Cambrian Tanks Replacement Project

Initial Study – Mitigated Negative Declaration
File Nos. CP-23-005, ER23-020

prepared by

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Lead Agency

City of San José
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San José, California 95113

Project Sponsor

San José Water
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Lead Agency Contact

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3. Project Location and Physical Setting

Regional Location and Setting

The San José Water service area serves over one million people in the San José metropolitan area, including the urban areas of San José, Campbell, Cupertino, Los Gatos, and Saratoga. The project site is within the southwestern portion of city of San José along the city's western boundary with Campbell. Regional vehicular access is primarily provided by State Route (SR) 17, SR 85, and San Tomas Expressway. The regional project location is shown in Figure 1.

Local Setting

The project site is located at 3033 South Bascom Avenue within Assessor's Parcel Numbers 414-03-010 and 414-03-11, north of the intersection of South Bascom Avenue and Camden Avenue and south of the intersection of South Bascom Avenue and Shamrock Drive. The project site encompasses approximately 5.80 acres and is currently developed with two earthen reservoirs operated by San José Water. The central portion of the project site is approximately 14 feet higher in elevation than the roadway of South Bascom Avenue, and it is separated from South Bascom

Avenue with a retaining wall. Local vehicular access is provided via South Bascom Avenue and Camden Avenue. The project location is shown in Figure 2.

4. Surrounding Land Uses

The project site is surrounded by single-family residences to the north, east, and west. A church, gas station, convenience store, and a commercial building are located immediately south of the project site at the intersection of Camden Avenue and South Bascom Avenue. The border between the cities of San José and Campbell is immediately west and northwest of the project site. The project site is approximately 0.4 mile east of SR 17 and Los Gatos Creek.

5. General Plan Designation and Zoning

The project site has a City of San José General Plan designation of Public/Quasi-Public (PQP) and is zoned as Public/Quasi-Public (PQP). The project is located within the City of San José's South Bascom Urban Village.

6. Project Background

The Cambrian Station is owned and operated by San José Water and supplies drinking water to the Cambrian Zone, which includes most of the San José downtown area. The Cambrian Zone has an average daily demand of approximately 24 million gallons to over 225,000 users. The project site currently contains two earthen reservoirs; Cambrian Reservoir 1, with a capacity of 3.9 million gallons, and Cambrian Reservoir 2, with a capacity of 12.1 million gallons. Cambrian Reservoir 1 was originally constructed in 1890 and has received improvements in 1946, 1964, and 2001. Cambrian Reservoir 2 was built in 1921 and received improvements in 1961.

In 2014, an inspection of the existing reservoirs identified structural, seismic, water quality, and regulatory deficiencies to the existing storage system. The proposed project has been identified as the best feasible option to fully restore the issues identified in the 2014 report, and would allow San José Water to continue providing the required water storage to meet current demands within the Cambrian Zone.

Figure 1 Regional Location

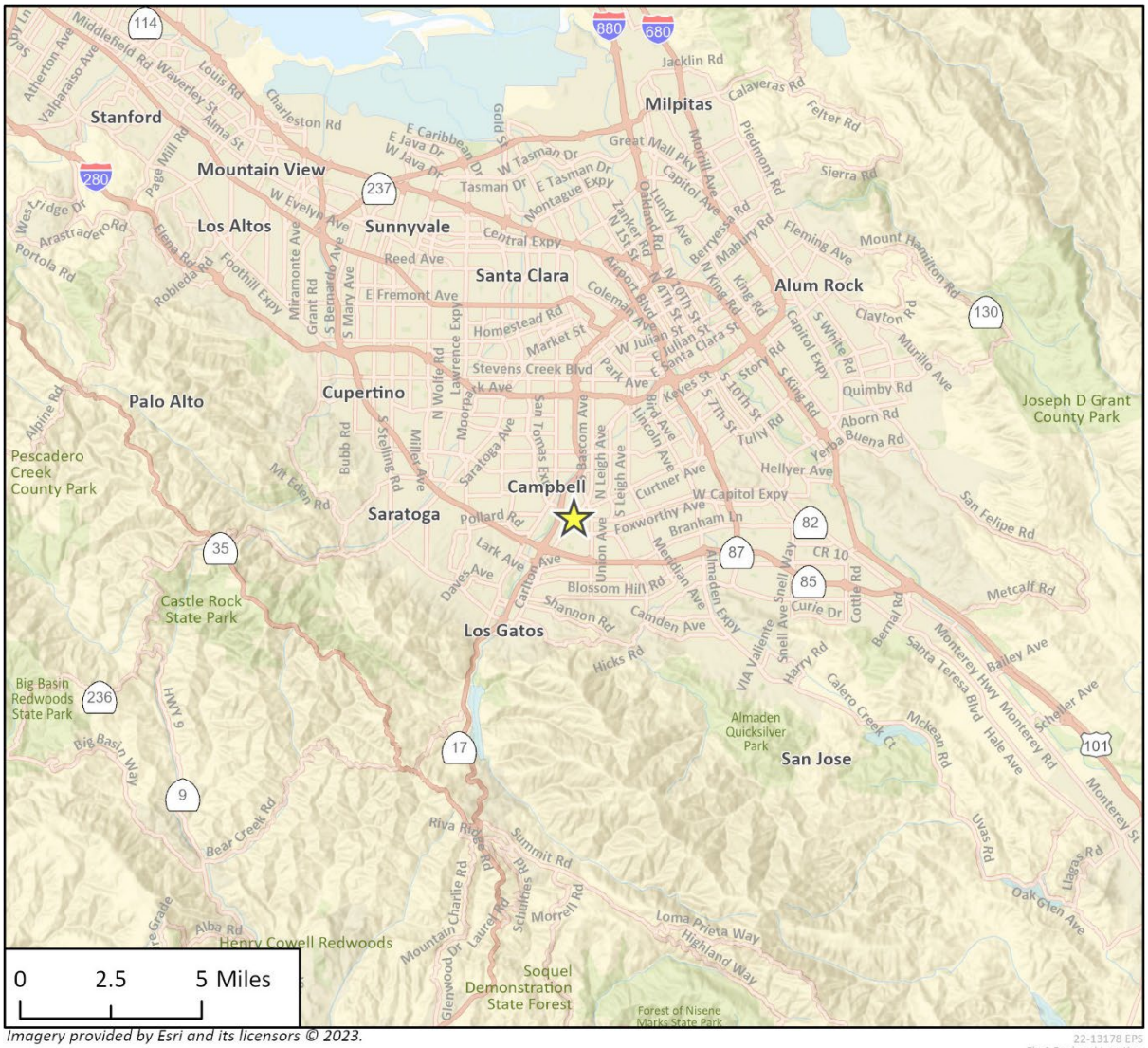

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Fig 1 Regional Location

Project Location

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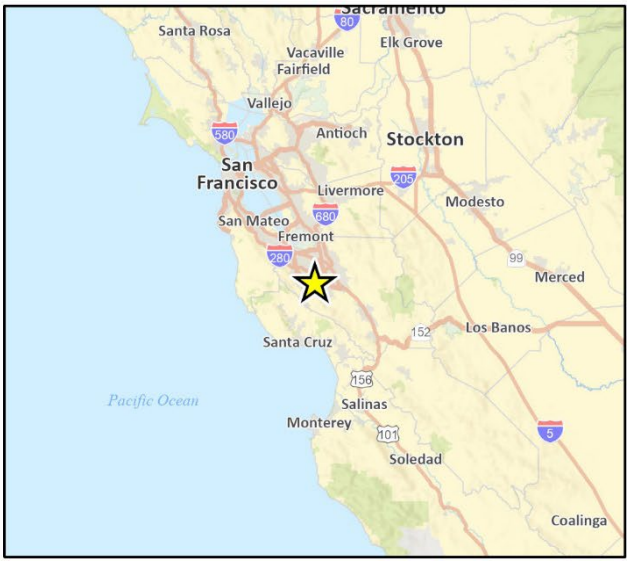

Figure 2 Project Location

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22-13178 EPS
Fig X Project Location_Update

7. Description of Project

Proposed Tank and Infrastructure

The project would involve demolition of the two existing earthen reservoirs within the project site and construction of two eight-million-gallon pre-stressed concrete tanks within the approximate footprints of the existing tanks. The two existing earthen reservoirs have a combined capacity of 16 million gallons, and the two proposed pre-stressed concrete tanks would have the same combined capacity. Additional supporting infrastructure would also be constructed. The proposed site plan is shown in Figure 3 and proposed tank elevations are shown in Figure 4. The project also includes a lot line adjustment to combine the two parcels.

Proposed Tanks

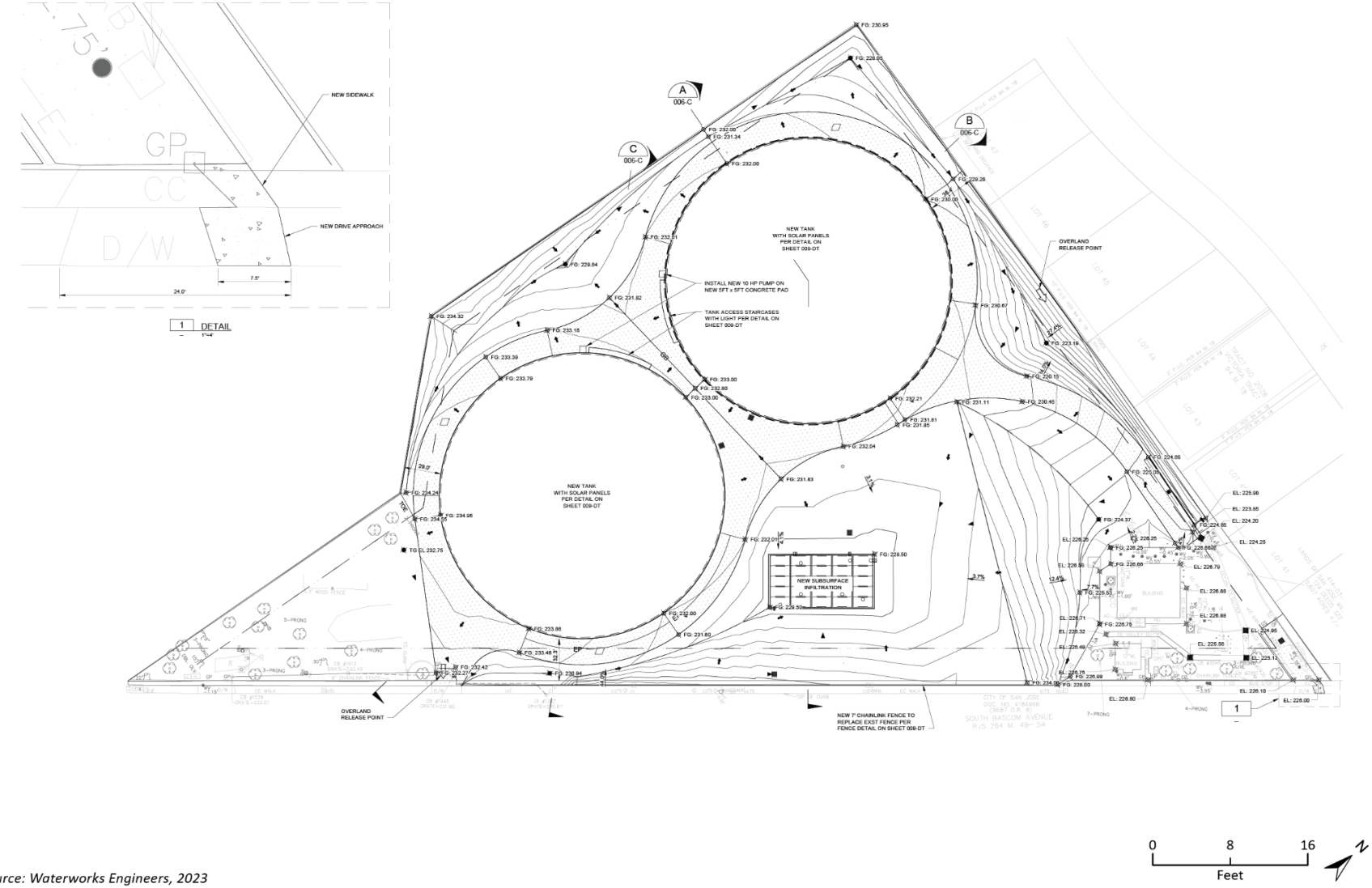
The two proposed tanks would have identical dimensions, with interior diameters of 219 feet and wall heights of approximately 38 feet. Because the project site is elevated compared to the surrounding areas, the bottom 7 feet of each tank would be installed below ground surface. The top of the tanks would be approximately 35 feet above grade within the project site. The floor of each tank would consist of a structural slab with two reinforcing mats, on a foundation of a five foot reinforced aggregate base section. The roof of both tanks would be constructed of a 10-inch column-supported elevated concrete slab with two reinforcing mats. A mesh-covered tank vent would be installed on each tank to prevent creation of a vacuum and to prevent entrance of insects and large particles. Downspouts would collect stormwater from each tank roof via galvanized steel drain boxes and vertical steel pipes would allow stormwater to drain to the ground surface. Four hatches would be installed on each tank, three hatches for equipment and one hatch that would provide access to an internal staircase for facility personnel inspections and maintenance. The access hatches would be accessible via external staircases on each tank, which would be equipped with a two-rail handrail along the stairway and a two-rail guardrail at the top landing.

The tank roofs would also be equipped with two pedestal base locations near the equipment hatches and exterior staircase for installation of portable davit crane, which will be used to lift equipment and materials in and out of the tank. A two-foot tall enclosure would also be installed at the top of each tank for davit crane and protective equipment storage.

An overflow pipe would be installed on each of the tanks to convey water away from the tanks and maintain water levels in the event of an emergency (i.e., in the unlikely event that the tank continues to fill after triggering the high-water alarm). The overflow pipe would divert overflow water to the Dechlorinating Overflow Security Assembly mounted inline on the overflow pipe to allow for de-chlorination prior to releasing the water into the onsite stormwater system.

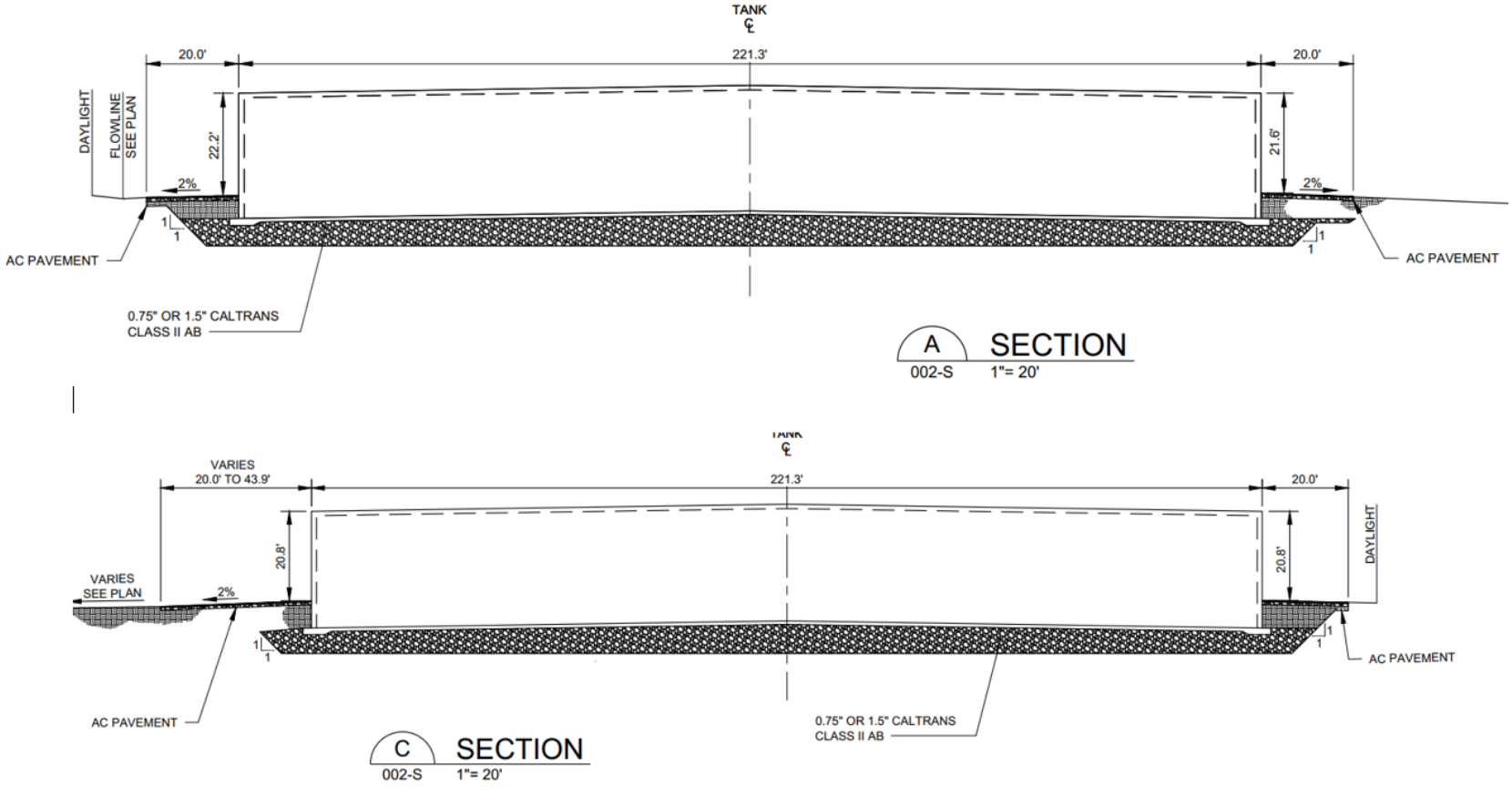
The tank interior piping would include inlet and outlet pipes. These pipes are installed below grade and only come above grade within the tanks through the floor. The tank also includes a drainpipe that comes above grade outside of the tank and allows for portable pump connection to facilitate draining of the tanks for maintenance.

Figure 3 Proposed Site Plan



Source: Waterworks Engineers, 2023

Figure 4 Proposed Tank Elevations



Supporting Infrastructure

The proposed project would require additional onsite facilities and infrastructure to support the new water storage tanks. Proposed supporting infrastructure would include onsite piping for potable and non-potable water, an underground stormwater infiltration basin, two pumps with tank mixing systems, a replacement fence, a tank driveway, stormwater drop inlets, site lighting, and modifications to the existing storm drain system to direct flow to onsite system. Modifications to the existing onsite storm drain system would be made in accordance with the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 Stormwater Manual. Improvements would also include modifications to the driveway apron and adjacent sidewalk on South Bascom Avenue to improve safety of vehicles and pedestrians entering and exiting the project site.

POTABLE AND NON-POTABLE WATER PIPES

Piping for potable water conveyance would include the following:

- A 24-inch separate inlet and outlet pipe, installed through the floor of the tanks
- Yard piping and valving to connect the new inlets and outlets to the existing piping at the pump station and distribution system
- A 24-inch overflow pipe
- Piping for the tank mixing and dosing systems along with two 10-horsepower pumps and chemical feed tubing encased in polyvinyl chloride (PVC) pipe for secondary containment

Piping for non-potable water conveyance would include the following:

- Tank wall drains that would convey water away from the top of the tank foundations to the onsite stormwater system
- Tank leak detector pipes that flow to the onsite stormwater system
- A rain leader pipe, which would convey stormwater from the tank roofs to the onsite stormwater system
- Stormwater piping to collect surface flow, which would collect water in catch basins and convey it to the stormwater infiltration basin

Some of the existing stormwater drop inlet basins on the northern portion of the site would have their grates replaced with solid tops to convey stormwater overland to the onsite stormwater system, instead of the City's stormwater system.

STORMWATER TREATMENT

The existing project site contains 147,432 square feet of impervious surface area, and the project would result in 124,831 square feet of impervious areas. The project would replace 117,100 square feet of impervious area and would result in a net decrease of 22,301 square feet of impervious area. The resulting new, pervious area would be landscaped. Pursuant to the requirements of SCVURPPP's C.3 Stormwater Handbook, stormwater onsite would need to be captured and infiltrated, with sitting water remaining no longer than 39 hours after a storm event. Based on the rate of stormwater anticipated to be captured, the proposed infiltration basin is proposed to have a holding capacity of approximately 8,127 cubic feet and infiltration area of 496 square feet. Overflow from the infiltration basin would be directed to the City's stormwater system in case of overloading; however, additional depressed overland storage is also available on site that would become active in the event of the infiltration basin exceeding capacity.

STATION ROADS AND SIDEWALKS

There are three existing paved driveways at the site, two of which provide access to the project site via South Bascom Avenue. As part of the proposed project, the existing northern driveway along South Bascom Avenue would be widened from 16 feet to a maximum of 26 feet wide. The existing double swing gate at this driveway would remain at this entrance, and the northern driveway would remain the main entrance and exit for the site. As part of the northern driveway widening, the driveway apron would also be expanded to provide adequate space for large vehicles to make a right turn into the project site from South Bascom Avenue. This apron expansion would be located in City of San José right-of-way, which would require a permit from the City. The existing southern driveway along South Bascom Avenue would be modified to allow for vehicle egress only. This driveway would be reduced to a width of 16 feet, and would include a 16-foot double swing gate. Additional fencing and sidewalk would be added to make up for the driveway's reduced width. The third driveway would not be modified as part of this project.

The project would also involve widening of the sidewalk along South Bascom Avenue to be 10 feet wide for the entire length of the project site.

SOLAR PANELS

The roof of one tank would be outfitted with a combined total of 554 solar panels with 540-watt individual ratings, which would supply 100 percent of the station's annual electrical usage. This quantity equates to approximately 40 percent of the tank area being covered in panels. The height of the solar panels would not exceed the height of any other tank infrastructure.

Construction

Construction of the proposed project would occur over approximately 3.5 to 4 years in three phases:

1. Demolition of the existing Cambrian Reservoir 2 and construction of new Tank 1
2. Demolition of the existing Cambrian Reservoir 1 and construction of new Tank 2
3. Final grading and piping work

Phase 1

Prior to construction of the tanks, the existing Cambrian Reservoir 2 (12.1 million-gallon capacity) would be taken fully offline[1] while Cambrian Reservoir 1 remains online. Cambrian Reservoir 2 would then be demolished; the soil would also be remediated as necessary pursuant the prepared Hazardous Materials Mitigation Plan. The proposed Tank 1 would then be constructed with temporary exposed overflow and drainage piping to the existing sump located northwest of the pump station. Approximately 7,000 cubic yards of soil would be excavated under this phase. Phase 1 of construction would be completed as the proposed Tank 1 becomes operational following all necessary commissioning and testing.

[1] To take the tank offline, the majority of the water in the tank will be sent to the distribution system for use. The remaining water would be infiltrated on-site.

Phase 2

Phase 2 would begin once the proposed Tank 1 is in service. The existing Cambrian Reservoir 1 (3.9 million-gallon capacity) would be taken offline and demolished. Similar to Phase 1, sampling and the remediation of the reservoir materials and soils would be completed prior to the construction of the proposed Tank 2. Other existing structures such as the fountain in the southern end of the site, and the retaining wall along the site frontage of Basin 1, would also be removed as part of Phase 2 demolition efforts. Approximately 17,500 cubic yards of soil would be excavated under this phase. Following demolition and earthwork, the proposed Tank 2 would be constructed, as well as the underground infiltration basin.

Phase 3

Phase 3 would consist of earthwork, including backfilling of each tank, and final grading. Following the completion of overall grading, the remainder of the yard piping would be installed including all of the overflow and stormwater drop inlet catch basins, stormwater piping, and drainage piping. As yard piping occurs, paving, hydroseeding of exposed soils, and planting of replacement trees would occur. Approximately 20,000 cubic yards of soil would be excavated under this phase. Phase 3 of construction would be completed as piping is in place and the proposed Tank 2 becomes operational following all necessary commissioning and testing.

Throughout all phases of construction, all 33 trees on the site would be removed. 20 of these trees are protected under the City's tree protection ordinance due to their size, and tree removal permits would be required. A total of 90 replacement trees would be planted pursuant to San José Municipal Code Chapter 13.28, 15 of which would be planted on-site and 75 trees would be planted off-site. Additionally, a total of 44,500 cubic yards of soil would be excavated during project construction, of which 6,500 cubic yards would be disposed of off-site.

Construction Access and Staging Areas

Construction equipment and materials would be staged within the project site. Access to the project site during construction would be provided via the northern driveway on South Bascom Avenue.

Operation

The proposed tanks would operate similarly to the existing Cambrian Reservoirs and would not increase the water conveyance capacity for the Cambrian Zone. The new tanks would require less maintenance than the existing aging facilities, and with the installation of solar panels, the project site would require less power than existing conditions.

8. Required Approvals

Anticipated approvals for the proposed project are summarized in Table 1.

