Conditions

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

- The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.

Implementation of the Standard Permit Condition identified above would prevent impacts resulting from erosion, including impacts related to the release of sediment from construction of the project site into Coyote Creek, located to the south of the project site. Operation of the proposed project would not result in impacts related to erosion as the installation of stormwater treatment features would prevent sediment from the project site from flowing directly into Coyote Creek. In addition, vehicle travel on the site would be limited to fully paved areas. As a result, the proposed project would have a less than significant impact related to substantial erosion or loss of topsoil.

c) **Less Than Significant Impact**. The project may contain soil and geologic hazards that could result in lateral spreading, subsidence, or liquefaction, which could damage proposed structures. As described in Appendix D, geologic hazards within or in the vicinity of the project site include active faults, ground shaking, liquefaction, and expansive soils. Impacts associated with these soil and geotechnical hazards would be minimized by applying appropriate engineering and construction techniques. Anticipated measures include removal of existing foundations (if any are present), debris, slabs, and abandonment of underground utilities, replacement of disturbed native soils with engineered backfill, and maintaining a slope of two percent for hardscape surfaces and three percent for landscape surfaces to avoid water pooling around building foundations. In addition, a design-level geotechnical analysis would be prepared to provide specific recommendations to minimize these hazards as described in ai) above. This would reduce any potentially significant geotechnical impacts related to unstable geologic units or soil types to a less than significant level.

d) **Less Than Significant Impact**. Moderately expansive to highly expansive surficial soils were encountered during the test borings, which could damage proposed structures on the site. Expansive soils pose a threat to buildings as their volume can increase or decrease based on the water content of the soils, which can result in damage to building foundations and basements over time. Impacts associated with expansive soils or other soil hazards would be minimized by applying appropriate engineering and construction techniques, including the installation of structural foundation slabs on non-expansive fill (Appendix D). A design-level geotechnical analysis would be prepared to provide recommendations to minimize these hazards as described in the standard permit condition for ai) above. This would reduce any potentially significant direct or indirect geotechnical impacts related to expansive soils to a less than significant level.

e) **No Impact**. The project does not propose any septic systems. The proposed project would connect to the City's existing sanitary sewer system. No septic systems are known to occur on site. If any existing septic systems are identified on the site, they will be removed in accordance with all regulatory requirements. The proposed project would have no impacts related to soils incapable of supporting alternative wastewater systems.

f) **Less Than Significant Impact**. The project site is located in an area mapped as "high sensitivity at depth" in the 2040 General Plan EIR.[23] The project proposes grading that could potentially disturb paleontological resources. Consistent with General Plan Policy ER-10.3, the following standard permit condition would be implemented by the project to avoid or minimize impacts to paleontological resources during construction. No other unique geological features are found on the site.

Standard Permit Condition

- If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, the 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 the Director's designee.

With implementation of the standard permit condition identified above, the proposed project would have a less than significant impact related to the indirect or direct destruction of unique paleontological resources or unique geological features.

Conclusion: The project would have a less than significant impact on geology and soils with implementation of identified standard permit conditions.

[23] Figure 3.11-1 "Palaeontologic Sensitivity of City of San Jose Geologic Units," from the *Draft Program Environmental Impact Report (PEIR) for the Envision San José 2040 General Plan*, June 2011.

H. GREENHOUSE GAS EMISSIONS

Regulatory Framework

Federal

The Federal Clean Air Act (CAA), first passed in 1970, is the overarching federal-level law that, as of 2007 via the U.S. Supreme court decision in Massachusetts v. EPA, enables the U.S. EPA to provide regulations of key GHG emissions sources (mobile emissions), established a mandatory emissions reporting program for large stationary emitters, and implementation of vehicle fuel efficiency standards.

State

Assembly Bill 32 – California Global Warming Solutions Act

Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006, codifies the State of California's GHG emissions target by directing CARB to reduce the state's global warming emissions to 1990 levels by 2020. AB 32 was signed and passed into law by Governor Schwarzenegger on September 27, 2006. Since that time, the CARB, the California Energy Commission (CEC), the California Public Utilities Commission (CPUC), and the Building Standards Commission have all been developing regulations that will help meet the goals of AB 32 and Executive Order S-3-05.[24]

A Scoping Plan for AB 32 was adopted by CARB in December 2008. It contains the State of California's main strategies to reduce GHGs from business as usual (BAU) emissions projected in 2020 back down to 1990 levels. BAU is the projected emissions in 2020, including increases in emissions caused by growth, without any GHG reduction measures. The Scoping Plan has a range of GHG reduction actions, including direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as a cap-and-trade system. It required CARB and other state agencies to develop and adopt regulations and other initiatives reducing GHGs by 2012.

As directed by AB 32, CARB has also approved a statewide GHG emissions limit. On December 6, 2007, CARB staff resolved an amount of 427 MMT of CO_2e as the total statewide GHG 1990 emissions level and 2020 emissions limit. The limit is a cumulative statewide limit, not a sector-or facility-specific limit. CARB updated the future 2020 BAU annual emissions forecast, in light of the economic downturn, to 545 MMT of CO_2e. Two GHG emissions reduction measures currently enacted that were not previously included in the 2008 Scoping Plan baseline inventory were included, further reducing the baseline inventory to 507 MMT of CO_2e. Thus, an estimated reduction of 80 MMT of CO_2e is necessary to reduce statewide emissions to meet the AB 32 target by 2020.

Senate Bill 1368

Senate Bill (SB) 1368 is the companion bill of AB 32 and was signed by Governor Schwarzenegger in September 2006. SB 1368 required the CPUC to establish a greenhouse gas emission performance standard. Therefore, on January 25, 2007, the CPUC adopted an interim GHG Emissions Performance Standard in an effort to help mitigate climate change. The Emissions Performance Standard is a

[24] Note that AB 197 was adopted in September 2016 to provide more legislative oversight of CARB.

facility-based emissions standard requiring that all new long-term commitments for baseload generation to serve California consumers be with power plants that have emissions no greater than a combined cycle gas turbine plant. That level is established at 1,100 pounds of CO_2 per megawatt-hour. "New long-term commitment" refers to new plant investments (new construction), new or renewal contracts with a term of five years or more, or major investments by the utility in its existing baseload power plants. In addition, the CEC established a similar standard for local publicly owned utilities that cannot exceed the greenhouse gas emission rate from a baseload combined-cycle natural gas fired plant. On July 29, 2007, the Office of Administrative Law disapproved the CEC's proposed Greenhouse Gases Emission Performance Standard rulemaking action and subsequently, the CEC revised the proposed regulations. SB 1368 further requires that all electricity provided to California, including imported electricity, must be generated from plants that meet the standards set by the CPUC and CEC.

Senate Bill 32 – California Global Warming Solutions Act of 2006

In September 2015, the California Legislature passed SB 350 (de Leon 2015), which increases the State's Renewables Portfolio Standard (RPS) for content of electrical generation from the 33 percent target for 2020 to a 50 percent renewables target by 2030.

Senate Bill 375 – California's Regional Transportation and Land Use Planning Efforts

SB 375, signed in August 2008, requires sustainable community strategies (SCS) to be included in regional transportation plans (RTPs) to reduce emissions of GHGs. The MTC and ABAG adopted an SCS in July 2013 that meets GHG reduction targets. The Plan Bay Area is the SCS document for the Bay Area, which is a long-range plan that addresses climate protection, housing, healthy and safe communities, open space and agricultural preservation, equitable access, economic vitality, and transportation system effectiveness within the San Francisco Bay region (MTC 2013). The document is updated every four years so the MTC and ABAG are currently developing the Plan Bay Area 2040.

Executive Order S-03-05

On June 1, 2005 Governor Schwarzenegger signed Executive Order S-03-05, the purpose of which was to implement requirements for the California Environmental Protection Agency (EPA) to provide ongoing reporting on a biennial basis to the State Legislature and Governor's Office on how global warming is affecting the State. Required areas of impact reporting include public health, water supply, agriculture, coastline, and forestry. The EPA secretary is required to prepare and report on ongoing and upcoming mitigation designed to counteract these impacts.

Executive Order B-30-15

On April 15, 2015 Governor Brown signed Executive Order B-30-15, the purpose of which is to establish a GHG reduction of 40 percent below 1990 levels by 2030. The Executive Order is intended to help the State work towards a further emissions reduction target of 80 percent below 1990 levels by the year 2050. The order directed state agencies to prepare for climate change impacts through prioritization of adaptation actions to reduce GHG emissions, preparation for uncertain climate impacts through implementation of flexible approaches, protection of vulnerable populations, and prioritization of natural infrastructure approaches.

Executive Order B-55-18 and SB 100 – 100 Percent Clean Energy Act of 2018

On September 10, 2018 Governor Brown signed both SB 100 – 100 Percent Clean Energy Act of 2018 and Executive Order B-55-18 to Achieve Carbon Neutrality. SB 100 sets California on course to achieving carbon-free emissions from the electric power production sector by 2045. SB100 also increases the required emissions reduction generated by retail sales to 60% by 2030, an increase in 10% compared to previous goals. B-55-18 establishes a new goal of achieving statewide "carbon neutrality as early as possible and no later than 2045, and to achieve and maintain net negative emissions thereafter".

Regional and Local

Bay Area Air Quality Management District

The BAAQMD is primarily responsible for assuring that the federal and state ambient air quality standards for criteria pollutants are attained and maintained in the Bay Area. The BAAQMD's May 2017 CEQA Air Quality Guidelines update the 2010 CEQA Air Quality Guidelines, addressing the California Supreme Court's 2015 opinion in the *California Building Industry Association vs. Bay Area Air Quality Management District* court case.

In an effort to attain and maintain federal and state ambient air quality standards, the BAAQMD establishes thresholds of significance for construction and operational period emissions for criteria pollutants and their precursors (see Table 2).

2017 Bay Area Clean Air Plan

The BAAQMD, along with other regional agencies such as the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), develops plans to reduce air pollutant emissions. The most recent clean air plan is the *Bay Area 2017 Clean Air Plan: Spare the Air, Cool the Climate* (2017 CAP), which was adopted by BAAQMD in April 2017. This is an update to the 2010 CAP, and centers on protecting public health and climate. The 2017 CAP identifies a broad range of control measures. These control measures include specific actions to reduce emissions of air and climate pollutants from the full range of emission sources and is based on the following four key priorities:

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

City of San José Municipal Code

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

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

- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

Council Policy 6-32 Private Sector Green Building Policy

In October 2008, the City Council adopted the Council Policy 6-32 "Private Sector Green Building Policy", which identifies baseline green building standards for new private 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.

City of San José Greenhouse Gas Reduction Strategy

On December 15, 2015, the San José City Council certified a Supplemental Program Environmental Impact Report to the Envision San José 2040 Final Program Environmental Impact Report and re-adopted the City's GHG Reduction Strategy in the General Plan. The GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Guidelines and standards for "qualified plans" as set forth by BAAQMD. Projects that conform to the General Plan Land Use/Transportation Diagram and supporting policies are considered consistent with the City's GHG Reduction Strategy.

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

The Greenhouse Gas Reduction Strategy was updated for 2030. The 2030 GHG Reduction Strategy was adopted and the EIR Addendum were certified by the City Council on 11/17/2020. The 2030 GHG Reduction Strategy went into effect on 12/17/2020.

The 2030 GHG Reduction Strategy outlines the actions the City will undertake to achieve its proportional share of State GHG emission reductions for the interim target year 2030. The 2030 GHG Reduction Strategy presents the City's comprehensive path to reduce GHG emissions to achieve the 2030 reduction target, based on SB 32, BAAQMD, and OPR requirements. Additionally, the 2030 GHG Reduction Strategy 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. CEQA Guidelines Section 15183.5 allows for public agencies to analyze and mitigate GHG emissions as part of a larger plan for the reduction of GHGs. Accordingly, the City of San José's 2030 GHG Reduction Strategy represents San José's qualified climate action plan in compliance with CEQA.

As described in the 2030 GHG Reduction Strategy, the GHG reductions will occur through a combination of City initiatives in various plans and policies to provide reductions from both existing and new developments. A GHG Reduction Strategy Compliance Checklist (checklist) was developed that applies to proposed discretionary projects that require CEQA review. Therefore, the checklist is a critical implementation tool in the City's overall strategy to reduce GHG emissions. Implementation of applicable reduction actions in new development projects will help the City achieve incremental

reductions toward its target. Per the 2030 GHG Reduction Strategy, the City will monitor strategy implementation and make updates, as necessary, to maintain an appropriate trajectory to the 2030 GHG target. Specifically, the purpose of the checklist is to:

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

Climate Smart San José

Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community. The City approved goals and milestones in February 2018 to ensure the City can substantially reduce GHG emissions through reaching the following goals and milestones.

- All new residential buildings will be Zero Net Carbon Emissions (ZNE) by 2020 and all new commercial buildings will be ZNE by 2030 (Note that ZNE buildings would be all electric with a carbon-free electricity source).
- San José Clean Energy (SJCE) will provide 100-percent carbon-free base power by 2021.
- One gigawatt of solar power will be installed in San José by 2040.
- 61 percent of passenger vehicles will be powered by electricity by 2030.

The California Energy Commission (CEC) updates the California Building Energy Efficiency Standards every three years, in alignment with the California Code of regulations. Title 24 Parts 6 and 11 of the California Building Energy Efficiency Standards and the California Green Building Standards Code (CALGreen) address the need for regulations to improve energy efficiency and combat climate change. The 2019 CAL Green standards include some substantial changes intended to increase the energy efficiency of buildings. For example, the code encourages the installation of solar and heat pump water heaters in low-rise residential buildings. The California Code went before City Council in October 2019 for approval, with an effective date of January 1, 2020. As part of this action, the City adopted a "reach code" that requires development projects to exceed the minimum Building Energy Efficiency requirements.[25] The City's reach code applies only to new residential and non-residential construction in San José. It incentivizes all-electric construction, requires increased energy efficiency and electrification-readiness for those choosing to maintain the presence of natural gas. The code requires that non-residential construction include solar readiness. It also requires additional EV charging readiness and/or electric vehicle service equipment (EVSE) installation for all development types.

General Plan Policies

In addition to the above, policies in the General Plan have been adopted for the purpose of avoiding or mitigating greenhouse gas emissions impacts from development projects. Policies applicable to the project are presented below.

[25] City of San José Transportation and Environmental Committee, *Building Reach Code for New Construction Memorandum,* August 2019.

Envision San José 2040 Relevant Greenhouse Gas Reduction Policies	
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-2.3	Encourage consideration of solar orientation, including building placement, landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
Policy MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City
Policy MS-6.5	Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.
Policy MS-6.8	Maximize reuse, recycling, and composting citywide.
Policy MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
Policy LU-5.4	Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.
Policy CD-2.5	Integrate Green Building Goals and Policies of this Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.
Policy CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.
Policy CD-5.1	Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.

Existing 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. Climate change is a cumulative effect from local, regional, and global GHG emission contributions. According to the EPA on a Global scale, CARB on a state scale, and BAAQMD on a County scale, the transportation sector is the largest emitter of GHG emissions, followed by electricity generation and the industrial sector.[26],[27] ,[28] The City of San José also has the transportation sector as the largest emitter of GHG emission, but followed by residential and commercial development.[29]

The U.S. EPA reported that in 2020, total gross nationwide GHG emissions were 5,981.4 million metric tons (MMT) carbon dioxide equivalent (CO_2e).[30] These emissions were lower than peak levels of 7,434.8 MMT that were emitted in 2005. CARB updates the statewide GHG emission inventory on an annual basis where the latest inventory includes 2000 through 2019 emissions.[31] In 2019, GHG emissions from statewide emitting activities were 418.2 MMT. The 2020 emissions have decreased by 15 percent since peak levels in 2004 and are 13 MMT below the 1990 emissions level and the State's 2020 GHG limit. Per capita GHG emissions in California have dropped from a 2001 peak of 14.1 MT per person to 10.5 MT per person in 2019. The most recent Bay Area emission inventory was computed for the year 2011.[32] The Bay Area GHG emission were 87 MMT. As a point of comparison, statewide emissions were about 444 MMT in 2011. According to San José's GHGRS, the City's emissions were 5.71 MMT.

The project site is currently vacant. The existing GHG emissions at the site would be from vehicles traveling to and from the site, as well as periodic maintenance of the vacant site.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
8.	GREENHOUSE GAS EMISSIONS. Would the project:					
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		1, 3
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X		1, 3

[26] EPA, Inventory of U.S. Greenhouse Gas Emissions and Sinks, 2022.
[27] CARB, Current California GHG Emission Inventory Data, 2022.
[28] BAAQMD, Bay Area Emissions Inventory Summary Report: Greenhouse Gases Base Year 2011, 2015.
[29] City of San José, San José 2030 Greenhouse Gas Reduction Strategy, August 2020.
[30] EPA, Inventory of U.S. Greenhouse Gas Emissions and Sinks, 2022.
[31] CARB, Current California GHG Emission Inventory Data, 2022.
[32] BAAQMD, Bay Area Emissions Inventory Summary Report: Greenhouse Gases Base Year 2011, 2015.

Explanation

a) **Less Than Significant Impact**. Development of the project would generate GHG emissions. GHG emissions associated with development would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust and worker and vendor trips. Per Appendix A, the metric tons of carbon dioxide equivalent ($MTCO_2e$) from construction is estimated to be 194.63 $MTCO_2e$ for 2023 and 81.41 $MTCO_2e$ for 2024. Long-term operational emissions would also be generated from vehicular traffic (including truck trips), energy and water use, and solid waste disposal. However, the GHG generation would be considered less than significant provided the project demonstrates that it is consistent with the City's 2030 GHG Reduction Strategy.

The project is subject to the GHG reduction strategies identified in the City's 2030 GHG Reduction Strategy Compliance Checklist. The project would implement and comply with all relevant GHG reduction measures as determined by the City to reduce the project's GHG emissions.

The GHG Reduction Strategy Compliance Checklist for the project is contained in Appendix E. The proposed project is consistent with the Land Use/Transportation Diagram designation of *Industrial Park*. Pedestrian facilities are already in place in the vicinity of the proposed project. In addition, the proposed project would include bicycle racks, internal walkways, and provide bicycle and pedestrian access via the new proposed driveways. The GHG Reduction Strategies to be incorporated into the proposed project include the following:

- Implementation of green building measures through construction techniques and architectural design
- Incorporation of energy conservation measures
- Enrollment into the San Jose Clean Energy (SJCE) GreenSource program
- Incorporation of bicycle storage and related facilities
- Incorporation of water-efficient landscaping
- Incorporation of appropriate landscaping species
- Providing an area for future installation of solar panels and/or solar ready facilities

With implementation of GHG reduction strategies, the proposed project would have a less than significant impact related to GHG emissions.

b) **Less Than Significant Impact**. The City's 2030 GHG Reduction Strategy Compliance Checklist has been completed for the project, as presented in Appendix E. In fulfillment of GHG Reduction Strategy #1, the project plans to enroll in the SJCE program at the GreenSource level. The project includes a designated rooftop space and conduit infrastructure on the proposed industrial buildings for installation of solar panels, in compliance with GHG Reduction Strategy #3. The project would participate in the City's Zero Waste Strategic plan per GHG Reduction Strategy #5. The project would install high-efficiency appliances/fixtures, utilize water efficient landscaping species and equipment consistent with GHG Reduction Strategy #7. Finally, the project would be consistent with the existing General Plan land use diagram and would comply with green building ordinances and all applicable energy efficiency measures.

The proposed project would implement the following standard permit condition related to SJCE enrollment.

Standard Permit Condition

Proof of Enrollment in SJCE. Prior to issuance of any Certificate of Occupancy for the project, the occupant shall provide to the Director of the Department of Planning, Building, and Code Enforcement (PBCE), or Director's designee, proof of enrollment in the San Jose Community Energy (SJCE) GreenSource program (approximately 95% carbon free power) assumed in the approved environmental clearance for the project in accordance with the California Environmental Quality Act (CEQA). If it is determined the project's environmental clearance requires enrollment in the TotalGreen program, neither the occupant, nor any future occupant, may opt out of the TotalGreen program.

Therefore, the project would have a less than significant impact related to conflicting with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, since the project would incorporate the standard permit condition identified above and would comply with the City's 2030 GHG Reduction Strategy.

Conclusion: The project would have a less than significant impact related to GHG emissions.

I. HAZARDS AND HAZARDOUS MATERIALS

Cornerstone Earth Group completed a Phase I Environmental Site Assessment to evaluate potential Recognized Environmental Concerns at the project site (October 27, 2021). The intent of the Phase I Environmental Site Assessment is to assess Recognized Environmental Conditions (RECs) associated with the property. In addition, findings of previous soil assessments performed for the project site were reviewed as part of the Phase I Environmental Site Assessment. Cornerstone Earth Group subsequently prepared a Phase II Soil Quality Evaluation for the site (December 8, 2021). Copies of both of these reports are contained in Appendices F-1 (Phase I) and F-2 (Phase II).

Regulatory Framework

Federal

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

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress in 1980 and is administered by the U.S. EPA. This law created a tax on the chemical and petroleum industries and provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous waste at these sites; and established a trust fund to provide for cleanup when no responsible party could be identified.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) is a Federal law passed by Congress in 1976 to address the increasing problems from the nation's growing volume of municipal and industrial waste. RCRA creates the framework for the proper management of hazardous and non-hazardous solid waste and is administered by the U.S. EPA. RCRA protects communities and resource conservation by enabling the EPA to develop regulations, guidance, and policies that ensure the safe management and cleanup of solid and hazardous waste, and programs that encourage source reduction and beneficial reuse. The term RCRA is often used interchangeably to refer to the law, regulations, and EPA policy and guidance.

State

California Department of Toxic Substances Control

The California Department of Toxic Substances Control (DTSC) is a State agency that protects State citizens and the environment from exposure to hazardous wastes by enforcing hazardous waste laws and regulations. DTSC enforces 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.

Cortese List: Section 65692.5(a)

California Code of Regulations Section 65962.5(a) requires that the DTSC compile and update an annual list, known as the Cortese List, of all hazardous waste facilities subject to corrective action, pursuant to Section 25187.5 of the Health and Safety Code. Facilities are added to the Cortese List are those that have failed to comply with a posted date for taking corrective action for an existing hazard or because DTSC determined that immediate corrective action is necessary to abate an imminent or substantial endangerment.

California Code of Regulations, Title 8 Section 1529 – Asbestos

California Code of Regulations, Title 8, Section 1529 regulates asbestos exposure in all construction work, including structure demolition, removal of asbestos-containing materials, activities involving construction or alteration of existing structures that contain asbestos, installation of asbestos-containing products, emergency cleanup, and other activities. Section 1529 regulates permissible exposure limits for individual employees, standards for demarcation of regulated asbestos work areas, and safety protocol and equipment.

California Code of Regulations, Title 8 Section 1532.1 – Lead

California Code of Regulations, Title 8, Section 1532.1 applies to all construction work where an employee may be occupationally exposed to lead. As defined in this section, an employer shall assure that no employee is exposed to lead at concentrations greater than fifty micrograms per cubic meter of air ($50\mu g/m^3$) averaged over an 8-hour period. Employers are required to identify hazards at existing job sites and provide workers with training and sanitation stations for decontamination. Compliance is regulated by the California Occupational Safety Health Program (CAL/OSHA).

California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) program is designed to help prevent the accidental release of substances that pose harm to public health and the environment. CalARP also provides guidance for minimizing damage from spills and requires businesses to develop Risk Management Plans (RMPs) if they handle a certain amount of a regulated substance. RMPs are detailed engineering documents that analyze the potential accident factors and identify mitigation for rapid implementation to reduce accident potential and address any accidental releases. The CalARP program is implemented by Unified Program Agencies (UPAs) at the local government levels. UPAs work directly with businesses to review and approve RMPs, conduct inspections, and provide public-facing data.