Table 1 Anticipated Project Approvals

Approving Agency	Required Permit/Approval	Required For
State Agencies		
State Water Resources Control Board, Division of Drinking Water	Water supply permit	Operation of water supply facilities
San Francisco Bay Regional Water Quality Control Board	Coverage under the Municipal Regional Permit, Section 402 of the Clean Water Act Waste Discharge Requirements for dewatering or discharges to land, Section 402 of the Clean Water Act	Storm water discharges associated with construction activity for greater than 1 acre of land disturbance If dewatering is needed during construction or if discharges to land are required
Local Agencies		
City of San José	▪ Building permit ▪ Conditional use permit, including tree removal ▪ Grading permit ▪ Public street improvement permit ▪ Lot line adjustment ▪ Encroachment permit	Compliance with the City's municipal code

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Environmental Factors Potentially Affected

The following environmental issue areas are studied in this Initial Study. The project would potentially affect the environmental factors checked below, involving at least one impact that is "Potentially Significant" or "Less than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

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

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Environmental Checklist

1 Aesthetics

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

Existing Setting

The project site is located in an urbanized area of San José and is currently developed with the two existing Cambrian tanks, a pump station, and an equipment building. Both existing reservoirs are located primarily belowground, and their roof surfaces are level with the existing grade at the project site. The project site's elevation is approximately 14 feet higher than the roadway of South Bascom Avenue and is separated from the roadway with a retaining wall, as shown in Figure 5.

Cambrian Reservoir 1, the 3.9-million gallon tank located alongside South Bascom Avenue, has a surface area of approximately one acre. Cambrian Reservoir 2, the 12.1-million gallon tank that occupies the western portion of the project site, has a surface area of approximately 2.2 acres. The project boundary along South Bascom Avenue is supported by a white retaining wall, and the roof surfaces of the existing tanks are shielded from view by vegetation and fencing. The project site is also shielded by vegetation and fencing along its borders with residential areas to the north and west.

Figure 5 View of Eastern Project Boundary from the East

Surrounding land uses include single-family detached residences to the west and north of the project site; one- to two-story commercial structures to the northeast; single-family attached and detached residences to the east; and commercial uses to the south. Views from the project site include commercial and residential development, and long-range, intermittent views of the Santa Cruz Mountains to the southwest and the Diablo Mountains to the northeast.

Scenic Views

The City of San José is located in the Santa Clara Valley, bounded by the foothills of the Santa Cruz Mountains to the west, the Santa Teresa Hills to the south, and the Diablo Mountain Range to the east. The project site is approximately three miles northeast of the Santa Cruz Mountains and 10 miles southwest of the Diablo Mountains.

State Scenic Highways

There are no State scenic highways as designated by the California Department of Transportation (Caltrans) in the City of San José. The only designated state scenic highway in Santa Clara County is State Route (SR) 9, which is located between the Town of Los Gatos and the Santa Clara-Santa Cruz County line, west of Los Gatos (Caltrans 2018). The distance between the designated segment of SR 9 and the project site is approximately four miles.

Lighting and Glare

Sources of light on the project site include exterior lighting surrounding the existing tanks. Light is also present on and around the project site due to nearby sources, such as the existing residential buildings adjacent to the project site, streetlights on South Bascom Avenue, and vehicle headlights.

Regulatory Setting

California State Scenic Highway Program

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

City of San José Municipal Code

The City's Municipal Code includes several regulations associated with protection of the City's visual character and control of light and glare. The City's Zoning Ordinance (Title 20 of the Municipal Code) includes design standards, maximum building height, and setback requirements.

City Council Outdoor Lighting on Private Developments Policy 4-3

City Council Policy 4-3 contains guidelines for the use of outdoor lighting. The purpose of this policy is to promote energy-efficient outdoor lighting on private development in the City of San José that provides adequate light for nighttime activities while benefiting the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

Envision San José 2040 General Plan

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

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

Policy CD-1.1: Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.

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

Impacts Assessment

a. Would the project have a substantial adverse effect on a scenic vista?

The new tanks would have a maximum height of 35 feet above the existing grade within the project site. Accordingly, the top of the new tanks would be approximately 23 feet taller than the maximum elevation of the existing earthen reservoirs. Refer to the visual simulations of the post-project views in Figure 6 and Figure 7. Views of scenic vistas, such as the Santa Cruz Mountains or Diablo foothills, are already limited from the project site due to existing buildings, trees, and distance, as shown in Figure 5. Therefore, the project would not have a substantial effect on a scenic vista, and impacts would be less than significant.

Figure 6 Photo Simulation looking Northwest along South Bascom Avenue from the Pump Station – View 1

Figure 7 Photo Simulation looking Northwest at the Proposed Tanks from along South Bascom Avenue – View 2

LESS THAN SIGNIFICANT IMPACT

b. Would the project substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

As discussed under *Existing Setting,* the project site is approximately four miles northeast of the officially-designated segment of SR 9. The project site is not visible from SR 9 due to intervening trees and development. The project would not alter scenic resources within the viewshed of a state scenic highway, and there would be no impact.

NO IMPACT

c. Would the project, 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 a 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?

The project is located in an urbanized area of San José. The proposed project would involve replacing the existing earthen reservoirs, which are located mostly belowground. With the addition of the sidewalk along South Bascom Road, 35 street trees will be provided to shade the walkway which screen views of the project site. The proposed tanks would be approximately 20 to 22 feet taller than existing conditions. The tanks would be approximately one to two stories taller than most surrounding development, but would be a similar height to the commercial structures across South Bascom Avenue, which are two to five stories in height (currently one to four stories taller than the existing tanks).

The proposed tanks would be required to comply with San José Municipal Code Chapter 20.30, which outlines development requirements for the residential zoning district in which the project site is located. The proposed tanks would not exceed 35 feet in height pursuant to Chapter 20.30, and would conform with setback and design requirements outlined in this chapter. Therefore, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

The project site is in an urban area with high levels of existing lighting. On the project site, these include lights from vehicles entering and exiting the project site, wall-mounted security lights, and streetlights on South Bascom Avenue. Lighting sources at the surrounding properties include parking lot and exterior structure lighting at the commercial uses to the southwest, and vehicle lights along South Bascom Avenue. The primary glare source in the area is sunlight reflection off light-colored and reflective building materials and finishes, and metallic and glass surfaces of vehicles parked within and near the project site.

The project would introduce new sources of glare to the project site, including glare from overflow pipes, stormwater downspouts, metal stairways, and solar panels located on the exterior proposed tanks. The tanks would have a concrete exterior, which would not generate glare. Each tank would include an exterior tank light meeting the city's outdoor lighting specifications. These lights would not generate a substantial new source of glare during the day, and would only be used at night as needed for nighttime maintenance activities. Because the tanks would be taller than most nearby residences and structures, glare produced by infrastructure and solar panels located on top of the proposed tanks would be minimally visible. Therefore, the project would not create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area, and impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

2 Air Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	■	☐
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	■	☐
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	■	☐
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	■	☐

Existing Setting

The project is in Santa Clara County, which is in the San Francisco Bay Area Air Basin. Ambient air quality standards have been established at both the State and federal level. The San Francisco Bay Area Air Basin does not meet State or federal ambient air quality standards for ground-level ozone and fine particulate matter ($PM_{2.5}$) and State standards for respirable particulate matter (PM_{10}). The area is considered in attainment or unclassified for all other pollutants. The Bay Area Air Quality Management District (BAAQMD) is the regional air quality agency with jurisdiction over the San Francisco Bay Area Air Basin. BAAQMD has published California Environmental Quality Act (CEQA) Air Quality Guidelines that are used in this assessment to evaluate air quality impacts of projects (BAAQMD 2022).

Air Pollutants of Concern

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

Particulate matter is another problematic air pollutant of the Bay Area. Particulate matter is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM_{10}) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-

wide or cumulative emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

Toxic Air Contaminants

Toxic air contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality, usually because they cause cancer. TACs include, but are not limited to, the criteria air pollutants (ROG, NO_X, carbon monoxide (CO), sulfur oxides (SO_X), PM_{10}, and $PM_{2.5}$). TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

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

The San José Envision 2040 General Plan includes goals, policies, and actions to reduce exposure of the City's sensitive population to exposure of air pollution and toxic air contaminants or TACs. General Plan policies applicable to the proposed project are listed below in the *Regulatory Setting* discussion.

Sensitive Receptors

There are groups of people more affected by air pollution than others. BAAQMD defines sensitive receptors as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of uses with these types of populations include schools, hospitals and residential areas (BAAQMD 2017a). The closest sensitive receptors to the project site are the residential properties surrounding the project site, approximately 25 feet from the site boundary to the north, west, and south, and across South Bascom Avenue approximately 200 feet to the east. Additionally, the ABC Preschool is located approximately 115 feet east of the project site at the southeast corner of South Bascom Avenue and Foxworthy Avenue.

Odors

Substantial sources of offending odors are typically identified based on complaint histories received and compiled by BAAQMD. Typical large sources of odors that result in complaints are wastewater treatment facilities, landfills including composting operations, food processing facilities, and chemical plants. Other sources, such as restaurants, paint or body shops, and coffee roasters typically result in localized sources of odors. The site is currently developed with the Cambrian Pump Station and two existing earthen water storage reservoirs and does not produce substantial odors. The project would occur within existing site footprint. The operation of the project would not result in odors beyond the current level of odors experienced at the site.

Regulatory Setting

Federal

CLEAN AIR ACT

The Clean Air Act (CAA) of 1970 is the comprehensive federal law that regulates air emissions from stationary and mobile sources. The CAA authorizes the USEPA to establish National Ambient Air Quality Standards (NAAQS) to protect public health and public welfare and to regulate emissions of hazardous air pollutants. In 1977, Congress again added several provisions, including non-attainment requirements for areas not meeting NAAQS and the Prevention of Significant Deterioration program. The 1990 federal CAA amendments represent the latest in a series of federal efforts to regulate air quality in the United States. The federal CAA allows states to adopt more stringent standards or to include additional pollution species.

TITLE III OF THE FEDERAL CLEAN AIR ACT

The CAA was amended in 1990 to better address hazardous air pollutants (HAPs) (Title III). Title III offers a comprehensive plan for achieving significant reductions in emissions of HAPs from major sources. It includes a list of 189 toxic air pollutants of which emissions must be reduced. The USEPA maintains and updates a list of source categories including (1) major sources emitting 10 tons per year of a single pollutant, or 25 tons per year of a combination of those pollutants; and (2) area sources (smaller sources, such as dry cleaners). As required by Title III, the USEPA developed Maximum Achievable Control Technology (MACT) standards. MACT standards use the HAP emissions of the best-performing industry sources to set the "MACT floor", which becomes the minimum standard that an industry must at least meet in order to comply with the CAA.

State

CALIFORNIA CLEAN AIR ACT AND CALIFORNIA AMBIENT AIR QUALITY STANDARDS

As a part of the California Environmental Protection Agency, CARB is responsible for the coordination and administration of both federal and state air pollution control programs in California. The federal CAA allows states to adopt ambient air quality standards and other regulations provided that they are at least as stringent as federal standards. The California Clean Air Act became effective in 1989 and requires all areas of the state to attain the state ambient air quality standards at the earliest practicable date. To that end, California has adopted the California Ambient Air Quality Standards that are equal to or stricter than the federal standards for six criteria air pollutants. The California Ambient Air Quality Standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations. Similar to the federal CAA, areas have been designated as attainment, nonattainment, or unclassified with respect to the state ambient air quality standards.

RISK REDUCTION PLAN TO REDUCE PARTICULATE MATTER EMISSIONS FROM DIESEL-FUELED ENGINES AND VEHICLES

In September 2000, CARB approved the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles (CARB 2000). The plan outlines a comprehensive and ambitious program that includes the development of numerous control measures aimed at substantially reducing emissions from new and existing on-road vehicles (e.g., heavy-duty trucks and

buses), off-road equipment (e.g., graders, tractors, forklifts, sweepers, and boats), portable equipment (e.g., pumps), and stationary engines (e.g., stand-by power generators). CARB has adopted several regulations that will reduce diesel emissions from in-use vehicles and engines throughout California. In some cases, the particulate matter reduction strategies also reduce smog-forming emissions such as NO_X. As an ongoing process, CARB reviews air contaminants and identifies those that are classified as TACs. CARB also continues to establish new programs and regulations for the control of TACs, including diesel particulate matter, as appropriate.

Regional

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

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

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

BAAQMD SIGNIFICANCE THRESHOLDS

The City of San José uses the thresholds of significance established by the BAAQMD to assess air quality impacts of proposed development. In June 2010, BAAQMD adopted thresholds of significance to assist in the review of projects under CEQA and these significance thresholds were contained in the BAAQMD's 2011 CEQA Air Quality Guidelines. These thresholds were designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA. The thresholds underwent a series of court challenges and were mostly upheld. BAAQMD updated the CEQA Air Quality Guidelines in 2022 to include the latest significance thresholds, which were used in this analysis and are summarized in Table 2.

Table 2 Air Quality Thresholds of Significance

Pollutant/Precursor	Construction Average Daily Emissions (lbs/day)	Operational Average Daily Emissions (lbs/day)	Operational Annual Average Emissions (tons/year)
ROG	54	54	10
NO_X	54	54	10
PM_{10}	85 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10

Notes: ROG = reactive organic gases, NOx = nitrogen oxides, PM10 = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, PM2.5 = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less. GHG = greenhouse gases.

Source: Tables 2-2 and 2-4, Bay Area Air Quality Management District, CEQA Air Quality Guidelines, April 2022.

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. These thresholds were designed to establish the level at which the BAAQMD believes air pollution emissions would cause significant environmental impacts. The City of San José has carefully considered the thresholds updated by BAAQMD in April 2022 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and fine particulate matter (i.e., PM_{10} and $PM_{2.5}$).

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. Chapter 3, Environmental Leadership, outlines the City's air quality goals and policies (below) that are applicable to the project (City of San José 2011a, updated 2023).

Policy MS-1.2: Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.

Policy MS-2.11: Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).

Goal MS-10: Air Pollutant Emission Reduction. Minimize air pollutant emissions from new and existing development.

Policy MS-10.1: Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures.

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

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

Policy MS-10.10: Actively enforce the City's ozone-depleting compound ordinance and supporting policy to ban the use of chlorofluorocarbon compounds (CFCs) in packaging and in building construction and remodeling. The City may consider adopting other policies or ordinances to reinforce this effort to help reduce damage to the global atmospheric ozone layer.

Goal MS-13: Construction Air Emissions. Minimize air pollutant emissions during demolition and construction activities.

Policy MS-13.1: Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

Policy MS-13.4: Adopt and periodically update dust, particulate, and exhaust control standard measures for demolition and grading activities to include on project plans as conditions of approval based upon construction mitigation measures in the BAAQMD CEQA Guidelines.

Policy MS-13.5: Prevent silt loading on roadways that generates particulate matter air pollution by prohibiting unpaved or unprotected access to public roadways from construction sites.

Policy MS-13.6: Revise the grading ordinance and condition grading permits to require that graded areas be stabilized from the completion of grading to commencement of construction.

Impacts Assessment

a. Would the project conflict with or obstruct implementation of the applicable air quality plan?

BAAQMD's most recently adopted air quality plan is the 2017 Clean Air Plan (CAP). Emissions projections are based on population, vehicles, and land use trends developed by the BAAQMD, Metropolitan Transportation Commission (MTC), and Association of Bay Area Governments (ABAG). Determining consistency with the 2017 CAP involves assessing whether applicable control measures contained in the 2017 CAP are implemented and whether a project would alter the population and/or employment estimates in the CAP. Implementation of control measures improves air quality and protects health, according to the 2017 CAP. These control measures are organized into nine categories: stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and short-lived climate pollutants (BAAQMD 2017b).

Given that the project is an industrial development, the 2017 CAP control measure categories relevant to the project would include those related to energy, waste management and water

control. The project would be required to comply with the Title 24 Energy Efficiency Standards and CALGreen standards as applicable to tank development. Compliance with CALGreen standards would also include measures for water use and wastewater reduction and recycling non-hazardous construction debris, as further described in Section 19, *Utilities and Service Systems*, consistent with Waste Management Control Measure WA4 (Recycling and Waste Reduction) and Water Control Measure WR2 (Support Water Conservation).

A project would conflict with or obstruct implementation of the CAP if it would be inconsistent with the regional growth assumptions in terms of population, employment, or regional growth in vehicle miles traveled (VMT). The emission strategies in the CAP were developed, in part, on regional population, housing, and employment projections prepared by ABAG. The project site is within the Central South Santa Clara County Superdistrict, which ABAG has developed population growth projections for. ABAG's Plan Bay Area 2050 estimates that approximately 18,000 households will be added to this Superdistrict by 2050 (ABAG 2021). The project consists of replacement of existing water tanks with new tanks of equivalent capacity. Therefore, the project would not construct residences and would not conflict with the population growth that would result from 18,000 new households in the Superdistrict forecasted by ABAG. As described in Section 17, *Transportation*, the project would not result in an increase in vehicle trips or VMT as no new employees or operational activities would occur. Development of the project would not conflict with population and VMT projections used to develop the 2017 CAP projections. In addition, the project would not exceed BAAQMD thresholds for operational criteria air pollutant emissions, as discussed below under threshold (b). The project would not conflict with or obstruct implementation of the 2017 CAP, and the impact would therefore be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

The California Emissions Estimator Model (CalEEMod) Version 2020.4.0 was used to estimate emissions from construction of the site assuming full build-out of the project. The project land use types and size, and anticipated construction schedule were input to CalEEMod. The model output from CalEEMod is included in Appendix A.

Construction Emissions

CalEEMod provided daily emissions estimates for construction for both on-site and off-site construction activities. On-site activities are primarily made up of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic. Detailed CalEEMod inputs are provided in Appendix A. The inputs are based on a combination of CalEEMod defaults and project-specific details provided by the applicant. Examples of project-specific inputs used in the analysis include the tentative construction period, construction equipment and duration and the expected about of material that would be hauled on-site during construction. The project will be constructed in three phases, as detailed in *Section 2, Project Description*. Phase 1 and Phase 2 represent tank construction, specifically demolition, site preparation, grading, and tank construction. While the duration of each construction subphase would differ between the two phases, the construction equipment use, amount of daily export, and daily vendor and worker trips would be the same. Therefore, average daily emissions for Phase 1 and Phase 2 would be the same. Phase 3 is the finalization of the site, which includes final grading of the remaining area, paving, and

architectural coating of the tanks. Phase 1 and Phase 2 will overlap construction activities (Building Construction of Phase 1 will overlap with demolition and site preparation for Phase 1) and Phase 2 and Phase 3 will overlap construction activities (Building Construction of Phase 2 will overlap with Grading for Phase 3).

Table 3 shows average daily construction emissions of ROG, NO_x, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project. The table takes into account the emissions overlaps between Phase 1 and Phase 2, and Phase 2 and Phase 3 as identified above. As indicated in Table 3, predicted construction-period average daily emissions would not exceed any of the BAAQMD significance thresholds.

Table 3 Construction Emissions (pounds/day)

	Average Daily Emissions (lbs/day)					
Construction Phase	**ROG**	**NO_x**	**CO**	**SO_2**	**PM_{10}**	**$PM_{2.5}$**
P1 & P2	7	6	17	<1	<1	<1
P3	2	6	5	<1	<1	<1
P1 & P2 Overlap	7	8	18	<1	<1	<1
P2 & P3 Overlap	<1	7	6	<1	<1	<1
Max Daily	7	8	18	<1	<1	<1
Threshold	54	54	n/a	n/a	85 (exhaust)	54 (exhaust)
Exceed Threshold	No	No	No	No	No	No

See Appendix A for CalEEMod worksheets, Section 3.

Additionally, construction of the proposed project would be subject to the following City of San José Standard Permit Conditions.

Standard Permit Condition

The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:

i. Water active construction areas at least twice daily or as often as needed to control dust emissions.
ii. Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
iii. Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
iv. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
v. Pave new or improved roadways, driveways, and sidewalks as soon as possible.
vi. Lay building pads as soon as possible after grading unless seeding or soil binders are used.
vii. Limit all vehicle speeds on unpaved roads to 15 mph.
viii. Replant vegetation in disturbed areas as quickly as possible.
ix. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

x. 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.

xi. 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.

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

Operation Emissions

Operational air emissions from the projects are typically generated from vehicle trips generated by employees and site visitors. Other less substantial sources of operational emissions include landscaping equipment, such as lawn mowers, and evaporative emissions from architectural coatings and maintenance products (classified as consumer products). As detailed in *Section 2, Project Description*, the proposed project would replace the two existing earthen water storage reservoirs with two 8.0-million-gallon pre-stressed concrete tanks. The roofs of Tank 1 would be outfitted with a combined total of 554 solar panels with 540-Watt individual ratings, which would supply 100 percent of the station's annual electrical usage. This quantity equates to just under 30 percent of the overall tank area being covered in panels. The new water storage tanks would be operated remotely. San José Water staff would visit Cambrian Station once a week to perform routine inspections, water sampling, and maintenance on the aboveground equipment. The operation of the project site would not exceed the existing emissions, as no new employees would be required, no new buildings would be constructed, and the energy requirements of the tank use are completely offset by the including of solar panels, and supply 100 percent of the station's annual electrical usage. Additionally, existing emissions from employee commutes may be reduced as maintenance activities may be less frequent with the new tanks. Therefore, no operational emissions were quantified and emissions from operational activities would result in no impact.

Overall, the proposed project would result in a less than significant impact regarding regional construction and operational impacts.

LESS THAN SIGNIFICANT IMPACT

c. Would the project expose sensitive receptors to substantial pollutant concentrations?

Project impacts related to increased community risk can occur either by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of TACs or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. Rincon Consultants prepared a health risk assessment (HRA, Appendix A) to address project construction impacts on the surrounding off-site sensitive receptors. The closest sensitive receptors to the project site are the residential properties adjacent to the project site, approximately 25 feet north, west, and south of the project boundaries, and across South Bascom Avenue approximately 200 feet to the east. Additionally, the ABC Preschool is located approximately 115 feet east of the project site at the southeast corner of South Bascom Avenue and Foxworthy Avenue. The impact of existing sources of TACs combined with project construction TACs on sensitive receptors is also addressed in the HRA.

Construction Community Health Risk Impacts

The primary health risk impact issues associated with construction emissions are cancer risk and exposer to $PM_{2.5}$. Construction risk impacts were addressed by predicting increased lifetime cancer risk, the increase in annual $PM_{2.5}$ concentrations, and computing the Hazard Index for non-cancer health risks. The impacts of construction emissions on health are presented in Appendix A. Impacts from construction are assessed on both a project as well as cumulative basis. The project assessment details the risk from the construction of the project on nearby receptors. Cumulative risk identifies the risk from the project added to the risk from existing stationary sources and roadway sources within 1,000 feet of the maximum impacted receptor. Stationary sources include three gasoline facilities and one unnamed source co-located with a gas station. The four stationary sources are Pangea Environmental Services located at 3145 South Bascom Avenue; Unocal Gas Station located at 3145 South Bascom Avenue; Bascom Camden Chevron located at 3160 South Bascom Avenue; and Shell located at 1370 Camden Avenue. Roadways greater than 10,000 average daily trips were identified from BAAQMD provided raster files; however, individual roadways were not called out as part of the BAAQMD data received.

Construction would temporarily increase $PM_{2.5}$ concentrations at nearby sensitive receptors, such as the existing ABC Preschool located at the corner of South Bascom Avenue and Foxworthy Avenue, and at neighboring residential receptors. The ABC Preschool was modeled as a residential receptor as a worst-case risk scenario assuming that nearby residences use this facility and therefore children at the ABC Preschool would be exposed to risk both while at ABC Preschool as well as at home. Therefore, air quality impacts from construction of the project on neighboring residences would result in risk levels equal to or less than those impacts on the ABC Preschool. The additional $PM_{2.5}$ emissions resulting from and during project construction would be 0.15 $\mu g/m^3$, which does not exceed BAAQMD threshold of 0.3 $\mu g/m^3$. When project emissions are combined with existing stationary and roadway sources, the cumulative $PM_{2.5}$ emissions would be 0.20 $\mu g/m^3$, which does not exceed BAAQMD threshold of 0.8 $\mu g/m^3$.

Unmitigated construction cancer health risk would result in a maximum risk of 7.2 in one million for project impacts associated with the ABC Preschool and neighboring residences. This was calculated with weighted risk levels to account for infant and child exposure. This is below the threshold of 10 in one million. When risk is combined with existing stationary and roadway sources, a maximum risk of 27.6 in one million is associated with the ABC Preschool, which is below the BAAQMD's cumulative risk threshold of 100 in a million.

Non-cancer chronic risk from construction air quality impacts would result in a maximum risk of 0.024 Hazard Index. for the project impacts associated with the ABC Preschool and neighboring residences. This is below the BAAQMD project threshold of a Hazard Index of 1. When combined with risk from existing stationary and roadway sources, a maximum non-cancer risk of 0.1 is identified for the ABC Preschool. This is below the BAAQMD's cumulative risk threshold of 10.

As shown, impacts would be less than significant for project and cumulative cancer risk, non-cancer risk and $PM_{2.5}$ increase.

Operational Health Risk Impacts

The proposed project would not generate a significant number of new vehicle trips. An employee of San José Water would visit the proposed project once a week to perform routine inspections, water sampling, and maintenance. Given the infrequent nature of these inspections, no significant traffic would be added to surrounding roadways. In addition, trips may be reduced as maintenance

activities would be reduced from existing conditions. Additionally, given that the project is the replacement of water tanks and does not include the implementation of stationary sources, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

Odors typically associated with industrial projects involve chemicals, solvents, petroleum products, and other strong-smelling elements used in manufacturing processes, and the processes used at sewage treatment facilities and landfills. According to the 2017 BAAQMD CEQA Guidelines, examples of land uses that have the potential to generate considerable odors include, but are not limited to: wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. The proposed project would not create new sources of odors, as it is limited to replacement of water tanks. During construction, use of diesel-powered vehicles and equipment could temporarily generate localized odors, which would cease upon project completion. The proposed project would result in the development of two replacement water tanks and would not include activities, such as wastewater treatment, waste disposal, or food processing, that are typically associated with the generation of operational odors. Therefore, impacts related to odors would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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3 Agriculture and Forestry Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	■
b. Conflict with existing zoning for agricultural use or a Williamson Act contract?	☐	☐	☐	■
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	■
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	■
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	■

Existing Setting

The California Department of Conservation manages the Farmland Mapping and Monitoring Program to assess and record how suitable a particular tract of land is for agricultural purposes. The California Department of Conservation designates the project site as Urban and Built-Up Land (California Department of Conservation 2020). Urban and Built-Up Land is defined as land occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel. The project site is zoned as Public/Quasi-Public. The project site is not zoned or used for agriculture.

CEQA requires the evaluation of forest and timber resources where they are present. The project site is located in a developed urban area. The site does not contain forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g).

Regulatory Setting

Williamson Act

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

Farmland Mapping and Monitoring Program

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

Forest Land and Timberland

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

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

Envision San José 2040 General Plan

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. Chapter 6, Land Use and Transportation outlines the City's framework for identifying appropriate land uses in various areas of the City. The General Plan does include some policies applicable to agriculture and forestry; however, there are no farmlands onsite, and therefore the policies do not apply to the project.

Impacts Assessment

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

b. Would the project conflict with existing zoning for agricultural use or a Williamson Act contract?

c. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

d. Would the project result in the loss of forest land or conversion of forest land to non-forest use?

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

The project site is in an urbanized and developed area. Neither farmland nor forested lands occur on or adjacent to the project site. The site is not zoned for agriculture, forest land, nor timberland production. The site contains no mapped Farmland, and the site is not subject to a Williamson Act contract. Accordingly, the proposed project would have no impact on agriculture and forestry resources.

NO IMPACT

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4 Biological Resources

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

Existing Setting

Physical Setting

The project site is located within an urbanized area of San José. Within the City, the urban forest as a whole is considered an important biological resource because most trees provide some nesting, cover, and foraging habitat for birds and mammals that are tolerant of humans, as well as providing necessary habitat for beneficial insects. While the urban forest is not as favorable an environment for native wildlife as extensive tracts of native vegetation, trees in the urban forest are often the best commonly or locally available habitat within urban areas.

According to the Envision San José 2040 General Plan EIR, 13 special-status plants (p. 427) and over 50 special-status animals (p. 436) have the potential to occur in the City. However, due to the disturbed/developed nature of the project site and because it is surrounded in all directions by densely developed properties, it has very low habitat value and is not expected to support special-status species, other than nesting birds (City of San José 2011a).

The project site is currently developed with the existing Cambrian Tanks and associated site development. Areas surrounding the tanks on the site are vegetated with trees, bushes, shrubs, grasses, and some ruderal weedy vegetation cover. The site contains several trees, 33 of which would be removed as a result of the project. Due to the disturbed nature of the project site and its isolation from natural areas due to surrounding development and high-volume roadways, the project site has a relatively low habitat value. The project site is approximately 0.5 mile east of Los Gatos Creek and Los Gatos Creek County Park, which is the nearest area that would support some of the special-status plants and wildlife described in the General Plan EIR as potentially occurring within San José. The project site is not adjacent to the riparian corridor of Los Gatos Creek or other natural or open space areas.

Regulatory Setting

CITY OF SAN JOSÉ MUNICIPAL CODE

The City of San José Municipal Code (Title 13) regulates the removal of trees, including live or dead woody perennial plant, having a main stem or trunk 38 inches or more in circumference at a height of 54 inches above the natural grade slope. In addition, City-designated heritage trees are considered sensitive resources. A heritage tree is a tree located on private property, which because of factors including (but not limited to) history, girth, height, species, or unique quality has been found by the City Council to have special significance to the community. It is unlawful to vandalize, mutilate, remove, or destroy heritage trees.

ENVISION SAN JOSÉ 2040 GENERAL PLAN

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

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

Policy ER-5.1.	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2.	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
Policy CD-1.22.	Include adequate, drought-tolerant landscaped areas in development and require provisions for ongoing landscape maintenance.
Policy CD-1.23.	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

SANTA CLARA VALLEY HABITAT PLAN

The project site is located within the boundaries of the Santa Clara Valley Habitat Plan (SCVHP), a habitat conservation plan/natural community conservation plan (HCP/NCCP) that was developed through a partnership between Santa Clara County; the cities of San José, Morgan Hill, and Gilroy; Santa Clara Valley Water District; Santa Clara Valley Transportation Authority; the U.S. Fish and Wildlife Service (USFWS); and California Department of Fish and Wildlife (CDFW). The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The SCVHP utilizes a variety of private and public development-based fees to fund mitigation that will offset losses of land cover types, covered species habitat, and other biological values. These one-time fees pay for the full cost of mitigating project effects on covered species and natural communities (Santa Clara Valley Habitat Agency 2013).

Private development activities that require ground disturbance are subject to the SCVHP if the activity is equal to or greater than two acres and located in an area identified as "Urban Development Equal to or Greater than 2 Acres is Covered." As shown on Figure 2-5 (Private Development Areas Subject to the Plan) of the SCVHP, the project site is located in an area subject to the SCVHP, as it is mapped within the area identified as "Urban Development Equal to or Greater than 2 Acres is Covered." The project site is previously disturbed, and no natural communities are located on the site, as shown on Figure 3-9 (Santa Clara Valley Habitat Plan Natural Communities) of the SCVHP. The SCVHP's land cover classification for the site, shown on Figure 3-10 (Santa Clara Valley Habitat Plan Land Cover) of the SCVHP, is Urban-Suburban and the project is within the City's urban growth boundary. The SCVHP defines Urban-Suburban land cover as areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, with one or more structures per 2.5 acres (Santa Clara Valley Habitat Agency 2013). The project site is in the "Urban Areas" land cover fee zone. As such, the project site is subject to the SCVHP, despite being developed and having an Urban-Suburban land cover type.

The SCVHP additionally addresses nitrogen deposition, requiring payment of nitrogen deposition fees for all covered projects that generate net new vehicle trips.

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

The project site is in a developed, urban area and does not contain special-status species habitat (USFWS 2023a). Accordingly, construction of the project would not impact special-status plants or wildlife, with the exception of potential effects on nesting migratory birds. Project construction would require the removal of existing trees, which migratory birds could use for nest sites. The damage or destruction of active nest sites of migratory birds and to the migratory birds themselves would be a potentially significant impact. Implementation of Mitigation Measure BIO-1 would be required and would reduce impacts to less than significant levels.

Impact BIO-1: Tree removal during the nesting season could impact migratory birds, in violation of the federal Migratory Bird Treaty Act.

Mitigation Measure

BIO-1 Pre-Construction Nesting Birds Surveys

Ground disturbance and vegetation removal activities shall be restricted to the non-breeding season for birds (September 1 to January 31, inclusive), when feasible. For ground disturbance and vegetation-removal activities occurring during the bird nesting season (February 1 to August 31, inclusive), general pre-construction nesting bird surveys shall be conducted by a qualified biologist not more than 14 days prior to construction activities involving ground clearing, vegetation removal/trimming, or building demolition. The surveys shall include the disturbance area plus a 200-foot buffer around the site if feasible and a 500-foot buffer for raptors. If active nests are located, an appropriate avoidance buffer shall be established within which no work activity would be allowed that would impact these nests. The avoidance buffer shall be established by the qualified biologist on a case-by-case basis based on the species and site conditions. In no case shall the buffer's radius be smaller than 50 feet for non-raptor bird species, or 200 feet for raptor species. Larger buffers may be required depending on the status of the nest and the construction activities occurring near the nest. The buffer area(s) shall be closed to all construction personnel and equipment until juveniles have fledged and until the nest is inactive. The qualified biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer. If there are delays in on-site activities for more than 14 days during the breeding season, an additional survey shall be required within 14 days prior to the start of work.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

c. Would the project 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?

The project site is in an urban, previously disturbed area. The project site does not contain riparian habitats, other sensitive natural communities, or wetlands, and none are located on or adjacent to the site (USFWS 2023b). The nearest sensitive habitat to the project site is the riparian habitat along

Los Gatos Creek, approximately 0.5 mile to the west. 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. As the project is located more than 300 feet from Coyote Creek, it is not subject to the provisions of the riparian policy.

Therefore, the project would have no impact on riparian habitats, other sensitive natural communities, or protected wetlands.

NO IMPACT

d. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Wildlife corridors are pathways or habitat linkages that connect discrete areas of natural open space otherwise separated or fragmented by topography, changes in vegetation, other natural obstacles, or manmade obstacles such as urban development and roadways. Urbanized parcels of the city are not considered important for regional movement of reptiles, amphibians, mammals, or other wildlife species (City of San José 2011a). The project site is developed and disturbed, surrounded by development, and is not adjacent to areas of natural open space. The project site is not part of a wildlife movement corridor, and the project would not impede the use of native wildlife nursery sites. Therefore, the project would have no impact on wildlife movement or native wildlife nursery sites.

NO IMPACT

e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The project site includes trees, 33 of which would be removed during construction. Removal of trees would be subject to the City's tree replacement standards pursuant to San José Municipal Code Chapter 13.32. Implementation of the following Standard Permit Condition to replant the removed trees is mandatory and would be required for the proposed project.

Standard Permit Condition

Tree Replacement. The removed trees would be replaced according to size and tree replacement ratios required by the City, as provided in Table 4 below.

Table 4 City of San José Replacement Guidelines for Trees to be Removed

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

*x:x = tree replacement to tree loss ratio

Note: Trees greater than or equal to 38-inch circumference measured at 54 inches above natural grade shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial, and Industrial properties, a permit is required for removal of trees.

A 38-inch tree equals 12.1 inches in diameter.

**A 24-inch box tree = two 15-gallon trees.

Single Family and Two-dwelling properties may replace trees at a 1:1 ratio.

Thirty-three trees onsite would be removed. Thirteen trees would be replaced at a 5:1 ratio, seven trees would be replaced at a 4:1 ratio, one tree would be replaced at a 3:1 ratio, four trees would be replaced at a 2:1 ratio, and the remaining trees would be replaced at a 1:1 ratio. The total number and size of replacement trees required to be planted on-site is 90. The project applicant shall pay Off-Site Tree Replacement Fees to the City for 75 replacement trees that could not be planted on-site because of insufficient area. Prior to the issuance of building permit(s), the permittee shall pay Off-Site Tree Replacement Fee(s) to the City for 75 off-site replacement trees in accordance with the City Council approved Fee Resolution in effect at the time of payment.

With implementation of the Standard Permit Condition listed above, the project would be required to plant the appropriate number of replacement trees. Therefore, development of the proposed project would result in a less than significant impact regarding local policies and ordinances protecting biological resources, such as trees.

LESS THAN SIGNIFICANT IMPACT

f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The project would be a covered activity under the SCVHP. The project site is greater than two acres and mapped as "Urban Development Equal to or Greater than 2 Acres is Covered" In the SCVHP. According to the SCVHP, the project site is located within the "Urban Areas" land cover fee zone, which is a land cover fee zone that has no applicable land cover fee (Santa Clara Valley Habitat Agency 2013). As such, while the site is covered by the SCVHP, there is no applicable land cover fee. Additionally, the project would not be subject to the nitrogen deposition fee, as it would not result in a net increase in vehicle trips (see Section 17, *Transportation,* for further discussion of transportation impacts). The site is not located within a riparian setback area.

Because the project is a SCVHCP covered project,[2] it would be subject to the following City Standard Permit Condition:

[2] Covered activities are those projects or ongoing activities that receive incidental take authorization by the Endangered Species Act and Natural Community Conservation Plan permits. Covered activities in the SCVHCP fall into seven general categories. The proposed project would be covered as an urban development project within the Plan Area (Santa Clara Valley Habitat Agency 2012).

Standard Permit Condition

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

With implementation of the Standard Permit Condition listed above, development of the proposed project would not conflict with the SCVHP. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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5 Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	■
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	■	☐
c. Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	■	☐

Existing Setting

Existing Conditions

Rincon Consultants, Inc. completed a Cultural Resources Technical Report for the Cambrian Tanks Replacement Project in June 2023. The investigation consisted of a California Historical Resources Information System (CHRIS) records search at the Northwest Information Center (NWIC) for the project site as well as a 0.5-mile radius around the project site, a search of the Sacred Lands File (SLF) with the Native American Heritage Commission (NAHC), a historic evaluation of Cambrian Station for individual significance, and a pedestrian field survey conducted on May 12, 2023.

The CHRIS records search and background research identified six previously recorded cultural resources within a 0.5-mile radius of the project site. No resources identified in the CHRIS search are recorded within or adjacent to the project site. On May 22, 2023 the NAHC responded to Rincon's SLF request, stating the results of the SLF search results were negative.

No archaeological resources were observed within the project site during the May 12, 2023 field survey. However, the field survey as well as the background research resulted in the identification of one parcel containing historic-age buildings, structures and features within the project site (San José Water facility - Cambrian Station) including two reservoir structures, two pump houses and a fountain. The property was documented and its significance and eligibility evaluated for listing in the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR), and in the San José Historic Resources Inventory as a Candidate City Landmark. The two reservoir structures and associated features were determined to be ineligible for listing in the NRHP, CRHR, and the San José Historic Resources Inventory as a Candidate City Landmark However, the 1924 Pump House was determined to be individually eligible for listing in the San José Historic Resources Inventory as a Candidate City Landmark for its embodiment of the Mission Revival style. Therefore, the Pump House is considered to be a historical resource pursuant to Section 15064.5(a)(2) of the CEQA Guidelines.

Regulatory Setting

State

The California Environmental Quality Act (CEQA) requires a lead agency to determine whether a project may have a significant effect on historical resources (Public Resources Code [PRC] Section 21084.1). A historical resource is (1) a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR); (2) a resource included in a local register of historical resources; and/or (3) any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant (CEQA Guidelines Section 15064.5[a][1-3]). Historical resources may include eligible built environment resources and archaeological resources from any time period.

Pursuant to CEQA Guidelines Section 15064.5(a)(3), a resource is considered historically significant if it:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; and/or
4. Has yielded, or may be likely to yield, information important in prehistory or history.

CEQA Guidelines Section 15064.5(c) provides further guidance on the consideration of archaeological resources. If an archaeological resource does not qualify as a historical resource, it may meet the definition of a "unique archaeological resource" as identified in PRC Section 21083.2. If it can be demonstrated that a project would cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (PRC Section 21083.2[a-b]).

PRC Section 21083.2(g) defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it:

1. Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information;
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type; and/or
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

CEQA Guidelines Section 15064.5 also provides guidance for addressing the potential presence of human remains, including those discovered during implementation of a project.

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. Chapter 3, Environmental Leadership and Chapter 6, Land Use and Transportation, outlines the City's approach to archaeological resources and historic preservation, respectively. Those included (below) are applicable to cultural resources and to the project (City of San José 2011a).

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

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

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

Policy LU-13.2 Preserve candidate or designated landmark buildings, structures and historic objects, with first priority given to preserving and rehabilitating them for their historic use, second to preserving and rehabilitating them for a new use, or third to rehabilitation and relocation on-site. If the City concurs that no other option is feasible, candidate or designated landmark structures should be rehabilitated and relocated to a new site in an appropriate setting.

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-13.6 Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior's Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.

Policy LU-13.8 Require that new development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District be designed to be sensitive to its character.

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

Policy LU-13.22: Require the submittal of historic reports and surveys prepared as part of the environmental review process. Materials shall be provided to the City in electronic form once they are considered complete and acceptable.

CITY OF SAN JOSÉ HISTORIC PRESERVATION ORDINANCE

The City of San José's Historic Preservation Ordinance (Municipal Code Chapter 13.48) authorizes the City to designate city landmarks and historic districts by the procedures outlined in the municipal code. The City of San José uses the significance criteria of the Historic Preservation Ordinance, provided below, as thresholds for significance under CEQA.

Landmark

"Landmark" shall mean any of the following which have a special historical, architectural, cultural, aesthetic or engineering interest or value of an historical nature: an individual structure or portion thereof; an integrated group of structures on a single lot; a site or portion thereof; or any combination thereof. In making their findings, the historic landmarks commission may consider the following factors, among other relevant factors, with respect to the proposed landmark:

1. Its character, interest or value as part of the local, regional, state or national history, heritage or culture;
2. Its location as a site of a significant historic event;
3. Its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history;
4. Its exemplification of the cultural, economic, social or historic heritage of the City of San José;
5. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
6. Its embodiment of distinguishing characteristics of an architectural type or specimen;
7. Its identification as the work if an architect or master builder whose individual work influenced the development of the city of San José;
8. Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique.

Historic District

"Historic District" shall mean a geographically definable area of urban or rural character, possessing a significant concentration of continuity of site, building, structures or objects unified by past events or aesthetically by plan or physical development.

The impact analysis included herein is based on the cultural resources checklist questions included in CEQA Guidelines Appendix G: Environmental Checklist Form. Checklist question (a) broadly refers to historical resources. To more clearly differentiate between archaeological and built environment resources, analysis under checklist threshold (a) is limited to built environment resources. Archaeological resources, including those that may be considered historical resources pursuant to CEQA Guidelines Section 15064.5 and those that may be considered unique archaeological resources pursuant to PRC Section 21083.2, are considered under checklist threshold (b).

a. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

As detailed above, the field survey and background research identified one built environment historical resource in the project site, the 1924 Cambrian Station Pump House. Cambrian Station was determined ineligible for the NRHP, CRHR, and as a City of San José Landmark for lack of

historical significance and substantial loss of integrity due to successive demolitions and additions to the project site. However, as a component of the Cambrian Station, the 1924 Pump House is individually eligible as a San José Landmark for its embodiment of distinguishing characteristics of an architectural type for its Mission Revival architecture; the building therefore qualifies as a historical resource as defined by CEQA. The proposed project does not include any direct physical changes to the 1924 Pump House. The building will continue to retain its distinctive, character-defining materials and features that convey its historic significance. Additionally, it will remain in its historic setting within a water infrastructure facility, which, though updated with new equipment, will continue to serve its historic function. Its proposed retention is, therefore, consistent with the Secretary of the Interior's Standards for Rehabilitation and the project would not result in the material impairment of the building. As such, the project would result no impact to historical resources as defined in Section 15064.5(b) of the CEQA Guidelines.

NO IMPACT

b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

The Cultural Resources Technical Report did not identify any archaeological resources or archaeological deposits on the project site. While the extant facility has been in operation since the early twentieth century, associated refuse did not exhibit any diagnostic features indicative of the historic-period. The lack of surface evidence of archaeological materials does not preclude their subsurface existence. While alluvial sedimentation and buried A Horizon soils are recorded in the general vicinity of the project site, the absence of substantial prehistoric or historic-period archaeological remains within the immediate vicinity, along with the existing level of disturbance in the project site, and a recorded majority of underlying urban soil series suggest there is a low potential for encountering intact subsurface archaeological deposits. Therefore, impacts would be less than significant.

Furthermore, the project applicant would also be required to comply with the following City of San José Standard Permit Condition, which outlines these requirements.

> **Subsurface Cultural Resources.** If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist in consultation with a Native American Tribal representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 shall examine the find. The archaeologist in consultation with the Tribal representative shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to the Director of PBCE or the Director's designee, the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

LESS THAN SIGNIFICANT IMPACT

c. Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

No human remains are known to be present within the project site. However, the discovery of human remains is always a possibility during ground-disturbing activities.

The project applicant would also be required to comply with the following City of San José Standard Permit Condition, which outlines these requirements.

Standard Permit Condition

Human Remains. If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project 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:

i. 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.
ii. The MLD identified fails to make a recommendation; or
iii. 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 adherence to existing regulations and the Standard Permit Condition, potential impacts to human remains would be less than significant.

LESS THAN SIGNIFICANT IMPACT

6 Energy

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	■	☐
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	■

Existing Setting

In 2021, California's total statewide electricity consumption was approximately 280,738 gigawatt-hours (GWh). Approximately 16,904 GWh of electricity were consumed in Santa Clara County (California Energy Commission [CEC] 2021a). Natural gas consumption in 2021 was approximately 11,922 million therms statewide, with 417 million therms in Santa Clara County (CEC 2021b).

San José Clean Energy is the community choice energy provider for the city, which generates and delivers electricity via existing Pacific Gas and Electric Company (PG&E) infrastructure. Natural gas is provided by PG&E.

Regulatory Setting

State

California Code of Regulations

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 (CCR), promote efficient energy use in new buildings constructed in California. The standards regulate energy consumed for heating, cooling, ventilation, water heating, and lighting.

The California Green Building Standards Code

The California Green Building Standards Code (CALGreen) establishes mandatory green building standards for new construction (new buildings and expansions) in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include a mandatory set of minimum guidelines, as well as more rigorous voluntary measures, for new construction projects to achieve specific green building performance levels. Building Energy Efficiency Standards and CALGreen standards are enforced through the local building permit process.

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. Several Subsections within the General Plan outline the City's energy goals and policies as they pertain to the sustainable utilization of energy resources within the City. Those included (below) are applicable to the project (City of San José 2011a).

Goal MS-2: Energy Conservation and Renewable Energy Use. Maximize the use of green building practices in new and existing development to maximize energy efficiency and conservation and to maximize the 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-2.11: 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-3.2: Promote use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.

Policy MS-3.3: Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.

Goal MS-14: Reduce Consumption and Increase Efficiency. Reduce per capita energy consumption by at least 50% compared to 2008 levels by 2022 and maintain or reduce net aggregate energy consumption levels equivalent to the 2022 (Green Vision) level through 2040.

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

Policy MS-14.4: Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site

selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

Policy CD-5.6: Design lighting locations and levels to enhance the public realm, promote safety and comfort, and create engaging public spaces. Seek to balance minimum energy use of outdoor lighting with goal of providing safe and pleasing well-lit spaces. Consider the City's outdoor lighting policies in development review processes.

CITY OF SAN JOSÉ MUNICIPAL CODE

The San José 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), 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 to reduce air pollution, save water, and create a stronger and healthier community while continuing to foster the City's projected growth (City of San José 2018). The Climate Smart San José plan includes three "pillars" or goals:

Create a sustainable and climate smart city by:

- Transitioning to renewable energy
- Embracing the Californian climate

Create a vibrant city of connected and focused growth by:

- Densifying the City to accommodate growth
- Making homes more efficient and affordable for families
- Creating clean, personalized mobility choices
- Developing integrated, accessible public transportation infrastructure

Create an economically inclusive city of opportunity by:

- Creating local jobs to reduce VMT
- Improving commercial building stock
- Making commercial goods movement clean and efficient

Impacts Assessment

a. Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Construction

The project would require demolition of the existing tanks, including hauling material off-site; site preparation; tank construction and installation; and pavement and site restoration. During project construction, energy would be consumed in the form of petroleum-based fuels used to power off-road construction vehicles and equipment on the project site, construction worker travel to and from the project site, and vehicles used to transport materials to and from the site. The total consumption of gasoline and diesel fuel during project construction was estimated using the assumptions and factors from CalEEMod used to estimate construction air emissions (Appendix A). As shown in Table 5, project construction would require approximately 2,403 gallons of gasoline and approximately 50,168 gallons of diesel fuel. These construction energy estimates are conservative because they assume that the construction equipment used in each phase of construction is operating every day of construction.

Table 5 Estimated Fuel Consumption during Construction

	Fuel Consumption (gallons)	
Source	**Gasoline**	**Diesel**
Construction Equipment & Water Truck/Hauling Trips	–	50,168
Construction Worker Vehicle Trips	2,403	–

See Appendix B for energy calculation sheets.

Energy use during construction would be temporary in nature, and construction equipment used would be typical of similar-sized construction projects in the region. In addition, construction contractors would be required to comply with the provisions of California Code of Regulations Title 13 Sections 2449 and 2485, which prohibit diesel-fueled commercial motor vehicles and off-road diesel vehicles from idling for more than five minutes and would minimize unnecessary fuel consumption. Construction equipment would be subject to the USEPA Construction Equipment Fuel Efficiency Standard, which would also minimize inefficient, wasteful, or unnecessary fuel consumption. These practices would result in efficient use of energy necessary to construct the project. In the interest of cost-efficiency, construction contractors also would not utilize fuel in a manner that is wasteful or unnecessary. Therefore, the project would not involve the inefficient, wasteful, and unnecessary use of energy during construction, and impacts would be less than significant.

Operation

The project would result in vehicle fuel demands, as the new tanks would require weekly routine inspections, water sampling, and maintenance. However, this would be a reduction in the number of worker trips compared to the existing tanks. Additionally, the tank roofs would be outfitted with a combined total of 554 solar panels with 540-watt individual ratings, which would supply 100 percent of the station's annual electrical usage. Therefore, the energy use of the proposed project would not be excessive or wasteful, and the project would have a beneficial impact, as the current

amount of energy being supplied to the site from the energy grid would no longer be required. Operational energy impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

b. Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Climate Smart San José, the City's climate action plan adopted in 2018, outlines the City's plan to transition to a renewable energy future through community choice energy programs and local generation of renewable energy. Furthermore, the Envision San José 2040 General Plan contains goals and policies related to energy conservation and efficiency. Table 6 and Table 7 include applicable goals and policies and describes project consistency with Climate Smart San José and the General Plan.

Table 6 Project Consistency with Climate Smart San José

Goal/Policy	Consistency
Transition to a renewable energy future.	**Consistent.** The new tanks would be fitted with solar panels, which would supply 100 percent of the project site's annual electricity usage.