California State Water Resources Control Board

The California State Water Resources Control Board (SWRCB) and its nine regional boards are responsible for preserving, enhancing, and restoring the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses. Through the 1969 Porter-Cologne Act, the State and Regional Water Boards have been entrusted with broad duties and powers to preserve and enhance all beneficial uses of the state's water resources.

Local

Regional Water Quality Control Board

The San Francisco Bay Regional Water Quality Control Board (RWQCB) is the lead agency responsible for identifying, monitoring and remediating leaking underground storage tanks in the Bay Area. Local jurisdictions may take the lead agency role as a Local Oversight Program (LOP) entity, implementing State as well as local policies.

Santa Clara Department of Environmental Health

The County of Santa Clara Department of Environmental Health reviews California Accidental Release Prevention (CalARP) risk management plans as the Certified Unified Program Agency (CUPA) for the City. The CalARP Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond property boundaries. Facilities that are required to participate in the CalARP Program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. A Risk Management Plan (RMP) is required for such facilities. The intents of the RMP are to provide basic information that may be used by first responders in order to prevent or mitigate damage to the public health and safety and to the environment from a release or threatened release of a hazardous material, and to satisfy federal and state Community Right-to-Know laws.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating hazardous materials impacts from development projects. All future development allowed by the proposed land use designation would be subject to the hazardous materials policies in the General Plan presented below.

Envision San José 2040 Relevant Hazardous Material Policies	
Policy EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
Policy EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
Policy EC-7.5	In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental

Envision San José 2040 Relevant Hazardous Material Policies	
	screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.
Policy EC-7.7	Determine for any development or redevelopment site that is within 1,000 feet of a known, suspected, or likely geographic ultramafic rock unit (as identified in maps developed by the Department of Conservation – Division of Mines and Geology) or any other known or suspected locations of serpentine or naturally occurring asbestos, if naturally occurring asbestos exists and, if so, comply with the Bay Area Air Quality Management District's Asbestos Air Toxic Control Measure requirements.
Action EC-7.8	Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.
Action EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
Action EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
Action EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.
Policy MS-13.2	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

Existing Setting

The existing property consists of a vacant parcel. The results of the Phase I ESA are presented below.

Previous Investigations

A previous Phase I ESA was prepared for the site (Clayton, 1998). In addition, soil samples were collected and composited in 2000 from 38 borings on the site and adjacent property to the southwest (Slayton, 2000). The organochlorine pesticide DDE was detected in each sample taken from the site. Concentrations of DDE ranged from 0.120 mg/kg to 0.840 mg/kg. All samples tested lower than the U.S. EPA residential Regional Screening Level (RSL) of 2.0 mg/kg for DDE.

Records Review

Cornerstone Earth Group's investigation was based on a review of relevant property records, maps/aerial photographs, historical record sources, and environmental record sources.

Site Reconnaissance

Cornerstone Earth Group conducted a reconnaissance of the Property on September 15, 2021. The site reconnaissance did not reveal any environmental contaminants on the project site. A few piles of debris consisting mainly of household items were observed to have been dumped on-site.

Summary of Phase I Assessment

The Phase I included a review of local, state, and federal environmental record sources, standard historical sources, aerial photographs, fire insurance maps and physical setting sources. A reconnaissance of the site was completed to review site use and current conditions. and to conduct written/oral interviews with persons knowledgeable about current and past site use.

The site reconnaissance and records review did not find documentation or physical evidence of groundwater impairments associated with the use or past use of the project site. A review of regulatory databases maintained by county, state, tribal, and federal agencies found no documentation of hazardous materials violations or discharge on the property and did not identify contaminated facilities within the appropriate American Society for Testing and Materials (ASTM) search distances that would reasonably be expected to impact the project site.

The 2020 Phase I Assessment determined that there was evidence of a single REC in connection with the site. This REC is related to the historical agricultural use of the site, and previous soil samples testing positive for DDE. In addition, though not meeting the criteria of an REC, the Phase I Assessment determined that, because the site is located in an area of mapped ultramafic rock outcrops, that there is the potential that the site may contain naturally occurring asbestos.

Overall, the property was found suitable for proposed industrial land use. However, the Phase I did recommend conducting additional soil sampling and laboratory analysis to test for DDE contamination and naturally occurring asbestos prior to development of the site.

Summary of Phase II Assessment

Based on the recommendations of the Phase I report, Cornerstone Earth Group prepared a Phase II Soil Quality Evaluation for the site. The purposed of this investigation was to test the soils at the site for DDE contamination and the rock outcroppings at the site for naturally occurring asbestos. The investigation included 15 hand collected soil samples collected in September 2021 and a further five exploratory borings collected in November 2021. These samples were analyzed for DDE contamination and presence of naturally occurring asbestos. Results indicated that the September 2021 samples were below screening levels for arsenic, lead, and mercury. DDE levels were below the U.S. EPA residential Regional Screening Level (RSL) of 2.0 mg/kg. Total DDT presence was found to slightly exceed the threshold of 1.0 mg/kg in the top layer of one of the samples; however, the overall DDT presence (at depths of two feet) in this sample was below the threshold. Asbestos was not detected at levels exceeding the reporting limit (0.25%) in the September 2021 soil samples. Overall, the September 2021 soil samples did not identify significant contamination issues.

The November 2021 samples did not detect asbestos at levels exceeding the reporting limit. However, trace chrysotile asbestos was observed in the sample at a depth of 19 to 20 feet.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
9. 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?			X		1, 2, 11, 16
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X			1, 2, 11, 16
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X	1, 2, 11, 16
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X		1, 2, 11, 16
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X	1, 2
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X		1, 2
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires			X		1, 2

Explanation

a) **Less Than Significant Impact**. The exact usage of the proposed industrial development is yet to be determined. Due to the nature of industrial land uses, it is possible that operation of the proposed project may involve the routine transport, use, or disposal of hazardous materials. Operation of the proposed project would also include the use and storage of cleaning supplies and maintenance chemicals in small quantities. These uses are anticipated to be similar to other adjacent land uses and would not generate substantial hazardous emissions or chemical releases that would affect surrounding uses. Any and all hazardous materials used during site operation would be subject to applicable health and safety requirements and would be stored, transported, used, and disposed of in accordance with the manufacturer's recommendations.

The project would use fuels, lubricants, paints, and solvents during construction activities. The project would prepare and implement a Storm Water Pollution Prevention Plan and appropriate best management practices to minimize the impact on water quality from release of hazardous materials during construction. In addition, the applicant proposes to implement standard

protection measures for the temporary onsite storage of fuel and other hazardous materials used during construction, including, but not limited to, storing and handling materials in accordance with industry standards and manufacturer recommendations. The proposed project would have a less than significant impact with respect to creating a significant hazard through routine use, transport, or disposal of hazardous materials.

b) **Less Than Significant with Mitigation Incorporated**. The Phase I assessment identified a single potential REC on the project site, which was the presence of DDE associated with previous agricultural use of the property. While the samples from this previous study tested below the 2.0 mg/kg threshold established by the U.S. EPA, the soil samples were combined and analyzed as three-point composites. As a result, contaminant concentrations in individual samples may exceed thresholds established by the U.S. EPA. In addition, though not meeting the criteria for an REC, the site could potentially contain naturally occurring asbestos due to the ultramafic rock outcrops on the site. Based on the results of the Phase I Assessment, a Phase II Soil Quality Evaluation was prepared for the site.

The Phase II Assessment did not detect soil contaminants exceeding adopted thresholds. No RECs were identified at the site. However, evidence of naturally occurring asbestos was detected in soil borings at depth of 19-20 feet. As a result, an ADMP was identified as a required compliance item for the proposed project and would be implemented as mitigation to reduce potential impacts from NOA exposure to less than significant impacts.

Impact HAZ-1: Soils at the project site were determined to show trace elements of chrysotile fibers that are indicative of the presence of asbestos. In addition, the project site contains evidence of serpentine and ultramafic rock. Release of asbestos dust during ground disturbing activities could result in the exposure of hazardous materials to the public or the environment.

Mitigation Measures

MM HAZ-1 Prior to issuance of any demolition or grading permits, the project applicant shall prepare an Asbestos Dust Mitigation Plan (ADMP) for submittal to the Bay Area Air Quality Management District (BAAQMD) for approval. The ADMP must describe dust control measures during grading as well as long term dust control measures. The ADMP shall include, at a minimum, the following measures consistent with the California Air Resources Board (CARB) Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations:

- Track-out prevention and control measures;
- Active stockpiles shall be adequately wetted or covered with tarps;
- Control for disturbed surface areas and storage piles that remain inactive for more than seven days;
- Control for traffic on unpaved roads, parking lots, and staging areas;
- Control for earthmoving activities; and,
- Control for off-site transport.

A copy of the BAAQMD-approved ADMP shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee and

the Environmental Compliance Officer in the City of San José Environmental Services Department before issuance of the grading permit.

With implementation of this mitigation measure, the project would have a less than significant impact to the public or the environment related to reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

c) **No Impact**. The closest school to the project site is Ledesma Elementary School, located about a mile southeast of the proposed project. No schools are located within ¼ mile of the project site, and no schools are currently proposed within a ¼ mile of the project. Therefore, the proposed project would have no impact related to emitting hazardous emissions withing a ¼ mile of any existing or proposed schools.

d) **Less Than Significant Impact**. The project is not located on property that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (i.e., Cortese List). The proposed project would have a less than significant impact with regard to being listed on a hazardous materials database or list.

e) **No Impact**. The Norman Y. Mineta San José International Airport is located approximately 10 miles northwest of the project site. In addition, the Reid-Hillview Airport is located approximately 5.75 miles northwest of the site, and the San Martin Airport is located approximately 15 miles southeast of the site The project is not located within the Land Use Plans for any of these airports. The proposed project would have no impact related to conflict with an adopted airport plan.

f) **Less Than Significant Impact**. The proposed industrial development would not interfere with any adopted emergency or evacuation plans. The project would not create any barriers to emergency or other vehicle movement in the area and would be designed to incorporate all Fire Code requirements. The proposed project would have a less than significant impact with respect to impairing implementation or physically interfering with an adopted emergency response plan or evacuation plan.

g) **Less than Significant Impact**. The project would not expose people or structures to risk of loss, injury or death from wildland fires since it is located in an urbanized area that is not prone to such events. However, the proposed project is located in a designated wildland-urban interface area. The proposed project would comply with General Plan Policy EC-8.4 through maintaining defensible space vegetation management best practices. See also *Section T. Wildfire* of this Initial Study. The proposed project would have a less than significant impact with respect to exposure of people or structures to wildland fires.

Conclusion: The project would have a less than significant impact related to hazards and hazardous materials with the incorporation of mitigation measures as identified above.

J. HYDROLOGY AND WATER QUALITY

Regulatory Framework

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

Federal and State

Clean Water Act – Section 404

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States (waters of the U.S.) and regulating quality standards for surface waters. Its goals are to restore and maintain the chemical, physical, and biological integrity of the nation's waters. Under the CWA, the US EPA has implemented pollution control programs and established water quality standards, and together with the U.S. Army Corps of Engineers, regulates discharge of dredged and fill material into waters of the U.S. under Section 404 of the CWA and its implementing regulations. Waters of the U.S. are defined broadly as waters susceptible to use in commerce (including waters subject to tides, interstate waters, and interstate wetlands) and other waters.

National Flood Insurance Program

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

Porter-Cologne Water Quality Act

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

- Wetlands
- Watershed hydrograph modification
- Proposed creek or riverine related modifications

- Long-term post-construction water quality

Any construction or demolition activity that results in land disturbance equal to or greater than one acre must comply with the Construction General Permit (CGP), administered by the 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 based on area of land disturbed (3.5 acres).

Statewide Construction General Permit

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

Regional and Local

San Francisco Bay Basin Plan

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

Municipal Regional Stormwater Permit

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

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

The MRP requires regulated projects to include Low Impact Development (LID) practices. These include site design features to reduce the amount of runoff requiring treatment and maintain or restore the site's natural hydrologic functions, source control measures to prevent stormwater from pollution,

and stormwater treatment features to clean polluted stormwater runoff prior to discharge into the storm drain system. The MRP requires that stormwater treatment measures are properly installed, operated, and maintained.

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

The City of San José's Policy 6-29 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. The City of San José's Policy 6-29 requires all new development and redevelopment projects to implement post-construction BMPs and Treatment Control Measures (TCMs). This policy also establishes specific design standards for post-construction TCM for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

City of San José Hydromodification Management (Policy 8-14)

The City of San José's Policy No. 8-14 implements the stormwater treatment requirements of Provision C.3 of the MRP. Policy No. 8-14 requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP).

Green Stormwater Infrastructure Plan

The City of San José has developed a Green Stormwater Infrastructure Plan (GSI Plan) to lay out the approach, strategies, targets, and tasks needed to transition traditional "gray" infrastructure to include green stormwater infrastructure over the long term and to implement and institutionalize the concepts of GSI into standard municipal engineering, construction, and maintenance practices. The GSI Plan is intended to serve as an implementation guide for reducing the adverse water quality impacts of urbanization and urban runoff on receiving waters over the long term, and a reporting tool to provide reasonable assurance that specific pollutant reductions from discharges to local creeks and San Francisco Bay will be met. The GSI Plan is required by the City's MRP for the discharge of stormwater runoff from the City's storm drain system.

General Plan Policies

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

Envision San José 2040 Relevant Hydrology and Water Quality Policies	
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
Policy IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.

Envision San José 2040 Relevant Hydrology and Water Quality Policies	
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
Policy ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy 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.
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.
Policy EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
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.

Existing Setting

The project property is an essentially flat lot with an elevation ranging from approximately 220 to 250 feet above mean sea level (Google Earth, April 2022). The site is currently vacant. The current runoff from the site is directed into existing stormwater inlets along Hellyer Avenue near the southern boundary of the site that discharge to the City's drainage system and is ultimately drained into Coyote Creek at a discharge point located approximately 400 feet south of the site.[33] The City owns and maintains the storm drainage system in the project area. No over-land release of stormwater drains directly into any water body from the project site.

The project site does not contain any natural drainages or waterways. The property is located in an area mapped by the Federal Emergency Management Agency (FEMA) as Zone D.[34] Zone D is characterized as an area in which flood hazards are undetermined, but possible.

The project site is not located within the inundation area for any dams, based on the "California Dam Breach Inundation Maps" map provided by the California Department of Water Resources.[35]

[33] https://gis.sanjoseca.gov/maps/utilityviewer/
[34] Federal Emergency Management Agency, Flood Insurance Rate Map Number 06085C0269H (Panel 269 of 830), May 2009.
[35] https://fmds.water.ca.gov/webgis/?appid=dam_prototype_v2

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
10.	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?			X		1, 2
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X		1, 2, 11
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:					
i)	Result in substantial erosion or siltation on- or off-site;			X		1, 2
ii)	Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			X		1, 2
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			X		1, 2
iv)	Impede or redirect flood flows?			X		1, 2, 12, 18
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X		1, 2, 18
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X		1, 2

Explanation

a) **Less Than Significant Impact**. The proposed project would involve excavation and grading activities on-site. Ground-disturbing activities related to construction would temporarily increase the amount of debris on-site. Grading activities may increase erosion and sedimentation that could be carried by runoff into local waterways and adversely impact water quality. The State Water Quality Control Board's National Pollutant Discharge Elimination System (NPDES) Municipal Permit issued for the City, urban runoff policies, and the Municipal Code are the primary means of enforcing water quality measures through the grading and building permit process. All construction/demolition projects must comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. The project is subject to Municipal Code Section 20.100.470, which requires the project to incorporate BMPs to control the discharge of storm water pollutants including sediments associated with construction activities including erosion, as outlined in the standard permit conditions in item ci) below.

The project is located on a vacant site in an urban environment. While operation of the industrial development could potentially utilize materials that have the potential to harm the

water quality in the area, such materials would be handled according to all manufacturer specifications for storage and application. In addition, operation of the proposed project would result in increased vehicle trips compared to existing conditions, as well as loading and unloading of materials, which could result in impacts to water quality. However, future operations of the proposed project would be subject to best management practices to prevent impacts associated with the accidental release of materials impacting water quality, including spill prevention, cleanup, and other measures. The project also includes bio-retention treatment areas that would prevent runoff from draining directly into the City's stormwater system from project operations. Furthermore, the project would comply with applicable regulations and laws to ensure proper discharge into the City's stormwater and sanitary infrastructure, would not violate any water quality standards or waste discharge requirements, or degrade surface or groundwater quality. The proposed project would have a less than significant impact with respect to violation of water quality standards or waste discharge requirements, or otherwise substantially degrading surface or groundwater quality during construction and operation of the proposed project.

b) **Less Than Significant Impact**. The project site is located within the Recharge Area of the Santa Clara Valley Basin where groundwater occurs under unconfined conditions.[36] The site is not, however, located within or adjacent to a SCVWD groundwater recharge facility. No active or historical wells are known to exist on the site. The proposed project would result in an overall increase of approximately 904,000 square feet of impervious surfaces on the site compared to existing conditions, which would reduce the amount of groundwater recharge occurring on the site.

According to the records search conducted by Cornerstone Earth Group for the Phase I Assessment (Appendix F-1), groundwater depth in the project area is approximately 38 feet below ground surface. However, groundwater was not encountered during soil borings at a depth of 40 feet on the site. The project would require excavation, with a maximum depth of 29 feet (associated with initial or rough grading efforts at the beginning of the project), to construct the proposed buildings and stormwater infrastructure. Excavations of this depth are not expected to encounter groundwater. In addition, the project does not propose any wells or groundwater pumping. Thus, the project would have a less than significant impact with respect to decreasing groundwater supplies or interfering substantially with groundwater recharge.

ci) **Less Than Significant Impact**. Construction of the project would require grading activities that could result in a temporary increase in erosion affecting the quality of storm water runoff. The City's implementation requirements to protect water quality are described below.

Construction Impacts

Prior to the commencement of any clearing, grading or excavation, the project is required to comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit, to the satisfaction of the Director of Public Works. The project applicant is required to develop, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities.

[36] Santa Clara Valley Water District. *Sustainable Groundwater Management*. https://www.valleywater.org/your-water/where-your-water-comes-from/groundwater/groundwater-management

Additionally, the project applicant is required to file a Notice of Intent (NOI) with the State Water Resource Control Board (SWRCB) to comply with the General Permit and prepare a SWPPP that includes measures that would be included in the project to minimize and control construction and post-construction runoff. The SWPPP shall be posted at the project site and will be updated to reflect current site conditions.

The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay*[37], and include preventing spills and leaks, cleaning up spills immediately after they happen, storing materials under cover, and covering and maintaining dumpsters. Prior to the issuance of a grading permit, the project applicant may be required to submit an Erosion Control Plan to the Department of Public Works. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities.

All projects in the City, including the proposed project are required to comply with the City of San José Grading Ordinance, including erosion and dust control during site preparation, as well as the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs are required to be implemented by all projects in the City as standard permit conditions to prevent stormwater pollution and minimize potential sedimentation during construction.

Standard Permit Conditions

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.

[37] Bay Area Stormwater Management Agencies Association.

- All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of 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.

Post-Construction Impacts

The proposed project would result in an overall increase of approximately 904,000 square feet of impervious surfaces on the site compared to existing conditions, which would increase the amount of runoff on the site. The increased amount of runoff on the site could result in impacts related to on-site or off-site erosion. However, the project is required to comply with applicable provisions of the following City Council Policies: Council Policy 6-29 Post-Construction Urban Runoff Management and Council Policy 8-14 Post-Construction Hydromodification Management. For Council Policy 6-29 Post-Construction Urban Runoff Management, the project will be required to implement BMPs, which includes site design measures, source controls, and numerically-sized LID stormwater treatment measures to minimize stormwater pollutant discharges. The project site is located in a Hydromodification Area as shown on City's Hydromodification Map.[38]. Details of specific Site Design, Pollutant Source Control, and Stormwater Treatment Control Measures demonstrating compliance with Provision C.3 of the MRP (NPDES Permit Number CAS612008), will be included in the project design, to the satisfaction of the Director of Planning, Building and Code Enforcement.

In conclusion, the project would not substantially alter existing drainage patterns or cause alteration of streams or rivers by conforming with the requirements of Council Policy 6-29 and 8-14. The project would not result in substantial erosion or siltation on or off site by complying with the State's Construction Stormwater Permit and the City's Grading Ordinance. With implementation of standard permit conditions and adherence to the Council Policies identified above, the proposed project would have a less than significant impact with respect to substantially altering existing drainage patters in a manner that would result on substantial erosion or siltation on- or off-site.

cii) **Less Than Significant Impact**. The project would increase the amount of impervious area on the project site compared to existing developed conditions. The project would implement a stormwater control plan to manage runoff from the site. Runoff will be collected in a storm drain system and conveyed within a proposed storm drain system, including bio-retention facilities, prior to entering into the City's storm drainage system (see Figure 7). Retention facilities help to filter out sediment and pollutants prior to runoff being transferred to the City's stormwater system.

Existing storm drain inlets are located within Piercy Road and Hellyer Avenue along portions of the project frontage. In addition, a stormwater pipeline is located on the western boundary of the site, conveying stormwater flows from Piercy Avenue to existing inlets along Hellyer Avenue near the southern boundary of the site, and ultimately to a storm discharge point located

[38] https://www.sanjoseca.gov/home/showpublisheddocument/27925/636691773051670000

next to Coyote Creek, southwest of the project site. The existing storm drain inlets would be preserved as part of the project. New 24-inch storm drain laterals would be built and connect to the existing storm drainage system in Hellyer Avenue. In addition, new 24-inch storm drain laterals would be constructed within the site to direct flood flows resulting from stormwater to bio-retention areas. The bio-retention areas would then connect to the City's existing stormwater drainage system, preventing downstream flooding. As a result, the proposed project would have a less than significant impact associated with flooding on- or off-site due to increased surface runoff.

ciii) **Less Than Significant Impact**. The project proposes to connect to the City's existing storm drainage system. The project is not expected to contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems or result in substantial additional sources of polluted runoff. See also ci) above. The proposed project would have a less than significant impact with respect to substantially altering existing drainage patters in a manner that would create or contribute runoff water in exceedance of existing or planned stormwater drainage systems or providing substantial sources of polluted runoff.

civ) **Less Than Significant Impact**. The project site is located in a FEMA Zone D. Flood Zone D is characterized as an area in which flood hazards are undetermined. Flood events are still possible in Zone D as the areas have not been mapped by FEMA to determine flood hazards. However, these areas are considered to be outside of the 100-year floodplain. The City does not have any floodplain restrictions for development in Zone D. In addition, the proposed project includes the implementation of a stormwater control plan to manage changes in stormwater flows on the site resulting from development of the proposed project. Therefore, the project would not substantially alter drainage patterns by impeding or redirecting flood flows, resulting in a less than significant impact.

d) **Less Than Significant Impact**. As described above in civ) above, the project is considered to be located outside of the 100-year floodplain. The project is located in Flood Zone D, where flood hazards are unmapped and therefore unknown. However, the proposed project includes the implementation of a stormwater control plan to manage changes in stormwater flows on the site resulting from development of the proposed project. In addition, the project site is not located in an area subject to significant seiche or tsunami risk, nor is the project is located in the inundation area of any dams. The proposed project would have a less than significant impact related to the risk of releasing pollutants as a result of floods, tsunamis, or seiches.

e) **Less Than Significant Impact**. The project consists of development on an approximately 28.9 gross acre site. As described above, grading and construction activities could result in a temporary increase in erosion affecting the quality of storm water runoff. However, construction and operation of the project would not result in significant water quality or groundwater quality impacts since the proposed project would be required to comply with the City of San José Grading Ordinance. In addition, the proposed project would implement standard BMPs during construction and operation. Therefore, the project would have a less than significant impact with respect to conflicting with or obstructing implementation of a water quality control plan or sustainable groundwater management plan.