Source: City of San José 2018

Table 7 Project Consistency with the Envision San José 2040 General Plan

Goal/Policy	Consistency
Policy MS-1.2. Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures. **Policy MS-2.2.** Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.	**Consistent.** The new tanks would be fitted with solar panels, which would supply 100 percent of the project site's annual electricity usage.

Source: City of San José 2011a

As shown in Table 6 and Table 7, the proposed project would not conflict with the energy-related policies of Climate Smart San José or the 2040 General Plan. There would be no impact.

NO IMPACT

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7 Geology and Soils

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1. 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?	☐	☐	☐	■
2. Strong seismic ground shaking?	☐	☐	■	☐
3. Seismic-related ground failure, including liquefaction?	☐	☐	■	☐
4. Landslides?	☐	☐	☐	■
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	■	☐
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	■	☐
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	■	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	■
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	■	☐

Existing Setting

Regional Geology

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

The project site is located within the San Francisco Bay Area, one of the most seismically active regions in the country, transected by a series of subparallel faults that together accommodate the relative motion between the Pacific and North American plates. The four nearest faults to the project site are the Hayward fault, Calaveras fault, southeast extension Hayward fault, and San Andreas fault. The nearest fault to the project site, the San Andreas fault, is approximately five miles west of the project site.

Regulatory Setting

State

CALIFORNIA BUILDING CODE

The California Building Code (CBC) provides the standards for building design by providing the minimum design criteria for building with respect to seismic safety. The California Division of Occupational Safety and Health (Cal/OSHA) regulations specify additional safety standards for excavation, shoring, and trenching (Title 8 of the California Code of Regulations).

ALQUIST-PRIOLO EARTHQUAKE FAULT ZONING ACT

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

SEISMIC HAZARDS MAPPING ACT

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

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

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

Goal EC-3: Seismic Hazards. Minimize the risk of injury, loss of life, property damage, and community disruption from seismic shaking, fault rupture, ground failure (liquefaction and lateral spreading), earthquake-induced landslides, and other earthquake-induced ground deformation.

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

Policy EC-3.2: Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.

Goal EC-4: Geologic and Soil Hazards. Minimize the risk of injury, loss of life, and property damage from soil and slope instability including landslides, differential settlement, and accelerated erosion.

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

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

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

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

areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.

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

Policy EC-4.12: Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of a grading permit by the Director of Public Works.

Impacts Assessment

a.1. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

While the project site is located within the seismically active San Francisco Bay Area, the project site is not located within the boundaries of an Earthquake Fault Zone for fault rupture hazard as defined by the Alquist-Priolo Earthquake Fault Zoning Act, and no faults are known to pass through the site (DOC 2017). The nearest mapped Alquist-Priolo Earthquake Fault Zone to the project site is the San Andreas Fault, which is approximately five miles southwest of the project site. Direct ground rupture from an earthquake fault on-site would be unlikely. Therefore, no impact related to fault rupture would occur as a result of the project**.**

NO IMPACT

a.2. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

Due to its location in a seismically active region, like any site in the Bay Area region, the project would be highly likely to experience strong ground shaking from seismic events on local and regional faults. Strong ground shaking could weaken the structural integrity of the proposed project, thereby creating risk of loss, injury, or death.

The City of San José's Geologic Hazard Regulations (SJMC Chapter 17.10) requires that no discretionary approval for development, grading, or building permit shall be issued for any property located in the geologic hazard zone unless the director has first issued a certificate of geologic hazard clearance. Figure 3.6-1 of the Envision San José 2040 General Plan EIR shows that the project site is not located in an identified geologic hazard zone (City of San José 2011b). Therefore, the project would not require a special geologic clearance. Additionally, project design would be required to incorporate the materials and installation standards of the American Water Works Association as required pursuant to Title 22 California Code of Regulations (CCR) Chapter 16, which include appropriate standard engineering practices and specifications in water infrastructure design to minimize risk of structural failure in a seismic event and would reduce any potential secondary impacts. Specifically, AWWA Standard D100-21, Welded Carbon Steel Tanks for Water Storage, would apply to the proposed project, which outlines design specifications to minimize seismic effects to welded steel storage tanks. Additionally, in the event an earthquake compromised a project component during operation, San José Water would temporarily shut-off reservoir connections and conduct emergency repairs as soon as possible.

Additionally, the project would be required to implement the following conditions, consistent with the regulations identified in the City's General Plan EIR, for avoiding and reducing impacts related to ground shaking.

Standard Permit Condition

i. To avoid or minimize potential damage from seismic shaking, the project shall be constructed using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of an approved geotechnical investigation. The report shall be reviewed and approved by the City of San José Department of Public Works as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code.
ii. All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
iii. Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
iv. Ditches shall be installed to divert runoff around excavations and graded areas if necessary.
v. 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.
vi. If dewatering is needed, the design-level geotechnical investigations to be prepared for individual future development projects shall evaluate the underlying sediments and determine the potential for settlements to occur. If it is determined that unacceptable settlements may occur, then alternative groundwater control systems shall be required.

With implementation of the Standard Permit Condition and compliance with the American Water Works Association Standards, project impacts related to ground shaking would be less than significant.

LESS THAN SIGNIFICANT IMPACT

a.3. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

Liquefaction is a process whereby soil is temporarily transformed to fluid form during intense and prolonged ground shaking or because of a sudden shock or strain. Liquefaction typically occurs in areas where the groundwater is less than 30 feet from the surface and where the soils are composed of poorly consolidated fine to medium sand. The project site is not located within a liquefaction hazard zone (DOC 2017). Additionally, the project would be required to implement the Standard Permit Condition, as shown in threshold (a.2), consistent with the regulations identified in the City's General Plan EIR, for avoiding and reducing impacts related to liquefaction. Because the project would involve implementation of the Standard Permit Condition and would not located in a liquefaction hazard zone, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

a.4. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

Earthquakes can trigger landslides that may cause injuries and damage many types of structures. Landslides are typically a hazard on or near slopes or hillside areas, rather than on generally level areas, like the project site and vicinity. The project is located in a generally flat area and not within a landslide hazard zone (DOC 2019). The topography of the project site is relatively flat, and no steep slopes are located on or near the site. Thus, the project site is not susceptible to landslides and no impact would occur.

NO IMPACT

b. Would the project result in substantial soil erosion or the loss of topsoil?

The project site is developed and generally level, which limits the potential for substantial soil erosion. The grading and excavation phase, when soils are exposed, has the highest potential for erosion. Project construction would include ground disturbance and excavation, which would potentially result in short-term soil erosion. However, because construction disturbance would exceed one acre, the project would be subject to the National Pollutant Discharge Elimination System (NPDES) permit requirements for construction site stormwater discharges and would comply with those requirements. The NPDES permits mandates the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) specific to the project, which includes appropriate erosion-control and water-quality-control measures during site preparation, grading, construction, and post-construction. The City's NPDES Municipal Permit, urban runoff policies, and the San José Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process.

Implementation of the SWPPP for the project would minimize short-term erosion impacts. Long-term, the project would not result in substantial erosion, as soils within the project site would generally be covered by the new tanks and paved surfaces. Additionally, the project would be required to implement the Standard Permit Condition, as shown in threshold (a.2), consistent with the regulations identified in the City's General Plan EIR, for avoiding and reducing construction-related erosion impacts. With implementation of the Standard Permit Condition project impacts related to erosion would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

The project site is not located near steep slopes which would be susceptible to landslides. Standard permit conditions would ensure the proposed tanks and related infrastructure are constructed in a way that would not be substantially affected by potential liquefaction of project site soils, as described under threshold (a.2). Lateral spreading is commonly associated with liquefaction and occurs when a continuous layer of soil liquefies at depth and the soil layers above move toward an unsupported face. Lateral spreading would not be expected to occur due to the site's relatively flat topography and lack of liquefaction-related impacts. Thus, the project site is not located on a geologic unit or soil that is unstable or would become unstable as a result of the project. Moreover, compliance with the CBC and applicable City ordinances, as well as adherence to the recommendations provided in the geotechnical engineering investigation required pursuant to

standard permit conditions detailed under threshold (a.2) would further reduce potential risks related to soil stability. Therefore, associated impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

Expansive soils can undergo substantial volume change with changes in moisture content; they shrink and harden when dried and expand and soften when wetted. Much of the soil that underlies San José is moderately to highly expansive, and expansive soils are more likely to be encountered in the flat portions of Santa Clara Valley (City of San José 2011b). Construction of the proposed project atop expansive soils could result in reduced structural integrity, leading to risks to life or property. However, the proposed project would be required to implement the Standard Permit Condition, as shown in threshold (a.2). Implementation of this standard permit condition would minimize impacts associated with expansive soils, as the permit condition would require proper grading and construction, in combination with the permit condition for thresholds (a.2) and (a.3). The standard permit conditions requires building design and construction to be completed in conformance with the recommendations of an approved geotechnical investigation, which provides measures to address expansive soils. With compliance of standard permit conditions, including incorporating the recommendations of a geotechnical engineering investigation into the project design and construction, impacts regarding expansive soils would be less than significant.

LESS THAN SIGNIFICANT IMPACT

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The project would not include septic tanks or alternative wastewater disposal systems. Therefore, no impact related to septic tanks or alternative wastewater disposal systems would occur.

NO IMPACT

f. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Paleontological resources include the fossilized remains, traces, or imprints of organisms preserved in or on the earth's crust. Paleontological sensitivity is defined based on the underlying geologic formation. Areas with the highest sensitivity are those where geologic formations known to contain fossils are found close to the ground surface. According to Appendix J of the Envision San José General Plan EIR, the project site is located in an area with high paleontological sensitivity at depth (City of San José 2011b); thus, geologic formations known to contain fossils are not found close to the ground surface on the site. Nevertheless, there always exists a possibility of encountering paleontological resources when conducting subsurface earthwork activities for the project, such as excavation for installation of utilities. Adherence to the Standard Permit Condition below would reduce impacts associated with disturbance to buried paleontological resources, if encountered, to a less than significant level.

Standard Permit Conditions

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

LESS THAN SIGNIFICANT IMPACT

8 Greenhouse Gas Emissions

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	■	☐
b. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	■	☐

Existing Setting

Various gases in the atmosphere, classified as atmospheric greenhouse gases (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. GHGs, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (CO_2), methane (CH_4), ozone (O_3), water vapor, nitrous oxide (N_2O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation.

Regulatory Setting

Federal and State

Clean Air Act

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

EXECUTIVE ORDER S-3-05

In 2005, the governor issued Executive Order (EO) S-3-05, establishing statewide GHG emissions reduction targets. EO S-3-05 provides that by 2010, emissions shall be reduced to 2000 levels; by 2020, emissions shall be reduced to 1990 levels; and by 2050, emissions shall be reduced to 80 percent below 1990 levels (CARB 2017). In response to EO S-3-05, CalEPA created the Climate Action Team (CAT), which in March 2006 published the Climate Action Team Report (the "2006 CAT Report"). The 2006 CAT Report identified a recommended list of strategies that the state could pursue to reduce GHG emissions.

These are strategies that could be implemented by various state agencies to ensure that the emission reduction targets in EO S-3-05 are met and can be met with existing authority of the state agencies. The strategies include the reduction of passenger and light duty truck emissions, the reduction of idling times for diesel trucks, an overhaul of shipping technology/infrastructure, increased use of alternative fuels, increased recycling, and landfill methane capture, etc. In April 2015, the governor issued EO B-30-15, calling for a new target of 40 percent below 1990 levels by 2030.

ASSEMBLY BILL 32

California's major initiative for reducing GHG emissions is outlined in AB 32, the "California Global Warming Solutions Act of 2006," signed into law in 2006. AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020 and requires CARB to prepare a Scoping Plan that outlines the main State strategies for reducing GHGs to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions. Based on this guidance, CARB approved a 1990 statewide GHG level and 2020 limit of 427 million metric tons CO_2e. The Scoping Plan was approved by CARB on December 11, 2008 and included measures to address GHG emission reduction strategies related to energy efficiency, water use, and recycling and solid waste, among other measures. The 2020 goal was ultimately reached in 2016, four years ahead of the schedule called for under AB 32.

Many of the GHG reduction measures included in the Scoping Plan (e.g., Low Carbon Fuel Standard, Advanced Clean Car standards, and Cap-and-Trade) have been adopted since approval of the Scoping Plan.

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

SENATE BILL 32

On September 8, 2016, the governor signed SB 32 into law, extending AB 32 by requiring the further reduction of GHGs statewide to 40 percent below 1990 levels by 2030 (the other provisions of AB 32 remain unchanged). On December 14, 2017, CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 target. The 2017 Scoping Plan relies on the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program, as well as implementation of recently adopted policies and policies, such as SB 350 and SB 1383 (see below).

The 2017 Scoping Plan also puts an increased emphasis on innovation, adoption of existing technology, and strategic investment to support its strategies. As with the 2013 Scoping Plan Update, the 2017 Scoping Plan does not provide project-level thresholds for land use development. Instead, it recommends that local governments adopt policies and locally-appropriate quantitative thresholds consistent with a statewide per capita goal of six metric tons (MT) CO_2e by 2030 and two MT CO_2e by 2050 (CARB 2017). As stated in the 2017 Scoping Plan, these goals may be appropriate for plan-level analyses (city, county, subregional, or regional level), but not for specific individual projects because they include all emissions sectors in the State (CARB 2017).

2022 SCOPING PLAN UPDATE

The Scoping Plan is a GHG reduction roadmap developed and updated by the California Air Resources Board (CARB) at least once every five years, as required by AB 32. It lays out the transformations needed across various sectors to reduce GHG emissions and reach the State's climate targets. CARB published the Final 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan Update) in November 2022, as the third update to the initial plan that was adopted in 2008. The 2020 goal was ultimately reached in 2016, four years ahead of the schedule called for under AB 32.

The 2022 Scoping Plan Update is the most comprehensive and far-reaching Scoping Plan developed to date. It identifies a technologically feasible, cost-effective, and equity-focused path to achieve new targets for carbon neutrality by 2045 and to reduce anthropogenic GHG emissions to at least 85 percent below 1990 levels, while also assessing the progress California is making toward reducing its GHG emissions by at least 40 percent below 1990 levels by 2030, as called for in SB 32 and laid out in the 2017 Scoping Plan (CARB 2017). The 2030 target is an interim but important stepping-stone along the critical path to the broader goal of deep decarbonization by 2045. The relatively longer path assessed in the 2022 Scoping Plan Update incorporates, coordinates, and leverages many existing and ongoing efforts to reduce GHGs and air pollution, while identifying new clean technologies and energy. Given the focus on carbon neutrality, the 2022 Scoping Plan Update also includes discussion for the first time of the natural and working lands sectors as sources for both sequestration and carbon storage, and as sources of emissions as a result of wildfires. Table 8 identifies the estimated Statewide GHG emissions reductions identified in the 2022 Scoping Plan.

The 2022 Scoping Plan Update reflects existing and recent direction in the Governor's Executive Orders and State Statutes, which identify policies, strategies, and regulations in support of and implementation of the Scoping Plan. Among these include Executive Order B-55-18 and AB 1279 (the California Climate Crisis Act), which identify the carbon neutrality and GHG reduction targets for 2045 incorporated into the Scoping Plan.

Table 8 Estimated Statewide GHG Emissions Reductions in the 2022 Scoping Plan

Emissions Scenario	GHG Emissions (MMT of CO_2e)
2019	
2019 State GHG Emissions	404
2030	
2030 BAU Forecast	312
2030 GHG Emissions without Carbon Removal and Capture	233
2030 GHG Emissions with Carbon Removal and Capture	226
2030 Emissions Target Set by AB 32 (i.e., 1990 level by 2030)	260
Reduction below BAU necessary to achieve 1990 levels by 2030	52 or 16.7%[1]
2045	
2045 BAU Forecast	266
2045 GHG Emissions without Carbon Removal and Capture	72
2045 GHG Emissions with Carbon Removal and Capture	(3)

MMT of CO_2e = million metric tons of carbon dioxide equivalents; BAU = Business as Usual; ( ) = negative values.

[1] 312 – 260 = 52 /312 = 16.7%

Source: CARB 2022a

The 2022 Scoping Plan Scenario identifies the need to accelerate AB 32's 2030 target from 40 percent to 48 percent below 1990 levels. Cap-and-Trade regulation continues to play a large factor in the reduction of near-term emissions for meeting the 2030 reduction target. Every sector of the economy will need to begin to transition in this decade to meet these GHG reduction goals and achieve carbon neutrality no later than 2045. The 2022 Scoping Plan Update approaches decarbonization from two perspectives, managing a phasedown of existing energy sources and technologies, as well as increasing, developing, and deploying alternative clean energy sources and technology. The Scoping Plan Scenario is summarized in Table 2-1 starting on page 72 of the Scoping Plan (CARB 2022a). It includes references to relevant statutes and Executive Orders, although it is not comprehensive of all existing new authorities for directing or supporting the actions described. Table 2-1 identifies actions related to sectors in smart growth/VMT reductions, light-duty vehicles and ZEVs, truck ZEVs, aviation fuel, ocean-going vessel fuel and electricity usage, port operations, freight and passenger rail, oil and gas extraction, petroleum refining, electricity generation, electrical appliances in new and existing residential and commercial buildings, electrification for food product industry, electrification for construction equipment, chemicals and allied products, pulp and paper, stone/clay/glass/cement, electrification of other industrial manufacturing, retiring of combined heat and power facilities, electrification of agricultural energy use, low carbon fuels for transportation, low carbon fuels for business and industry, non-combustion methane emissions, and introduction of low GWP refrigerants.

Achieving the targets described in the 2022 Scoping Plan Update will require continued commitment to and successful implementation of existing policies and programs and identification of new policy tools and technical solutions to go further, faster. California's Legislature and State agencies will continue to collaborate to achieve the State's climate, clean air, equity, and broader economic and environmental protection goals. It will be necessary to maintain and strengthen this collaborative effort, and to draw upon the assistance of the federal government, regional and local governments, tribes, communities, academic institutions, and the private sector to achieve the State's near-term and longer-term emission reduction goals and a more equitable future for all

Californians. The Scoping Plan acknowledges that the path forward is not dependent on one agency, one state, or even one country. However, the State can lead by engaging Californians and demonstrating how actions at the state, regional, and local levels of governments, as well as action at community and individual levels, can contribute to addressing the challenge.

Aligning local jurisdiction action with State-level priorities to tackle climate change and the outcomes called for in the 2022 Scoping Plan Update is critical to achieving the statutory targets for 2030 and 2045. The 2022 Scoping Plan Update discusses the role of local governments in meeting the State's GHG reductions goals. Local governments have the primary authority to plan, zone, approve, and permit how and where land is developed to accommodate population growth, economic growth, and the changing needs of their jurisdictions. They also make critical decisions on how and when to deploy transportation infrastructure, and can choose to support transit, walking, bicycling, and neighborhoods that do not force people into cars. Local governments also have the option to adopt building ordinances that exceed the California Building Code requirements and play a critical role in facilitating the rollout of ZEV infrastructure. As a result, local government decisions play a critical role in supporting State-level measures to contain the growth of GHG emissions associated with the transportation system and the built environment—the two largest GHG emissions sectors over which local governments have authority.

EXECUTIVE ORDER B-55-18

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

Regional

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

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

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

Local

CITY OF SAN JOSÉ GREENHOUSE GAS REDUCTION STRATEGY

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

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 City updated its GHG Reduced Strategy and adopted the *City of San José 2030 Greenhouse Gas Reduction Strategy* in August 2020. The City's 2030 Greenhouse Gas Reduction Strategy (2030 GHG Reduction Strategy) is a comprehensive update to the city's original GHG Reduction Strategy and reflects the plans, policies, and codes as approved by the City Council. The 2030 GHG Reduction Strategy provides a set of strategies and additional actions for achieving the 2030 target established by SB 32. The 2030 GHG Reduction Strategy serves as a Qualified Climate Action Plan for purposes of tiering and streamlining under CEQA. The City included a Development Compliance Checklist in the 2030 GHG Reduction Strategy that serves to apply the relevant General Plan and 2030 GHG Reduction Strategy policies through a streamlined review process for proposed new development projects that are subject to discretionary review and that trigger environmental review under CEQA.

ENVISION SAN JOSÉ 2040 GENERAL PLAN

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

Policy MS-1.2: Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.

Policy MS-2.11: Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).

Goal MS-10: Air Pollutant Emission Reduction. Minimize air pollutant emissions from new and existing development.

Policy MS-10.1: Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and

relative to state and federal standards. Identify and implement feasible air emission reduction measures.

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

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

Policy MS-10.10: Actively enforce the City's ozone-depleting compound ordinance and supporting policy to ban the use of chlorofluorocarbon compounds (CFCs) in packaging and in building construction and remodeling. The City may consider adopting other policies or ordinances to reinforce this effort to help reduce damage to the global atmospheric ozone layer.

Goal MS-13: Construction Air Emissions. Minimize air pollutant emissions during demolition and construction activities.

Policy MS-13.1: Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

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

Goal MS-14: Reduce Consumption and Increase Efficiency.

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

Policy MS-14.4: Implement the City's Green Building Policies 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.

Goal MS-15: Renewable Energy.

Receive 100% of electrical power from clean renewable sources (e.g., solar, wind, hydrogen) by 2022 and to the greatest degree feasible increase generation of clean, renewable energy within the City to meet its own energy consumption needs.

Policy MS-15.3: Facilitate the installation of at least 100,000 solar roofs in San José by 2022 and at least 200,000 solar roofs by 2040.

Goal MS-17: Responsible Management of Water Supply.

Demonstrate environmental leadership through responsible and fiscally and environmentally sustainable management of water to restore our environment, enhance our quality of life and provide an adequate water supply to meet the needs of our community now and in the future.

Policy MS-17.4: Create partnerships and governance structures that allow for a comprehensive approach to water supply management that improves the reliability of local and imported water supplies, explores new sources of water, and thereby protects and enhances the Sacramento-San Joaquin River Delta ecosystem.

CITY OF SAN JOSÉ MUNICIPAL CODE

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

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

CITY OF SAN JOSÉ PRIVATE SECTOR GREEN BUILDING POLICY (6-32)

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

Significance Thresholds

According to CEQA Guidelines, the significance of GHG emissions may be evaluated based on locally adopted quantitative thresholds or consistency with a regional GHG reduction plan (such as a Climate Action Plan). In 2017, the City of San José adopted a Climate Action Plan, Climate Smart San José (discussed in the Regulatory Setting discussion in Section 6, *Energy,* above), that serves to support the City's General Plan. Climate Smart San José was based on the City's 2014 GHG Inventory and Forecast and discusses strategies to reach AB 32 and SB 32 goals. However, Climate Smart San José only focuses on GHG emissions related to energy and mobility omitting emissions due to solid waste, wastewater treatments, and water. Therefore, Climate Smart San José is not in compliance with CEQA Guidelines 15183.5(b) and it does not serve as a qualified GHG reduction plan.

Additionally, the City of San José's current 2030 GHG Reduction Strategy aligns with SB 32 (2030 emission target.

The 2030 GHG Reduction Strategy serves as a Qualified Climate Action Plan for purposes of tiering and streamlining under CEQA. The City included a Development Compliance Checklist in the 2030 GHG Reduction Strategy that serves to apply the relevant General Plan and 2030 GHG Reduction Strategy policies through a streamlined review process for proposed new development projects that are subject to discretionary review and that trigger environmental review under CEQA. General compliance with the Development Compliance Checklist indicates that a proposed project is consistent with helping the City to meet the 2030 GHG reduction targets established SB 32.

Impacts Assessment

a. Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

Project construction would generate temporary short-term GHG emissions through travel to and from the worksite and from the operation of construction equipment such as graders, backhoes, and generators. Excavation, grading, and trenching typically generate the greatest amount of emissions due to the use of grading equipment and soil hauling. Construction activity would generate approximately 1,469 MT CO_2e over the entire construction period (Appendix A). As there is no applicable construction GHG threshold, this calculation is included for informational purposes. The project developer would be required to comply with all BAAQMD rules and regulations regarding emission control measures, including the Basic Construction Measures, which include reducing idling time and imposing speed limit for construction equipment, and Regulation 8, Rule 3, which requires the use of low volatile organic compound containing paints, which reduces GHG emissions during the architectural coating phase. In addition, the construction contractor would be required to use off-road construction equipment with CARB compliant engines and emissions systems. CalEEMod modeling for GHG emissions is provided in Appendix A.

As described above in *Regulatory Setting*, the City's 2030 GHG Reduction Strategy serves as a Qualified Climate Action Plan for purposes of tiering and streamlining under CEQA. The City included a Development Compliance Checklist in the 2030 GHG Reduction Strategy that serves to apply the relevant General Plan and 2030 GHG Reduction Strategy policies through a streamlined review process for proposed new development projects that are subject to discretionary review and that trigger environmental review under CEQA. General compliance with the Development Compliance Checklist indicates that a proposed project is consistent with helping the City to meet the 2030 GHG reduction targets established by SB 32. The Development Compliance Checklist completed for the proposed project is provided below in Table 9.