Conclusion: The project would have a less than significant impact on hydrology and water quality with implementation of identified standard permit conditions.

K. LAND USE AND PLANNING

Regulatory Framework

State

The California State Density Bonus Law (California Government Code Section 65915) was adopted in 1979 in recognition of California's acute and growing affordable housing needs. The State Density Bonus Law has been amended multiple times since adoption, in response to evolving housing conditions, to provide clarification on the legislation, to respond to legal and implementation challenges, and to incorporate new or expanded provisions.

Regional and Local

Santa Clara Valley Habitat Plan

As discussed in Section D, Biological Resources, the HCP was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife. As it pertains to issues of land use, the HCP helps public and private entities within the HCP's jurisdiction plan and conduct projects and activities in ways that lessen the impact on natural resources.

Council Policy 6-34: Riparian Corridor Protection and Bird-Safe Design

As discussed in Section D, Biological Resources, the City's Riparian Corridor Policy Study analyzed streams and riparian corridors in the City of San José and addresses how development should protect and preserve these riparian corridors. Furthermore, the City's Riparian Corridor Protection and Bird-Safe Design Policy (Council Policy 6-34) supplements the regulations for riparian corridors and provides guidance for project design that protects and preserves these riparian corridors (City of San José 2016). The Riparian Corridor Policy applies to projects within 300 feet of a riparian corridor's top of bank or edge of vegetation, whichever is greater. The Riparian Corridor Protection and Bird-Safe Design Policy establishes a standard of a 100-foot riparian corridor setback, with an exception for projects where no significant environmental impact will occur.

San José Municipal Code Chapter 20.190 – Affordable Housing Density Bonuses and Incentives

Chapter 20.190 of the City's Municipal Code provides density bonuses for eligible residential development projects within City limits. This section largely contains the mechanism for enforcing the density bonuses mandated at the State level (see discussion of AB 1763, above). This section mandates that density bonuses are ineligible for sites where dwelling units were demolished within the last five years. This section also sets out development standards for affordable units, including requiring concurrent construction with market rate units in the same development and various design standards to ensure that affordable units are constructed in a uniform manner compared to market-rate units constructed as part of the same development.

General Plan Designation

The project site is designated *Industrial Park* in the City's Envision San José 2040 General Plan Land Use/Transportation Diagram.

General Plan Policies

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

Envision San José 2040 Relevant Land Use and Planning Policies	
Policy IE-1.1	To retain land capacity for employment uses in San José, protect and improve the quantity and quality of all lands designated exclusively for industrial uses, especially those that are vulnerable to conversion to non-employment uses
Policy IE-1.2	Plan for the retention and expansion of a strategic mix of employment activities at appropriate locations throughout the City to support a balanced economic base, including industrial suppliers and services, commercial/retail support services, clean technologies, life sciences, as well as high technology manufacturers and other related industries.
Policy IE-1.3	As part of the intensification of commercial, Village, Industrial Park and Employment Center job Growth Areas, create complete, mixed-employment areas that include business support uses, public and private amenities, child care, restaurants and retail goods and services that serve employees of these businesses and nearby businesses.
Policy IN-5.5	Preserve industrial lands, consistent with Envision General Plan Land Use and Fiscal Sustainability policies, to support the City's future waste management infrastructure needs.
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.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy LU-1.2	Create safe, attractive, and accessible pedestrian connections between developments and to adjacent public streets to minimize vehicular miles traveled.
Policy LU-1.5	Encourage developers of large commercial and industrial projects to identify and appropriately address the potential need generated by these projects for child care facilities or services. The provision of on-site child care may be considered for a single tenant building in industrial areas primarily for use by employees of the industrial facility. Do not locate off-site, freestanding child care facilities within industrial areas, except for those areas that have been designated for such uses.
Policy LU-1.6	With new development or expansion and improvement of existing development or uses, incorporate measures to comply with current Federal, State, and local standards.

Envision San José 2040 Relevant Land Use and Planning Policies	
Policy LU-1.7	Locate employee-intensive commercial and industrial uses within walking distance of transit stops. Encourage public transit providers to provide or increase services to areas with high concentrations of residents, workers, or visitors.
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-6.6	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.
Policy LU-6.8	Reserve industrial areas for industrial and compatible support uses, while recognizing that industrial uses come in a variety of types and forms. Allow nonindustrial uses which are only incidental to and totally compatible with primary industrial uses in exclusively industrial areas. Consider allowing supportive, non-industrial activities, such as retail sales of materials manufactured or stored on site
Policy LU-7.1	Encourage industrial supplier/service business retention and expansion in appropriate areas in the City.
Policy LU-7.2	Seek out industrial uses that are environmentally sustainable or create environmentally beneficial products in order to maintain a healthful environment and preserve natural resources.
Policy VN-1.12	Design new public and private development to build upon the vital character and desirable qualities of existing neighborhoods

Existing Setting

The project site is designated *Industrial Park* in the City's Envision San José 2040 General Plan Land Use/Transportation Diagram. The property is currently zoned IP – Industrial Park. The *Industrial Park* is intended for a wide variety of industrial users such as research and development, manufacturing, assembly, testing and offices, with an FAR up to 12.0 at heights of two to 15 stories. The IP – Industrial Park Zoning District is an exclusive designation intended for a wide variety of industrial users such as research and development, manufacturing, assembly, testing, and offices. The site consists of a single vacant parcel.

The project is located in an area that features a mix of agricultural, industrial, and residential land uses. Coyote Creek and Coyote Creek Trail are located to the south of the project site across Hellyer Avenue. Land uses surrounding the site are listed below and are identified in the aerial photo in Figure 3.

- North: Piercy Road, rural residential, open space
- South: Hellyer Avenue, open space, Coyote Creek
- East: Rural Residential, agricultural
- West: Commercial/industrial

The project is located about 10 miles southeast of the Norman Y. Mineta San José International Airport. In addition, the Reid-Hillview Airport is located approximately 5.75 miles northwest of the site, and the San Martin Airport is located approximately 15 miles southeast of the site. The project is not located within the Land Use Plans for any of these airports. This is further described in *Section H. Hazards and Hazardous Materials* of this Initial Study.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
11.	LAND USE AND PLANNING. Would the project:					
a)	Physically divide an established community?			X		1, 2
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X		1, 3

Explanation

a) **Less than Significant Impact**. The project site is located in an urbanized area surrounded primarily by commercial/industrial development, rural residential development, agricultural land uses, as well as open space and a creek to the south. The project site is surrounded by Piercy Road to the north and by Hellyer Avenue.

The project would not necessitate new roadways or major physical factors that would physically divide a community. Though the project includes a subdivision of the existing lot, this action would not physically divide an established community. For these reasons, the proposed project would not divide an established community and impacts would be less than significant.

b) **Less Than Significant Impact**. The project site is zoned IP – Industrial Park District. The IP Zoning District is an exclusive designation intended for a wide variety of industrial users such as research and development, manufacturing, assembly, testing, and offices. Development supported by this district includes all types of industrial development, in addition to limited supportive commercial uses intended to support the needs of businesses and their employees in the immediate industrial area. The proposed project includes a site development permit to allow for the construction of two industrial shell buildings and a vesting tentative map to allow for subdivision of the existing lot into two parcels.

The project site is designated *Industrial Park* in the General Plan, which supports a wide variety of industrial users such as research and development, manufacturing, assembly, testing and offices, with an FAR up to 10.0 and at heights of 2 to 15 stories. The project would be consistent with the *Industrial Park* designation. The project proposes the construction of two new industrial shell buildings, as well as various site improvements on a 28.9-gross acre site. The project proposes an FAR of 0.36 (inclusive of mezzanine floors).

In terms of physical impacts on the environment, this IS analyzes the environmental impacts of the project within each resource section of the document and provides measures and conditions to reduce the physical impacts of the project. The project's compliance with the City's riparian corridor policy is discussed under impacts b) and d) in *Section D. Biological*

Resources. Therefore, the project would have a less than significant impact related to conflicts with land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Conclusion: The project would have a less than significant impact on land use and planning.

L. MINERAL RESOURCES

Regulatory Framework

State

Surface Mining and Reclamation Act

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

Existing Setting

There are no mineral resources in the project area. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits that are of statewide significance or for which the significance requires further evaluation. Other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA. The project site lies outside of the Communications Hill area.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
12. 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?				X	1, 2
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X	1, 2

Explanation

a), b) **No Impact**. The project site is located 4.5 miles southeast of the Communications Hill area, the only area in San José containing mineral deposits subject to SMARA. Therefore, the project would have no impact with respect to the loss of availability of a known mineral resource.

Conclusion: The project will have no impact on mineral resources.

M. NOISE & VIBRATION

A noise and vibration assessment has been prepared for the project by Illingworth & Rodkin, Inc. (May 4, 2023), which is contained in Appendix G. The following discussion summarizes the results of this assessment.

Regulatory Setting

Federal

Federal Highway Administration Roadway Construction Noise Model

The Federal Highway Administration (FHWA) Roadway Construction Noise Model (RNCM) is the national model for prediction of noise generated by construction projects. Since construction frequently occurs near residences and businesses, the FHWA developed the RNCM in an effort to control and monitor construction noise to avoid impacts on surrounding communities and neighborhoods. The RNCM provides a federally-recognized construction noise screening tool to reliably and easily predict construction noise levels and to determine compliance with noise limits for construction projects of varying types.

State

California Building Code

The 2019 California Building Code (CBC) requires interior noise levels attributable to exterior environmental noise sources to be limited to a level not exceeding 45 dBA DNL/CNEL in any habitable room. The State of California established exterior sound transmission control standards for new non-residential buildings as set forth in the California Green Building Standards Code (Section 5.507.4.1 and 5.507.4.2). These sections identify the standards, such as Sound Transmission Class ratings,[39] that project building materials and assemblies need to comply with based on the noise environment.

Local

San José General Plan Noise Compatibility Guidelines

The City's General Plan includes goals and policies pertaining to noise and vibration. Community Noise Levels and Land Use Compatibility (commonly referred to as the Noise Element) of the General Plan utilizes the DNL descriptor and identifies interior and exterior noise standards for residential uses. The General Plan include the following criteria for land use compatibility and acceptable exterior noise levels in the City based on land use types.

General Plan

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

[39] Sound Transmission Class (STC) is a single figure rating designed to give an estimate of the sound insulation properties of a partition. Numerically, STC represents the number of decibels of speech sound reduction from one side of the partition to the other.

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

EXTERIOR NOISE EXPOSURE (DNL IN DECIBELS DBA) FROM GENERAL PLAN TABLE EC-1: Land Use Compatibility Guidelines for Community Noise in San José						
Land Use Category	**Exterior DNL Value In Decibels**					
	55	**60**	**65**	**70**	**75**	**80**
1. Residential, Hotels and Motels, Hospitals and Residential Care						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arenas, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						
	Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.					
	Conditionally Acceptable: Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.					
	Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. (Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.)					

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

Envision San José 2040 Relevant Noise and Vibration 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 (refer to Table EC-1 in the General

Envision San José 2040 Relevant Noise and Vibration Policies	
	Plan. Residential uses are considered "normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.
Policy EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would: • Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or • Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
Policy EC-1.3	Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise-sensitive residential and public/quasi-public land uses.
Policy EC-1.6	Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.
Policy EC-1.7	Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would: • Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
Policy EC-2.3	Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of a historical building, or building in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

San José Municipal Code

Per the San José Municipal Code Title 20 (Zoning Ordinance) Noise Performance Standards, the sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in the table below at any property line, except upon issuance and in compliance with a Special Use permit or Conditional Use Permit as provided in Chapter 20.100.

City of San José Zoning Ordinance Noise Standards	
Land Use Types	**Maximum Noise Levels in Decibels at Property Line**
Residential, open space, industrial or commercial uses adjacent to a property used or zoned for residential purposes	55
Open space, commercial, or industrial use adjacent to a property used for zoned for commercial purposes or other non-residential uses	60
Industrial use adjacent to a property used or zoned for industrial use or other use other than commercial or residential purposes	70

Chapter 20.100.450 of the Municipal Code establishes allowable hours of construction within 500 feet of a residential unit between 7:00 AM and 7:00 PM 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.

Existing Setting

Noise Fundamentals

Noise is measured in decibels (dB) and is typically characterized using the A-weighted sound level or dBA. This scale gives greater weight to the frequencies to which the human ear is most sensitive. The City's Envision San José 2040 General Plan applies the Day-Night Level (DNL) descriptor in evaluating noise conditions. The DNL represents the average noise level over a 24-hour period and penalizes noise occurring between the hours of 10 PM and 7 AM by 10 dB.

Vibration Fundamentals

Several different methods are typically used to quantify vibration amplitude. One method, used by the City, is Peak Particle Velocity (PPV). The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. For this analysis, the PPV descriptor with units of mm/sec or in/sec is used to evaluate construction generated vibration for building damage and human annoyance.

Existing Noise Environment

The project site is located at 550 Piercy Road in the City of San José, California. Adjoining the site to the west are existing industrial buildings and to the east is a largely vacant parcel. Other existing residences are located opposite Piercy Road to the north, and a housing development is located east of Tennant Avenue, approximately 845 feet east of the project site.

The existing noise environment at the site results primarily from traffic noise along nearby U.S. Highway 101 (Highway 101) and local vehicular traffic along Hellyer Avenue. Aircraft associated with Norman Y Mineta San José International Airport also contribute to the noise environment.

A noise monitoring survey consisting of two long-term (LT-1 and LT-2) and two short-term (ST-1 and ST-2) noise measurements was made at the site between Wednesday, July 6, 2022, and Friday, July 8, 2022. All measurement locations are shown in Figure 13.

Long-term noise measurement LT-1 was made from a utility pole near the northeast corner of project site and quantifies the traffic noise along Piercy Road. LT-1 would be representative of the existing noise environment at the residential uses adjoining the site to the east and opposite Piercy Road to the north. The measurement was made approximately 35 feet from the centerline of the Piercy Road, and hourly average noise levels typically ranged from 55 to 61 dBA L_{eq} during daytime hours (7:00 a.m. and 10:00 p.m.) and from 50 to 60 dBA L_{eq} during nighttime hours (10:00 p.m. and 7:00 a.m.). The day-night average noise level on Thursday, July 7, 2022, was 62 dBA DNL.

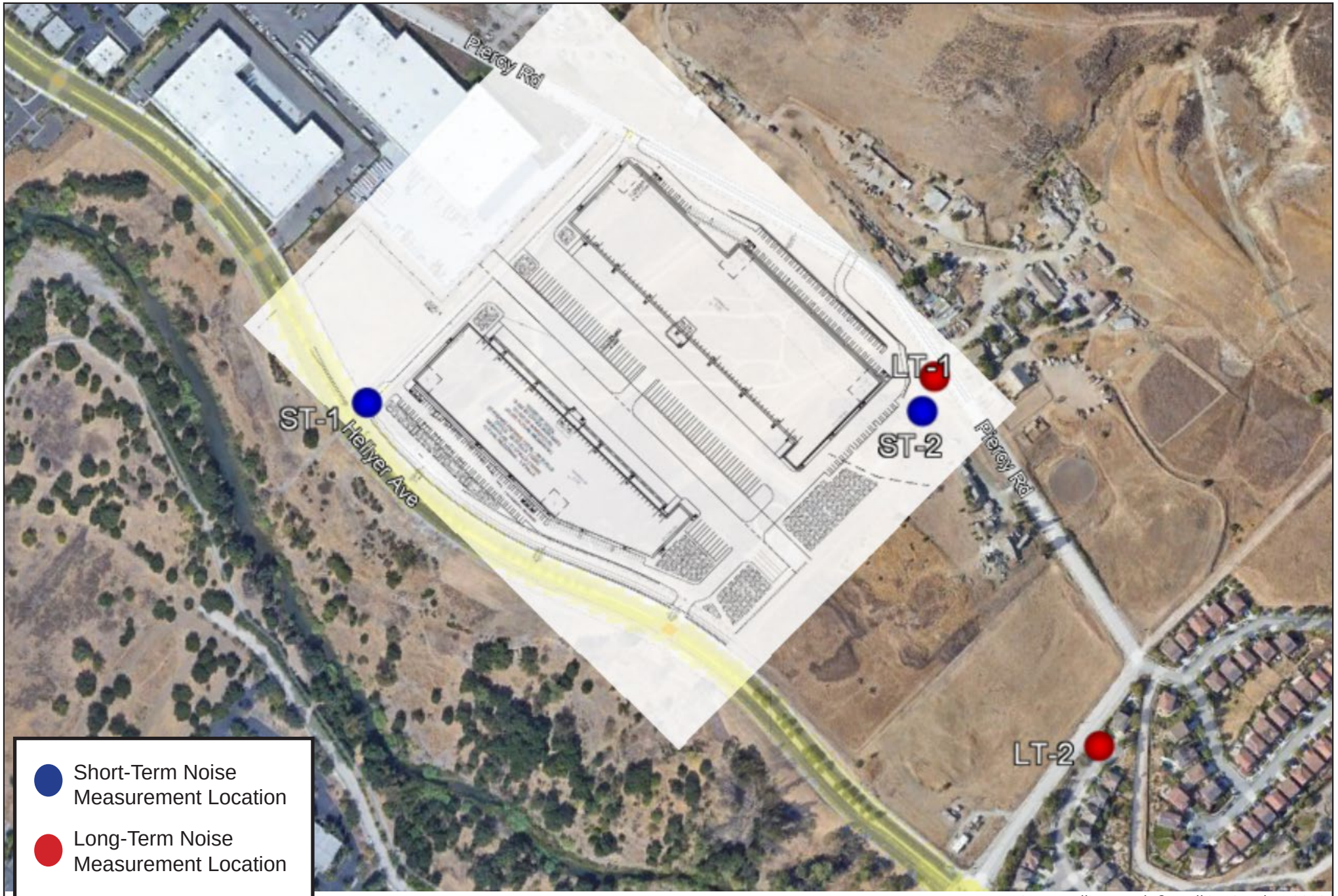
LT-2 was made approximately 50 feet east of the centerline of Tennant Avenue, representative of the existing noise environment at the residential development 845 feet south of the project site. Hourly average noise levels at LT-2 typically ranged from 55 to 65 dBA L_{eq} during daytime hours and from 47 to 61 dBA L_{eq} during nighttime hours. The day-night average noise level on Thursday, July 7, 2022, was 62 dBA DNL.

Short-term noise measurements were made on Friday, July 8, 2022, between 10:40 a.m. and 11:10 a.m. in 10-minute intervals. Results of the measurements are summarized in Table 10. As shown in Figure 13, ST-1 was made near the southwest corner of the project site, approximately 65 feet north of the centerline of Hellyer Avenue. Traffic along Hellyer Avenue was the primary noise source at this location. Heavy trucks generated noise levels ranging from 68 to 74 dBA, passenger cars generated noise levels ranging from 55 to 73 dBA, and a bus pass-by generated noise levels of 70 dBA. Additionally, jets flying over the project site generated noise levels ranging from 53 to 58 dBA. The 10-minute L_{eq} measured at ST-1 was 63 dBA.

ST-2 was made near LT-1 with a setback of approximately 115 feet from the centerline of Piercy Road. The primary noise source at the ST-2 measurement location was traffic along Piercy Road, which included existing delivery trucks for the adjoining industrial building, and nearby Hellyer Avenue. Truck noise associated with the adjoining industrial site generated noise levels of 49 to 52 dBA, while passenger cars along Piercy Road generated noise levels of 47 dBA. Nearby Hellyer Avenue traffic generated noise levels ranging from 45 to 48 dBA. Jets and other general aviation over the project site also contributed to the noise environment, generating noise levels of 48 to 52 dBA. The 10-minute L_{eq} measured at ST-2 was 47 dBA. Results of the measurements are summarized in Table 10.

Table 10
Summary of Short-Term Noise Measurements (dBA)

Noise Measurement Location	Date, Time	Measured Noise Level, dBA					
		L_{max}	$L_{(1)}$	$L_{(10)}$	$L_{(50)}$	$L_{(90)}$	L_{eq}
ST-1: Southwest corner of the project site	7/8/2022 10:40-10:50	74	73	69	56	48	63
ST-2: ~115 feet from the centerline of Piercy Road	7/8/2022 11:00-11:10	55	52	49	47	45	47



Source: Illingworth & Rodkin, October 2022

Noise Measurement Locations

550 Piercy Road Industrial Development
Initial Study

Figure 13

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
13. 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?		X			13
b) Generation of excessive groundborne vibration or groundborne noise levels?			X		13
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X		13

Explanation

Significance Criteria

The following criteria were used to evaluate the significance of environmental noise resulting from the project:

- A significant noise impact would be identified if the project would generate a substantial temporary or permanent noise level increase over ambient noise levels at existing noise-sensitive receptors surrounding the project site and that would exceed applicable noise standards presented in the General Plan or Municipal Code at existing noise-sensitive receptors surrounding the project site.
    - A significant noise impact would be identified if construction-related noise would temporarily increase ambient noise levels at sensitive receptors. The City of San José considers large or complex projects involving substantial noise-generating activities and lasting more than 12 months significant when within 500 feet of residential land uses or within 200 feet of commercial land uses or offices.
    - A significant permanent noise level increase would occur if project-generated traffic would result in: a) a noise level increase of 5 dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or b) a noise level increase of 3 dBA DNL or greater, with a future noise level of 60 dBA DNL or greater.
- A significant impact would be identified if the construction of the project would generate excessive vibration levels surrounding receptors. Groundborne vibration levels exceeding 0.2 in/sec PPV would have the potential to result in cosmetic damage to normal buildings. For sensitive historic structures, a continuous vibration limit of 0.08 in/sec PPV is used to determine the impact significance.

a) **Less Than Significant with Mitigation**. The following addresses the temporary and permanent increase in ambient noise levels in the vicinity of the project in excess of applicable standards. The noise and vibration effects associated with the project are described below based on the results of the noise and vibration study (see Appendix G).

Project-Generated Noise Impacts During Construction

Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

Policy EC-1.7 of the City's General Plan requires that all construction operations within the City to use best available noise suppression devices and techniques and to limit construction hours near residential uses per the Municipal Code allowable hours, which are between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday when construction occurs within 500 feet of a residential land use. Further, the City considers significant construction noise impacts to occur if a project that is located within 500 feet of residential uses or 200 feet of commercial or office uses would involve substantial noise-generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. The project proposes extended construction hours, which would occur Monday through Saturday from 7 AM to 10 PM, which was accounted for in Appendix G. To comply with Policy EC-1.7, no construction work would occur on Saturdays within 500 feet of residential uses.

Construction activities for individual projects are typically carried out in phases. During each phase of construction, there would be a different mix of equipment operating, and noise levels would vary by phase and vary within phases, based on the amount of equipment in operation and the location at which the equipment is operating. The typical range of maximum instantaneous noise levels for the proposed project would be 70 to 90 dBA L_{max} at a distance of 50 feet (see Appendix G, Table 5) from the equipment. Table 11 shows the hourly average noise level ranges, by construction phase, typical for various types of projects. Hourly average noise levels generated by construction are about 75 to 89 dBA L_{eq} for industrial buildings, measured at a distance of 50 feet from the center of a busy construction site. Construction-generated noise levels drop off at a rate of about 6 dBA per doubling of the distance between the source and receptor. Shielding by buildings or terrain often result in lower construction noise levels at distant receptors.