Table 9 City of San José Development Compliance Checklist

Checklist Item	Consistent?	Explanation
Consistency with the Land Use/Transportation Diagram (Land Use and Density)		
Is the proposed project consistent with the Land Use/Transportation Diagram?	Yes	The project site is located in an area designated as Public/Quasi-Public in the City's Land Use/Transportation Diagram. This category is used to designate public land uses, including but not limited to water facilities (City of San José 2012). The project would involve the replacement of earthen water tanks with new tanks, and would be consistent with the site's designation in the Land Use/Transportation Diagram.
If not, and the proposed project includes a General Plan Amendment, does the proposed amendment decrease GHG emissions (in absolute terms or per capita, per employee, per service population) below the level assumed in the GHG Reduction Strategy based on the existing planned land use? (The project could have a higher density, mix of uses, or other features that would reduce GHG emissions compared to the planned land use).	Not applicable	
If not, would the proposed project and the General Plan Amendment increase GHG emissions (in absolute terms or per capita, per employee, per service population)? Project is not consistent with GHG Reduction Strategy and further modeling will be required to determine if additional mitigation measures are necessary.	Not applicable	
Implementation of Green Building Measures		
MS-2.2: Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.	Yes	The tank roofs would be outfitted with a combined total of 554 solar panels with 540-Watt individual ratings, which would supply 100 percent of the station's annual electrical usage. This quantity equates to just under 30 percent of the overall tank area being covered in panels.
MS-2.3: Encourage consideration of solar orientation, including building placement, landscaping, design and construction techniques for new construction to minimize energy consumption.	Yes	See explanation for MS-2.2, above.
MS-2.7: Encourage the installation of solar panels or other clean energy power generation sources over parking areas.	Not applicable	The proposed project does not include parking lots of expansive surface parking. The project is not a commercial or residential project that would require extensive parking be provided. It is not practical to install solar panels over limited parking areas.

Checklist Item	Consistent?	Explanation
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).	Yes	The project would be required to comply with the City's Green Building Code, as applicable to the construction of water tanks and associated infrastructure.
MS-16.2: Promote neighborhood-based distributed clean/renewable energy generation to improve local energy security and to reduce the amount of energy wasted in transmitting electricity over long distances.	Not applicable	The project is a private development in an urbanized area of San José where electricity utility exists.
Pedestrian, Bicycle, and Transit Site Design Measures		
CD-2.1: Promote the Circulation Goals and Policies in the Envision San José 2040 General Plan. Create streets that promote pedestrian and bicycle transportation by following applicable goals and policies in the Circulation section of the Envision San José 2040 General Plan:	Yes	The proposed project would replace the two existing earthen water storage reservoirs onsite with two 8.0 million gallon tanks and associated supporting infrastructure. The project would promote pedestrian transportation as the project would include widening of the sidewalk along South Bascom Avenue to be 10 feet wide. Additionally, the project will not result in a change to the amount of parking provided.
Design the street network for its safe shared use by pedestrians, bicyclists, and vehicles. Include elements that increase driver awareness.	Yes	
Create a comfortable and safe pedestrian environment by implementing wider sidewalks, shade structures, attractive street furniture, street trees, reduced traffic speeds, pedestrian-oriented lighting, mid-block pedestrian crossings, pedestrian-activated crossing lights, bulb-outs and curb extensions at intersections, and on-street parking that buffers pedestrians from vehicles.	Yes	
Consider support for reduced parking requirements, alternative parking arrangements, and Transportation Demand Management strategies to reduce area dedicated to parking and increase area dedicated to employment, housing, parks, public art, or other amenities. Encourage de-coupled parking to ensure that the value and cost of parking are considered in real estate And business transactions.	Yes	
CD-2.5: Integrate Green Building Goals and Policies of the Envision San José 2040 General Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.	Yes	The tank roofs would be outfitted with a combined total of 554 solar panels with 540-Watt individual ratings, which would supply 100 percent of the station's annual electrical usage. This quantity equates to just under 30 percent of the overall tank area being covered in panels. This project feature would be consistent with Envision San José 2040 General Plan Policy MS-1.2, which encourages green building features in new and retrofitted construction, and Policy MS-2.2, which encourages maximized used of on-site renewable energy generation. Therefore, the project would be consistent with this checklist item.

Checklist Item	Consistent?	Explanation
CD-2.11: Within the Downtown and Urban Village Overlay areas, consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures.	Not applicable	This measure is not applicable because the project is not a residential project, and the project would not change land use from existing conditions.
CD-3.2: Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.	Not applicable	The proposed project would replace the two existing earthen water storage reservoirs onsite with two 8.0 million gallon tanks and associated supporting infrastructure. The project does not include the development of streets either internal or external to the project. Additionally, the project will not result in a change in parking provided on-site.
CD-3.4: Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.	Not applicable	The proposed project would replace the two existing earthen water storage reservoirs onsite with two 8.0 million gallon tanks and associated supporting infrastructure. The project does not include the development of streets either internal or external to the project. Additionally, the project will not result in a change in parking provided on-site.
LU-3.5: Balance the need for parking to support a thriving Downtown with the need to minimize the impacts of parking upon a vibrant pedestrian and transit oriented urban environment. Provide for the needs of bicyclists and pedestrians, including adequate bicycle parking areas and design measures to promote bicyclist and pedestrian safety.	Not applicable	This measure is not applicable because the project involves replacement of existing water tanks. The project does not include the development of streets either internal or external to the project. Additionally, the project will not result in a change in parking provided on-site.
TR-2.8: Require new development to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.	Not applicable	This measure is not applicable because the project involves replacement of existing water tanks. The project does not include the development of streets either internal or external to the project. Additionally, the project will not result in a change in parking provided on-site.
TR-7.1: Require large employers to develop TDM programs to reduce the vehicle trips and vehicle miles generated by their employees through the use of shuttles, provision for car-sharing, bicycle sharing, carpool, parking strategies, transit incentives and other measures.	Not applicable	This measure is not applicable because the project involves replacement of existing water tanks. The project does not include the development of streets either internal or external to the project. Additionally, the project will not result in a change in parking provided on-site.
TR-8.5: Promote participation in car share programs to minimize the need for parking spaces in new and existing development.	Not applicable	This measure is not applicable because the project involves replacement of existing water tanks. The project does not include the development of streets either internal or external to the project. Additionally, the project will not result in a change in parking provided on-site.

Checklist Item	Consistent?	Explanation
Water Conservation and Urban Forestry Measures		
MS-3.1: Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial and developer-installed residential development unless for recreation needs or other area functions.	Yes	The project includes landscaping that would be drought tolerant and conforms to the State's Model Water Efficient Landscape Ordinance.
MS-3.2: Promote the use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.	Yes	The proposed project includes drought tolerant landscaping that would not require substantial irrigation. The project is required to be constructed to comply with the City's Green Building Code as is applicable.
MS-19.4: Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.	Not applicable	The proposed project is an upgrade to a water storage facility and does not include any increase in water use for operational activities.
MS-21.3: Ensure that San José's Community Forest is comprised of species that have low water requirements and are well adapted to its Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest.	Yes	The proposed project includes native, drought-tolerant plant species.
MS-26.1: As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.	Yes	The proposed project would include landscaping, including trees. Tree coverage would and must meet all City requirements and regulations.
ER-8.7: Encourage stormwater reuse for beneficial uses in existing infrastructure and future development through the installation of rain barrels, cisterns, or other water storage and reuse facilities.	Yes	The project would involve minimal landscaping that would require irrigation. Irrigation water would be provided via an existing on-site water system. Additionally, the project includes features that allow for infiltration of runoff, thereby preventing the recapture into cisterns or other containers for reuse.

As shown in Table 9, the proposed project would be consistent with the applicable and relevant General Plan and 2030 GHG Reduction Strategy policies. Accordingly, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

b. Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

In California, GHG emissions are regulated primarily through AB 32 and SB 375. AB 32, also known as the Global Warming Solutions Act, established a goal to reduce GHG emissions in the State to 1990 levels by 2020. SB 375 builds on AB 32 by requiring the California Air Resources Board to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035 in comparison to 2005 emissions.

The State of California also has stated longer term GHG reduction targets. Under Executive Order S-3-05 issued by Governor Schwarzenegger in June 2005, the State plans to reduce GHG emissions to 80 percent below 1990 levels by 2050. On May 29, 2015, Governor Brown issued Executive Order B-30-15, which furthers the goal of Executive Order S-3-05 by setting a mid-term target to reduce GHG emissions to 40 percent below 1990 levels by 2030. The Order also directs the California Air Resources Board to update the Climate Change Scoping Plan to include the 2030 target.

As shown in Table 9, the project would not conflict with applicable plans, policies, or regulations adopted for the purpose of reducing the emissions of GHGs, as it would not substantially increase GHG emissions and is consistent with the City's 2030 GHG Reduction Strategy, the Climate Smart San José Plan and General Plan policies to reduce GHG emissions. Therefore, the impact would be less than significant.

LESS THAN SIGNIFICANT IMPACT

9 Hazards and Hazardous Materials

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	■	☐
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	■	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?	☐	☐	■	☐
d. Be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	■	☐	☐
e. For a project located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	■
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	■	☐
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	■	☐

Existing Setting

Historical Resource Review

A review of historical aerial photographs and topographic maps available online indicates that the project site has been developed similar to present day, with two water reservoirs and at least one associated structure, since approximately 1948 (Nationwide Environmental Title Research, LLC 2023).

Site Reconnaissance

A reconnaissance of the project site was conducted on May 12, 2023. Two water reservoirs, one concrete building (former pump house, currently used for storage), an active pump house, an overflow drainage pit with a small concrete structure, an inoperable fountain, and gravel/vegetated areas were observed on the project site. The interior of the former pump house was observed to contain several containers of paint, paint thinner, protective coatings, and polyurethane. One unlabeled plastic drum was observed in the southern portion of the project site. One pad-mounted transformer was observed in the northeastern corner of the project site. Hazardous waste, staining, solid waste, soil piles, and underground features other than the reservoirs and associated piping/equipment, were not observed at the project site. Photographs of the project site are included in Appendix C.

Onsite Hazardous Material Release Case Listings

The project site is identified as an open SCCDEH Cleanup Program Site (SCCDEH Case #2018-11s). Because the project site is listed with regulatory agencies as a cleanup case, it is therefore identified on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5.

According to the SWRCB's online GeoTracker database, the Cleanup Program Site Case #2018-11s has an "open – assessment and interim remedial action" case status as of 2018. Case documents available on GeoTracker consist of a Voluntary Cleanup Program Project Application dated 2017, a 2017 SCCDEH letter indicating that "site investigations have reported shallow soil contamination associated with historical operations," and a Remedial Action Agreement dated 2018. No additional case documents or information are available on GeoTracker; records were requested from the SCCDEH on May 9, 2023 and on May 10, 2023 the SCCDEH indicated that all case documents are on GeoTracker.

Previous Environmental Documentation

2019 Site Investigation Summary Report for the Cambrian Station Reservoir Replacement Project

An April 2019 Site Investigation Summary Report was prepared for the Cambrian Station Reservoir Replacement Project by Remedy Engineering, Inc. (Remedy 2019). The document included a summary of two documents, a January 2018 soil investigation and hazardous materials survey and a February 2019 hazardous materials building survey.

The 2018 and 2019 hazardous material building surveys were completed by Millenium Consulting Associates. Access to Basin 1 was not available in 2018 and limited access to Basin 1 was available in 2019. Asbestos containing building materials were detected in Basin 1, Basin 2, and Fountain Area structures. Paint chip samples were also collected and tested for metals; multiple metals were

detected in the paint samples including elevated concentrations of lead, chromium, zinc, barium, cadmium, mercury, and nickel. Remedy indicated that these materials will require special disposal procedures during demolition. Building material samples were also collected and analyzed for polychlorinated biphenyls (PCBs), however PCBs were not detected in the samples analyzed.

The January 2018 soil investigation was completed by Remedy Engineering, Inc. (Remedy). Soil samples were collected from the walkways surrounding the reservoirs, the access roads south and east of Basin 1, and from beneath Basin 2. The interior of Basin 1 was not accessible during the 2018 sampling event. The select soil samples were analyzed for metals, mercury, PCBs, pesticides, TPH c10-c24, and TPH c24-c36.

San José Water determined soil management levels and cleanup goals for the site. To protect onsite workers, the Construction Worker Environmental Screening Levels (ESLs) established by the San Francisco Bay Regional Water Quality Control Board and the cleanup goal will be the maximum of the Commercial/Industrial ESL or naturally-occurring metal background concentrations. The naturally-occurring metal background concentrations were reportedly included in an August 2017 document prepared by Remedy and titled San Jose Water Company Belgatos Station Risk Management Plan.

Elevated concentrations of arsenic in soil were detected in six locations around Basin 2 and the north end of Basin 1 above the Commercial/ Industrial ESLs and established background concentration of 11 milligrams per kilogram (mg/kg).

Elevated concentrations of metals in soil were detected above the Construction Worker ESLs. Specifically, arsenic was detected above the Construction Worker ESL in all 45 soil samples, these samples were located around both basins and below Basin 2. Cobalt was detected above the Construction Worker ESL in three soil samples located beneath the walls and floor of Basin 2. Nickel was detected above the Construction Worker ESL in one soil sample located southwest of the reservoirs.

In addition, chromium concentrations exceeded the hazardous waste threshold criteria in 17 soil samples collected around the basin, including under Basin 2.

A 2018 Facility-Wide Soil Management Plan was prepared by ERRG to provide guidance on soil management to protect onsite workers, including dust and erosion controls. The Remedy report indicates that additional details will be provided in a Cambrian specific soil management plan.

The 2018 report concludes that:

- Asbestos and LBP containing building materials should be abated prior to demolition and additional waste characterization should be performed on any additional materials found, as the analytical results represent paint or single layer samples only. Full depth samples including substrate or commingled building components.
- Concentrations of arsenic in the northern corner of the berm surrounding Basin 2 are above the Commercial/Industrial ESL and should be remediated or handled through completion of a soil management plan as a condition of site closure through the VCP. Additional sampling is recommended in this area.
- Soil impacted with arsenic, cobalt, and nickel above the Construction Worker ESLs will need to be managed through dust and erosion controls per the Facility-Wide Soil Management Plan.
- Chromium in soil exceeded one or more of the hazardous waste threshold criteria, therefore excess soils should be collected and tested to determine offsite disposal options prior to offsite disposal.

2022 Basis of Design Memorandum

A 2022 Basis of Design Memorandum (BODM) was prepared by Water Works Engineers (WWE) for the project site (WWE 2022). The BODM indicates that "the existing reservoirs have known hazardous materials that will need to be removed during demolition, including the following items that were discovered during material testing" at the project site:

- Asbestos-containing materials (ACM)
- Lead-based paints (LBP) and "multiple metals" that will require additional testing for disposal
- Polychlorinated biphenyls (PCBs) were reportedly not detected in the samples collected

2023 Risk Management Plan

A 2023 Risk Management Plan (RMP), which includes a soil management plan (SMP), was prepared by WWE for the project site (WWE 2023a). The report indicates that a hazardous materials survey performed at the project site in 2016 reportedly identified or assumed the presence of ACM, LBP, and possible polycyclic aromatic hydrocarbons (PAH)-containing pipe coatings within vaults; the identification and abatement of these materials were not addressed in the RMP.

According to the report, soil sampling performed at the project site in 2016 and 2017 reportedly included the analysis of soil samples for metals, PCBs, pesticides, VOCs, and total petroleum hydrocarbons (TPH) (gasoline, diesel, and motor oil ranges). Arsenic, lead, and nickel reportedly exceeded Construction Worker Environmental Screening Levels (ESLs) established by the San Francisco Bay Regional Water Quality Control Board [as of 2016] and "therefore require soil management as described in this [RMP]. Of these, only arsenic and lead exceeded [project site] cleanup goals and will require remediation" (WWE 2023a). The cleanup goal for lead was reported to be the 2016 Commercial/industrial ESL of 320 milligrams per kilogram (mg/kg), and the cleanup goal for arsenic was the background concentration of 11 mg/kg.

The RMP describes waste characterization, waste management, dust control, and air monitoring requirements and procedures for planned soil disturbance activities at the project site as part of the "Cambrian Station Improvements Project." The SMP included in the RMP discusses soil management, remedial excavation, verification sampling, waste characterization, and waste disposal requirements and procedures for the known metals-impacted soil at the project site.

2023 Remediation Completion Report

A 2023 Remediation Completion Report was prepared by WWE for the project site (WWE 2023b). The report summarizes a 2017 soil investigation completed Remedy Engineering at the project site, which reportedly identified concentrations of arsenic and lead in soil that "exceeded [project site] cleanup goals" previously established in a 2017 RMP, which were the "maximum of the [2016] Commercial/Industrial ESLs or the naturally-occurring background concentration."

The report indicates that "at the time of the production of this report, the assumed ACM roof over the northern motor control center had been abated and the [LBP] stucco walls of the fountain pump house and storage shed had been demolished" by contractors responsible for waste classification and disposal.

Four excavation areas were identified for soil remediation at the project site:

- **Excavation Area #1**, located in the "northern outfall sump" area, consisted of excavation and offsite disposal of lead-impacted soil at one soil boring that had previously been vertically delineated for lead. The report indicates that "no verification samples were required as the sample with elevated lead concentrations was surrounded by previously collected samples (within 3 to 4 feet of the limits of excavation) that were all below the cleanup goal."
- **Excavation Area #2**, located southwest of the transformers and northern motor control center, and north of the exposed pumps and piping, consisted of excavation and offsite disposal of lead-impacted soil at two soil borings that had previously been vertically delineated for lead. The report indicates that the verification soil samples collected from the excavation sidewalls contained concentrations of lead below the cleanup goal.
- **Excavation Area #3**, located southwest of the fountain pump house, consisted of excavation and offsite disposal of arsenic-impacted soil at three soil borings that had previously been vertically delineated for arsenic. The report indicates that verification sample results from the northeastern and southeastern sidewalls exceed the cleanup goal for arsenic, therefore, the excavation was extended an additional 2 feet in these directions. The additional verification samples collected from these sidewalls contained concentrations of arsenic below the cleanup goal.
- **Excavation Area #4**, located adjacent to the reservoir inlet south of Basin No. 1, was proposed for excavation and disposal offsite of arsenic-impacted soil at two soil borings that were not vertically delineated. However, "the area is located adjacent to the reservoir embankment, and no digging was permitted in this area as part of [the Cambrian Station Improvements Project]." WWE recommended in the report that this remediation be performed as part of the project.

Additionally, the report indicates that following the removal of three transformers from a concrete pad adjacent to the northern sidewall of Excavation Area #2, Remedy Engineering collected one concrete chip sample from the concrete pad for analysis of PCBs. According to the WWE report, the sample contained aroclor-1260 at a concentration below the PCB Commercial/Industrial ESL and "the 40 CFR Part 761 classifications of PCB remediation waste and PCB bulk product waste." No other PCBs were reportedly detected in the concrete chip sample or soil samples collected at the project site.

Offsite Hazardous Material Release Case Listings

According to the SWRCB's online GeoTracker database and the DTSC's online EnviroStor database, there are 10 known release sites located within 1,000 feet of the project site as follows (SWRCB 2023, DTSC 2023):

- **Unocal #4328 (315 South Bascom Avenue):** This gasoline station is located approximately 200 feet southwest of the project site and is associated with two closed Leaking Underground Storage Tank (LUST) cases and one open LUST case. In association with the LUST case closed in 1991, soil impacted with TPH in the diesel range (TPH-d) and oil and grease was removed and disposed offsite. In association with the LUST case closed in 1996, soil impacted with low concentrations of TPH in the gasoline range (TPH-g) and VOCs was left in place. A 2022 groundwater and soil vapor monitoring report available on GeoTracker for the open LUST case indicates that groundwater beneath the Unocal site is present at approximately 111 feet below ground surface (bgs), groundwater flows to the east-northeast (hydrologically cross gradient to the project site), and TPH-g and VOCs were not detected above laboratory reporting limits in the three groundwater monitoring wells located at the Unocal site and sampled in May 2022

(PANGEA Environmental Services, Inc. 2022). However, the 2022 report indicates that TPH-g and VOCs, including tetrachloroethene (PCE), were detected in soil vapor at concentrations exceeding the residential and/or commercial screening levels used. The offsite extent of the petroleum hydrocarbon/VOC-impacted soil vapor plume has not been determined.

- **Quality Tune-Up #4 (3146 South Bascom Avenue):** This automotive repair facility is located approximately 260 feet south of the project site and is associated with one closed LUST case as of 1998. According to GeoTracker, soil impacted with TPH-g, TPH-d, and VOCs was left in place at the facility.
- **Chevron #9-0835 (3160 South Bascom Avenue):** This gasoline station is located approximately 500 feet south-southwest of the project site and is associated with two closed LUST cases. The LUST case closed in 1994 is associated with groundwater impacted with TPH-g and VOCs. According to GeoTracker, the LUST case closed in 2007 is associated with TPH-g- and VOC-impacted soil and VOC-impacted groundwater left in place; groundwater is reported to be between 47 and 117 feet bgs and flows to the northwest/north (toward the project site).
- **Smog Doctor (2270 Camden Avenue):** This automotive repair facility is located approximately 450 feet southwest of the project site and is associated with one closed LUST case as of 1995. According to GeoTracker, soil impacted with TPH-g, oil and grease, and VOCs was left in place at the facility.
- **Cambrian Nursery (3175 South Bascom Avenue):** This facility is located approximately 600 feet southwest of the project site and is associated with one closed LUST case as of 1991. According to GeoTracker, soil impacted with low concentrations of TPH-d was left in place at the facility.
- **Croft Equipment Rentals (3260 South Bascom Avenue):** This facility is located approximately 950 feet southwest of the project site and is associated with one closed LUST case as of 1998. According to GeoTracker, TPH-g was not detected in the soil samples collected and low concentrations of one VOC were detected; the VOC-impacted soil was left in place at the facility.
- **Campbell Unified School District (2225 Camden Avenue):** This facility is located approximately 810 feet south-southeast of the project site and is associated with one closed LUST case as of 1995. According to GeoTracker, low concentrations of TPH-g were detected in the soil samples collected; the soil impacted with TPH-g was left in place at the facility.
- **Jiffy Lube (1387 Camden Avenue):** This automotive repair facility is located approximately 990 feet west of the project site and is associated with one closed LUST case as of 2014. According to GeoTracker, soil impacted with TPH-g, VOCs, and lead was left in place at the facility.
- **Chevron #9-8354 (1402 Camden Avenue):** This gasoline station is located approximately 730 feet west of the project site and is associated with two closed LUST cases. In association with the LUST case closed in 1991, VOC-impacted soil was excavated and disposed offsite (TPH-g was not analyzed in the soil samples collected). In association with the LUST case closed in 2022, soil and groundwater impacted with TPH-g and VOCs were left in place at the facility. According to GeoTracker, groundwater at this facility is between 41 and 104 feet bgs and flows to the northeast in the shallow groundwater zone (cross gradient to the project site) and to the east-southeast in the deeper groundwater zone (towards the project site).
- **Beacon (1370 Camden Avenue):** This gasoline station is located approximately 900 feet west of the project site and is associated with one closed LUST case as of 2015. According to GeoTracker, soil impacted with TPH-g, TPH-d, VOCs, and lead was left in place and groundwater impacted with TPH-g and VOCs was left in place at the facility.

Based on the distance to the project site, variable groundwater flow direction, and/or nature of the releases, these nearby known release sites would likely not have impacted soil vapor or groundwater migrating beneath the project site.

Potential Regional Hazards

Additional research was completed to determine if landfills, oil and gas wells, hazardous material transportation pipelines, and per- and polyfluoroalkyl substances (PFAS) investigative sites are located onsite or could be affecting the project site. Findings are described below.

LANDFILLS

According to a review of the California Department of Resources, Recycling, and Recovery (CalRecycle) online Solid Waste Information System (SWIS) database, no landfills are located within 2,000 feet of the project site (CalRecycle 2023). The nearest landfill, West Valley Closed Landfill/Campisi Site (901 and 910 Campisi Way/1845 South Bascom Avenue), is located approximately 1.5 miles north-northeast of the project site (CalRecycle 2023). This facility is classified as a closed, solid waste disposal site.

OIL AND GAS WELLS/FIELDS

According to a review of California Department of Conservation, Geologic Energy Management Division (CalGEM) online oil and gas well and field records, the project site is not located within an oil/gas field and there are no oil or gas wells located within 1,000 feet of the project site (CalGEM 2023). The nearest oil well is a plugged dry hole well located approximately 1.6 miles southwest of the project site.

HAZARDOUS MATERIAL PIPELINES

According to a review of the U.S. DOT, PHMSA's online National Pipeline Mapping System database, no hazardous material pipelines are located within or adjacent to the project site. However, there are two natural gas transmission pipelines located within 1,000 feet of the project site: Pacific Gas & Electric Co. pipeline #7849, (active/filled) located approximately 130 feet north of the project site along Shamrock Drive, and Pacific Gas & Electric Co. pipeline #8232, (active/filled) located approximately 800 feet west of the project site along Erin Way (U.S. DOT 2023). No hazardous liquid pipelines are located within 1,000 feet of the project site.

PER- AND POLYFLUOROALKYL SUBSTANCES

Beginning in 2019, the SWRCB issued letters to property owners of sites that may be potential sources of PFAS. These sites currently include select landfills, airports, chrome plating facilities, publicly owned treatment works facilities, Department of Defense (DoD) sites, and bulk fuel storage terminals and refineries. The letters included a SWRCB Water Code Section 13267 Order (Investigative Order); an Investigative Order is a directive from the SWRCB to conduct on-site testing of groundwater and/or leachate. This does not mean that PFAS has been produced, used, or discharged at these sites. According to the SWRCB, "PFAS are a large group of human-made substances that do not occur naturally in the environment and are resistant to heat, water, and oil" (SWRCB 2023b).

According to a review of the California Statewide PFAS Investigation online Public Map Viewer, there are no current landfill, airport, chrome plating, publicly owned treatment works, DoD, or bulk

fuel storage terminal/refinery PFAS orders at any facilities listed as located within 1 mile of the project site (SWRCB 2023b).

According to a review of the SWRCB's March 12, 2021 Bulk Fuel Terminal/Refinery Investigative Order, the project site is not listed on the Bulk Fuel Storage Terminals and Refineries List (Attachment 1 of the Order). Furthermore, none of the Bulk Fuel Storage Terminals or Refineries on the list are located within 1 mile of the project site (SWRCB 2021).

Review of the online California 2019 Statewide Drinking Water System Quarterly Testing Results Public Map Viewer indicates that perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) were not detected above laboratory reporting limits in the three nearest drinking water wells to the project site, located approximately 1.5 miles northwest of the project site and tested quarterly as part of a PFAS investigative order (SWRCB 2023c). Additionally, PFOA and PFOS were not detected above laboratory reporting limits in seven groundwater monitoring wells located approximately 1 mile west-northwest of the project site.

Regulatory Setting

Federal Regulations

The USEPA is the lead agency responsible for enforcing federal regulations that affect public health or the environment. The primary federal laws and regulations include the RCRA of 1976 and the Hazardous and Solid Waste Amendments enacted in 1984, the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), and the Superfund Act and Reauthorization Act of 1986 (SARA). Federal statutes pertaining to hazardous materials and wastes are contained in the Code of Federal Regulations (CFR) Title 40 – Protection of the Environment. The Occupational Safety and Health Administration (OSHA) regulates the use of hazardous materials, including hazardous building materials, insofar as these affect worker safety through a delegated state program. Furthermore, at the federal level, the Department of Transportation (DOT) regulates transportation of hazardous materials.

RESOURCE CONSERVATION AND RECOVERY ACT OF 1974

The RCRA was enacted in 1974 to provide a general framework for the national hazardous waste management system, including the determination of whether hazardous wastes are being generated, techniques for tracking wastes to eventual disposal, and the design and permitting of hazardous waste management facilities.

RCRA Subtitle C regulates the generation, transportation, treatment, storage, and disposal of hazardous waste by Large-Quantity Generators (1,000 kilograms per month or more) through comprehensive life cycle or "cradle to grave" tracking requirements. The requirements include maintaining inspection logs of hazardous waste storage locations, records of quantities being generated and stored, and manifests of pick-ups and deliveries to licensed treatment/storage/disposal facilities. RCRA also identifies standards for treatment, storage, and disposal, which are codified in 40 CFR 260.

The Hazardous and Solid Waste Amendments were enacted in 1984 to better address hazardous waste; this amendment began the process of eliminating land disposal as the principal hazardous waste disposal method.

HAZARDOUS MATERIALS TRANSPORTATION ACT

The transportation of hazardous materials is regulated by the Hazardous Materials Transportation Act (49 CFR § 101 et seq.), which is administered by the Office of Hazardous Materials Safety within the Pipeline and Hazardous Materials Safety Administration (PHMSA) of U.S. DOT. The Hazardous Materials Transportation Act governs the safe transportation of hazardous materials by all modes. The DOT regulations that govern the transportation of hazardous materials are applicable to any person who transports, ships, or causes to be transported or shipped hazardous materials, or who is involved in any way with the manufacture or testing of hazardous materials packaging or containers. The DOT regulations govern every aspect of the movement of hazardous materials including packaging, handling, labeling, marking, placarding, operational standards, and highway routing.

State Regulations

The California Environmental Protection Agency's (CalEPA) Department of Toxic Substances Control (DTSC) is the primary State agency governing the storage, transportation, and disposal of hazardous wastes. DTSC is authorized by the USEPA to enforce and implement federal hazardous materials laws and regulations. Regulation of hazardous material use and transport also occurs under a variety of State agencies and authorities, many of whom are partners in the CalEPA-administered Certified Unified Program Agency (CUPA) program discussed below. There are many State statutes and regulations governing hazardous materials and wastes, and they are contained within many different parts of the State's codes, therefore only regulations relevant to this analysis are considered below.

CALIFORNIA UNIFIED PROGRAM ADMINISTRATION

The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of six environmental and emergency response programs, as listed below:

- Hazardous Materials Release Response Plans and Inventories (Business Plans)
- CalARP Program
- Underground Storage Tank (UST) Program
- Aboveground Petroleum Storage Act Program
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment (tiered permitting) Programs
- California Uniform Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements

The State agency partners involved in the Unified Program have the responsibility of setting program element standards, working with CalEPA on ensuring program consistency, and providing technical assistance to the CUPA. The following State agencies are involved with the Unified Program:

- CalEPA is directly responsible for coordinating the administration of the Unified Program. The Secretary of the CalEPA certifies CUPAs
- DTSC provides technical assistance and evaluation for the hazardous waste generator program including onsite treatment (tiered permitting)

- The Office of Emergency Services is responsible for providing technical assistance and evaluation of the Hazardous Material Release Response Plan (Business Plan) Program and the California Accidental Release Prevention (CalARP) Programs
- The Office of the State Fire Marshal is responsible for ensuring the implementation of the Hazardous Material Management Plans and the Hazardous Material Inventory Statement Programs. These programs tie in closely with the Business Plan Program.
- The State Water Resources Control Board (SWRCB) provides technical assistance and evaluation for the UST program in addition to handling the oversight and enforcement for the aboveground storage tank program

The Hazardous Materials Compliance Division (HMCD) within the Santa Clara County Department of Environmental Health (SCCDEH) is the CUPA for Santa Clara County. The HMCD is responsible for implementing the federal and State laws and regulations pertaining to the handling of hazardous wastes and hazardous materials.

CALIFORNIA CORTESE LIST, GOVERNMENT CODE 65962.5

Government Code Section 65962.5 requires CalEPA to develop and update the Hazardous Waste and Substance Sites (Cortese) List. The Cortese List is a planning document used by state and local agencies and developers to comply with California Environmental Quality Act (CEQA) requirements in providing information about the location of hazardous materials release sites.

CALIFORNIA ACCIDENTAL RELEASE PREVENTION PROGRAM

The CalARP Program addresses facilities that contain specified hazardous materials, known as "regulated substances," that, if involved in an accidental release, could result in adverse off-site consequences. The CalARP Program defines regulated substances as chemicals that pose a threat to public health and safety or the environment because they are highly toxic, flammable, or explosive.

CALIFORNIA HAZARDOUS MATERIALS RELEASE RESPONSE PLANS AND INVENTORY LAW

The California Hazardous Materials Release Response Plans and Inventory Law of 1985 (Business Plan Act) requires that any business that handles hazardous materials prepare a Business Plan. That Business Plan must include details of the facility and business conducted at the Project site, an inventory of hazardous materials that are handled or stored on site, an emergency response plan and a training program for safety and emergency response for new employees, with annual refresher courses.

CALIFORNIA FIRE CODE

The California Fire Code is Chapter 9 of California Code of Regulations (CCR) Title 24. It is the primary means for authorizing and enforcing procedures and mechanisms to ensure the safe handling and storage of any substance that may pose a threat to public health and safety. The California Fire Code regulates the use, handling, and storage requirements for hazardous materials at fixed facilities. The California Fire Code and the California Building Code use a hazard classification system to determine what protective measures are required to protect fire and life safety. These measures may include construction standards, separations from property lines, and specialized equipment. To ensure that these safety measures are met, the California Fire Code employs a permit system based on hazard classification.

CALIFORNIA HEALTH AND SAFETY CODE

California HSC section 25150 requires DTSC to adopt, and revise when appropriate, standards and regulations for the management of hazardous wastes to protect against hazards to the public health, domestic livestock, wildlife, or the environment. In adopting or revising standards and regulations pursuant to this chapter, the department shall, insofar as practicable, make the standards and regulations conform with corresponding regulations adopted by the USEPA pursuant to the federal act. This section does not prohibit the department from adopting standards and regulations that are more stringent or more extensive than federal regulations.

CalEPA, in cooperation with the DTSC, the SWRCB, and the Office of Environmental Health Hazard Assessment, publishes a list of screening numbers for select contaminants. Screening numbers are defined as the concentration of a contaminant published by CalEPA as an advisory number. In determining screening numbers, CalEPA considers the toxicology of the contaminant, risk assessments prepared by federal or state agencies, epidemiological studies, risk assessments or other evaluations of the contaminant during remediation of a site, and screening numbers that have been published by other agencies.

In January 2018, the DTSC's Human and Ecological Risk Office issued Human Health Risk Assessment Note Number 3. The document lists DTSC-modified screening levels (DTSC-SL) for select compounds in soil, tap water, and air for use in the human health risk assessment process at hazardous waste sites and permitted facilities, and the DTSC-SLs were last updated in 2020.

CALIFORNIA CODE OF REGULATIONS, TITLE 8

CCR Title 8 contains the General Industry Safety Orders of the state regulations. Article 4 addresses dusts, fumes, mists, vapors, and gasses. Article 4, Section 1529 deals with asbestos and asbestos-containing materials (ACM) and Section 1532.1 addresses lead and lead-based paint (LBP). Both Sections set out requirements for employer monitoring of employee exposure to these materials as well as regulations on worker personal protective equipment (PPE), disposal of wastes, medical examinations of exposed workers, and action levels and exposure limits for ACM and LBP dusts. Title 8 is administered by the California Occupational Safety and Health Administration (Cal/OSHA).

CALIFORNIA PUBLIC RESOURCES CODE 21151.4

Pursuant to Public Resources Code Section 21151.4, projects that can be reasonably anticipated to produce hazardous air emissions or handle extremely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school must consult with the potentially affected school district and provide written notification not less than 30 days prior to the proposed certification or adoption of an environmental document. Where a school district proposes property acquisition or the construction of a school, the environmental document must address existing environmental hazards, and written findings must be prepared regarding existing pollutant sources.

Regional and Local Regulations

Administration and enforcement of the major environmental programs were transferred to local agencies as CUPAs beginning in 1996. The purpose of this was to simplify environmental reporting by reducing the number of regulatory agency contacts a facility must maintain and requiring the use of more standardized forms and reports.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT REGULATION 11, RULE 2

The Bay Area Air Quality Management District (BAAQMD) regulates demolition and renovation operations involving ACM through Rule 2, which applies to any planned renovation that involves 100 square feet, 100 linear feet, or 35 cubic feet or more of ACM, as well as to all demolitions regardless of ACM content. The requirements include a noticing period, the conducting of a pre-demolition survey for ACM materials by a certified inspector, and a general prohibition on demolition until ACM has been abated and removed from the location and requires that abatement be conducted by persons with specific asbestos certifications (primarily Asbestos Hazard Emergency Response Act [AHERA] certification).

SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD

The San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) is authorized by the SWRCB to enforce provisions of the Porter-Cologne Water Quality Control Act of 1969. This act gives the SFBRWQCB authority to require groundwater investigations when the quality of groundwater or surface waters of the State is threatened and to require remediation of a site, if necessary. In the County of Santa Clara, the SCCDEH handles most hazardous material release cases involving soil contamination, and the SFBRWQCB generally oversees cases involving groundwater contamination.

SANTA CLARA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH

The HMCD within the SCCDEH is the CUPA for Santa Clara County and is responsible for implementing the federal and State laws and regulations pertaining to the handling of hazardous wastes and hazardous materials within the County, as well as the Santa Clara County Hazardous Materials Management Program. Various local agencies in incorporated areas are Participating Agencies and act as the CUPA administrators within their respective jurisdictions.

COUNTYWIDE LOCAL HAZARDS MITIGATION PLAN

The Santa Clara County Countywide Local Hazard Mitigation Plan (LHMP) is a multi-jurisdictional plan that integrates hazard mitigation across the County and is intended to prepare the community for potential life-threatening emergencies, such as fire, flood, and earthquakes. The LHMP is essentially a “road map” for action involving hazard mitigation and emergency preparedness. The LHMP was adopted in 2017 and assigns categories of risks a Risk Rating and groups them into priorities; earthquake, flood, and severe weather are “high” priorities, and dam/levee failure, landslide, wildfire, and drought are “medium” priorities (Santa Clara County 2017).

CITY OF SAN JOSÉ EMERGENCY OPERATIONS PLAN

An Emergency Operations Plan (EOP) is required for each local government in California. The guidelines for the plan come from the Federal Emergency Management Agency (FEMA), and are modified by the State Office of Emergency Services (OES) for California needs and issues. The purpose of the plan is to provide a legal framework for the management of emergencies and guidance for the conduct of business in the Emergency Operations Center (EOC). The EOP provides guidance for City response to extraordinary emergency situations associated with natural disasters, technological incidents, and nuclear defense operations – both war and peacetime (City of San José 2019).

ENVISION SAN JOSÉ 2040 GENERAL PLAN

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

Policy EC-6.1. Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use or transport in conformance with local, State, and federal laws, regulations, and guidelines.

Policy EC-6.2. Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.

Policy EC-6.4. Require all proposals for new or expanded facilities that handle hazardous materials that could impact sensitive uses off-site to include adequate mitigation to reduce identified hazardous materials impacts to less than significant levels.

Policy EC-6.5. The City shall designate transportation routes to and from hazardous waste facilities as part of the permitting process in order to minimize adverse impacts on surrounding land uses and to minimize travel distances along residential and other non-industrial frontages.

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

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

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

Policy EC-7.3. Where a property is located in near proximity of known groundwater contamination with volatile organic compounds (VOCs) or within 1,000 feet of an active or inactive landfill, evaluate and mitigate the potential for indoor air intrusion of hazardous compounds to the satisfaction of the City's Environmental Compliance Officer and appropriate regional, State, and federal agencies prior to approval of a development or redevelopment project.

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

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

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

Policy EC-7.9. Ensure coordination with the SCCDEH, SFBRWQCB, DTSC, or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.

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

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

Impact Analysis

a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

b. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Construction Impacts

A hazardous building materials survey conducted at the project site in 2016 reportedly indicated the presence of ACM and LBP-containing materials at the project site buildings. A 2023 Remediation Completion Report for the project site indicates that some of the ACM and LBP-containing materials have been properly abated and removed from the project site (WWE 2023b): including the roof materials over the northern motor control center; lead containing paint on the fountain pump house, storage shed, valves, and pump house; and potential PCB pipe wrap in the vaults. However, it is unknown if all the ACM and LBP identified at the facility (identified by Millenium Consulting Associates in 2018 and 2019) has been removed from the facility and reservoirs. Therefore,

demolition of the project site reservoirs may have the potential to release asbestos fibers, LBP dust, and other toxic constituents in building components (including PCBs) into the atmosphere if not remediated prior to demolition, thereby exposing workers and the community to health hazards. Demolition activities may also include temporary storage or transport of these hazardous materials.

With respect to ACM, the BAAQMD regulates demolition and renovation operations involving ACM. The BAAQMD requirements include a noticing period, a pre-demolition survey for ACM materials by a certified inspector, and a general prohibition on demolition until ACM has been abated and removed from the location. The BAAQMD also requires that abatement be conducted by persons with specific asbestos certifications (primarily AHERA certification). Compliance with BAAQMD requirements would reduce the potential demolition and construction impacts related to ACM to less than significant.

Similarly, there are existing federal and State regulations that would apply to handling of LBP and PCBs (e.g., Title 40 of the CFR, Title 22 of the CCR, TSCA, and HMTA, described in Section 0, above). Compliance with these federal and State regulations would reduce the potential demolition and construction impacts related to LBP or PCBs to less than significant.

During project construction, accidental conditions involving hazardous materials could occur and result of any of the following: direct dermal contact with hazardous materials, incidental ingestion of hazardous materials, or inhalation of airborne dust released from dried hazardous materials. Additionally, the transportation of hazardous materials could result in accidental spills, leaks, toxic releases, fire, or explosion. Appropriate documentation for all hazardous waste that is transported, stored, or used in connection with specific project-site activities is required for compliance with existing hazardous materials regulations codified in the CCR. Compliance with federal, State, and local laws, regulations, and Cal/OSHA training programs would minimize potential impacts associated with the routine transport, use, or disposal of hazardous materials during construction. Therefore, impacts associated with project construction would be less than significant. Compliance with these regulations would reduce the potential demolition and construction impacts related to accidental conditions involving hazardous materials to less than significant.

Operation Impacts

Operation of the proposed project would be substantially similar to the existing use of the project site and may involve the use, storage, transportation, and/or disposal of hazardous materials, such as fuels, oils, paint products, lubricants, solvents, cleaning products, and pesticides/herbicides. These commercial hazardous materials would be used for regular cleaning and building/equipment and landscaping maintenance, and would not be substantially different from those currently in use at the existing facility on the project site. Transport, use, and storage of hazardous materials during operation of the project would be conducted pursuant to all applicable local, State, and federal laws, including Title 49 of the CFR implemented by CCR Title 13. As required by HSC Section 25507, a business shall establish and implement a Hazardous Materials Business Emergency Plan for emergency response to a release or threatened release of a hazardous material. As required, the hazardous materials would be stored in locations according to compatibility and in storage enclosures (i.e., flammable material storage cabinets and biological safety cabinets) or in areas or rooms specially designed, protected, and contained for such storage, in accordance with applicable regulations. With proper transport, handling, and storage of hazardous materials at the project site, operation impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?

The project is located within 0.25 mile of an existing school. The ABC Preschool is located approximately 115 feet east of the project site at the southeast corner of South Bascom Avenue and Foxworthy Avenue. However, as described under thresholds (a) and (b), project construction would be required to comply with local, state, and federal regulations that pertain to ACM, LBP, PCBs, and other hazardous materials, including but not limited to BAAQMD ACM regulations, Title 40 of the CFR, Title 22 of the CCR, TSCA, and HMTA. Compliance with federal, State, and local laws, regulations, and Cal/OSHA training programs would minimize potential impacts associated with the routine transport, use, or disposal of hazardous materials during construction. In operation, the project site would involve substantially similar operations to existing project site operations. Transport, use, and storage of hazardous materials during operation of the project would be conducted pursuant to all applicable local, State, and federal laws, including Title 49 of the CFR implemented by CCR Title 13. As required by HSC Section 25507, a business shall establish and implement a Hazardous Materials Business Emergency Plan for emergency response to a release or threatened release of a hazardous material. Therefore, with compliance with existing regulations, project impacts related to emissions of hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing school would be reduced to a less than significant level.

LESS THAN SIGNIFICANT IMPACT

d. Would the project be located on a site that is included on a list of hazardous material 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?

As described in the Project Description, the project site is listed as a regulatory agency cleanup case (open SCCDEH Cleanup Program Site Case #2018-11s), therefore the project site is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5.

Based on the results of soil investigations and limited remedial excavations conducted at the project site, there are known cobalt, chromium, nickel, and arsenic-impacted soil left in place at the project site at concentrations exceeding the project site cleanup goals as described in the 2018 Site Investigation Summary Report for the Cambrian Station Reservoir Replacement Project and/or established in the 2023 RMP (WWE 2023a). Furthermore, although soil impacted with arsenic, cobalt, and chromium is present beneath Basin 2, it is unknown if the soil beneath Basin 1 is impacted with hazardous chemicals since the soil below Basin 1 has not been assessed.

Construction Impacts

Groundwater in the vicinity of the project site has been measured at over 100 feet bgs. The proposed project would not exceed the depth of the existing reservoirs. Therefore, contaminated groundwater is not expected to be encountered during construction activities at the project site.

With the unknown and known impacted soil and/or soil vapor at the project site, there is a potential for demolition, grading, and construction workers to be exposed to contaminants (e.g., TPH, VOCs, and metals) via dust, soil, and/or soil vapor. Additionally, if offsite disposal of soils from the project site would occur during project construction, the soil may require special handling or disposal as a waste.

Consequently, the existing conditions at this known release site would result in a potentially significant hazard to the public or the environment during demolition and grading/construction at the project site. Implementation of Mitigation Measures HAZ-1 through HAZ-4, discussed below, would reduce the demolition, grading, and construction impacts related to unknown/known hazardous substance releases to less than significant.

Operation Impacts

The risk of hazardous materials creating a significant hazard to the public or the environment would primarily occur during construction on the project site as on-site contamination is disturbed. Once the project is operational, the contaminated media would mostly be removed or covered and would no longer pose a risk. Therefore, operation impacts would be less than significant.

Impact HAZ-1: Construction activities would have potential to release or expose people to hazardous materials based on the project sites inclusion on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5.

Mitigation Measures

HAZ-1 Santa Clara County Department of Environmental Health Regulatory Agency Submittal

The SCCDEH Case #2018-11s shall continue to be utilized for agency oversight of assessment and remediation of the project site through completion of building demolition, subsurface demolition, and construction. Prior to the issuance of demolition, grading, and construction permits, the project applicant shall submit the following documents to the SCCDEH project manager of the open Cleanup Program Site case:

- Current development plan and any modifications to the development plan
- All environmental documents completed for the project, including this Initial Study document
- All future environmental documents completed for the project

Upon submittal of the information above, SCCDEH may require actions such as: development of subsurface investigation workplans; completion of soil, soil vapor, and/or groundwater subsurface investigations; installation of soil vapor or groundwater monitoring wells; soil excavation and offsite disposal; completion of human health risk assessments; and/or completion of remediation reports or case closure documents. Subsurface soil, soil vapor, and groundwater investigations, if required, shall be conducted in accordance with a sampling plan that shall be reviewed and approved by SCCDEH.

The SCCDEH approval documents shall be submitted and reviewed by the City's Environmental Services Department and the Director of Planning, Building and Code Enforcement (or the Director's designee) prior to issuance of grading permits.

It should also be noted that SCCDEH may determine that SFBRWQCB or DTSC may be best suited to perform the cleanup oversight agency duties for the assessment and/or remediation of the project. Should the cleanup oversight agency be transferred from SCCDEH to SFBRWQCB or DTSC, this and other mitigation measures will still apply.

HAZ-2 Subsurface Investigation

Prior to issuance of demolition, grading, and construction permits, the project applicant shall retain a qualified environmental consultant (Professional Geologist [PG] or Professional Engineer [PE]) to conduct a subsurface investigation, if required by the SCCDEH. The subsurface investigations may include sampling of the following suspect or known release areas:

- Areas of the project site previously identified to contain impacted soil
- Areas adjacent to and below the reservoirs on the project site

Additionally, these subsurface investigations may include, but are not limited to, completion of:

- Geophysical surveys
- Soil, soil vapor, and/or groundwater sampling assessments
- Laboratory analysis for TPH (full range), VOCs, SVOCs, and metals

As part of the subsurface investigations, analytical results shall be screened against the ESLs. These ESLs are risk-based screening levels for direct exposure of construction workers and residential and commercial/industrial land uses. The subsurface investigation reports shall include recommendations to address identified hazards and indicate when to apply those recommended actions in relation to project activities.

If contaminants are detected at the project site, appropriate steps shall be undertaken to protect site workers during project construction. This would include the preparation of a SMP (see Mitigation Measure HAZ-4).

If contaminants are detected at concentrations exceeding hazardous waste screening thresholds for contaminants in soil (CCR Title 22, Section 66261.24), appropriate steps shall be undertaken to protect site workers during project construction and if necessary, the public during project operation (see Mitigation Measures HAZ-3 and HAZ-4).

HAZ-3 Remediation

Where soil is known to be impacted or is identified during implementation of Mitigation Measure HAZ-2 (subsurface investigation) to be present within the construction envelope at chemical concentrations exceeding ESLs and/or hazardous waste screening thresholds for contaminants in soil (CCR Title 22, Section 66261.24), the project applicant shall retain a qualified environmental consultant (PG or PE) to properly delineate and dispose of the contaminated soil. The qualified environmental consultant shall utilize the project site analytical results for waste characterization purposes prior to offsite transportation or disposal of potentially impacted soils or other impacted wastes. The qualified consultant shall provide disposal recommendations and arrange for proper disposal of the waste soils or other impacted wastes (as necessary), and/or provide recommendations for remedial engineering controls, if appropriate.

Remediation of impacted soils and/or implementation of remedial engineering controls may require additional delineation of sub-surface impacts; additional analytical testing per landfill or recycling facility requirements; soil excavation; and offsite disposal or recycling.

The SCCDEH shall review and approve the project site disposal recommendations for regulated waste prior to transportation of impacted soils offsite, and review and approve remedial engineering controls, prior to construction. Subsequently, the project applicant shall review and implement the disposal recommendations for regulated waste prior to transportation of impacted

soils off-site, and review and implement the remedial engineering controls, prior to construction. Lastly, the Director of Planning, Building and Code Enforcement or the Director's designee, and the Public Works Compliance Officer shall review and approve the project site disposal recommendations for regulated waste and remedial engineering controls prior to issuing a grading permit.

HAZ-4 Soil Management Plan

Prior to commencement of demolition and construction/grading activities at the project site, the project applicant shall retain a qualified environmental consultant (PG or PE) to revise the existing SMP for the project site. The SMP shall address:

1. On-site handling and management of impacted soils or other impacted wastes (e.g., stained soil, and soil or groundwater with solvent or chemical odors) if such soils or impacted wastes are encountered, and
2. Specific actions to reduce hazards to construction workers and offsite receptors during the construction phase.