Table 11 Typical Ranges of Construction Noise Levels at 50 Feet, L_{eq} (dBA)								
	Domestic Housing		**Office Building, Hotel, Hospital, School, Public Works**		**Industrial Parking Garage, Religious Amusement & Recreations, Store, Service Station**		**Public Works Roads & Highways, Sewers, and Trenches**	
	I	**II**	**I**	**II**	**I**	**II**	**I**	**II**
Ground Clearing	83	83	84	84	84	83	84	84
Excavation	88	75	89	79	89	71	88	78
Foundations	81	81	78	78	77	77	88	88
Erection	81	65	87	75	84	72	79	78
Finishing	88	72	89	75	89	74	84	84

I - All pertinent equipment present at site.
II - Minimum required equipment present at site.
Source: U.S.E.P.A., Legal Compilation on Noise, Vol. 1, p. 2-104, 1973.

Equipment expected to be used in each construction phase are summarized in Table 12, along with the quantity of each type of equipment and the reference noise level at 50 feet, assuming the operation of the two loudest pieces of construction equipment for each construction phase.

The Federal Highway Administration's (FHWA's) Roadway Construction Noise Model (RCNM) was used to calculate the hourly average noise levels for each phase of construction, assuming every piece of equipment would operate simultaneously, which would represent the worst-case scenario. This construction noise model includes representative sound levels for the most common types of construction equipment and the approximate usage factors of such equipment that were developed based on an extensive database of information gathered during the construction of the Central Artery/Tunnel Project in Boston, Massachusetts (CA/T Project or "Big Dig"). The usage factors represent the percentage of time that the equipment would be operating at full power. Table 12 also summarizes the construction noise levels for the two loudest pieces of equipment propagated to the surrounding receiving land uses.

To assess construction noise impacts at the receiving property lines of existing noise-sensitive receptors, the worst-case hourly average noise level, which would result in the noise levels summarized in Table 12, was propagated from the geometrical center of the project site to the nearest property lines of the receptors. These noise level estimates are shown in Table 13. Noise levels in Table 13 do not assume reductions due to intervening buildings or existing barriers.

Table 12 Estimated Construction Noise Levels for the Proposed Industrial Buildings at a Distance of 50 feet			
Phase of Construction	**Total Workdays**	**Construction Equipment (Quantity)**	**Estimated Construction Noise Level of Two Loudest Pieces of Equipment at 50 feet**
Site Preparation	10 days	Rubber-Tired Dozer (3)[a] Tractor/Loader/Backhoe (4)[a]	82 dBA L_{eq}
Grading/Excavation	30 days	Excavator (2) Grader (1)[a] Rubber-Tired Dozer (1) Scraper (2) Tractor/Loader/Backhoe (2)[a]	84 dBA L_{eq}
Trenching/Foundation	20 days	Tractor/Loader/Backhoe (1)[a] Excavator (1)[a]	82 dBA L_{eq}
Building – Exterior	300 days	Crane (1) Forklift (3) Generator Set (1)[a] Tractor/Loader/Backhoe (3)[a] Welder (1)	82 dBA L_{eq}
Building – Interior/ Architectural Coating	20 days	Air Compressor (1)[a]	74 dBA L_{eq}
Paving	20 days	Paver (2)[a] Paving Equipment (2)[a] Roller (2)	83 dBA L_{eq}
[a] Denotes two loudest pieces of construction equipment per phase			

As shown in Table 13, construction noise levels would intermittently range from 44 to 61 dBA L_{eq} at existing residential uses and from 45 to 63 dBA L_{eq} at existing industrial and commercial uses when activities are focused near the center of the project site. These construction noise levels would not exceed the exterior threshold of 80 dBA L_{eq} at residential land uses. The 90 dBA L_{eq} threshold would not be exceeded at commercial land uses in the project vicinity during project construction. While specific construction activities would at times exceed these thresholds when work is conducted near shared property lines, construction would move throughout the project site during the planned 12-month period and thus would not constitute a significant temporary increase. Since project construction would not last for a period of more than one year, this temporary construction impact would not be considered significant in accordance with Policy EC-1.7 of the City's General Plan.

Table 13 Estimated Construction Noise Levels at Nearby Land Uses				
Phase of Construction	**Calculated Hourly Average Noise Levels, L_{eq} (dBA)**			
	West Industrial (530 feet)	**North Residential (690 feet[a])**	**Distant East Residential (1,585 feet)**	**South Commercial & Industrial (1,355 feet)**
Site Preparation	62 dBA L_{eq}	59 dBA L_{eq}	52 dBA L_{eq}	53 dBA L_{eq}
Grading/ Excavation	63 dBA L_{eq}	61 dBA L_{eq}	54 dBA L_{eq}	55 dBA L_{eq}
Trenching/Foundation	61 dBA L_{eq}	59 dBA L_{eq}	52 dBA L_{eq}	53 dBA L_{eq}
Building –Exterior	62 dBA L_{eq}	59 dBA L_{eq}	52 dBA L_{eq}	53 dBA L_{eq}
Building – Interior/ Architectural Coating	53 dBA L_{eq}	51 dBA L_{eq}	44 dBA L_{eq}	45 dBA L_{eq}
Paving	63 dBA L_{eq}	60 dBA L_{eq}	53 dBA L_{eq}	54 dBA L_{eq}
[a] These existing residential receptors are located within 500 feet of the boundary of the project site; however, the distances shown in the table were measured from the center of the project site.				

The City requires that reasonable noise reduction measures be incorporated into the construction plan and implemented during all phases of construction activity as part of their Standard Permit Condition. The following measures shall be included as part of these standard permit conditions:

Standard Permit Conditions

- Pile Driving is prohibited.

- Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential use.

- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.

- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

- Prohibit unnecessary idling of internal combustion engines.

- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.

- Utilize "quiet" air compressors and other stationary noise sources where technology exists.

- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.

- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.

- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone

number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

With implementation of the standard permit conditions listed above, the proposed project would have a less than significant impact related to generation of substantial temporary increases in ambient noise during construction.

Project-Generated Noise Impacts During Operation

According to Policy EC-1.2 of the City's General Plan, a significant permanent noise increase would occur if the project would increase noise levels at noise-sensitive receptors by 3 dBA DNL or more where ambient noise levels exceed the "normally acceptable" noise level standard. Where ambient noise levels are at or below the "normally acceptable" noise level standard, noise level increases of 5 dBA DNL or more would be considered significant. The City's General Plan defines the "normally acceptable" outdoor noise level standard for the nearby residential land uses to be 60 dBA DNL. Existing ambient levels, based on the measurements made in the project vicinity, exceed 60 dBA DNL. Therefore, a significant impact would occur if noise due to the proposed project would permanently increase ambient levels by 3 dBA DNL.

Under the City's Noise Element, noise levels from new nonresidential building equipment shall not exceed a noise level of 55 dBA DNL at receiving noise-sensitive land uses. Noise-sensitive receptors surrounding the site would include existing residences to the north and residences located east Tennant Avenue. Additionally, the City's Municipal Code limits noise levels from industrial uses to 55 dBA DNL at existing residential uses and to 70 dBA DNL at existing industrial uses, which are located to the west. The Municipal Code does limit noise levels at commercial properties to 60 dBA DNL; however, the nearest commercial use would be more than 800 feet from the southern boundary of the project site, and noise levels generated at the project site would be well below 60 dBA DNL at these receptors. Therefore, the project would have no impact on the nearest commercial uses. While exceeding the Municipal Code thresholds would not constitute a significant CEQA impact, these thresholds should be used during the final design phase of the project to control noise at existing receptors in the project vicinity.

Saturday operational hours for the proposed project would be expected to occur between 8:00 a.m. and 5:00 p.m., which is within the daytime hours between 7:00 a.m. and 10:00 p.m. specified in the City's Noise Element. The project's Saturday operations would therefore not result in additional impacts as they would be within the allowable daytime operational hours specified in the City's Noise Element.

Project Traffic Noise

The traffic study (Appendix H) included peak hour turning movements for existing traffic volumes and project trips at 12 intersections in the vicinity of the project site. The project trips were added to the existing volumes to estimated existing plus project traffic volumes. By comparing the existing plus project volumes to the existing volumes, the project's contribution to the overall noise increase is calculated. Appendix G, Table 10 summarizes the estimated noise level increase along each roadway segment included in the traffic report. As shown in Appendix G, the project's contribution would be at or below 1 dBA DNL along all segments

in the project vicinity. The project would not result in a permanent noise increase of 3 dBA DNL or more at noise-sensitive receptors in the project vicinity.

Mechanical Equipment Noise

While the exact usage of the proposed buildings is yet to be determined, potential uses could include industrial distribution, manufacturing, and/or research and development activities. Without knowing the specific uses, details pertaining to the type, number, location, etc. of mechanical equipment are unavailable at this time. For these types of uses, however, typical equipment would include heating, ventilation, air conditioning (HVAC) systems, exhaust fans, and chillers. Typically, most of the equipment would be located on the roof or in the loading dock areas, which the site plan (Figure 4) shows along the respective façades facing each other. Since the proposed buildings would shield equipment noise located in the loading docks from the surrounding land uses, the worst-case scenario would be mechanical equipment located on the rooftops of each building, which would be 45 and 42 feet above the ground for the proposed buildings.

Typical mechanical equipment for similar industrial uses would generate noise levels ranging from 61 to 62 dBA at a distance of 20 feet. Assuming that the equipment would be located about 10 feet from the edge of the nearest rooftop façade and up to five pieces of equipment to be operating simultaneously at any time during a 24-hour period (which would represent worst-case conditions) the total potential noise generated by the mechanical equipment would be up to 69 dBA L_{eq} and 75 dBA DNL at 20 feet.

The estimated mechanical equipment noise levels due to such equipment propagated to the nearest property lines of the surrounding land uses are summarized in Table 14. For the ground-level receptors located within 200 feet of the proposed buildings (i.e., the north residential land uses), a minimum equipment setback of 10 feet from the edge of the rooftop would result in at least 10 dB attenuation. At 215 feet, the minimum attenuation at this receptor would be 5 dB, assuming the equipment is set back a minimum of 10 feet from the edge of the nearest building. Attenuation is not assumed for the remaining receptors, due to the distance of the receptors (i.e., the distant east residential) or due to the elevation of the existing and future receptors having direct line-of-sight to the rooftop of the proposed buildings (i.e., existing west industrial uses and future east industrial uses).

Table 14
Estimated Mechanical Equipment Noise Levels at Receiving Land Uses

Receptor	Distance from Rooftop Equipment	Hourly L_{eq}	DNL	Noise Level Increase, DNL
West Industrial	110 feet	53 to 54 dBA	61 dBA	2dBA
North Industrial	180 feet	39 to 40 dBA[a]	46 dBA[a]	0 dBA
Distant East Residential	1,045 feet	34 to 35 dBA	41 dBA	0 dBA
Future East Industrial	215 feet	47 to 48 dBA	55 dBA	N/A[b]

[a] Minimum attenuation of 10 dB is assumed due to elevation of noise sources and distance of ground-level receptors being within 200 feet of the proposed buildings.
[b] Future receptors are not exposed to existing ambient conditions, and therefore, would not be subject to a permanent noise increase.

Based on Table 14, hourly average noise levels and day-night average thresholds would not exceed 55 dBA at the property lines of the surrounding noise-sensitive land uses. Additionally, the Municipal Code threshold of 70 dBA for industrial uses would not be exceeded at the existing adjoining industrial property to the west, or the proposed future industrial use to the east. While a 2 dBA DNL increase is assumed at the existing adjoining industrial uses to the west, these would not be considered noise-sensitive uses subject to Policy EC-1.2. This would be a less-than-significant impact.

The final design plans should be reviewed by a qualified acoustical consultant to address any potential conflicts with the General Plan or Municipal Code. The following condition of approval shall be incorporated into the proposed project:

Condition of Approval

As a project condition of approval, mechanical equipment shall be selected and designed to reduce noise levels to meet City requirements at the nearby noise-sensitive land uses. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Other alternate measures may be optimal, such as locating equipment in less noise-sensitive areas, such as along the building façades farthest from adjacent neighbors, where feasible.

Parking Lot Noise

Surface parking lots for passenger cars would be located along the northern, southern, and eastern property lines of the site. Truck parking spaces are shown between the two buildings (see Figure 4). Noise sources associated with the use of the parking lots would include vehicular circulation, loud engines, door slams, and human voices. The maximum noise level of a passing car at 15 mph typically ranges from 45 to 55 dBA L_{max} at a distance of 100 feet. The noise generated during an engine start is similar. Door slams cause slightly lower noise levels. The hourly average noise levels resulting from all of these noise-generating activities in a busy parking lot typically ranges from 40 to 50 dBA L_{eq} at a distance of 100 feet from the parking area. Noise levels decrease at a rate of 6 dB per doubling of distance. Appendix G, Table 11 summarizes the estimated parking lot noise at the surrounding receptors when the noise source is centered at the nearest parking area on the project site. As described in Appendix G, While the proposed buildings would provide partial shielding for some of the surrounding receptors, no attenuation is assumed as a result of the proposed project under worst-case conditions. Noise levels resulting from parking activities would be well below ambient noise levels due to traffic along local roadways, and the proposed parking lot/parking activities would not measurably contribute to ambient noise levels in the area (0 dBA DNL increase).

Truck Deliveries

The proposed project would include up to 258 daily truck trips. All loading docks are shown on the interior of the site, between the two proposed buildings. Therefore, truck parking and

truck loading and unloading activities would be shielded from receptors to the north and to the south of the project site. It is assumed that each of the two proposed industrial buildings would have half of the total daily trips (i.e., 129 truck trips per building). Therefore, for each building, truck trips would include up to 13 trips during the peak AM and PM hours (up to 25 total trips for the site), up to 6 trips in the remaining daytime hours between 7:00 a.m. and 10:00 p.m. (up to 6 total trips for the site), and up to 3 trips during each nighttime hour between 10:00 p.m. and 7:00 a.m. (up to 6 total trips for the site). Truck delivery noise would include both maneuvering activities occurring at the loading docks and truck parking spaces located between the buildings, as well as truck pass-by activities occurring at each of the driveways.

Trucks maneuvering would generate a combination of engine, exhaust, and tire noise, as well as the intermittent sounds of back-up alarms and releases of compressed air associated with truck/trailer air brakes. Heavy trucks used for incoming deliveries typically generate maximum instantaneous noise levels of 70 to 75 dBA L_{max} at a distance of 50 feet. The noise level of backup alarms can vary depending on the type and directivity of the sound, but maximum noise levels are typically in the range of 65 to 75 dBA L_{max} at a distance of 50 feet. Hourly average noise levels due to truck maneuvering would range from 65 to 70 dBA L_{eq} at 50 feet. Due to the orientation of the proposed buildings, the residences located to the north of the project site would be well shielded from all traffic maneuvering and would not be considered receptors for this noise source. Appendix G, Table 12 summarizes the estimated truck maneuvering noise at the surrounding receptors. Noise levels resulting from truck maneuvering activities would be at or below ambient noise levels due to traffic along local roadways, and the 55 dBA DNL threshold would not be exceeded at the existing residential uses with direct line-of-sight to the noise source. The proposed truck maneuvering activities would not measurably contribute to ambient noise levels in the area (0 dBA DNL increase).

To estimate the pass-by noise levels for heavy trucks traveling at speeds of 15 to 25 mph, Federal Highway Administration's Traffic Noise Model (FHWA TNM), version 2.5, was used to model various hourly scenarios for truck traffic, based on the daily trip distribution assumed for the project. It is further assumed that the truck trips for the north building would access the site via the two driveways along Piercy Road only, and that the truck trips for the south building would access the site via the two driveways along Hellyer Avenue only. Table 15 summarizes the estimated truck pass-by noise levels at the surrounding receptors, assuming the nearest driveway on the project site for each receptor.

Table 15
Estimated Truck Pass-by Noise Levels at Receiving Land Uses

Receptor	Distance from Center of Nearest Driveway	Hourly L_{eq}	DNL	Noise Level Increase, DNL
West Industrial	80 feet	47 to 53 dBA	54 dBA	1 dBA
North Residential	100 feet	45 to 51 dBA	53 dBA	0 dBA
Distant East Residential	1,000 feet	25 to 31 dBA	33 dBA	0 dBA
Future East Industrial	165 feet	41 to 47 dBA	48 dBA	N/A[b]

[b] Future receptors are not exposed to existing ambient conditions, and therefore, would not be subject to a permanent noise increase.

Hourly average noise levels would not exceed 55 dBA at the property lines of the surrounding residential uses, and the day-night average noise levels at the surrounding residential uses

would not exceed 55 dBA DNL. However, the day-night average threshold of 55 dBA DNL would potentially be exceeded at the existing residences east of the site. It should be noted, however, that the existing ambient noise levels resulting from traffic on Piercy Road is 62 dBA DNL. Additionally, noise levels calculated at the industrial uses would not exceed the Municipal Code thresholds. Hourly average and day-night average noise levels at the existing and future industrial uses adjoining the site would also not exceed Municipal Code thresholds. The rural residences to the north would be exposed to a permanent noise level increase of 1 dBA DNL, which would not exceed the City's threshold of 3 dBA DNL. While ambient noise levels at the existing industrial use adjoining the site to the west would increase by 1 dBA DNL due to truck pass-by activities, these activities would not measurably contribute to ambient noise levels at residential uses in the project vicinity (0 dBA DNL increase). The proposed project would have a less-than-significant impact with respect to generation of substantial permanent increases in ambient noise during operation.

Cumulative Impacts

From the City's website,[40] only one planned or approved project would be located within 1,000 feet of the project site: 644/675 Piercy Road. This project adjoins the site to the east and consists of one single-story industrial building with a maximum of 250,000 square feet, which would include 24-hour truck trips accessing Hellyer Avenue and mechanical equipment noise. Since the two projects are on adjoining sites with shared off-site noise-sensitive receptors, temporary and permanent cumulative noise impacts for both of these projects combined are analyzed below.

Temporary Construction Noise

The 644/675 Piercy Road project would potentially be constructed over an 11-month period from October 2023 to July 2024. Since 644/675 Piercy Road is still under planning review, these dates are not confirmed and could change. It is likely that both 550 Piercy Road and 644/675 Piercy Road projects would have an overlapping construction period of up to 11 months. However, both sites are large, and the construction work would be distributed throughout each site. With the incorporation of best management practices proposed for both project sites and understanding the overlapping construction activities that use heavy, noise-generating equipment (i.e., excavation, trenching, and foundation work) would be limited to six months, the cumulative construction impact would be reduced to less than significant.

All other planned or approved construction projects would be more than 1,000 feet from the project site. Therefore, there would not be a cumulative construction impact with the incorporation of construction best management practices as conditions of approval.

Permanent Noise Level Increase/Exceed Applicable Standards

Traffic Noise

For a substantial permanent cumulative noise increase to occur, two qualifications must be met: 1) if the cumulative plus project traffic volumes result in a noise level increase at sensitive receptors of 5 dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or of

[40] https://gis.sanjoseca.gov/maps/devprojects/

3 dBA DNL or greater, with a future noise level of 60 dBA DNL or greater, compared to existing traffic volumes; and 2) if the cumulative plus project traffic volumes result in a 1 dBA DNL or more noise level increase compared to cumulative (no project) conditions, which would be considered a cumulatively considerable contribution to the overall traffic noise increase.

The local traffic study for the 550 Piercy Road project did not include cumulative traffic information, and the traffic that was included did not consider the 644/675 Piercy Road project. However, the traffic study for the 644/675 Piercy Road project included peak hour turning movements for cumulative and cumulative plus project at 10 intersections in the vicinity of the project site, which included both industrial projects. Table 16 summarizes the noise level difference calculated by comparing both the cumulative (no project) and cumulative plus project traffic scenarios to the existing scenario. Both cumulative scenarios include pending traffic volumes from 644/675 Piercy Road, and the cumulative plus project scenario includes 550 Piercy Road. As shown in Table 16, all roadway segments that would result in a noise level increase of 3 dBA DNL or more were calculated for both the cumulative (no project) and cumulative plus project scenarios. Therefore, the project would not result in cumulative traffic noise increase of 1 dBA DNL or more and would not represent a cumulative noise level increase.

Mechanical Equipment

Mechanical equipment noise generated at both proposed industrial projects were combined at each of the existing off-site receptors to estimate the cumulative noise impact. Both projects would have HVAC systems, assumed to be located on the rooftop of the proposed buildings. For both buildings on the 550 Piercy Road site and for the proposed building at 644/675 Piercy Road, combined rooftop noise would be up to 69 dBA L_{eq} and 75 dBA DNL at 20 feet. Under this assumption, Table 17 summarizes the combined mechanical equipment for both project sites propagated to the surrounding receptors. Table 17 includes a conservative 10 dBA attenuation due to the building façade, elevation of the noise sources, and intervening buildings.

Hourly average noise levels and day-night average thresholds would not exceed 55 dBA at the property lines of the surrounding residential land uses. Additionally, the Municipal Code threshold of 70 dBA for industrial uses would not be exceeded at the existing industrial property to the west of 550 Piercy Road. While a 2 dBA DNL increase is assumed at the existing adjoining industrial uses to the west, these would not be considered noise-sensitive uses subject to Policy EC-1.2. This represents a less than significant cumulative impact.

Parking Lot Noise

Surface parking lots at 644/675 Piercy Road would be located along the northern and eastern property lines, while 550 Piercy Road would have surface parking lots along the northern, southern, and eastern property lines of the site. Table 18 summarizes the combined noise levels for parking lots at both buildings propagated to the existing surrounding land uses. While the 644/675 Piercy Road building would partially shield the existing east residences from parking lot noise generated at 550 Piercy Road, some residences would still have direct line-of-site. Conservatively, no shielding is assumed for these residences. However, the 550 Piercy Road

buildings would completely shield the west industrial building from parking lot noise generated at 644/675 Piercy Road.

Hourly average noise levels and day-night average thresholds would not exceed 55 dBA at the property lines of the surrounding residential land uses. Additionally, the Municipal Code threshold of 70 dBA for industrial uses would not be exceeded at the existing industrial property to the west of 550 Piercy Road. The proposed parking lot/parking activities at both sites would not measurably contribute to ambient noise levels in the area (0 dBA DNL increase).

Truck Maneuvering Noise

The proposed 644/675 Piercy Road project would include up to 135 daily truck trips, with all loading docks and truck parking spaces located along the southern façade of the proposed building facing Hellyer Avenue. Additionally, the 550 Piercy Road buildings would completely shield the west industrial building from truck maneuvering noise generated at 644/675 Piercy Road. Approximately 258 daily truck trips would occur at 550 Piercy Road, with all loading docks and truck parking spaces located between the project buildings on the interior of the site. Existing residences north of Piercy Road would be shielded from truck maneuvering activities at both sites. Assuming 24-hour deliveries at both sites, Table 19 summarizes the cumulative truck maneuvering noise levels for both projects at the surrounding receptors.

Hourly average noise levels and day-night average thresholds would not exceed 55 dBA at the property lines of the surrounding residential land uses. Additionally, the Municipal Code threshold of 70 dBA for industrial uses would not be exceeded at the existing industrial property to the west of 550 Piercy Road. The proposed truck maneuvering activities at both sites would not measurably contribute to ambient noise levels in the area (0 dBA DNL increase).

Truck Pass-by Noise

Truck trips at the 644/675 Piercy Road site are assumed to access the site from Hellyer Avenue only since all loading docks are located along the southern building façade. However, the 550 Piercy Road site would have trucks accessing the site from two driveways along Piercy Road and two driveways along Hellyer Avenue. Table 20 summarizes the cumulative truck pass-by noise at receiving property lines surrounding the sites. The existing industrial building west of 550 Piercy Road would be shielded from the driveways accessing the 644/675 Piercy Road site by the 550 Piercy Road buildings, and the existing residences north of Piercy Road would be shielded from the driveways accessing the 644/675 Piercy Road site by the on-site project building.

Hourly average noise levels and day-night average thresholds would not exceed 55 dBA at the property lines of the surrounding residential land uses. Additionally, the Municipal Code threshold of 70 dBA for industrial uses would not be exceeded at the existing industrial property to the west of 550 Piercy Road. The proposed truck pass-by activities at both sites would not measurably contribute to ambient noise levels in the area (0 dBA DNL increase) at existing residential land uses.

Table 16
Estimated Noise Level Increases of Cumulative and Cumulative Plus Project Traffic Volumes Over Existing Volumes at Receptors in the Project Vicinity

Roadway	Segment	Estimated Noise Level Increase Over Existing Volumes, dBA DNL		Project's Contribution, dBA DNL
		Cumulative	Cumulative Plus Project	
Blossom Hill Road/ Silver Creek Road	West of Hellyer Avenue	3	3	0
	East of Hellyer Avenue	2	2	0
Hellyer Avenue	North of Silver Creek Road	2	2	0
	Silver Creek Road to Piercy Road	2	2	0
	Piercy Road to north project driveway	3	3	0
	North project driveway to south project driveway	3	3	0
	South project driveway to Bernal Road/Silicon Valley Boulevard/Tennant Avenue	3	3	0
	South of Bernal Road/Silicon Valley Boulevard/Tennant Avenue	0	0	0
Piercy Road	West of Hellyer Avenue	1	1	0
	Hellyer Avenue to project driveway	1	1	0
	South of project driveway	1	1	0
Bernal Road/Silicon Valley Boulevard/Tennant Avenue	West of SR 85 ramps	2	2	0
	SR 85 SB ramps to Highway 101 SB ramps	2	2	0
	Highway 101 SB ramps to Highway 101 NB ramps	2	2	0
	Highway 101 NB ramps to Hellyer Avenue	3	3	0
	Hellyer Avenue to project driveway	1	1	0
	East of project driveway	1	1	0
Highway 101 NB off ramp	At Bernal Road/Silicon Valley Boulevard	0	0	0
Highway 101 NB on ramp	At Bernal Road/Silicon Valley Boulevard	0	0	0
Highway 101 SB off ramp	At Bernal Road/Silicon Valley Boulevard	0	0	0
SR 85 SB off ramp	At Bernal Road/Silicon Valley Boulevard	0	0	0
SR 85 SB on ramp	At Bernal Road/Silicon Valley Boulevard	0	0	0

Table 17 Estimated Cumulative Mechanical Equipment Noise Levels at Receiving Land Uses							
Receptor	**550 Piercy Road Project**		**644/675 Piercy Road Project**		**Both Projects Combined**		**Noise Level Increase, dBA DNL**
	Hourly L_{eq}, dBA	**DNL, dBA**	**Hourly L_{eq}, dBA**	**DNL, dBA**	**Hourly L_{eq}, dBA**	**DNL, dBA**	
Existing Industrial West of 550 Piercy Road Site	53 to 54	61	22 to 23[a]	29[a]	Up to 54	61	1 to 2 dBA
Existing Residential North of 550 Piercy Road Site	39 to 40[a]	46[a]	36 to 37[a]	44[a]	Up to 42	48	0 dBA
Existing Residential East of 644/675 Piercy Road Site	24 to 25[a]	31[a]	42 to 43[a]	49[a]	Up to 43	49	0 dBA

Table 18 Estimated Cumulative Parking Lot Noise Levels at Receiving Land Uses							
Receptor	**550 Piercy Road Project**		**644/675 Piercy Road Project**		**Both Projects Combined**		**Noise Level Increase, dBA DNL**
	Hourly L_{eq}, dBA	**DNL, dBA**	**Hourly L_{eq}, dBA**	**DNL, dBA**	**Hourly L_{eq}, dBA**	**DNL, dBA**	
Existing Industrial West of 550 Piercy Road Site	41 to 51	45	--	--	Up to 51	45	0 dBA
Existing Residential North of 550 Piercy Road Site	35 to 45	38	36 to 46	39	Up to 49	42	0 dBA
Existing Residential East of 644/675 Piercy Road Site	20 to 30	23	39 to 49	42	Up to 49	45	0 dBA

Table 19 Estimated Cumulative Truck Maneuvering Noise Levels at Receiving Land Uses							
Receptor	**550 Piercy Road Project**		**644/675 Piercy Road Project**		**Both Projects Combined**		**Noise Level Increase, dBA DNL**
	Hourly L_{eq}, dBA	**DNL, dBA**	**Hourly L_{eq}, dBA**	**DNL, dBA**	**Hourly L_{eq}, dBA**	**DNL, dBA**	
Existing Industrial West of 550 Piercy Road Site	46 to 52	53	--	--	Up to 52	53	0 dBA
Existing Residential East of 644/675 Piercy Road Site	37 to 43	44	43 to 50	50	Up to 51	51	0 dBA

Table 20 Estimated Cumulative Truck Pass-by Noise Levels at Receiving Land Uses							
Receptor	**550 Piercy Road Project**		**644/675 Piercy Road Project**		**Both Projects Combined**		**Noise Level Increase, dBA DNL**
	Hourly L_{eq}, dBA	**DNL, dBA**	**Hourly L_{eq}, dBA**	**DNL, dBA**	**Hourly L_{eq}, dBA**	**DNL, dBA**	
Existing Industrial West of 550 Piercy Road Site	47 to 53	54	--	--	Up to 53	54	1 dBA
Existing Residential North of 550 Piercy Road Site	45 to 51	53	--	--	Up to 51	53	0 dBA
Existing Residential East of 644/675 Piercy Road Site	25 to 31	33	36 to 44	43	Up to 44	44	0 dBA

Total Cumulative Operational Noise

The operational noise levels produced by both proposed projects combined (i.e., traffic, mechanical equipment, parking lot, truck loading/unloading activities, and truck pass-bys) would potentially result in a permanent noise increase of 2 to 3 dBA DNL at the industrial uses to the west of 550 Piercy Road and up to 1 dBA DNL at the existing residences to the north and to the east.

Cumulative operational noise levels would be up to 60 dBA L_{eq} and 62 dBA DNL at the industrial uses to the west of 550 Piercy Road and would range from 53 to 54 dBA L_{eq} and 54 dBA DNL at the residences to the north and to the east of the project sites.

Therefore, cumulative hourly average noise levels and day-night average levels would not exceed the 55 dBA threshold at the property lines of the surrounding residential land uses or the 60 dBA threshold at the industrial site to the west. This would be a less than significant cumulative noise impact.

b) **Less Than Significant Impact**. Construction of the proposed project may generate perceptible vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. Construction activities would include demolition, site preparation work, foundation work, and new building framing and finishing. Pile driving equipment, which can cause excessive vibration, is not expected to be required for the proposed project.

According to the City's Historic Resource Inventory,[41] the nearest historical building is nearly 2 miles from the project site. Vibration levels due to project construction activities would not result in vibration levels of 0.08 in/sec PPV or more at a historical structure. All buildings in the immediate vicinity of the project site would consist of normal conventional construction materials and would, therefore, be subject to the City's 0.2 in/sec PPV threshold.

According to Policy EC-2.3 of the City of San José General Plan, a vibration limit of 0.08 in/sec PPV shall be used to minimize the potential for cosmetic damage to sensitive historical structures, and a vibration limit of 0.20 in/sec PPV shall be used to minimize damage at buildings of normal conventional construction. The vibration limits contained in this policy are conservative and designed to provide the ultimate level of protection for existing buildings in San José. As discussed in detail below, vibration levels exceeding these thresholds would be capable of cosmetically damaging adjacent buildings. Cosmetic damage (also known as threshold damage) is defined as hairline cracking in plaster, the opening of old cracks, the loosening of paint or the dislodging of loose objects. Minor damage is defined as hairline cracking in masonry or the loosening of plaster. Major structural damage is defined as wide cracking or the shifting of foundation or bearing walls.

Table 21 presents typical vibration levels that could be expected from construction equipment at a distance of 25 feet. Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.), may generate substantial vibration in the immediate vicinity.

[41] www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/historic-preservation/historic-resources-inventory

Jackhammers typically generate vibration levels of 0.035 in/sec PPV, and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet.

Vibration levels would vary depending on soil conditions, construction methods, and equipment used. Table 22 also summarizes the distances to the 0.08 in/sec PPV threshold for historical buildings and to the 0.2 in/sec PPV threshold for all other buildings.

Table 21
Vibration Source Levels for Construction Equipment

Equipment		PPV at 25 feet. (in/sec)	Minimum Distance to Meet 0.08 in/sec PPV (feet)	Minimum Distance to Meet 0.2 in/sec PPV (feet)
Clam shovel drop		0.202	59	26
Hydromill (slurry wall)	in soil	0.008	4	2
	in rock	0.017	7	3
Vibratory Roller		0.210	61	27
Hoe Ram		0.089	28	13
Large bulldozer		0.089	28	13
Caisson drilling		0.089	28	13
Loaded trucks		0.076	24	11
Jackhammer		0.035	12	6
Small bulldozer		0.003	2	<1

Source: Transit Noise and Vibration Impact Assessment Manual, Federal Transit Administration, Office of Planning and Environment, U.S. Department of Transportation, September 2018, as modified by Illingworth & Rodkin, Inc., August 2021.

Table 22 summarizes the vibration levels at each of the surrounding buildings in the project vicinity. Vibration levels are highest close to the source and then attenuate with increasing distance. While construction noise levels increase based on the cumulative equipment in use simultaneously, construction vibration levels would be dependent on the location of individual pieces of equipment. That is, equipment scattered throughout the site would not generate a collective vibration level, but a vibratory roller, for instance, operating near the project site boundary would generate the worst-case vibration levels for the receptor sharing that property line. Further, construction vibration impacts are assessed based on damage to buildings on receiving land uses, not receptors at the nearest property lines. Therefore, the distances used to propagate construction vibration levels (as shown in Table 22), which are different than the distances used to propagate construction noise levels (as shown in Appendix G, Table 8), were estimated under the assumption that each piece of equipment from Table 16 was operating along the nearest boundary of the project site, which would represent the worst-case scenario.

As shown in Table 22, the nearest existing structure adjoining the project site would be approximately 100 feet or more from the boundary of the project site. At this distance, the conventional buildings would be exposed to vibration levels below 0.05 in/sec PPV, which is below the City's 0.2 in/sec PPV threshold. All other buildings in the project vicinity would be exposed to lower vibration levels due to their distance from project construction.

Neither cosmetic, minor, or major damage would occur at conventional buildings surrounding the project site. At these locations, and in other surrounding areas where vibration would not be expected to cause cosmetic damage, vibration levels may still be perceptible. However, as with any type of construction, this would be anticipated and would not be considered significant, given the intermittent and short duration of the phases that have the highest

potential of producing vibration (use of jackhammers and other high-power tools). By use of administrative controls identified in the standard permit conditions under impact a), such as notifying neighbors of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration during hours with the least potential to affect nearby businesses, perceptible vibration can be kept to a minimum. The proposed project would have a less than significant impact with respect to generating excessive groundborne vibration or groundborne noise levels.

Table 22
Vibration Levels at Nearby Buildings

Equipment		PPV (in/sec)		
		North Industrial (100 feet)	**East Residences (75 feet)**	**South Distant Residences (840 feet)**
Clam shovel drop		0.044	0.060	0.004
Hydromill (slurry wall)	in soil	0.002	0.002	0.0002
	in rock	0.004	0.005	0.0004
Vibratory Roller		0.046	0.063	0.004
Hoe Ram		0.019	0.027	0.002
Large bulldozer		0.019	0.027	0.002
Caisson drilling		0.019	0.027	0.002
Loaded trucks		0.017	0.023	0.002
Jackhammer		0.008	0.010	0.001
Small bulldozer		0.001	0.001	0.0001

Source: Transit Noise and Vibration Impact Assessment Manual, Federal Transit Administration, Office of Planning and Environment, U.S. Department of Transportation, September 2018, as modified by Illingworth & Rodkin, Inc., October 2022.

c) **Less Than Significant Impact**. Norman Y. Mineta San José International Airport is a public-use airport located approximately 10 miles northwest of the project site. In addition, the Reid-Hillview Airport is located approximately 5.75 miles northwest of the site, and the San Martin Airport is located approximately 15 miles southeast of the site. The project site lies well outside of the 60 dBA CNEL 2037 noise contour of the airport, according to the 2020 Amendment to the Norman Y. Mineta San José International Airport Master Plan Update Project[42] report (June 2020). Assuming standard construction materials for aircraft noise below 60 dBA DNL, the future interior noise levels resulting from aircraft would below 45 dBA DNL. The project site is not located in a noise sensitive area for either the Reid-Hillview Airport or the San Martin Airport.[43] As a result, the proposed project would not be subjected to significant amounts of noise from aircraft landing or taking from the airport and would be compatible with the City's interior noise standards for aircraft noise. The proposed project would have a less than significant impact related to exposure of occupants to excessive noise levels from airports.

Conclusion: The project would have a less than significant impact related to noise and vibration with incorporation of identified mitigation measures and standard permit conditions.

[42] https://www.flysanjose.com/sites/default/files/noise/2037_CNEL.pdf
[43] https://countyairports.sccgov.org/noise-abatement/reid-hillview-airport-noise-standards

N. POPULATION AND HOUSING

Regulatory Framework

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.[44] The City of San José Housing Element and related land use policies were last updated in January 2015.

Regional and Local

Plan Bay Area 2040

Plan Bay Area 2040 is a long-range transportation, land-use, and housing plan intended support a growing economy, provide more housing and transportation choices, and reduce transportation related pollution and greenhouse gas (GHG) emissions in the Bay Area. Plan Bay Area 2040 promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).[45]

The Association of Bay Area Governments (ABAG) allocates regional housing needs to each city and county within the nine-county San Francisco Bay Area, based on statewide goals. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, the Metropolitan Transportation Commission (MTC), and local jurisdiction planning staff created the Regional Forecast of Jobs, Population, and Housing, which is an integrated land use and transportation plan through the year 2040 (upon which Plan Bay Area 2040 is based).

Existing Setting

Based on information from the State Department of Finance, the City of San José's population was estimated to be 976,482 in January 2022 and had an estimated total of 344,112 housing units, with an average of 2.91 persons per household.[46] ABAG projects that the City's population will reach 1,377,145 with 448,310 households by 2040.[47]

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[44] California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" http://hcd.ca.gov/community-development/housingelement/index.shtml
[45] Association of Bay Area Governments and Metropolitan Transportation Commission. "Project Mapper." http://projectmapper.planbayarea.org/
[46] California Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State, 2021.
[47] Association of Bay Area Governments and Metropolitan Transportation Commission, Plan Bay Area 2040 Projections 2040, 2022.

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth (e.g., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth). The General Plan EIR concluded that the potential for direct growth inducing impacts from buildout of the General Plan would be minimal because planned growth would consist entirely of development within the City's existing Urban Growth Boundary and Urban Service Area.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
14. 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)?			X		1, 2
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X	1, 2

Explanation

a) **Less Than Significant Impact**. The project does not include any new residential units and would not directly induce unplanned population growth. However, the project site is currently vacant, and development of the proposed industrial buildings would result in increased employment opportunities that could result in unplanned population growth. The proposed project would generate approximately 160 new employees. These new employees would be sourced largely from the City's existing population, as well as the populations of neighboring cities, and would not require the construction of additional housing to accommodate employees. However, the proposed development would be consistent with the General Plan Designation of *Industrial Park* that applies to the site. As a result, the potential for population growth induced as a result of the proposed development was accounted for in the City's General Plan. The development is consistent with the project site's General Plan land use designation and, therefore, would not add growth beyond what was anticipated from buildout of the General Plan. In addition, while the proposed project consists of development of a currently vacant site, existing utility infrastructure already exists in the vicinity of the project to serve the surrounding developments. There would be no unplanned growth as a result of infrastructure extension to serve the site. The proposed project would have a less than significant impact with respect to directly or indirectly inducing unplanned population growth.

b) **No Impact**. The project consists of the development of industrial buildings on a vacant site that does not contain any residential units. The project would have no impact as the proposed development would not displace existing housing or require the construction of replacement housing.

Conclusion: The project would have a less than significant impact on population and housing.

O. PUBLIC SERVICES

Regulatory Framework

State

California Government Code Section 65996

California Government Code Section 65996 stipulates that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to issuance of a building permit. The legislation states that payments of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA [§65996(b)]. The school district is responsible for implementing the specific methods of school impact mitigation under the Government Code. The CEQA documents must identify that school impact fees and the school districts' methods of implementing measures specified by Government Code 65996 would adequately mitigate project-related increases in student enrollment.

Quimby Act – California Code Sections 66475-66478

The Quimby Act (California Government Code Sections 66475-66478) was approved by the California legislature to preserve open space and parkland in the State. The Quimby Act authorizes local governments to establish ordinances requiring developers of new subdivisions to dedicate parks, pay an in-lieu fee, or perform a combination of the two. As described below, the City has adopted a Parkland Dedication Ordinance and a Park Impact Ordinance, consistent with the Quimby Act.

Local

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25), requiring new residential development to either dedicate sufficient land to serve new residents or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities onsite. For projects exceeding 50 units, the City decides whether the project will dedicate land for a new public park site or provide a fee in-lieu of land dedication. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

General Plan Policies

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

Envision San José 2040 Relevant Public Service Policies	
Policy CD-5.5	Include design elements during the development review process that address security, aesthetics, and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular

Envision San José 2040 Relevant Public Service Policies	
	and pedestrian facilities and other standards set forth in local, state, and federal regulations.
Policy FS-5.6	When reviewing major land use or policy changes, consider the availability of police and fire protection, parks and recreation and library services to the affected area as well as the potential impacts of the project on existing service levels.
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 SF of space per capita in library facilities.
Policy ES-3.1	Provide rapid and timely Level of Service (LOS) response time to all emergencies: 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
Policy ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
Policy ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects. 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.

Existing Setting

Fire Protection: Fire protection services are provided to the project site by the San José Fire Department (SJFD). The closest fire station to the project site is Station #27, located about 1.35 miles south of the site at 6027 San Ignacio Avenue.

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

Parks: The nearest park to the project site is Piercy Park, located within walking distance less than 0.25 miles east of the site. In addition, Coyote Creek trail is located to the south of the project site across Hellyer Avenue. The City of San José has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks.

Schools: Schools serving the project area are located within the boundaries of Oak Grove Elementary School District and the East Side Union High School District. The most likely public schools to serve the project area are presented below.

Schools in Project Area		
Elementary	**Middle**	**High**
Ledesma Elementary School 1001 Schoolhouse Road San José, CA 95138	Bernal Intermediate School 6610 San Ignacio Avenue San José, CA 95119	Oak Grove High School 285 Blossom Hill Road San José, CA 95123

State law (Government Code §65996) identifies the payment of school impact fees as an acceptable method of offsetting a project's impact on school facilities. In San José, developers can either negotiate directly with the affected school district or make a payment per square foot of multi-family units and new commercial uses, prior to issuance of a building permit. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Libraries: The San José Public Library System consists of one main library and 24 branch libraries. The nearest branches to the project site are the Santa Teresa Branch Library, about 1.75 miles southwest of the site, and Edenvale Branch Library, about 2.6 miles northwest of the site.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
15. PUBLIC SERVICES. 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:					
a) Fire protection?			X		1, 2
b) Police protection?			X		1, 2
c) Schools?			X		1, 2
d) Parks?				X	1, 2
e) Other public facilities?				X	1, 2

Explanation

a) **Less Than Significant Impact**. The project proposes to redevelop the site, which would intensify the use of the site compared to its vacant state. This would result in an incremental increase in the demand for fire protection services. The project site, however, is currently served by the SJFD and the amount of proposed development represents a small fraction of the total growth identified in the General Plan. The project, by itself, would not preclude the SJFD from meeting their service goals and would not require the construction of new or expanded fire facilities. In addition, the proposed project would be constructed in accordance with current building and Fire codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. Therefore, the proposed industrial development would have a less than significant impact with respect to increasing demand on existing fire protection services or requiring the construction of new or remodeled facilities.

b) **Less Than Significant Impact**. The project proposes to develop the currently vacant site, which would intensify the use of the site compared to existing conditions. This would result in an incremental increase in the demand for police protection services. The project site, however, is currently served by the SJPD and the amount of proposed development represents a small fraction of the total growth identified in the General Plan. The project, by itself, would not preclude the SJPD from meeting their service goals and would not require the construction of new or expanded police facilities. In addition, the proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. Therefore, the proposed industrial development would have a less than significant impact with respect to increasing demand on existing police protection services or requiring the construction of new or remodeled facilities.

c) **Less Than Significant Impact**. The proposed industrial development would not generate new students. However, the project would be subject to school impact fees to accommodate the incremental demand on school services, including the state-mandated school district impact fee, to compensate for any impacts to school services. Oak Grove Elementary School District's posted impact fee for commercial and industrial projects is $0.34 per square foot, while East Side Union High School District's impact fee for commercial and industrial projects is $0.22 per square foot. With payment of these impact fees, the project would account for its potential incrementally increased demand on school services, resulting in a less than significant impact.

d) **No Impact**. The proposed industrial development is unlikely to generate some additional park users. The project is an industrial development and would not be required to comply with the City's Parkland Dedication Ordinance and Park Impact Ordinance. As a result, the proposed project would have no impact resulting in a substantial adverse effect on existing park facilities, require the expansion of existing facilities, or require the construction of new park facilities.

e) **No Impact.** The proposed industrial development is unlikely to have an increase in the demand for other public services. There would be no impact.

Conclusion: The project would have a less than significant impact on public services.

P. RECREATION

Regulatory Framework

State

Assembly Bill 1359 – Quimby Act

The Quimby Act, which is within the Subdivision Map Act, authorizes the legislative body of a city or county to require the dedication of land or impose fees for park or recreational purposes as a condition to the approval of a tentative or parcel subdivision map, if specified requirements are met. On September 28, 2013 Governor Brown signed the AB 1359, the purpose of which was to amend the existing Quimby Act to authorize local governments to spend Quimby Act funds beyond parks that serve the development from where the funds were sourced. To reallocate the funds in this manner, AB 1359 requires the legislative body to hold a public hearing before using fees as prescribed in the bill.

Local

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks. See *Section O. Public Services* for additional discussion.

Activate SJ Strategic Plan

The Activate SJ Strategic Plan was developed by the City of San José as an update to the Greenprint 2009 Plan. The Plan serves as an outline of goals and policies of the City's Department of Parks, Recreation, and Neighborhood Services, and is intended to act as a 20-year strategic plan in alignment with the Envision San José 2040 General Plan. The Activate SJ Strategic Plan will be updated at five-year intervals. The Plan identifies five major guiding principles, Stewardship, Nature, Equity & Access, Identity, and Public Life, to achieve the City's goal of connecting people through parks, recreation, and neighborhood services.

Existing Setting

The City of San José owns and maintains approximately 3,536 acres of parkland, including neighborhood parks, community parks, and regional parks, for a total of 209 public parks. The City has 41 community/neighborhood centers and over 61 miles of trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities.

The nearest park to the project site is Piercy Park, located within walking distance about 0.25 miles east of the site.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
16. RECREATION. Would the project:					
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X		1, 2
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X		1, 2

Explanation

a), b) **Less Than Significant Impact**. The project involves development of two new industrial buildings. The project does not have a residential component that would incrementally increase the demands on nearby recreational facilities. Future occupants of the site may utilize existing park facilities. However, this would not constitute a substantial increase in the use of existing neighborhood and regional parks or other recreational facilities, and would not require the construction or expansion of recreational facilities. Development of the site would be consistent with the *Industrial Park* general plan designation and the growth associated with site development was anticipated in the City's 2040 General Plan. This proposed project would have less than significant impacts related to increased use of neighborhood and regional parks or requiring construction or expansion of recreational facilities.