The plan must establish measures and soil management practices to ensure construction worker safety, the health of future workers and visitors, and the off-site migration of contaminants from the project. These measures and practices shall include, but are not limited to:

- Imported soil management
- Stockpile management, including stormwater pollution prevention and the installation of BMPs
- Proper disposal procedures of impacted soils
- Investigation procedures for encountering known and unexpected odorous or visually stained soils, other indications of hydrocarbon piping or equipment, and/or debris during ground-disturbing activities
- Monitoring and reporting
- A health and safety plan for contractors working at the project site that addresses the safety and health hazards of each phase of site construction activities with the requirements and procedures for employee protection
- The health and safety plan shall outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction
- If hazardous building materials are identified at the project site reservoirs during the hazardous building materials survey, then the existing RMP must be revised to address the hazardous building materials to minimize worker and public exposure to hazardous materials during construction

The SCCDEH shall review and approve the SMP prior to construction (demolition and grading) activities at the project site. The Director of Planning, Building and Code Enforcement or the Director's designee, and the Public Works Compliance Officer shall review the SCCDEH-approved SMP prior to issuance of grading permits. The project applicant shall implement the SMP during demolition, grading, and construction at the project.

Significance After Mitigation

Implementation of Mitigation Measures HAZ-1 through HAZ-4 during demolition, construction, and operation of the project would reduce potential hazardous material impacts at the project site below applicable thresholds of significance by ensuring additional investigation and remedial measures, transportation of impacted materials, and/or site management practices, thereby reducing potential impacts to construction worker safety and the health of future workers and visitors. Therefore, with implementation of these mitigation measures, impacts would be less than significant.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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?

The closest public or private airport to the project site is the Norman Y. Mineta San José International Airport, located approximately 6.6 miles to the north. The project site is not located within this airport's Airport Influence Area (Santa Clara County Airport Land Use Commission 2011). Thus, the project would not result in a safety hazard or excessive noise for people working in the project area due to proximity to an airport, and no impact would occur.

NO IMPACT

f. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The City of San José has published an Emergency Operations Plan establishing policies and procedures and identifying responsibilities of key officials and agencies to manage emergencies and disasters within the City of San José. The plan provides information on the City's intended approach to preventing, preparing for, responding to, recovering from, and mitigating against the impacts of natural and man-made disasters and emergencies (City of San José 2019). The Emergency Operations Plan does not include policies specific to the project site or project activities; therefore, this analysis focuses on the project's potential to generally interfere with emergency response activities in the project site vicinity.

The project would not construct structures or create changes in circulation or access routes that potentially could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No roads would be closed during construction. Project operation would be similar to existing conditions, and therefore would not obstruct access to any roadways or structures. Therefore, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, and impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

g. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

The proposed project is not within a SRA or a VHFHSZ (CAL FIRE 2022). The nearest SRA or VHFSZ is located approximately 3.0 miles southwest of the project site; refer also to Section 20, *Wildfire*. The project would be required to comply with applicable regulations relating to construction in vegetated and forested landscapes, including mandatory use of spark arrestors (Public Resource Code [PRC] Section 4442), maintenance of fire suppression equipment during the highest fire danger period (PRC Section 4428), and adherence to standards for conducting construction activities on days when a burning permit is required (PRC Sections 4427 and 4431). With adherence to these regulatory requirements, construction-related wildland fire risks would be less than significant.

The project would not include housing or other structures which could accommodate occupants, and therefore, would not house occupants which could potentially be exposed to risk of loss, injury, or death involving wildland fires. Impact would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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10 Hydrology and Water Quality

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

Existing Setting

There are no waterways present on the project site or immediate vicinity. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, the project site is located in Zone D, an area where flood hazards are undetermined but possible (FEMA 2014). The site is not located within the 100-year floodplain. The City does not have floodplain restrictions for development in Zone D.

The project site is underlain by the Santa Clara Valley Groundwater Basin, Santa Clara Subbasin. The project site is not located in a groundwater recharge area (Santa Clara Valley Water District [SCVWD] 2016).

The nearest surface water in the vicinity of the project site is Los Gatos Creek, located approximately 0.5 mile west. Stormwater is removed from the site primarily by percolation into the ground and by overland flow into the City's existing stormwater management system within South Bascom Avenue.

Regulatory Setting

Federal

CLEAN WATER ACT

The EPA implements pollution control programs through the Clean Water Act (CWA). The CWA was officially recognized by congress in 1972 and made it unlawful to discharge a pollutant or pollutants from a point source into navigable waters (see 33 CFR Part 329), unless a permit was obtained. EPA's NPDES permit program controls discharges with the main goal of restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters.

State

STATE WATER RESOURCES CONTROL BOARD CONSTRUCTION GENERAL PERMIT

Any construction or demolition activity that results in land disturbance equal to or greater than one acre must comply with the Construction General Permit, administered by State Water Resources Control Board. The Construction General Permit requires the installation and maintenance of best management practices (BMPs) to protect water quality until the site is stabilized.

SUSTAINABLE GROUNDWATER MANAGEMENT ACT

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

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

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

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

Local and Regional

WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY BASIN

The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the San Francisco Bay Regional Water Quality Control Board (RWQCB) master water quality control planning document. The Basin Plan designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. Chapter 2 of the Basin Plan identifies a range of beneficial uses for waters of the State, such as agricultural uses, uses for wildlife habitat, groundwater recharge, municipal water supply, and recreation, as examples. Chapter 3 of the Basin Plan identifies the water quality objectives for waters of the State, such as bacterial objectives, water-color objectives, dissolved oxygen objectives, pH, water temperature objectives, and salinity. The Basin Plan also includes programs of implementation to achieve water quality objectives. The Basin Plan has been adopted and approved by the State Water Resources Control Board, U.S. EPA, and the Office of Administrative Law.

ENVISION SAN JOSÉ 2040 GENERAL PLAN

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

Policy IN-3.7: Design new projects to minimize potential damage due to storm waters and flooding to the site and other properties.

Policy IN-3.9: Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.

Policy MS-3.4: Promote the use of green roofs (i.e., roofs with vegetated cover), landscape based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.

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

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

Policy ER-8.2: Coordinate with regional and local agencies and private landowners to plan, finance, construct, and maintain regional stormwater management facilities.

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

Policy ER-8.4: Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.

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

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

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

Policy EC-5.7: Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.

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

Action EC-5.17: Implement the Hydromodification Management requirements of the City's Municipal NPDES Permit to manage runoff flow and volume from project sites.

GRADING ORDINANCE

All development projects, regardless of whether they are subject to the Construction General Permit, must comply with the City of San José's Grading Ordinance per Section 17.04.310 of the City's Municipal Code, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season, the project would submit an Erosion Control Plan detailing BMPs that would prevent the discharge of stormwater pollutants to the City Director of Public Works.

MUNICIPAL STORMWATER NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT

The City of San José is required to operate under a NPDES Permit to discharge stormwater from the City's storm drain system to surface waters. The San Francisco Bay RWQCB has adopted the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP) for 76 Bay Area municipalities, including the City of San José. The MRP (NPDES Permit No. CAS612008) mandates that the City of San José use its planning and development review authority to require that stormwater management measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. MRP 3.0 went into effect on July 1, 2023. Provision C.3 of the MRP regulates projects that create or replace 5,000 square feet or more of impervious surface. The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP requires that stormwater treatment measures are

properly installed, operated, and maintained. The project would be required to comply with the LID stormwater management requirements of Provision C.3 of the MRP.

The project would also be required to comply with Provision C.12.f of the MRP, which outlines requirements for managing demolition debris and wastes that contain polychlorinated biphenyls (PCBs). This provision requires permittees to develop and implement protocols to manage materials with PCBs so that PCBs do not enter municipal storm systems. Pursuant to this provision, projects involving demolition must complete the PCBs Screening Assessment Form. Additionally, Provision C.12.g of the MRP includes expanded requirements for PCB testing and requires permittees to conduct studies concerning the transport and biological uptake of polychlorinated biphenyls (PCBs) discharged from urban runoff.

GREEN STORMWATER INFRASTRUCTURE PLAN

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.

POST CONSTRUCTION URBAN RUNOFF MANAGEMENT POLICY AND HYDROMODIFICATION MANAGEMENT POLICY

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

The MRP also requires regulated projects to include measures to control hydromodification impacts where the project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks. Development projects that create and/or replace one acre or more of impervious surface and are located in a subwatershed or catchment that is less than 65 percent impervious must manage increases in runoff flow and volume so that post-project runoff does not exceed estimated pre-project rates and durations.

SAN JOSÉ CITY COUNCIL POLICY 6-28: MANAGEMENT OF POLLUTANTS DURING DEMOLITION OF APPLICABLE PROJECTS

San José City Council Policy 6-28, approved in May 2023 and effective July 1, 2023, establishes the City's requirements to prevent PCBs from entering the waterways during building demolition consistent with the NPDES MRP. This policy requires project applicants to complete a PCBs Screening Assessment prior to issuance of any demolition permit. It also requires applicants of applicable projects to provide written notification to the City, the San Francisco Bay Regional

Water Quality Control Board, and U.S. EPA at least seven working days before any demolition and shall ensure that this notice contains the date that the actual demolition is to occur. Project sites must be inspected to ensure that effective construction pollutant controls are used to prevent discharge into the storm sewer system, and the City may impose additional site controls as determined during the inspection or approval process.

a. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Construction of the project would result in short-term soil-disturbing activities that could lead to increased erosion and sedimentation, which would decrease water quality and be a potential violation of water quality standards. However, the project would disturb more than one acre of land and therefore would have to comply with the NPDES Construction General Permit. A SWPPP would be required to be prepared and implemented under these requirements, which includes appropriate erosion-control and water-quality-control measures. Implementation of the SWPPP would prevent erosion and sedimentation during construction. Furthermore, construction of the project would also be subject to the City's standard permit condition, below.

Standard Permit Conditions

The following project-specific measures, based on Regional Water Quality Control Board (RWQCB) Best Management Practices (BMPs), must been included in the project to reduce construction and development-related water quality impacts. BMPs would be implemented prior to and during earthmoving activities on site and would continue until the construction is complete and during the post-construction period as appropriate.

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

As listed in the standard permit condition, compliance 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, would be required. This would complement the BMPs implemented as part of

the SWPPP and prevent project construction from adversely impacting water quality or violating water quality standards.

During project operation, the potential for on-site erosion would be negligible because the project site would be almost entirely developed with the impervious surfaces of the proposed tanks and landscaped areas. Impervious surface and landscaping would cover soils and prevent erosion. Impervious surfaces prevent the infiltration of water and other fluids. Additionally, the project would be subject to the MRP and City Council Policies 6-29 (Post-Construction Urban Runoff Management) and 8-14 (Post-Construction Hydromodification Management), requiring measures to minimize and treat post-construction runoff. Therefore, there would be no potential for these substances to be discharged to groundwater or surface water.

In summary, compliance with the Construction General Permit, the City's standard permit conditions, and applicable City Council Policies 6-29 and 8-14 would minimize water quality impacts during project construction and operation, such that impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

The proposed project would involve replacing two existing water tanks with two new tanks, which would have the same combined capacity as the existing tanks. The project would not involve producing additional water supplies and would not result in a decrease in groundwater supplies. The project site is underlain by the Santa Clara Valley Groundwater Basin, Santa Clara Subbasin, and as shown in Figure 1-1 of the SCVWD's 2016 Groundwater Management Plan, the project site is not located in a groundwater recharge area (SCVWD 2016). Therefore, the project would not interfere with groundwater recharge or impede sustainable groundwater management of the basin. There would be no impact.

NO IMPACT

c.(i) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?

c.(ii) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

There are no natural drainage features on or near the project site. Construction activities would entail grading, excavation, and other ground-disturbing activities which could temporarily alter surface drainage patterns on-site and increase the potential for erosion and siltation. However, the project would be required to comply with the Construction General Permit and City Grading Ordinance, which would require implementation of BMPs and erosion control measures, thereby reducing the potential for construction activities to result in soil erosion and siltation of waters. During project operation the potential for on-site erosion would be negligible because the project site would be developed with the impervious surfaces of the proposed tanks, landscaped areas, or

paved areas. Impervious surface and landscaping would cover soils and prevent soil erosion and siltation of waters.

The proposed project would result in a net decrease of 22,897 square feet of impervious surface area on the site compared to existing conditions. As described above, the project would be required to comply with the low impact development stormwater management requirements of Provision C.3 of the MRP, and infiltration basins would be installed within the project site. Stormwater not captured within the project site would flow onto South Bascom Avenue or adjacent residential streets and into existing stormwater drains, which eventually outfall in the San Francisco Bay. These stormwater management features would adequately capture increased stormwater runoff from the project site and prevent flooding. Flooding and siltation impacts resulting from the project's effects on drainage patterns would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

The proposed new tanks would alter the existing drainage patterns within the project site. However, the project would result in a net decrease of 22,897 square feet of impervious surface area on the site compared to existing conditions, and would not create or contribute runoff water that would exceed the capacity of existing stormwater drainage systems. The project would be required to implement low impact development treatment controls on site to treat and capture runoff, in accordance with Provision C.3 of the MRP, as well as City Council Policies 6-29 and 8-14, and stormwater infiltration basins would be installed within the project site. For this reason, the project would not create a significant new source of stormwater runoff which would exceed the capacity of existing or planned stormwater drainage system or contribute substantial amounts of polluted runoff. Therefore, the project's impact on stormwater drainage systems would be less than significant.

LESS THAN SIGNIFICANT IMPACT

c.(iv) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?

The proposed new tanks would alter the existing drainage patterns within the project site. According to the FEMA Flood Insurance Rate Map, the project site is located in Zone D, an area where flood hazards are undetermined but possible (FEMA 2014). The site is not located within the 100-year floodplain. The City does not have floodplain restrictions for development in Zone D. Therefore, the project would not impede or redirect flood flows and impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

Tsunamis are sea waves that are generated in response to large-magnitude earthquakes. When these waves reach shorelines, they sometimes produce coastal flooding. Seiches are the oscillation of large bodies of standing water, such as lakes, that can occur in response to ground shaking. In addition, mudflows are large, rapid masses of mud formed by loose earth and water, primarily affecting hillsides and slopes of unconsolidated material.

The project site is located approximately 10 miles south of the San Francisco Bay and approximately 26 miles east of the Pacific Ocean. Tsunamis and seiches do not pose hazards due to the inland location of the project site and lack of nearby bodies of standing water. No steep slopes that would be subject to mudflows are located on or near the project site. The project site is located within the dam failure inundation area for the Lexington Dam (City of San José 2011b); however, the project would not involve the storage of large quantities of chemicals and would not increase the risk of pollutant release beyond existing conditions. Therefore, impacts related to release of pollutants from inundation from tsunamis, seiches or floods would be less than significant.

LESS THAN SIGNIFICANT IMPACT

e. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

The proposed project would involve replacing two existing water tanks with two new tanks, which would have the same combined capacity. The project would not involve producing additional water supplies and would not result in a decrease in groundwater supplies. The new tanks would be subject to the same laws, standards, plans, and regulations governing water quality as the existing tanks, and would improve safety and reliability compared to the existing tanks. Therefore, the project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, and there would be no impact.

NO IMPACT

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11 Land Use and Planning

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Physically divide an established community?	☐	☐	☐	■
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	■	☐

Existing Setting

The project site is located at 3033 South Bascom Avenue in San José and consists of a single parcel that is approximately 5.80 acres. The project site has a Envision San José 2040 General Plan land use designation Public/Quasi-Public, and is zoned Public/Quasi-Public.

Regulatory Setting

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The project site is currently designated Open Space, Parklands, and Habitat (OSPH) in the Envision San José 2040 General Plan. The General Plan describes OSPH lands as publicly or privately owned areas that are intended for low density uses. OSPH lands within the Greenline/Urban Growth Boundary, including the project site, are allowed more uses than lands outside this boundary.

CITY OF SAN JOSÉ ZONING ORDINANCE

The City's Zoning Ordinance (Title 20 of San José Municipal Code) designated the project site Public/Quasi-Public. This zone allows for public facilities including but not limited to schools, museums, and governmental offices, and semi-public facilities including but not limited to facilities related to the provision of water, gas, electricity, and telecommunications (San José Municipal Code Section 20.40.010).

Impacts Assessment

a. Would the project physically divide an established community?

The project would involve replacing two existing water tanks in a project site that is not publicly accessible. The project would not include the construction of barriers such as roadways or dividing features that could physically divide an established community. There would be no impact.

NO IMPACT

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

The proposed project would not require changes to the project's land use designation or zoning, and would not conflict with the Envision San José 2040 General Plan, or the City's municipal code. Pursuant to the City's Zoning Ordinance (Title 20), the project requires a building permit, conditional use permit (including tree removal), a public works clearance permit, a grading permit, and public street improvement permit, which would be obtained from the City as required. Additionally, as discussed in Section 4, *Biological Resources,* the project would not conflict with the SCVHP. Therefore, the project would not conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, and impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

12 Mineral Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	■
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	■

Existing Setting

The California Geological Survey is responsible for classifying land into Mineral Resource Zones under the Surface Mining Control and Reclamation Act (SMARA) based on the known or inferred mineral resource potential of that land. As described in the General Plan, under the SMARA, the State Mining and Geology Board has designated only the Communications Hill area of San José as containing mineral deposits of regional significance for construction aggregate materials (City of San José 2011). Communications Hill is approximately 4.7 miles east of the project site. Neither the State Geologist nor the State Mining and Geology Board has classified other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation.

Regulatory Setting

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

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

Goal ER-11: Extractive Resources. Conserve and make prudent use of commercially usable extractive resources.

Policy ER-11.1: When urban development is proposed on lands which have been identified as containing commercially usable extractive resources, consider the value of those resources.

Policy ER-11.2: Encourage the conservation and development of SMARA-designated mineral deposits wherever economically feasible.

Policy ER-11.3: When making land use decisions involving areas which have a SMARA designation of regional significance, balance mineral values against alternative land uses and consider the importance of these minerals to their market region as a whole and not just their importance to San José.

Policy ER-11.4: Carefully regulate the quarrying of commercially usable resources, including sand and gravel, to mitigate potential environmental effects such as dust, noise and erosion.

Policy ER-11.5: When approving quarrying operations, require the preparation and implementation of reclamation plans for the contouring and revegetation of sites after quarrying activities cease.

Impacts Assessment

a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b. Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

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

NO IMPACT

13 Noise

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

Overview of Noise and Vibration

Noise

Sound is a vibratory disturbance created by a moving or vibrating source, which is capable of being detected by the hearing organs. Noise is defined as sound that is loud, unpleasant, unexpected, or undesired and may therefore be classified as a more specific group of sounds. The effects of noise on people can include general annoyance, interference with speech communication, sleep disturbance, and, in the extreme, hearing impairment (Caltrans 2020a).

HUMAN PERCEPTION OF SOUND

Noise levels are commonly measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels so that they are consistent with the human hearing response. Decibels are measured on a logarithmic scale that quantifies sound intensity in a manner similar to the Richter scale used to measure earthquake magnitudes. A doubling of the energy of a noise source, such as doubling of traffic volume, would increase the noise level by 3 dB; dividing the energy in half would result in a 3 dB decrease (Caltrans 2020a).

Human perception of noise has no simple correlation with sound energy: the perception of sound is not linear in terms of dBA or in terms of sound energy. Two sources do not “sound twice as loud” as

one source. It is widely accepted that the average healthy ear can barely perceive changes of 3 dBA, increase or decrease (i.e., twice the sound energy); that a change of 5 dBA is readily perceptible (8 times the sound energy); and that an increase (or decrease) of 10 dBA sounds twice (half) as loud (10.5 times the sound energy) (Caltrans 2020a).

SOUND PROPAGATION AND SHIELDING

Sound changes in both level and frequency spectrum as it travels from the source to the receiver. The most obvious change is the decrease in the noise level as the distance from the source increases. The manner by which noise reduces with distance depends on factors such as the type of sources (e.g., point or line), the path the sound will travel, site conditions, and obstructions.

Sound levels are described as either a "sound power level" or a "sound pressure level," which are two distinct characteristics of sound. Both share the same unit of measurement, the dB. However, sound power (expressed as L_{pw}) is the energy converted into sound by the source. As sound energy travels through the air, it creates a sound wave that exerts pressure on receivers, such as an eardrum or microphone, which is the sound pressure level. Sound measurement instruments only measure sound pressure, and noise level limits are typically expressed as sound pressure levels.

Noise levels from a point source (e.g., construction, industrial machinery, air conditioning units) typically attenuate, or drop off, at a rate of 6 dBA per doubling of distance. Noise from a line source (e.g., roadway, pipeline, railroad) typically attenuates at about 3 dBA per doubling of distance (Caltrans 2020a). Noise levels may also be reduced by intervening structures; the amount of attenuation provided by this "shielding" depends on the size of the object and the frequencies of the noise levels. Natural terrain features, such as hills and dense woods, and man-made features, such as buildings and walls, can significantly alter noise levels. Generally, any large structure blocking the line of sight will provide at least a 5-dBA reduction in source noise levels at the receiver (Federal Highway Administration [FHWA] 2011). Structures can substantially reduce exposure to noise as well. The FHWA's guidance indicates that modern building construction generally provides an exterior-to-interior noise level reduction of 10 dBA with open windows and an exterior-to-interior noise level reduction of 20 to 35 dBA with closed windows (FHWA 2011).

DESCRIPTORS

The impact of noise is not a function of loudness alone. The time of day when noise occurs and the duration of the noise are also important factors of project noise impact. Most noise that lasts for more than a few seconds is variable in its intensity. Consequently, a variety of noise descriptors have been developed. The noise descriptors used for this study are the equivalent noise level (L_{eq}), day-night average level (L_{dn}), and the community noise equivalent level (CNEL).

L_{eq} is one of the most frequently used noise metrics; it considers both duration and sound power level. The L_{eq} is defined as the single steady-state A-weighted sound level equal to the average sound energy over a time period. When no time period is specified, a one-hour period is assumed. The L_{max} is the highest noise level within the sampling period, and the L_{min} is the lowest noise level within the measuring period. Normal conversational levels are in the 60 to 65-dBA L_{eq} range; ambient noise levels greater than 65 dBA L_{eq} can interrupt conversations (Federal Transit Administration [FTA] 2018).

Groundborne Vibration

Groundborne vibration of concern in environmental analysis consists of the oscillatory waves that move from a source through the ground to adjacent buildings or structures and vibration energy may propagate through the buildings or structures. Vibration may be felt, may manifest as an audible low-frequency rumbling noise (referred to as groundborne noise), and may cause windows, items on shelves, and pictures on walls to rattle. Although groundborne vibration is sometimes noticeable in outdoor environments, it is almost never annoying to people who are outdoors. The primary concern from vibration is that it can be intrusive and annoying to building occupants at vibration-sensitive land uses and may cause structural damage.

Typically, groundborne vibration generated by manmade activities attenuates rapidly as distance from the source of the vibration increases. Vibration amplitudes are usually expressed in peak particle velocity (PPV) or root mean squared (RMS) vibration velocity. The PPV and RMS velocity are normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is often used as it corresponds to the stresses that are experienced by buildings (Caltrans 2020b).

High levels of groundborne vibration may cause damage to nearby building or structures; at lower levels, groundborne vibration may cause minor cosmetic (i.e., non-structural damage) such as cracks. These vibration levels are nearly exclusively associated with high impact activities such as blasting, pile-driving, vibratory compaction, demolition, drilling, or excavation.

Project Noise Setting

Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with those uses. Typically, the following land uses are considered noise-sensitive: schools, libraries, hospitals, parks, and residential neighborhoods. Noise-sensitive land uses near the project site include: the ABC Preschool, located 115 feet east of the project site; single-family residences approximately 25 feet to the north, south, and west; a church located approximately 150 feet to the south; and single-family and multi-family residences located across South Bascom Avenue approximately 250 feet to the east. The primary noise source in the project area is vehicle traffic, particularly from South Bascom Avenue and Camden Avenue. Ambient traffic noise levels are generally highest during the daytime and rush hours unless congestion substantially slows speeds, which tends to reduce ambient noise levels.

To characterize existing ambient noise levels, Rincon Consultants, Inc. conducted one long-term 24-hour sound level measurement (LT1) and four short-term 15-minute noise measurements (ST1 through ST4) on May 22 to May 23, 2023. The measurement locations were chosen for the following reasons: LT1 and ST1 to represent ambient noise levels furthest from the roadways; ST2 to represent noise levels at the northeast project corner; ST3 to represent noise levels at the southern project area; and ST4 to represent noise levels at the sensitive receives across South Bascom Avenue. The sound level meters were equipped with a windscreen during measurements. The sound level meters used for noise monitoring, Larson Davis LxT for the short-term measurements and Extech 407780A for the long-term measurement, satisfy the American National Standards Institute (ANSI) standard for Type 1 and Type 2 instrumentation, respectively. The sound level meters were set to “slow” response and “A” weighting (dBA). The meters were calibrated before and after the monitoring period. All measurements were at least five feet above the ground and away from reflective surfaces. Figure 8 shows the noise measurement locations. Table 10 and Table 11 summarize the results of the short- and long-term sound level measurements, respectively.