Conclusion: The project would have a less than significant impact on recreational facilities.

Q. TRANSPORTATION

The following discussion is based on a transportation analysis prepared for the project by Hexagon Transportation Consultants (April 28, 2023). This study is contained in Appendix H. The transportation analysis was conducted to determine the potential transportation impacts related of the project based on the standards and methodologies set forth by the City of San José and included an evaluation of vehicle miles traveled (VMT) and a local transportation analysis (LTA).

Regulatory Framework

State

Regional Transportation Plan

The 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 a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2040.

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires the replacement of automobile delay—described solely by level of service or similar measures of vehicular capacity or traffic congestion—with VMT as the recommended metric for determining the significance of transportation impacts. The Governor's Office of Planning and Research (OPR) approved the CEQA Guidelines implementing SB 743 on December 28, 2018. Local jurisdictions were required to implement a VMT policy by July 1, 2020. SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant. Projects located within 0.50 mile of transit are generally be considered to have a less than significant transportation impact based on OPR guidance.

Regional and Local

Final Plan Bay Area 2040

The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) adopted the Final Plan Bay Area 2040 in July 2017. The Final Plan Bay Area 2040 is an updated long-range Regional Transportation Plan and Sustainable Communities Strategy for the nine-county San Francisco Bay Area. This plan focuses on the following strategies:

- Forecasting transportation needs through the year 2040.
- Preserving the character of our diverse communities.

- Adapting to the challenges of future population growth.

This effort grew out of the California Sustainable Communities and Climate Protection Act of 2008 (California Senate Bill 375, Steinberg), which requires each of the state's 18 metropolitan areas – including the Bay Area – to reduce greenhouse gas emissions from cars and light trucks. Plan Bay Area 2040 is a limited and focused update of the region's previous integrated transportation and land use plan, Plan Bay Area, adopted in 2013.

Santa Clara County Congestion Management Program

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

Council Policy 5-1 Transportation Analysis

In alignment with SB 743 and the City's goals in the Envision San José 2040 General Plan, the City has adopted a new "Transportation Analysis Policy" (Council Policy 5-1) to replace the former Transportation Level of Service Policy (Council Policy 5-3). The new policy establishes the thresholds for transportation impacts under CEQA based on VMT rather than intersection level of service (LOS). VMT is the total miles of travel by personal motorized vehicles from a project in a day. The intent of this change in policy is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway capacity to a reduction in vehicle emissions and the creation of multimodal networks that support integrated land uses.[48] According to the policy, an employment facility (e.g., office, R & D) or a residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional VMT per employee, or the existing average citywide or regional per capita VMT respectively. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional per capita VMT per employee. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible.

The policy also requires preparation of a Local Transportation Analysis (LTA) to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, and site access and circulation. The LTA also addresses CEQA issues related to pedestrian, bicycle access, and transit.

Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to a have a less than significant VMT impact. Under Policy 5-1, the screening criteria are as follows:

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

1. Small Infill Projects,
2. Local-Serving Retail,
3. Local-Serving Public Facilities,
4. Transit Supportive Projects in Planned Growth Areas with Low VMT and High-Quality Transit,
5. Restricted Affordable, Transit Supportive Residential Projects in Planned Growth Areas with High Quality Transit, and
6. Transportation Projects that reduce or do not increase VMT.

General Plan Policies

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

Envision San José 2040 Relevant Transportation Policies	
Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
Policy TR-1.4	Through the entitlement process for new development, 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.

Envision San José 2040 Relevant Transportation Policies	
Policy TR-1.5	Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
Policy TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
Policy TR-5.3	Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements. • Downtown. Downtown San José exemplifies low-VMT with integrated land use and transportation development. In recognition of the unique position of the Downtown as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, Downtown projects shall support the long-term development of a world class urban transportation network.
Policy TR-6.2	Maintain primary freight routes that provide for direct access for goods movement to industrial and employment areas.
Policy TR-6.4	Plan industrial and commercial development so that truck access through residential areas is avoided. Minimize truck travel on streets designated in the Envision General Plan as Residential Streets.
Policy TR-6.5	Design freight loading and unloading for new or rehabilitated industrial and commercial developments to occur off of public streets. In Downtown and urban areas, particularly on small commercial properties, more flexibility may be needed.
Policy TR-6.7	As part of the project development review process, ensure that adequate off-street loading areas in new large commercial, industrial, and residential developments are provided, and that they do not conflict with adjacent uses, or with vehicle, pedestrian, bicycle, or transit access and circulation.
Policy TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
Policy TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.
Policy CD-3.3	Within new development, create a pedestrian friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Envision San José 2040 Relevant Transportation Policies	
Policy LU-1.7	Locate employee-intensive commercial and industrial uses within walking distance of transit stops. Encourage public transit providers to provide or increase services to areas with high concentrations of residents, workers, or visitors.

Existing Setting

Edenvale Area Development Policy

The project site is located within the Edenvale Area Development Policy (EADP) boundaries. With approval of the nearby iStar development proposal in 2006, additional 494,000 square feet of potential industrial development was approved for future industrial/R&D/office development within Edenvale Sub-Areas 1 and 3. The 494,000 square feet of potential industrial development is an addition to the approximately 2.9 million square feet of existing capacity remaining for Sub-Areas 1, 3, and 4 per the original EADP.

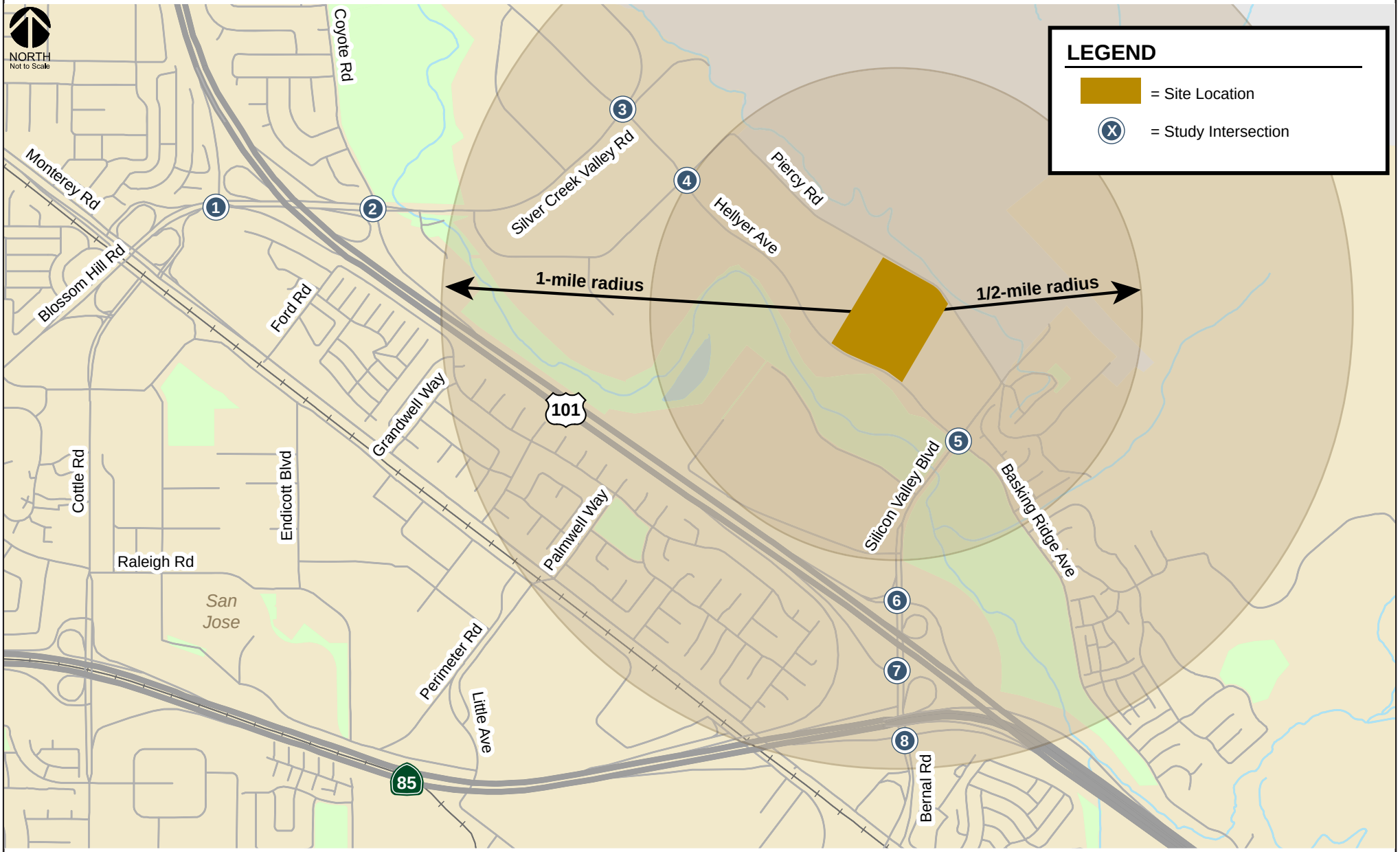
The project site is located in Edenvale Sub-Area 3, which means the site already has approval for industrial development as part of the EADP. The traffic study that was completed for the iStar development identified intersection improvements based on full buildout of the 494,000 square feet of industrial development. The necessary intersection improvements that were identified have already been completed. For this reason, the project is not required to analyze any signalized intersections for potential adverse effects due to the project. The project is, however, required to report the intersection levels of service under existing, background, and background plus project conditions for informational purposes. Under the EADP, the site would have a maximum of 530,554 square feet of industrial space.

Existing Roadway Network

Regional access to the project site is provided by US 101, SR 85, and Monterey Road. Other roadways within the project study area include Blossom Hill Road, Silver Creek Valley Road, Bernal Road, Silicon Valley Boulevard, Tennant Avenue, Hellyer Avenue, and Piercy Road. A summary of these roadways is provided below. In addition, these roadways are depicted in Figure 14.

US 101 is an eight-lane freeway (consisting of three mixed-flow lanes and one Hybrid Operating Vehicle (HOV) lane in each direction) located in the vicinity of the site. US 101 extends southward through Gilroy and northward through San Francisco. Access to and from the site is provided via full interchanges located at the Blossom Hill Road/Silver Creek Valley Road and Bernal Road/Silicon Valley Boulevard exits.

SR 85 is a predominantly north-south oriented freeway located in the vicinity of the project site. However, the portion of SR 85 in the immediate vicinity of the site is oriented in an east-west direction. SR 85 extends from Mountain View to south San Jose, terminating at US 101. SR 85 is a six-lane freeway consisting of four mixed-flow lanes and two HOV lanes. Access to the project site from SR 85 is provided via the interchange at Bernal Road.



Source: Hexagon Transportation Consultants, September 2022

Roadway Network and Study Intersections

550 Piercy Road Industrial Development
Initial Study

Figure
14

Monterey Road is a four- to six-lane Grand Boulevard that is oriented in a north-south direction. Monterey Road extends from Alma Street in downtown San Jose to a segment of US 101 located south of the City of Gilroy. In the vicinity of the project, Monterey Road has a posted speed limit of 55 mph. Monterey Road includes sidewalk on the east side of the street, while striped bike lanes are provided on both sides of the street. Monterey Road provides access to the project site via interchanges at Blossom Hill Road and Bernal Road.

Blossom Hill Road is a six-lane divided arterial that runs in an east-west direction from the US 101/Silver Creek Valley Road interchange to the Town of Los Gatos. In the vicinity of the project, Blossom Hill Road has an interchange with the US 101 southbound ramps and has a posted speed limit of 40 mph. To the east of the interchange, Blossom Hill Road becomes Silver Creek Valley Road. There are no bike lanes between US 101 and Monterey Road, however, a sidewalk is provided along the north side of the Blossom Hill Road overpass connecting Silver Creek Valley Road to Monterey Road. Blossom Hill Road is a designated Main Street west of Snell Avenue and a designated City Connector Street east of Snell Avenue. Blossom Hill Road provides access to the project site via Silver Creek Valley Road.

Silver Creek Valley Road is generally a divided four-lane arterial that extends from the US 101/Blossom Hill Road interchange in the west to Yerba Buena Road in the east. Silver Creek Valley Road has a posted speed of 45 mph and has an interchange with the US 101 northbound ramps in the vicinity of the proposed project. Silver Creek Valley Road provides access to the project site via Hellyer Avenue and Piercy Road. Silver Creek Valley Road is a designated On-Street Primary Bicycle Facility with striped bike lanes and sidewalks on both sides of the street between US 101 and Hellyer Avenue. East of Hellyer Avenue, Silver Creek Valley Road only has a sidewalk on one side of the street.

Bernal Road is a six-lane divided City Connector Street that intersects US 101, SR 85 and Monterey Road. Bernal Road has a posted speed limit of 40 mph and has striped bike lanes on both sides of the street west of San Ignacio Avenue. There are sidewalks on both sides of the street in the project vicinity. East of US 101, Bernal Road becomes Silicon Valley Boulevard. Bernal Road provides access to the project site via Silicon Valley Boulevard.

Silicon Valley Boulevard is a four-lane divided City Connector Street that transitions from Bernal Road west of US 101 and becomes Tennant Avenue east of Hellyer Avenue. Silicon Valley Boulevard has a posted speed limit of 40 mph. Silicon Valley Boulevard includes continuous sidewalks along the north side but has limited sidewalks along the south side. It provides access to the project site via Hellyer Avenue.

Tennant Avenue is a two-lane local street that transitions from Silicon Valley Boulevard west of Hellyer Avenue and terminates at its intersection with Piercy Road. Tennant Avenue does not have a posted speed limit. However, based on the posted speed limit on Piercy Road, the post speed limit is expected to be 30 mph. Tennant Avenue has sidewalks along the north side of the street. It provides access to the project site via Piercy Road.

Hellyer Avenue is a four-lane divided City Connector Street with a posted speed limit of 45 mph. Hellyer Avenue extends northward from Silicon Valley Boulevard until its intersection with Senter Road. Hellyer Avenue has striped bike lanes along the extent of the roadway and sidewalks on the east side of the street in the immediate vicinity of the project site. Hellyer Avenue provides direct access to the project site.

Piercy Road is a two-lane Local Collector Street with a posted speed limit of 30 mph that extends southward from Silver Creek Valley Road, runs east-west through its intersection with Hellyer Avenue, and runs north-south again ultimately terminating at its intersection with Tennant Avenue. Sidewalks are provided along both sides of the street west of Hellyer Avenue. Sidewalks are provided along the west side of the street only where Piercy Road bends to the southeast of Hellyer Avenue. Piercy Road provides direct access to the project site.

Existing Pedestrian, Bicycle and Transit Facilities

Pedestrian Facilities. Pedestrian facilities consist of sidewalks and crosswalks in the project vicinity, as well as the Coyote Creek Trail. Crosswalks with pedestrian signal heads and push buttons are located at all the signalized intersections in the study area. On Hellyer Avenue, between Silver Creek Valley Road and Tennant Avenue/Silicon Valley Boulevard, there are sidewalks along northbound Hellyer Avenue and along portions of southbound Hellyer Avenue. Between US 101 and Hellyer Avenue, there are sidewalks along both sides of Silver Creek Valley Road. East of Hellyer Avenue, Silver Creek Valley Road has sidewalks on only one side of the street. Piercy Road has sidewalks on both sides between Silver Creek Valley Road and Hellyer Avenue, and on the southbound side of the street between Hellyer Avenue and Tennant Avenue. There are existing crosswalks, pedestrian pushbuttons, and accessible ramps at the nearby signalized intersections of Hellyer Avenue/Piercy Road and Hellyer Avenue/Basking Ridge Avenue/Silicon Valley Boulevard/Tennant Avenue.

Bicycle Facilities. The Coyote Creek Multi-Use Trail is approximately 20 miles long and connects to Silver Creek Valley Road, Yerba Buena Road, and Capitol Expressway. The closest trail access is provided at the intersection of Eden Park Place and Silicon Valley Boulevard, approximately 0.4 mile southwest of the project site. The Coyote Creek Trail is a shared pedestrian and bicycle facility that is separated from motor vehicle traffic. This trail qualifies as a Class I bicycle facility.

Additional bicycle facilities in the project vicinity consist of on-street bike lanes. Bike lanes (Class II bicycle facilities) or buffered bike lanes (Class IIB) are provided on the roadways listed below.

- Hellyer Avenue (Class IIB south of Dove Road)
- Silver Creek Valley Road (Class IIB north/east of Hellyer Avenue, Class II west of Hellyer Avenue)
- Monterey Road (Class IIB north of Blossom Hill Road, Class II south of Blossom Hill Road)

Transit Facilities. The project site is served by a single bus route (VTA Local Route 42). Route 42 travels along Silver Creek Valley Road, Hellyer Avenue and Silicon Valley Boulevard in the project vicinity and provides service between Evergreen Valley College and Santa Teresa Station. Route 42 runs on 60-minute headways between 6:00 AM and 7:00 PM and provides service to the Blossom Hill Caltrain station via its connection to Rapid Route 568. The Blossom Hill Caltrain Station is located about 2.5 miles from the project site at the intersection of Monterey Road/Ford Road. Local Route 42 has stops on Hellyer Avenue at Piercy Road (northbound and southbound bus stops) approximately 0.5 miles from the project site.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
17.	TRANSPORTATION. Would the project:					
a)	Conflict with program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X		1, 2, 14
b)	Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?		X			1, 2, 14
c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X		1, 2, 14
d)	Result in inadequate emergency access?			X		1, 2, 14

Explanation

a) **Less Than Significant Impact**. The results of the transportation study related to bicycle, pedestrian, and transit facilities are summarized below. Roadway operations are described as part of the LTA for the project described later in this section.

Bicycle, Pedestrian, and Transit Facilities

Pedestrian Facilities. Pedestrian facilities consist of sidewalks and crosswalks in the project vicinity, as well as the Coyote Creek multi-use trail. Crosswalks with pedestrian signal heads and push buttons are located at all the signalized intersections in the study area. The project would involve widening of the existing sidewalks from 7 to 10 feet along the project frontage on Hellyer Avenue and Piercy Road. To facilitate internal pedestrian circulation, the project would provide a pedestrian walkway between Piercy Road and the front door of the office area of Building 1 and would also provide two pedestrian walkways between Hellyer Avenue and Building 2. The existing network of sidewalks are considered to exhibit good connectivity and would effectively provide employees of the proposed development with safe routes to transit stops and other points of interest in the immediate project vicinity.

Bicycle Facilities. Bicycle facilities in the project vicinity consist of standard or buffered bike lanes (Class II or Class IIB bicycle facilities) on Hellyer Avenue, Silver Creek Valley Road and Monterey Road, as well as Coyote Creek trail (Class I bicycle facility). The network of bike facilities exhibits good connectivity and would provide employees of the project with safe bicycle routes in the immediate project vicinity. Currently, a continuous bicycle route between the project site and the residential and commercial areas west of US 101 does not exist on either Blossom Hill Road or on Silicon Valley Boulevard. However, the US 101/Blossom Hill Road interchange is being reconstructed and will include a mixed-use bicycle/bicycle path that runs along Blossom Hill Road and connects the bike lanes between Coyote Road and Monterey Road.

The project would not remove any bicycle facilities, nor would it conflict with any adopted plans or policies for new bicycle facilities. As part of the project's VMT mitigation, existing

roadway lane widths along Silicon Valley Boulevard would be narrowed to facilitate implementation of the Class IV protected bikeways in both directions of the street between Hellyer Avenue and Eden Park Place. The project includes the installation of the on-street Class IV bikeway per City standards along the project's frontage along Hellyer Avenue. The bike lanes would connect the existing Coyote Creek Trailheads and the bike lanes on Hellyer Avenue.

The project would provide bicycle parking near the entrances to the office areas of each building. Providing adequate and convenient on-site bike parking would help to create a bicycle-friendly environment and encourage bicycling by employees of the project.

Transit Facilities. The project site is not located in an area that is well served by bus or rail service. Bus service in the project vicinity is provided by VTA local route 42 only. Route 42 travels along Silver Creek Valley Road, Hellyer Avenue and Silicon Valley Boulevard in the project vicinity and provides service between Evergreen Valley College and Santa Teresa Station. Route 42 runs on 60-minute headways between 6:00 AM and 7:00 PM and provides service to the Blossom Hill Caltrain station via its connection to Rapid Route 568. The Blossom Hill Caltrain Station is located about 2.5 miles from the project site at the intersection of Monterey Road/Ford Road. Local Route 42 has stops on Hellyer Avenue at Piercy Road (northbound and southbound bus stops) approximately 0.5 miles from the project site.

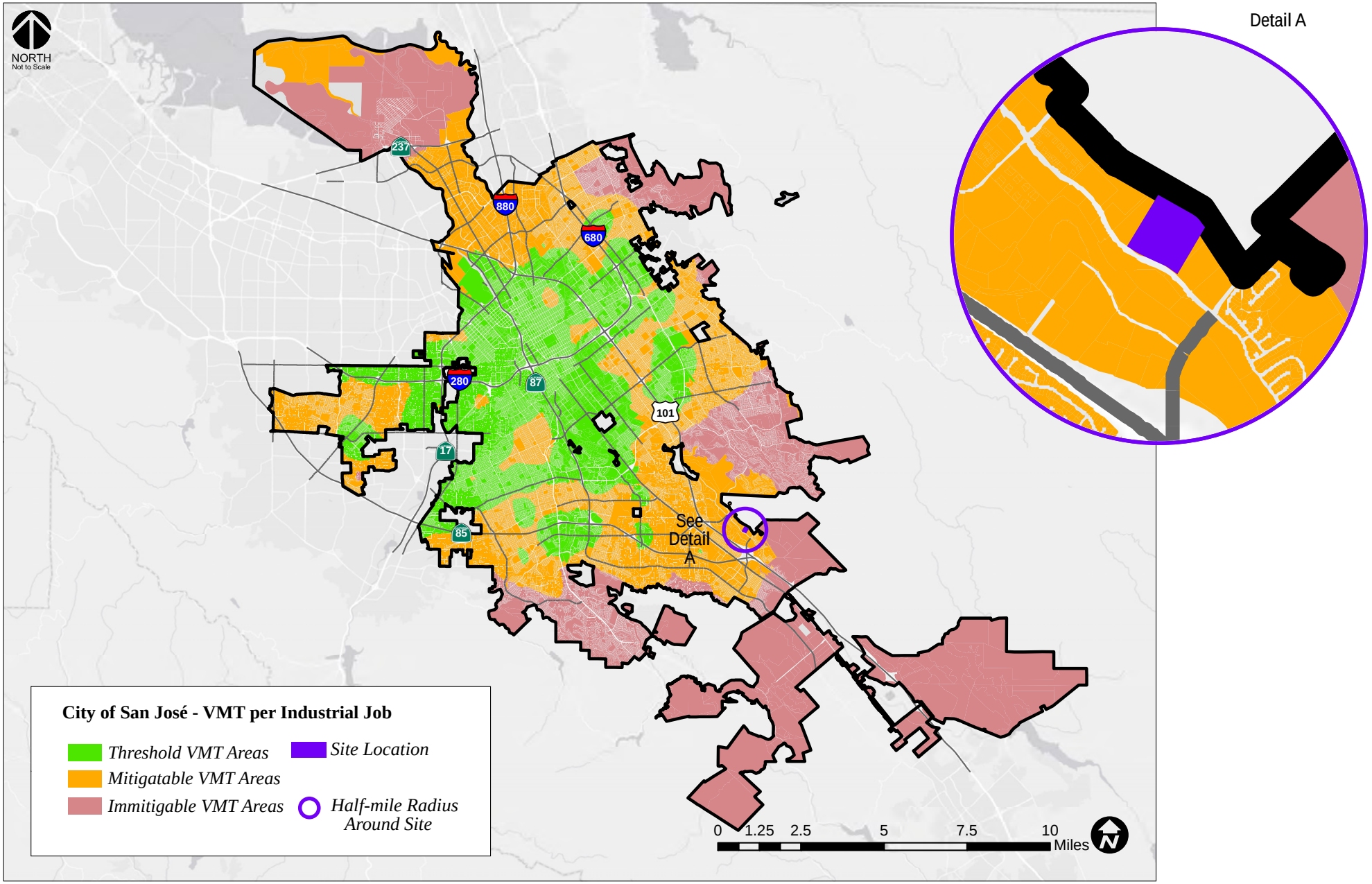
Due to the lack of transit service options within walking distance of the site, it is reasonable to assume that few employees would utilize transit. A small increase in transit demand generated by the proposed project could be accommodated by the current available ridership capacity of the transit service in the study area.

In conclusion, based on the discussion above the project would have a less than significant impact with respect to conflicting with any program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

b) **Less Than Significant with Mitigation Incorporated**. As described above, City Council Policy 5-1 establishes the thresholds for transportation impacts under CEQA based on VMT. The project would be consistent with CEQA Guidelines Section 15064.3 (b), which calls for evaluation of a project's transportation impacts based on VMT, since this was the metric used for the transportation analysis.

Project VMT Analysis

Figure 15 shows the current VMT levels estimated by the City for industrial jobs based on their locations. 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 San Jose VMT Evaluation Tool is used to estimate the project VMT based on the project location (APN), type of development, project description, and proposed trip reduction measures. The VMT threshold of 14.37 miles per employee for industrial employment was used for the VMT analysis. Per the City's VMT Evaluation Tool, the existing Area VMT for employment uses is 14.82 VMT per worker, which is above the existing regional average threshold of 14.37 VMT per worker. The project VMT estimated by the Evaluation Tool is 14.69 VMT per worker, which also exceeds the industrial threshold of 14.37 VMT per worker.



Source: Hexagon Transportation Consultants, September 2022

VMT Heat Map

550 Piercy Road Industrial Development
Initial Study

Figure
15

Since the VMT generated by the project would exceed the threshold of significance for industrial employment uses in the area, the project would result in a significant transportation impact on VMT, and mitigation measures are required to reduce the VMT impact to a less-than-significant level. Based on the VMT reduction strategy tiers included in the VMT Evaluation Tool, the transportation study recommends that the project implement traffic calming measures and bike access improvements, as well as pedestrian network improvements. These measures are described below.

Impact TR-1: The project daily Vehicle Miles Travelled (VMT) generated by the project would be 14.69 per worker, which exceeds the City of San José VMT Evaluation Tool's industrial threshold of 14.37 daily VMT per worker.

Mitigation Measures

MM TR-1.1 Prior to the issuance of any grading or building permits, the project applicant shall prepare plans that illustrate the design of the site enhancements, and shall coordinate with the City's Department of Parks, Recreation, & Neighborhood Services, Department of Transportation, and the Department of Public Works to incorporate the following:

- Traffic Calming Measures and Bike Access Improvements. The project development shall include narrowing of the existing roadway lane widths along Silicon Valley Boulevard to implement Class IV protected bikeways in both directions between Hellyer Avenue and Eden Park Place. The project also includes the installation of the on-street Class IV bikeway per City standards along the project's frontage along Hellyer Avenue. The bike lanes would connect the existing Coyote Creek Trailheads and encourage the use of bicycles (see Appendix H, Figure 6 for conceptual designs of the planned improvements).

- Pedestrian Network Improvements. The pork-chop island on the southwest corner at the Hellyer Avenue and Silicon Valley Boulevard intersection shall be removed (see Appendix H, Figure 6). The improvement shall require tightening the corner radius at the southeast corner and modifying the signal to accommodate pork chop island removals. This shall improve the multi-modal environment by eliminating unsignalized pedestrian/vehicle conflict points, increasing visibility of pedestrians at the intersection corner, and providing a safer refuge for pedestrians waiting to use the crosswalks.

Final plans shall be submitted and reviewed as part of the Public Improvement Plan submitted to the City of San Jose Public Works prior to the issuance of development permits for the proposed project. Per City specifications,[49] the Public Improvement Plan shall describe all public improvements in the public right-of-way included under the proposed project. All identified improvements shall be constructed prior to the issuance of the final occupancy permit.

[49] https://www.sanjoseca.gov/home/showpublisheddocument/32905/638085234909130000

Based on the City's VMT Evaluation Tool, the project applicant shall ensure that implementation of the multimodal infrastructure improvements described above shall lower the project VMT to 14.11 per worker (a reduction of about 4.8 percent), which would reduce the project's VMT to below the City's threshold of 14.37 VMT per worker.

Prior to the issuance of any grading or building permits, the project applicant shall submit the project design plans showing enhancements to the City's Department of Parks, Recreation, & Neighborhood Services, Department of Transportation, and the Department of Public Works for review and approval.

Cumulative VMT 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 (both parcels) is designated *Industrial Park* on the Land Use/Transportation Diagram of the Envision San José 2040 General Plan. This land use designation is intended for a wide variety of industrial uses such as research and development (R&D), manufacturing, assembly, testing, and office uses. Industrial uses are consistent with this designation insofar as any functional or operational characteristics of a hazardous or nuisance nature can be mitigated through design controls. The proposed industrial project is consistent with the uses allowed within the *Industrial Park* land use designation.

Since the project would conform to the current General Plan, a General Plan Amendment (GPA) would not be required. The construction of new industrial buildings would facilitate the development of an industrial site and would help retain industrial designated land within the City. Thus, 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 cumulative impact with respect to conflicting or being inconsistent with CEQA Guidelines Section 15064.3.

c) **Less Than Significant Impact**. An analysis of vehicular site access and on-site circulation is provided in Appendix H and is discussed below.

Vehicular Site Access and On-Site Circulation

A site access and circulation evaluation was conducted based on the current project site plan (Figure 4). Site access was evaluated to determine the adequacy of the site's driveways with regard to the following: traffic volume, geometric design, truck access, and overall operations. On-site vehicular circulation and parking layout were reviewed in accordance with generally accepted traffic engineering standards and transportation planning principles, as described below.

Site Access

Vehicular access to the site would be provided via a total of four driveways. One full access driveway and one right-turn only driveway would be located on the project's boundary on Hellyer Avenue and two full access driveways would be located on the project's boundary on Piercy Road (see Figure 4). At the northern/western driveway on Hellyer Avenue, the project would remove the existing median to provide a left-turn lane for inbound traffic at the driveway. At the southern driveway on Hellyer Avenue, the project would construct a median at the existing median break, so the driveway would be limited to right turns only. Both driveways on Hellyer Avenue would be 45 feet wide and have been designed to accommodate large freight trucks turning in and out of the driveways. Due to the turn restriction at the southern driveway on Hellyer Avenue, it is expected that the majority of project traffic would access the project site from Hellyer Avenue using the northern driveway.

The northern/western driveway on Piercy Road would be 45 feet wide and the southern driveway would be 26 feet wide. The wider northern driveway would be able to accommodate large freight trucks. Based on the distribution of the proposed on-site vehicle parking (see Figure 4), it is assumed both driveways on Piercy Road would be used by vehicles equally.

Project Driveway Dimensions. The City's typical width for a two-way driveway that serves a commercial development is 26 - 32 feet wide. This provides adequate width for vehicular ingress and egress and provides a reasonably short crossing distance for pedestrians. The proposed driveways on Hellyer Avenue and the northern driveway on Piercy Road would be wider than 32 feet, which would be considered adequate width for large trucks to access the site.

Sight Distance at Driveways. The project driveways have been designed to be free and clear of any obstructions to provide adequate sight distance and ensure that exiting vehicles can see pedestrians on the sidewalk and vehicles and bicycles traveling on Hellyer Avenue and Piercy Road. All landscaping and signage near the project driveways would be located in such a way to ensure an unobstructed view for drivers exiting the site. Providing the appropriate sight distance reduces the likelihood of a collision at a driveway or intersection and provides drivers with the ability to exit a driveway or locate sufficient gaps in traffic.

The minimum acceptable sight distance is considered the Caltrans stopping sight distance. Sight distance requirements vary depending on roadway speeds. For the proposed driveways on Hellyer Avenue, which has a posted speed limit of 45 mph, the Caltrans stopping sight distance would be 430 feet (based on a design speed of 50 mph). For the proposed driveways on Piercy Road, which has a posted speed limit of 30 mph, the Caltrans stopping sight distance would be 250 feet (based on a design speed of 35 mph). Accordingly, a driver must be able to see is 430 feet along Hellyer Avenue and 250 feet along Piercy Road in order to stop and avoid a collision. On-street parking is prohibited along Hellyer Avenue and Piercy Road. Both of the proposed driveways on Hellyer Avenue, as well as the southern driveway on Piercy Road, would be located on a horizontal curve. However, all project driveways would meet the Caltrans stopping sight distance requirement (see Appendix H, Figure 11). As shown on the landscape plan for the proposed project (Figures 9A and 9B), street trees would be added along the project's frontage on Hellyer Avenue and Piercy Road. The type and final planting locations of the street trees would be approved by the City of San Jose Public Works

Department at the implementation stage. Note that street trees typically have a high canopy and would not be expected to obstruct the view of drivers exiting the project driveways.

Project Driveway Operations. Passenger vehicles and large trucks could use both of the proposed driveways on Hellyer Avenue to access the site. On Piercy Road, passenger vehicles and small trucks could use both of the proposed driveways to access the site. However, large trucks would be required to use the wider northern/western proposed driveway for ingress and egress.

Traffic operations at the proposed northern Hellyer Avenue driveway were evaluated with a vehicle queuing analysis for inbound left-turn traffic and outbound driveway traffic at the driveway (see Table 23). The analysis evaluated whether adequate left-turn storage would be provided for the project's inbound traffic and whether there would be a long vehicle queue on site for the outbound traffic. The queueing analysis shows that the maximum queue for inbound left-turn vehicles would be no more than one vehicle during the AM and PM peak hours (see Table 23). The queue would be well contained within the left-turn storage.

Table 23
Driveway Queuing Analysis

Analysis Scenario	Hellyer Avenue Driveway (N)			
	SBL		WBL/WBR	
	AM	PM	AM	PM
Background Plus Project				
Delay (sec)	11.3	8.5	29.8	19.3
Volume (vph)	53	7	11	69
95th % Queue (veh/in)	1	1	1	2
95th % Queue[1] (ft/in)	25	25	25	50
Storage (ft/in)	120	120	100	100
Adequate (Y/N)	Y	Y	Y	Y

Notes:
SBL = southbound left-turn movement; WBL = westbound left-turn movement; WBR = westbound right-turn movement
[1] Assumes 25 feet per vehicle queued.

For the outbound traffic at the proposed northern project driveway on Hellyer Avenue, the maximum vehicle queue would be expected to be no more than two vehicles during the AM and PM peak hours. The project driveway would have a throat length of 100 feet between the face of curb on Hellyer Avenue and the closest drive aisle within the parking lot, which could accommodate a vehicle queue of four outbound vehicles without blocking access to the drive aisle. Therefore, the outbound vehicle queue at the proposed northern project driveway on Hellyer Avenue is not expected to block the drive aisles. The proposed southern driveway on Hellyer Avenue would be limited to right turns only. Therefore, significant operational issues related to vehicle queueing and vehicle delay for inbound and outbound traffic are not expected to occur at this driveway. On Piercy Road, inbound and outbound vehicle trips would generally be unimpeded due to the extremely low traffic volumes on this street. Due to the low number of project-generated trips and low traffic volumes on Piercy Road, operational issues related to vehicle queueing and/or delay are not expected to occur at the two proposed project driveways along Piercy Road.

Developments should provide adequate on-site stacking space for inbound vehicles between the face of curb and any entry gates or on-site drive aisles or parking spaces to prevent vehicles from queuing onto the street and blocking traffic. Approximately 40 feet of inbound vehicle stacking space would be provided between Piercy Road and the first drive aisle at the proposed northern driveway. At the proposed southern driveway on Hellyer Avenue, there is approximately 45 feet between Hellyer Avenue and the first drive aisle. According to the site plan, the driveway throat lengths at the other two driveways would exceed 50 feet. Given the relatively low volume of traffic expected to use these driveways, adequate on-site stacking space would be provided at the project's proposed driveways.

There would be gates provided on both sides of the loading dock area for each of the proposed buildings, we well as a gate between two building areas along the southern/eastern drive aisle. The gates are located far from the proposed driveways and would not cause on-site vehicle stacking at the driveways. It is expected that the gates on both sides of the loading dock areas would be kept open during business hours. The gate between two building areas would be accessible by emergency vehicles.

On-Site Vehicular Circulation and Parking Layout

Hexagon reviewed on-site vehicular circulation for the project in accordance with generally accepted traffic engineering standards and City of San Jose design guidelines (see Appendix H). The City's standard minimum width for two-way drive aisles is 26 feet wide where 90-degree parking is provided. This allows sufficient room for vehicles to back out of the parking stalls. As shown on the site plan (Figure 4), all the two-way drive aisles are shown to be at least 26 feet wide and would provide access to the 90-degree parking stalls throughout the site. The two-way drive aisles that would be utilized by trucks to access the loading docks and the trailer parking stalls would be 40 to 52 feet wide to accommodate trucks. The site would provide adequate circulation for drivers with no dead-end aisles.

Parking Stall Dimensions. The City's off-street parking design standard for 90-degree full-size parking stalls is 9 feet wide by 18 feet long. All the standard parking stalls shown on the site plan measure 9 feet wide by 18 feet long, which meets the City's design standard. The accessible ADA stalls also measure 9 feet wide by 18 feet long and include access aisles of 5 feet or more for van accessibility. These stall dimensions would meet ADA standards.

Truck Access and Circulation

Hexagon reviewed the project site plan for truck access using the truck turning-movement template for WB-67 truck types to represent the largest semi-trailer trucks that would access the site. Based on the site plan configuration (see Figure 4), adequate access would be provided for WB-67 type trucks to enter and exit the site via the proposed driveways on Hellyer Avenue and the proposed northern driveway on Piercy Road. WB-67 trucks would require the full width of their respective streets when exiting the site. However, this situation is common for large trucks. The proposed driveways on Hellyer Avenue and the proposed northern driveway on Piercy Road are 45 feet wide and would be sufficiently wide to accommodate WB-67 trucks.

As described above, the project would not substantially increase hazards due to a geometric design feature or incompatible uses. Vehicular access to and from the project site would not result in traffic hazards due to a geometric feature. In addition, on-site vehicle circulation was

determined to be adequate for the proposed uses. During the development review process, vehicle circulation on the project site is reviewed by City staff to assure that the project complies with the City's regulations and policies. The proposed project would have a less than significant impact with respect to substantially increasing hazards due to geometric design features or incompatible uses.

d) **Less Than Significant Impact**. The City of San José Fire Department requires that all portions of the buildings be within 150 feet of a fire department access road and requires a minimum of 6 feet clearance from the property line along all sides of the buildings. As shown on Figure 16, all areas of the buildings would be within 150 feet of a fire access road (i.e., drive aisle), and at least 6 feet of clearance would be provided around the perimeter of the building. The project would meet these emergency vehicle access (EVA) requirements. As a result, the proposed project would have a less than significant impact with respect to the proposed development resulting in inadequate emergency access.

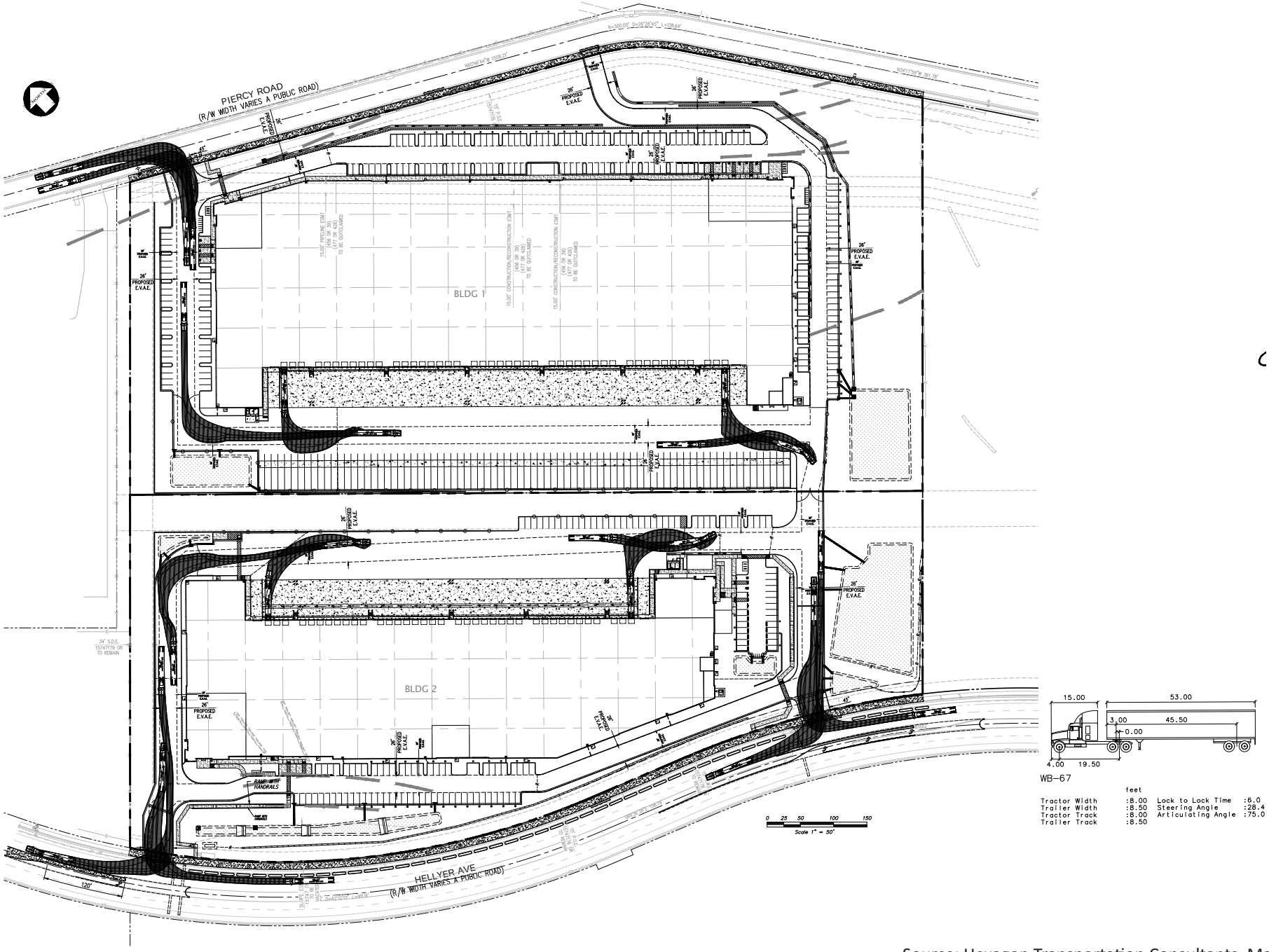
Non-CEQA Effects

Senate Bill 743, the revised 2019 CEQA Guidelines, and Council Policy 5-1 promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Due to these requirements, the vehicle miles traveled (VMT) metric promotes those statutory purposes better than level of service and was determined to be the significance metric under CEQA. An LTA was prepared for the project to address transportation operational issues of the project, and the effects of the project on transportation, access, circulation, and safety elements in the project area. These operational issues are provided for informational purposes only.

Trip Generation

The project would increase traffic to/from the site. Vehicle trips that would be generated by the project were estimated using the trip generation rates published in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition (2017). Trips that would be generated by the project were estimated using the ITE average trip rates for "General Light Industrial" (ITE Land Use 221) located in a general urban/suburban setting.

After applying the ITE trip rates to the proposed residential project and applying the Location-Based Vehicle Mode Share (5%) trip reduction, the project would generate 1,989 new daily vehicle trips, with 302 new trips occurring during the AM peak hour and 266 new trips occurring during the PM peak hour. Using the inbound/outbound splits contained in the ITE *Trip Generation Manual*, the project would produce 266 new inbound and 36 new outbound trips during the AM peak hour, and 37 new inbound and 229 new outbound trips during the PM peak hour (see Table 24).



Source: Hexagon Transportation Consultants, March 2023

Truck Turning Plan

550 Piercy Road Industrial Development
Initial Study

Figure
16

Table 24 Project Trip Generation Estimates											
Land Use	**Size (square feet)**	**Daily Rate**	**Daily Trips**	**AM Peak Hour**				**PM Peak Hour**			
				Pk-Hr Rate	**In**	**Out**	**Total**	**Pk-Hr Rate**	**In**	**Out**	**Total**
Light Industrial [1]	430,000	4.87	2,094	0.74	280	38	318	0.65	39	241	280
Location-Based Vehicle Mode Share (5%)[2]			*(105)*		*(14)*	*(2)*	*(16)*		*(2)*	*(12)*	*(14)*
Total Project Trips			**1,989**		**266**	**36**	**302**		**37**	**229**	**266**

Notes:
[1] Trip generation based on average rates contained in the ITE Trip Generation Manual, 11th Edition, for General Light Industrial (Land Use 110). Rates are expressed in trips per 1,000 square feet.
[2] A 5% reduction was applied based on the location-based vehicle mode share percentage outputs (contained in Table 6 of the City's TA Handbook) produced from the San Jose Travel Demand Model for the Place Type "Suburban with Single-Family Homes".

Intersection LOS Evaluation

City staff have determined that the project is not required to analyze any signalized intersections for potential adverse effects since the amount of industrial development proposed for the site (which is located in Edenvale Sub-Area 3) has already been approved as part of the EADP. The project is, however, required to report intersection levels of service under existing, background, and background plus project conditions for informational purposes. The results of the intersection level of service evaluation (see Table 25) show that all of the signalized study intersections are currently operating at acceptable levels of service during the AM and PM peak hours of traffic and would continue to operate acceptably under background and background plus project conditions. The following eight intersections were studied:

1. US 101 Southbound Off-Ramp/Blossom Hill Rd.
2. US 101 Northbound Off-Ramp - Coyote Rd./Blossom Hill Rd.
3. Hellyer Ave./Silver Creek Valley Rd.
4. Hellyer Ave./Piercy Rd.
5. Hellyer Ave. - Basking Ridge Ave./Silicon Valley Blvd. – Tennant Ave.
6. US 101 Northbound Ramps/Bernal Rd./Silicon Valley Blvd.
7. US 101 Southbound Off-Ramp/Bernal Rd.
8. SR 85 Southbound Ramps/Bernal Rd.

The City of San José has defined significant intersection impacts as follows. The project is said to create a significant adverse impact on traffic conditions at a signalized intersection in the City of San José if for either peak hour:

1. The level of service at the intersection degrades from an acceptable LOS D or better under background conditions to an unacceptable LOS E or F under background plus project conditions, or

2. The level of service at the intersection is an unacceptable LOS E or F under background conditions and the addition of project trips cause both the critical-movement delay at the intersection to increase by four (4) or more seconds and the volume-to-capacity ratio (V/C) to increase by one percent (.01) or more.

An exception to rule #2 above applies when the addition of project trips reduces the amount of average delay for critical movements (i.e., the change in average delay for critical movements is negative). In this case, the threshold of significance is an increase in the critical V/C value by .01 or more. A significant impact by City of San José standards is said to be satisfactorily mitigated when measures are implemented that would restore intersection level of service to background conditions or better.

The results of the analysis show that all but one of the signalized study intersections are currently operating at an acceptable level of service (LOS D or better) during both the AM and PM peak hours of traffic and would continue to do so under background and background plus project conditions (see Table 25). The intersection of the U.S. 101 Northbound Off-Ramp at Coyote Road and Blossom Hill Road is operating at an unacceptable LOS E during the PM peak hour of traffic under background conditions and would continue to do so under background plus project conditions. However, the project would not have an adverse effect on intersection operations according to the City's operational thresholds.

Table 25
Intersection Level of Service Summary

ID	Intersection	Peak Hour	Count Date	Existing		Background		Background Plus Project			
				Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Incr. In Crit. Delay (sec)	Incr. In Crit. V/C
1	US 101 SB Off-Ramp and Blossom Hill Rd*	AM	10/06/16	28.2	C	30.1	C	30.2	C	0.1	0.004
		PM	11/15/18	23.1	C	21.1	C	21.2	C	0.0	0.001
2	US 101 NB Off-Ramp-Coyote Rd and Blossom Hill Rd*	AM	10/16/16	39.9	D	56.8	E	63.2	E	11.9	0.039
		PM	11/15/18	39.1	D	49.1	D	52.6	D	4.9	0.022
3	Hellyer Ave and Silver Creek Valley Rd	AM	09/27/18	25.8	C	28.6	C	28.8	C	0.5	0.006
		PM	09/27/18	28.3	C	34.1	C	35.3	D	2.6	0.038
4	Hellyer Ave and Piercy Rd	AM	10/26/16	18.5	B	23.0	C	23.9	C	0.0	0.026
		PM	10/26/16	22.7	B	22.2	C	24.1	C	2.9	0.059
5	Hellyer Ave-Basking Ridge Ave and Silicon Valley Blvd-Tennant Ave	AM	10/12/16	22.1	C	22.8	C	23.5	C	1.0	0.030
		PM	10/12/16	23.1	C	34.2	C	39.7	D	6.7	0.074
6	US 101 NB Ramps and Bernal Rd-Silicon Valley Blvd	AM	05/03/16	13.7	B	25.9	C	28.4	C	3.5	0.021
		PM	05/03/16	6.6	B	8.7	A	9.1	A	0.4	0.036
7	US 101 SB Off-Ramp and Bernal Rd*	AM	10/06/16	16.0	B	23.5	C	23.9	C	0.3	0.004
		PM	12/13/18	12.3	B	9.4	A	9.4	A	0.0	0.002
8	SR 85 SB Ramps and Bernal Rd*	AM	10/06/16	15.2	B	28.8	C	31.4	C	5.3	0.018
		PM	12/13/18	19.1	B	28.7	C	34.8	C	11.2	0.039

Notes:
* Denotes VTA CMP Intersection

Conclusion: The project would have a less than significant impact on transportation with identified mitigation measures.

R. TRIBAL CULTURAL RESOURCES

Regulatory Framework

State

Assembly Bill 52

Assembly Bill (AB) 52, effective July of 2015, established a new category of resources for consideration by public agencies when approving discretionary projects under CEQA, called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached. Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
    - Included or determined to be eligible for inclusion in the California Register of Historic Resources,[50] or
    - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- Resources determined by the lead agency to be TCRs.

AB 52 notification and consultation applies to projects for which a Notice of Intent or Notice of Availability is issued after the effective date of AB 52 in 2015. Notification and consultation are not required for projects covered by a prior EIR or Mitigated Negative Declaration (MND) that either predates AB 52 or that has already complied with AB 52.

The Native American Heritage Commission

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

[50] See Public Resources Code section 5024.1. The State Historical Resources Commission oversees the administration of the CRHR and is a nine-member state review board that is appointed by the Governor, with responsibilities for the identification, registration, and preservation of California's cultural heritage. The CRHR "shall include historical resources determined by the commission, according adopted procedures, to be significant and to meet the criteria in subdivision (c) (Public Resources Code, Section 5024.1 (a)(b)).

Senate Bill 18

The intent of SB 18 is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult with California Native American tribes on projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process.

General Plan

The Envision San José 2040 General Plan includes the following tribal cultural resource policies applicable to the Proposed Project:

Envision San José 2040 Relevant Tribal Cultural Resources Policies	
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

Environmental Setting

The information in this section is based in part on an Historical/Archaeological Literature Review and Assessment (Appendix C). This report included a records search of the CHRIS from the NWIC conducted for the project site and a 0.5 mile radius, a search of the 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 adjacent to industrial/commercial development, rural residential, and open space.

On June 8, 2022, the City sent an Early Notice request for interest to consult on the project. On August 11, 2022, the City received a response to the City's Early Notice Request for AB 52 Consultation from the Indian Canyon Mutsun Band of Costanoan.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
18. TRIBAL CULTURAL RESOURCES. Would the project:					
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and, and that is: i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X			1, 2

Explanation

a) i, ii **Less Than Significant Impact with Mitigation**. Tribal cultural resources consider the value of a resource to tribal cultural tradition, heritage, and identity, in order to establish potential mitigation and to recognize that California Native American tribes have expertise concerning their tribal history and practices. No tribal cultural resources have been listed or determined eligible for listing in the California Register or a local register of historical resources.

AB 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. On June 8, 2022, the City sent an Early Notice request for interest to consult on the project to Tamien Nation. No response was received from Tamien Nation within 30 days. Early notice for consultation was also sent to Indian Canyon Mutsun Band of Costanoan on June 2, 2022. Upon request, a meeting was scheduled with Indian Canyon Mutsun Band of Costanoan Representative on August 11, 2022. The Representative indicated that the area is considered sensitive and therefore, recommends tribal cultural training and monitoring on site during excavation. The recommendations are consistent with mitigation measures MM CR-1.1 through MM CR-1.4 above, and impacts to archaeological resources would be less than significant.

Conclusion: The project would have a less than significant impact on tribal resources.

S. UTILITIES AND SERVICE SYSTEMS

Regulatory Framework

State

Assembly Bill 939

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

Assembly Bill 341 (2011)

California AB 341 sets forth the requirements of the statewide mandatory commercial recycling program for businesses that generate four or more cubic yards of commercial solid waste per week and multi-family dwellings with five or more units in California. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Assembly Bill 1826 (2014)

California AB 1826 sets forth the requirements of the statewide mandatory commercial organics recycling program for businesses and multi-family dwellings with five or more units that generate two or more cubic yards of commercial solid waste per week. AB 1826 sets a statewide goal for 50 percent reduction in organic waste disposal by the year 2020.

Senate Bill 1383 (2016)

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal, and Recycling

In January 2017, California adopted the most recent version of the California Green Building Standards Code, which establishes mandatory green building standards for new and remodeled structures in California. These standards include a mandatory set of guidelines and more stringent voluntary measures for new construction projects, in order to achieve specific green building performance levels as follows:

- Reduce indoor water use by 20 percent;
- Reduce wastewater by 20 percent;
- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition ("C&D") debris, or meeting the local construction and demolition waste management ordinance,

whichever is more stringent (see San José-specific CALGreen building code requirements in the local regulatory framework section below); and
- Provide readily accessible areas for recycling by occupant.

Local

San José Zero Waste Strategic Plan/Climate Smart San José

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

Construction and Demolition Diversion Deposit Program

The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50% of total projected project waste to be refunded the deposit. Permit holders pay this fully refundable deposit upon application for the construction permit with the City if the project is a demolition, alteration, renovation, or a certain type of tenant improvement. The minimum project valuation for a deposit is $2,000 for an alteration-renovation residential project and $5,000 for a non-residential project. There is no minimum valuation for a demolition project and no square footage limit for the deposit applicability. The deposit is fully refundable if construction and demolition materials were reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photographs, estimated weight quantities, and receipts from donations centers stating materials and quantities.

Though not a requirement, the permit holder may want to consider conducting an inventory of the existing building(s), determining the material types and quantities to recover, and salvaging materials during deconstruction.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling

The City of San José requires 75 percent diversion of nonhazardous construction and demolition debris for projects that quality under CALGreen, which is more stringent than the state requirement of 65 percent (San José Municipal Code Section 9.10.2480).

Council Policy 8-13 Green Building Policy

Council Policy 8-13 “Green Building Policy” for private sector new construction encourages building owners, architects, developers, and contractors to incorporate sustainable building goals early in the building design process. This policy establishes baseline green building standards for new private construction projects and provides a framework for the implementation of these standards. The Policy is also intended to enhance the public health, safety, and welfare of the City’s residents, workers, and visitors by encouraging design, construction, and maintenance practices that minimize the use and waste of energy, water, and other resources in the City.

General Plan Policies

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

Envision San José 2040 Relevant Utilities and Service System Policies	
Policy MS-1.4	Foster awareness in San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.
Policy MS-3.1	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 to reduce the depletion of the City's potable water supply as building codes permit.
Policy MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
Policy MS-9.1	Periodically review the industrial land supply within the City's Urban Service Area to accommodate anticipated zero waste facility needs.
Policy MS-9.2	Collaborate with existing planning processes such as the Plant Master Plan to preserve industrial land and identify appropriate locations for waste management infrastructure and energy conversion facilities.
Policy MS-19.3	Expand the use of recycled water to benefit the community and the environment.
Policy MS-19.4	Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.
Action EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
Policy IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
Policy IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
Policy IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.

Existing Setting

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

- Wastewater Treatment: treatment and disposal provided by the San José/Santa Clara Water Regional Wastewater Facility (RWF); sanitary sewer lines maintained by the City of San José
- Water Service: San Jose Municipal Water
- Storm Drainage: City of San José
- Solid Waste: Republic Services
- Natural Gas & Electricity: San Jose Clean Energy and PG&E

Existing Water Supply System

Water service to the project is provided by San José Municipal Water System (SJMWS), which is owned and operated by the City of San José. SJMWS provides Edenvale area customers with groundwater. There are three groundwater wells, with a combined pump capacity of approximately 2,700 gpm, that pump groundwater to the distribution system and a storage tank. Groundwater provides about half of the County's water supply for potable use, through pumping by retail water agencies or individual well owners. Valley Water acts as the Groundwater Sustainability Agency for Santa Clara County and prepared an alternative plan to a groundwater sustainability plan in 2016 to meet the requirements of the Sustainable Groundwater Management Act of 2014.[51]

Recycled Water

The City of San José operates the SBWR system and distributes recycled water generated by the San José/Santa Clara Regional Wastewater Facility. The SBWR program delivers disinfected tertiary treated wastewater from the RWF through an extensive recycled water distribution system consisting of over 150 miles of pipeline. The recycled water is used for non-potable purposes such as agriculture; industrial cooling and processing; and irrigation of golf courses, parks, and schools. During the peak summer season, SBWR diverts between 15 and 20 MGD of recycled water for irrigation and industrial uses to over 900 customers throughout San José, Santa Clara, and Milpitas. This project will not use recycled water for outside irrigation purposes; however, a recycled water main fronts the property along Hellyer Avenue and can be used for industrial purposes.[52]

Wastewater/Sanitary Sewer System

The City's sanitary sewer/wastewater treatment system has two distinct components: 1) a network of sewer mains/pipes that conveys effluent from its source to the treatment plant; and 2) the water pollution control plant that treats the effluent, including a system of mains/pipes that transports a portion of the treated wastewater for non-potable uses (e.g., irrigation of landscaping, agricultural irrigation, dust suppression during construction, etc.).

Sanitary sewer lines in the project area are owned and maintained by the City of San José. Wastewater generated on the project site would be discharged to the existing 8-inch vitrified clay pipe (VCP) sanitary sewer line located in Hellyer Avenue.

[51] https://www.sanjoseca.gov/home/showpublisheddocument/422/637602045327100000
[52] https://www.sanjoseca.gov/home/showpublisheddocument/422/637602045327100000

Wastewater treatment service for the project area is provided by the City of San José through the San José-Santa Clara Regional Wastewater Facility (RWF). The RWF is located in Alviso and serves over 1,500,000 people in San José, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga, and Monte Sereno. The RWF treats approximately 110 million gallons per day (mgd) of sewage during dry weather flow, and has a capacity of 167 mgd.[53] The City of San José generates approximately 69.8 mgd of dry weather average flow.[54] Fresh water flow from the RWF is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution.

Existing Solid Waste Disposal System

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board (CIWMB) in 1996 and was reviewed in 2004, 2007, 2011, and 2016. Each jurisdiction in the county has a diversion requirement of 50 percent for 2000 and each year thereafter. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.[55] In 2019, there were approximately 600,000 tons of material generated in San Jose that was disposed in various landfills throughout the State. Newby Island, however, only received approximately 290,000 of that tonnage.

Existing Storm Drainage System

The project site is served by an underground storm drainage line maintained by the City of San José. Runoff from project area is directed to the existing 42-inch reinforced concrete pipe (RCP) storm drainage line located in Hellyer Avenue and the existing 54-inch RCP storm drainage line located near the western site boundary.

Electricity and Natural Gas

SJCE is the electricity provider for residents and businesses in the City of San José. SJCE sources electricity, and PG&E delivers it to customers using existing PG&E utility lines. SJCE buys its power from a number of suppliers. Sources of renewable and carbon-free power include California wind, solar, and geothermal; Colorado wind; and hydroelectric power from the Pacific Northwest. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can enroll in the TotalGreen program through SJCE and receive 100 percent GHG-free electricity from entirely renewable resources. It is assumed that, once operational, the project would utilize SJCE.

PG&E also furnishes natural gas for residential, commercial, industrial, and municipal uses. In 2018, natural gas facilities provided 15 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 34 percent; hydroelectric operations provided 13 percent; renewable energy facilities including solar, geothermal, and biomass provided 39 percent, and two percent was unspecified.[56]

[53] City of San José. "San José/Santa Clara Regional Wastewater Facility." https://www.sanjoseca.gov/your-government/environment/water-utilities/regional-wastewater-facility.
[54] City of San José. *Envision San José 2040 General Plan FEIR.* September 2011. Page 648.
[55] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* June 2016.
[56] PG&E, Delivering low-emission energy. Available at: https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page

Total energy usage in California was approximately 7,881 trillion Btu in the year 2017, the most recent year for which this data was available. In 2017, California was ranked second in total energy consumption in the nation, and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,416 trillion Btu) for residential uses, 19 percent (1,473 trillion Btu) for commercial uses, 23 percent (1,818 trillion Btu) for industrial uses, and 40 percent (3,175 trillion Btu) for transportation. This energy is mainly supplied by natural gas, petroleum, nuclear electric power, and hydroelectric power.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
19. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a) Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X		1, 2
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X		1, 2
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X		1, 2
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X		1, 2
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X		1, 2

Explanation

a) **Less Than Significant Impact**. The project would incrementally increase demands on utility services. Given the scale of the project, the increase in utility demand is expected to be minor, since it represents a small fraction of the total growth identified in the City's General Plan (the project does not propose any changes to the land use designation on the site).

Water service to the site would be supplied by the City through the SJMWS. The City of San José owns and maintains the sanitary sewer drain system in the project area. An existing 8" sewer main extends along Hellyer Avenue in the vicinity of the project. The project proposes to construct new 6" sanitary sewer mains to serve the proposed development. These new sewer mains would tie into the City's existing sewer mains in Hellyer Avenue as described above.

As described in *Section J. Hydrology and Water Quality*, the project would not significantly impact storm drainage facilities. While the project would result in an increase in the amount

of impervious surfaces on the site; the resulting increase in runoff from the site would be managed and treated in accordance with City policies, which includes implementation of a stormwater control plan.

As described in *Section F. Energy,* the project would have a less than significant impact related to electricity use (among other energy sources). The provision/relocation of telecommunication facilities would be coordinated between the project applicant and telecommunication provider and no significant environmental effects are anticipated as a result of this infill project.

For the reasons presented above, the project is not expected to require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. The project would have a less than significant impact with respect to requiring construction or relocation of utility infrastructure.

b) **Less Than Significant Impact**. According to the Water Supply Assessments contained in the City's General Plan EIR, 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 Evergreen area, industrial and commercial water use was approximately 206 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 160 employees). Based on these data, the project would generate an estimated 32,960 gpd of water demand. SJMWC's projected total water supply for 2025 was 25,865 million gallons (79,377 acre-feet) per year (San José 2020), and thus, the project's incremental increase in water demand would represent only a nominal percentage of SJWC's supplies.

c) **Less Than Significant Impact**. Wastewater from the City of San José is treated at the RWF. The RWF has the capacity to provide tertiary treatment of up to 167 million gallons of wastewater per day (mgd) but is limited to a 120 mgd dry weather effluent flow by the State and Regional Water Quality Control Boards. Based on the General Plan EIR, the City's average dry weather flow is approximately 69.8 million gallons per day and the City's capacity allocation is approximately 108.6 mgd, leaving the City with approximately 38.8 mgd of excess treatment capacity. Given the relatively small scale of the proposed project, it is not expected to exceed the City's allocated capacity at the RWF; therefore, development of the project would have a less than significant impact on wastewater treatment capacity.

d) **Less Than Significant Impact**. The project would not generate substantial solid waste that would adversely affect any landfills. The City's General Plan EIR concluded that growth identified in the General Plan would not exceed the capacity of existing landfills serving the City of San José. The project does not propose changes to the land use designations on the site and was included in the growth projections evaluated in the General Plan EIR.

The increase in solid waste generation from development of the project would be avoided through implementation of the City's Zero Waste Strategic Plan, which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. The Waste Strategic Plan in combination with existing regulations and programs, would ensure that the project would not result in significant impacts on solid waste generation, disposal capacity, or otherwise impair the attainment of solid waste reduction goals. Furthermore, with the implementation of City policies to reduce waste the project would comply with all federal, state, and local statutes and

regulations related to solid waste. The proposed project would have a less than significant impact with respect to generation of solid waste in exceedance of state or local standards.

e) **Less Than Significant Impact**. Final project design would be required to comply with all federal, State, and local statutes and regulations related to solid waste disposal such as AB 939, the City's Construction and Demolition Diversion Program, which ensures that at least 75 percent of the construction waste is diverted from landfills. Therefore, a portion of solid waste would be diverted from landfill through recycling, composting, and other methods in compliance with federal, State, and local management and reduction statutes. Therefore, the proposed project would not violate applicable federal, State, and local statutes and regulations related to solid waste, and impacts would be less than significant.

Conclusion: The project would have a less than significant impact on utilities and service systems.

T. WILDFIRE

Regulatory Framework

State

Public Resources Code Section 4201 – 4204

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

Government Code Section 51175 – 51189

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

California Fire Code

The 2016 California Fire Code Chapter 49 establishes the requirements for development within wildland-urban interface areas, including regulations for wildfire protection building construction, hazardous vegetation and fuel management, and defensible space maintained around buildings and structures.

Local

General Plan Policies

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

Envision San José 2040 Relevant Wildfire Policies	
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.
Policy EC-8.4	Require use of defensible space vegetation management best practices to protect structures at and near the urban/wildland interface.

Existing Setting

The project site, located in an urbanized part of the City, is not located within a Very-High Fire Hazard Severity Zone (VHFHSZ) for wildland fires, as designated by the California Department of Forestry and Fire Protection (Cal Fire, Fire Hazard Severity Maps, 2022). However, the project is within the wildland-urban interface area as identified by the City.

Impacts and Mitigation

ENVIRONMENTAL IMPACTS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
20.	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?			X		1, 2, 3
b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X		1, 2, 3, 15
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X		1, 2, 3, 15
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X		1, 2, 3, 15

Explanation

a) **Less Than Significant Impact**. The project would not substantially impair an adopted emergency response plan or emergency evacuation plan. As stated above in *Section J. Hazards and Hazardous Materials*, the project would not create any barriers to emergency or other vehicle movement in the area and final design would incorporate all Fire Code requirements. The proposed project would have a less than significant impact with respect to impairment of an adopted emergency response plan or emergency evacuation plan.

b) **Less Than Significant Impact**. The project would not exacerbate wildfire risks due to slope, prevailing winds, and other factors due to the project's urbanized location away from natural areas susceptible to wildfire. However, the site is designated as a wildland-urban interface area. Implementation of defensible space vegetation management best practices, as specified in Policy EC-8.4, would reduce the risk of wildfire. Development of the site with paved surfaces and structures would further reduce the risk of wildfire spreading compared to the site's vacant state. As a result, the project would have a less than significant impact with respect to increasing the risk of wildfire or exacerbating the spread of wildfire.[57]

c) **Less Than Significant Impact**. Due to the project's location within a wildland-urban interface area, the project would require the implementation of defensible space vegetation management practices in compliance with General Plan Policy EC-8.4. This defensible space would be

[57] Cal Fire, Fire Hazard Severity Maps, 2022

located on the project site and no offsite fire maintenance would be required as a result of the proposed project. The proposed project would connect to existing utility services for electrical, water, and wastewater that currently serve the overall project area and would not require substantial utility infrastructure that would increase the risk of wildfire. The proposed project would have a less than significant impact with respect to exacerbating fire risk due to the installation or maintenance of infrastructure.

d) **Less Than Significant Impact**. See above discussion. The project would not expose people or structures to significant wildfire risks given its urbanized location. While the project is within a wildland-urban interface area, the project would implement defensible space vegetation management practices in compliance with General Plan Policy EC-8.4. In addition, the project includes stormwater infrastructure retention areas that discharge to the City's stormwater system. Maintenance of this defensible spaces and installation of stormwater infrastructure, as well as the relative flatness of the developed site following grading, would ensure that the risk of significant risks as a result downslope flooding following wildfire events would be minimized. As a result, the proposed project would have a less than significant impact with respect to exposing people to risk from downslope/downstream flooding or landslides.

Conclusion: The project would result in a less than significant impact related to wildfire.

U. MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
21. 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?		X			1-19
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		X			1-19
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X			1-19

Explanation

a) **Less Than Significant with Mitigation Incorporated**. Based on the analysis provided in this Initial Study, the proposed project would not have the potential to 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, 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. Mitigation measures and standard permit conditions are identified for potential impacts of the project on special status species (nesting birds), potential disturbance to cultural resources (buried archaeological resources) to reduce these effects to a less than significant level.

b) **Less Than Significant with Mitigation Incorporated**. Based on the analysis provided in this Initial Study, the proposed project will not significantly contribute to cumulative impacts. This analysis takes into account the proposed development at the 644-675 Piercy Road, which adjoins the site to the east and consists of one single-story industrial building with a maximum of 250,000 square feet. No other development proposals are located within 1,000 feet of the proposed project. As discussed in *Section C. Air Quality* and *Section H. Greenhouse Gas Emissions*, the project would have a less than significant impact related to criteria air pollutants and GHG emissions. As discussed in *Section Q. Transportation*, the project would have a less than significant impact related to cumulative VMT. For these reasons, the project would have a less than significant cumulative impact on air quality overall. In addition, as discussed in *Section M. Noise & Vibration,* the project would have a less than significant impact related to cumulative construction and operational noise.

The project would result in potential impacts in the following areas: 1) impacts on biological resources during construction from disturbance to nesting birds, 2) potential impacts to buried

archaeological resources during excavation, 3) potential exposure to NOA, 4) truck noise impacts during nighttime hours from operation, and 5) transportation VMT impacts. These impacts would be minimized by implementation of identified mitigation measures and standard permit conditions in this document, and would not significantly contribute to cumulative impacts in these areas.

c) **Less Than Significant with Mitigation Incorporated**. Based on the analysis provided in this Initial Study, the proposed project would have a potential impact related to truck noise outside of daytime hours, which would cause substantial adverse effects on human beings. With implementation of mitigation measure NSE-1 and standard permit conditions, this impact would be reduced to less than significant.

Conclusion: The project would have a less than significant impact on the CEQA mandatory findings of significance with the incorporation of mitigation measures, standard permit conditions, and General Plan policies identified in this document.

Chapter 4. References

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