Table 10 Short-Term Sound Level Monitoring Results

Measurement Number	Measurement Location	Primary Noise Source	Sample Time	dBA Leq
ST1	Northwest corner of project site	Roadway traffic along South Bascom Avenue	12:36 pm – 12:51 pm, May 22, 2023	47
ST2	Northeast corner of project site	Roadway traffic along South Bascom Avenue	12:57 pm – 1:12 pm, May 22, 2023	60
ST3	Southern area of project site	Roadway traffic along South Bascom Avenue	1:21 pm – 1:36 pm, May 22, 2023	58
ST4	Near multi-family apartment complex across South Bascom Avenue	Roadway traffic along South Bascom Avenue	12:05 pm – 12:20 pm, May 23, 2023	68

L_{eq} = average noise level equivalent; dBA = A-weighted decibel

Table 11 Long-Term Sound Level Monitoring Results

Sample Time	dBA Leq	Sample Time	dBA Leq
LT1 24-hour Measurement – Northwest Corner of Project Site – May 22-23, 2023			
12:26 p.m.	42	12:26 a.m.	43
1:26 p.m.	41	1:26 a.m.	39
2:26 p.m.	44	2:26 a.m.	36
3:26 p.m.	49	3:26 a.m.	37
4:26 p.m.	46	4:26 a.m.	45
5:26 p.m.	44	5:26 a.m.	50
6:26 p.m.	44	6:26 a.m.	47
7:26 p.m.	45	7:26 a.m.	51
8:26 p.m.	44	8:26 a.m.	56
9:26 p.m.	42	9:26 a.m.	51
10:26 p.m.	46	10:26 a.m.	54
11:26 p.m.	41	11:26 a.m.	57
24-hour Noise Level (Leq)			**49**
24-hour Noise Level (Ldn)			**53**
24-hour Noise Level (CNEL)			**53**

L_{eq} = average noise level equivalent; dBA = A-weighted decibel; CNEL = Community Noise Equivalent Level

Measurement graph included in Appendix D

Figure 8 Noise Measurement Locations

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22-13178 EPS
Fig X Noise Measurement Locations

Regulatory Setting

Federal

FEDERAL TRANSIT ADMINISTRATION

The FTA has recommended noise criteria related to traffic-generated noise in *Transit Noise and Vibration Impact Assessment* that can be used to determine whether a change in traffic would result in a substantial permanent increase in noise (FTA 2018). Under the FTA standards, the allowable noise exposure increase is reduced with increasing ambient existing noise exposure, such that higher ambient noise levels have a lower allowable noise exposure increase. Table 12 shows the significance thresholds for increases in traffic-related noise levels. These standards are applicable to project impacts on existing sensitive receptors (as defined under *Environmental Setting* above).

Table 12 Significance of Changes in Operational Roadway Noise Exposure

Existing Noise Exposure (dBA DNL or Leq)	Allowable Noise Exposure Increase (dBA DNL or Leq)
45-49	7
50-54	5
55-59	3
60-64	2
65-74	1
75+	0

dBA = A-weighted sound pressure level
DNL = Day-Night Average Level
Leq = Equivalent continuous sound level
Source: FTA 2018

Local

CITY OF SAN JOSÉ MUNICIPAL CODE

The City's noise environment for development review is regulated by the Zoning Ordinance (Title 20 of the Municipal Code). Table 20-135 of the Zoning Ordinance outlines the maximum sound pressure level thresholds as measured at the receiving property lines. For all adjacent properties used or zoned for industrial purposes, noise levels generated at the project site shall not exceed 70 dBA L_{max} at the shared property lines. For adjacent properties used or zoned for commercial purposes, noise levels generated at the project site shall not exceed 60 dBA L_{max} at the shared property line. For all residential land uses, noise levels generated at the project site shall not exceed 55 dBA L_{max} at the shared property lines. Chapter 20.100.450 limits the hours of construction on sites within 500 feet of a residential land use between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and does not allow construction at any time on weekends. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The City's General Plan establishes interior and exterior noise thresholds for different land uses within the City and vibration thresholds during demolition and construction. The following are applicable policies to the proposed project (City of San José 2023):

Goal EC-1: Community Noise Levels and Land Use Compatibility. Minimize the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies.

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

Interior Noise Levels

The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.

Exterior Noise Levels

The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table EC-1 [reproduced herein as Table 13]).

Table 13 City of San José Noise and Land Use Compatibility Guidelines

Land Use Category	Noise Exposure Levels (DNL, dBA)		
	Normally Acceptable	Conditionally Acceptable	Unacceptable
Residential, Hotels and Motels, Hospitals, and Residential Care	50-60	60-75	>75
Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds	50-65	65-80	>80
Schools, Libraries, Museums, Meeting Halls, Churches	50-60	60-75	>75
Office Buildings, Business Commercial, and Professional Offices	50-70	70-80	>80
Sports Arena, Outdoor Spectator Sports	50-70	70-80	>80
Public and Quasi Public Auditoriums, Concert Halls, Amphitheaters	NA	50-70	>70

dBA = A-weighted sound pressure level; DNL = Day-Night Average Level

Source: City of San José 2023

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

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

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

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

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

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

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

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

Policy EC-1.9: Require noise studies for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, implement mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms.

Policy EC-2.3: Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or building that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Equipment or activities typical of generating continuous vibration include but are not limited to: excavation equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study

by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

Impacts Assessment

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

Construction Noise

Short-term noise impacts associated with construction activities were analyzed based on typical construction equipment noise levels derived from the FHWA's Roadway Construction Noise Model (RCNM). Anticipated equipment used for the various phases of construction (demolition, site preparation, grading, reservoir construction, paving, and architectural coating) were provided by the applicant.

Estimated construction noise levels are provided in Table 14. As shown in the table, construction noise would range from 60 dBA L_{eq} to 75 dBA L_{eq}. Noise levels would be loudest during the demolition phase at the residences to the north and west. Pursuant to SJMC Chapter 20.100.450, the hours of construction would be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday because the project site is within 500 feet of a residential land use. The City of San José does not currently have any established quantitative noise standards for construction noise. However, according to the City of San José's General Plan, the project would have a significant impact if it generates substantial noise continuing for more than 12 months within 500 feet of a residence or 200 feet of commercial or office use, or does not use best available suppression devices and techniques. The project would be located within 500 feet of residences to the north, south, east, and west, and construction activities associated with the project would occur over 42 to 48 months. Due to the proximity of these residential uses, noise impacts would be potentially significant. The project would be required to comply with the following City of San José Standard Permit Condition, which would minimize noise impacts to a less than significant level.

Impact N-1: Construction activities would occur within 500 feet of residences to the north, south, east, and west, and construction noise could be potentially significant.

Standard Permit Condition

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

- 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 intern al 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 compliance with these standard permit condition, impacts related to construction noise would be less than significant.

Table 14 Estimated Construction Noise Levels

Construction Phase	Equipment[2]	Estimated Construction Noise Levels (dBA L_{eq})[1]			
		Residences to North	Residences to West	Church to South	Residents to East
Demolition	Aerial Lift, Backhoe, Concrete Saw, Crane, Crushing/Processing Equipment, Dumper, Excavator, Generator, Loader, Forklift, Skid Steer Loader, Sweeper	75	75	71	69
Site Preparation	Backhoe, Dozer, Excavator, Loader, Forklift, Sweeper	71	71	68	65
Grading	Backhoe, Dozer, Dumper, Excavator, Loader, Roller, Forklift, Scraper, Sweeper	73	73	70	68
Reservoir Construction	Aerial Lift, Backhoe, Cement & Mortar Mixer, Compressor, Crane, Grader, Pressure Washer, Forklift, Sweeper	74	74	70	68
Paving	Backhoe, Crushing/Processing Equipment	66	66	63	60
Architectural Coating	Aerial Lift, Compressor, Generator	67	67	64	61

[1] Distances to each receiver were assumed to be the center of the construction site, per FTA guidance on construction noise calculations (FTA 2018). Specifically, distances modeled included: 200 feet to the north; 200 feet to the west; 300 feet to the south; and 400 feet to the east.

[2] Forklifts were assumed to be front-end loaders and aerial lifts were assumed to be man lifts in RCNM.

See Appendix D for RCNM modeling results.

Operational Noise

The proposed project would generate operational noise from tank mixing system pumps, with one pump per tank. A noise study for the tank mixing system pumps was completed by Water Works Engineers and shows the location of each pump on the outside eastern edge of the tank (Appendix D). Pursuant to the noise study, the tank mixing system pumps would be housed in a shelter that reduces the noise level to less than 70 dBA at a distance of five feet from the pump. The closest sensitive receiver to the pumps are single-family residences located approximately 148 feet to the north of the northern tank's pump. Residential property lines to the south and west would be shielded from the pumps by the tanks. The closest property line to either of the pumps is the property line with South Bascom Avenue, located 50-feet from the southern tank's pump.

Operational noise estimates are given for hourly and daily noise levels in Table 15 and Table 16, respectively. The hourly noise levels are compared to Municipal Code noise standards, and the daily noise levels are compared to General Plan noise standards. As shown in the table, operational noise from the project's tank mixing system pumps would not exceed either the hourly or daily noise standards, and operational noise impacts would be less than significant.

Table 15 Estimated Tank Mixing System Pump Hourly Noise Levels

Receiver	Noise Level (dBA Lmax)				Exceed Threshold?
	Northern Tank Pump[1]	Southern Tank Pump[2]	Maximum Noise Level	Threshold[3]	
Property line for the single-family residences to the north	41	32	41	55	No
Property line with South Bascom Avenue to the east	50	35	50	60	No

[1] The northern tank pump is approximately 148 feet from the property line to the north and 390 feet from the property line to the east.

[2] The southern tank pump is approximately 292 feet from the property line to the north and 50 feet from the property line to the east.

[3] Based on Table 20-135 of the City of San José Municipal Code.

Table 16 Estimated Tank Mixing System Pump Daily Noise Levels

Receiver	Noise Level (dBA Ldn)					Exceed Threshold?
	Northern Tank Pump[1]	Southern Tank Pump[2]	Combined	Absolute Threshold[3]	Ambient Threshold[4]	
Property line for the single-family residences to the north	47	38	48	55	58	No
Property line with South Bascom Avenue to the east	56	41	56	N/A	N/A	No

See Appendix D for noise study.

[1] The northern tank pump is approximately 148 feet from the property line to the north and 390 feet from the property line to the east.

[2] The southern tank pump is approximately 292 feet from the property line to the north and 50 feet from the property line to the east.

[3] Based on San José General Plan Policy EC-1.3; this policy only applies to noise received at noise-sensitive land uses.

[4] Based on San José General Plan Policy EC-1.2. The existing ambient noise level at residential land uses to the north is approximately 53 dBA Ldn (based on LT1 in Table 11), which falls within the City of San José's "normally acceptable" range for residential land uses. Therefore, the threshold of a 5-dBA change in dBA Ldn levels is utilized.

LESS THAN SIGNIFICANT

b. Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Construction activities known to generate excessive ground-borne vibration, such as pile driving, would not be used to construct the tanks. The greatest anticipated source of vibration during general project construction activities would be from a large bulldozer, which may be used as close as 20 feet during construction from the nearest residential buildings to the north and west when accounting for setbacks. A dozer would create a vibration level of approximately 0.089 PPV in/sec at a distance of 25 feet (Caltrans 2020). This would equal a vibration level of approximately 0.11 PPV in/sec at a distance of 20 feet.[3] This vibration level would not exceed the San José General Plan Policy EC-2.3 threshold of 0.20 in/sec PPV for buildings of normal conventional construction. One built environment historical resource in located on the project site, the 1924 Pump House, which was determined to be individually eligible for listing as a San José Landmark. Construction would reach approximately 60 feet from this resource. A dozer's vibration level at 60 feet would be 0.034 in/sec PPV, which would not exceed San José General Plan Policy EC-2.3 threshold of 0.08 in/sec PPV for sensitive historic structures.

[3] $PPV_{Equipment} = PPV_{Ref}(25/D)^n$ (in/sec), PPV_{Ref} = reference PPV at 25 feet, D = distance ,and n = 1.1

In addition, in accordance with the SJMC, project construction would be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and at no time on weekends because it is located within 500 feet of a residence (SJMC Chapter 20.100.450). These timing restrictions on construction activity would avoid potential vibration impacts during normal sleeping hours. Therefore, temporary impacts associated with the bulldozer (and other potential equipment) would be less than significant.

Operation

As a reservoir project, the proposed would not generate significant sources of vibration, such as manufacturing or heavy equipment operations. Therefore, operation of the project would have no impact related to vibration.

LESS THAN SIGNIFICANT IMPACT

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?

The nearest airport to the project site is the San José International Airport, approximately 5.5 miles north. The project site is not located within the airport land use plan area (Santa Clara County Airport Land Use Commission 2011). According to the City's projected aircraft noise contours, the project site is located outside the airport's noise impact area. Therefore, the project would not expose workers to excessive noise associated with an airport. There would be no impact.

NO IMPACT

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14 Population and Housing

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☐	■
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	■

Existing Setting

In 2023, San José had an estimated 2023 population of 989,396 people and 342,902 housing units, for an average number of persons per household of 2.98 (California Department of Finance [DOF] 2023). Based on the City's General Plan, the projected population in 2040 would be 1.3 million persons occupying 430,000 housing units (City of San José 2011a).

Regulatory Setting

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

Chapter 4, Quality of Life, in the City's General Plan addresses how quality of life will be advanced as the City promotes economic development and continues to grow a safe, diverse, and thriving community with employment opportunities, well-maintained infrastructure, urban services, and cultural and entertainment options. There are no goals, policies, and actions relating to housing in the city that are applicable to the project (City of San José 2011a). However, the City's General Plan establishes achievement of a jobs to employed residents ratio of between 1.1:1 by the year 2040 as a core objective (i.e., 1.1 jobs per one employed resident of San José). The City currently has approximately 335,164 housing units and, by 2040, the City's population is projected to reach 1,445,000 with 472,000 households.

The jobs/housing balance refers to the ratio of employed residents to jobs in a given community or area. When the ratio reaches 1.0, a balance is struck between the supply of local housing and jobs. The jobs/housing resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing. The City currently has a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident), but this trend is projected to reverse with full build out under the General Plan.

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

The project would not include development of new homes or businesses. The existing tanks have a combined capacity of 16 million gallons, and the proposed new tanks (two eight-million gallon tanks) would have the same overall capacity as the existing tanks. Therefore, the project would not constitute an extension of infrastructure that would induce population growth. The project would not directly or indirectly induce substantial population growth in the project area, and there would be no impact.

NO IMPACT

b. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The project site does not contain housing, and construction of the project would not displace existing housing or require the construction of replacement housing. There would be no impact.

NO IMPACT

15 Public Services

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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:				
	1 Fire protection?	☐	☐	☐	■
	2 Police protection?	☐	☐	☐	■
	3 Schools?	☐	☐	☐	■
	4 Parks?	☐	☐	☐	■
	5 Other public facilities?	☐	☐	☐	■

Existing Setting

Fire protection services are provided to the project site by the San José Fire Department (SJFD), which serves a total population of approximately 1.2 million residents. SJFD responds to fires, hazardous materials spills, and medical emergencies (including injury accidents) in the project area. SJFD currently has 34 fire stations throughout the City. The closest fire station to the project site is Station 9, located at 3410 Ross Avenue, approximately 2.4 mile southeast of the project site.

Police protection services are provided to the project site by the San José Police Department (SJPD). Officers are dispatched from police headquarters, located at 201 West Mission Street, approximately 5.9 miles northeast of the project site.

The project site is located within the Cambrian School District (CSD) and Campbell Unified High School District (CUHSD). ESD operates six schools and CUHSD nine schools within each of their district jurisdictions. The closest schools to the project site are Farnham Elementary School, Fammatre Elementary School, and Camden Post Secondary School (SJUSD 2021, CUHSD 2023).

The City manages approximately 3,617 acres of parkland. The nearest park to the project site is Camden Park approximately .44 mile southeast of the project site (City of San José 2023).

Other public facilities evaluated in this section of the Initial Study consist of public libraries. The San José Public Library operates 25 branches, including the main downtown library, which is called Dr.

Martin Luther King, Jr. Library, and is jointly owned and operated between the City and San José State University. The Martin Luther King, Jr. Library is approximately 5.5 miles northeast of the project site. The branch of the library nearest to the project site is the Cambrian Branch Library located approximately 1.4 mile southeast. The next closest branch is the Bascom Branch Library, approximately 2.75 miles north of the project site.

Regulatory Setting

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

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

Goal ES-1: Education. Promote the operation of high-quality educational facilities throughout San José as a vital element to advance the City's Vision and goals for community building, economic development, social equity, and environmental leadership.

Policy ES-1.1: Facilitate open communication between the City, public school districts and the development community in order to coordinate the activities of each to achieve the highest quality of education for all public-school students.

Policy ES-1.2: Encourage school districts, the City, and developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures. These discussions should occur as early as possible in the project planning stage, preferably preceding land acquisition.

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

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

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

Goal ES-3: Law Enforcement and Fire Protection. Provide high-quality law enforcement and fire protection services to the San José community to protect life, property and the environment through fire and crime prevention and response. Utilize land use planning, urban design and site development measures and partnerships with the community and other public agencies to support long-term community health, safety and well-being.

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

- For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.
- For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
- Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.
- Measure service delivery to identify the degree to which services are meeting the needs of San José's community.
- Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.

Policy ES-3.2: Strive to ensure that equipment and facilities are provided and maintained to meet reasonable standards of safety, dependability, and compatibility with law enforcement and fire service operations.

Policy ES-3.8: Use the Land Use / Transportation Diagram to promote a mix of land uses that increase visibility, activity and access throughout the day and to separate land uses that foster unsafe conditions.

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

Policy ES-3.10: Incorporate universal design measures in new construction, and retrofit existing development to include design measures and equipment that support public safety for people with diverse abilities and needs. Work in partnership with appropriate agencies to incorporate technology in public and private development to increase public and personal safety.

Policy ES-3.15: Apply demand management principles to control hazards through enforcement of fire and life safety codes, ordinances, permits and field inspections.

Policy ES-3.17: Promote installation of fire sprinkler systems for both commercial and residential use and in structures where sprinkler systems are not currently required by the City Municipal Code or Uniform Fire Code.

Policy ES-3.20: Require private property owners to remove excessive/overgrown vegetation (e.g., trees, shrubs, weeds) and rubbish to the satisfaction of the Fire Chief to prevent and minimize fire risks to surrounding properties.

Action ES-3.22: Maintain the City's Fire Department Strategic Plan as a tool to achieve Envision General Plan Level of Service and other related goals and policies. Base fire station location planning on a four-minute travel radius.

Action ES-3.23: Engage public safety personnel in the land use entitlement process for new development projects.

Goal PR-1: High Quality Facilities and Programs. Provide park lands, trails, open space, recreation amenities, and programs, nationally recognized for their excellence, which enhance the livability of the urban and suburban environments; preserve significant natural, historic, scenic and other open space resources; and meet the parks and recreation services needs of San José's residents, workers, and visitors.

Policy PR-1.1: Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

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

Policy PR-1.3: Provide 500 square feet per 1,000 population of community center space.

Impacts Assessment

a.1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

a.2. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

a.3. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered schools, or the need for new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

a.4. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks, or the need for new or physically altered parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

a.5. Would the project result in substantial adverse physical impacts associated with the provision of other new or physically altered public facilities, or the need for other new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

The project consists of replacing two existing water tanks. As discussed in Section 14, *Population and Housing,* the project would not directly or indirectly induce population growth and thus would not increase demand for fire protection services, police protection services, schools, parks, or other public facilities. Thus, the project would not result in a need for new or physically altered fire protection services, police protection services, schools, parks, or other public facilities to maintain acceptable service ratios, response times, or other performance objectives, and no impact would occur.

NO IMPACT

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16 Recreation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	■
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	■

Existing Setting

The City of San José owns and maintains approximately 3,617 acres of parkland including neighborhood parks, community parks, and regional parks. The City has 47 community centers and over 63 miles of trails. There are additional parklands in the city managed by the U.S. Department of Fish and Wildlife, Santa Clara County Parks and Recreation, and the Santa Clara Valley Open Space Authority. Parks nearest the project site include Camden Park (0.44 miles to the southeast), Los Gatos Creek County Park (0.5 mile to the west), Houge Park (0.8 mile to the south), and Doerr Park (1.3 miles to the east).

Regulatory Setting

See the "Parks" subsection in Section 15 above.

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

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The project would not include any public recreational facilities. As discussed in Section 14, *Population and Housing*, the project would not directly or indirectly induce population growth. Accordingly, the project would not result in the increased use of parks or the physical deterioration of recreational facilities, nor would it affect the City's parkland ratio goals established in the General Plan. The project would not include the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. There would be no impact.

NO IMPACT

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17 Transportation

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

Existing Setting

Existing Roadway Network

Regional access to the project site is provided by Interstate 280 (I-280), SR 17, SR 85, San Tomas Expressway, and South Bascom Avenue. These facilities are described below.

- **I-280** is a primarily north-south freeway that extends from its intersection with US 101 in San José through several cities and communities in the western San Francisco Bay Area, including San Mateo, Millbrae, Daly City, and San Francisco. Near the project site, I-280 has four lanes in each direction and a speed limit of 65 mph. I-280 has an interchange with SR 17 approximately 3.3 miles north of the project site.
- **SR 17** is a primarily north-south freeway that extends from its interchange with SR 1 in Santa Cruz to its interchange with I-280, where it continues north as I-880. Near the project site, SR 17 has three lanes of traffic in each direction and a speed limit of 65 mph. SR 17 is approximately 0.4 mile west of the project site.
- **SR 85** is a primarily north-south freeway that extends along the southwestern portion of San José, from its interchange with Highway 101 in southern San José to its interchange with Highway 101 in Mountain View. Near the project site, SR 85 has three lanes of traffic in each direction and a speed limit of 65 mph. SR 85 has an interchange with SR 17 approximately 1.2 miles south of the project site.
- **San Tomas Expressway** is a primarily north-south freeway that extends from its interchange with SR 17, where it continues south as Camden Avenue, and its interchange with Highway 101 in Santa Clara. Near the project site, San Tomas Expressway has three lanes of traffic in each

direction and a speed limit of 65 mph. The interchange of San Tomas Expressway and SR 17 is approximately 0.4 mile northwest of the project site.

- **South Bascom Avenue** is a primarily north-south arterial roadway that extends from its interchange with SR 85, where it continues south as Los Gatos Road, and its interchange with I-880, where it continues north as North Bascom Avenue. South Bascom Avenue is immediately east of the project site and has three lanes of traffic in each direction, with a speed limit of 40 mph.

Existing Pedestrian Facilities

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. In the vicinity of the project site, South Bascom Avenue and Foxworthy Avenue provide sidewalks on both sides of the roadway. Marked crosswalks are located at the intersection of South Bascom Avenue and Foxworthy Avenue.

Existing Bicycle Facilities

Class II bicycle lanes are lanes on roadways designated for use by bicycles with special lane markings, pavement legends, and signage. In the vicinity of the project site, Foxworthy Avenue as Class II bicycle lanes. South Bascom Avenue does not have marked bicycle lanes.

Existing Transit Service

Existing transit services near the project site are provided by the Santa Clara Valley Transportation Authority (VTA). The Bascom & Shamrock bus stop is immediately northeast of the project site along South Bascom Avenue, which is served by Route 61. Route 61 stops at the Bascom & Shamrock station approximately every 30 minutes and provides service between Campbell and the Berryessa Transit Center (VTA 2019).

Regulatory Setting

State

STATE SENATE BILL 743

Senate Bill (SB) 743 was signed into law by Governor Brown in 2013 and tasked the State Office of Planning and Research (OPR) with establishing new criteria for determining the significance of transportation impacts under CEQA. SB 743 requires the new criteria to "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." It also states that alternative measures of transportation impacts may include "vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated." In January 2018, OPR transmitted its proposed CEQA Guidelines implementing SB 743 to the California Natural Resources Agency for adoption. The CEQA Guidelines promulgated under SB 743 will change the way that public agencies evaluate the transportation impacts of projects under CEQA, recognizing that roadway congestion, while an inconvenience to drivers, is not itself an environmental impact (Public Resource Code, § 21099, subd. (b)(2)). In addition to new exemptions for projects consistent with specific plans, the draft CEQA Guidelines proposed by the Office of Planning and Research replace congestion-based metrics, such as auto delay and level of service, with Vehicle Miles Traveled as the basis for determining significant impacts, unless the Guidelines provide specific exceptions. Because the draft CEQA Guidelines have not yet been

adopted by the California Natural Resources Agency, the Statewide implementation of SB 743 with regards to CEQA compliance is not anticipated to be required until by at least mid-2019. (See Natural Resources Agency Notice of Public Availability of Modifications dated July 2, 2018 at Appendix A [Proposed CEQA Guidelines Section 15064.3(c) states that "Beginning on July 1, 2020, the provisions of this section shall apply statewide"]).

Regional

REGIONAL TRANSPORTATION PLANNING

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2050 in October 2021, which includes the region's Sustainable Communities Strategy (integrating transportation, land use, and housing to meet GHG reduction targets set by CARB) and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, state, regional and local sources through 2050.

CONGESTION MANAGEMENT PROGRAM

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

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

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

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

Local

CITY OF SAN JOSÉ COUNCIL POLICY 5-1 VEHICLE MILES TRAVELED

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

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

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

ENVISION SAN JOSÉ 2040 GENERAL PLAN

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

The Circulation Element of the General Plan aims to:

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

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

Goal TR-1: Balanced Transportation System: Complete and maintain a multimodal transportation system that gives priority to the mobility needs of bicyclists, pedestrians, and public transit users while also providing for the safe and efficient movement of automobiles, buses, and trucks.

Policy TR-1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.

Policy TR-1.4: Through the entitlement process for new development, projects shall be required to fund or construct needed transportation improvements for all transportation modes giving first consideration to improvement of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand.

- Development proposals shall be reviewed for their impacts on all transportation modes through the study of Vehicle Miles Traveled (VMT), Envision San José 2040 General Plan policies, and other measures enumerated in the City Council Transportation Analysis Policy and its Local

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

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

Policy TR-1.6: Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.

Policy TR-1.8: Actively coordinate with regional transportation, land use planning, and transit agencies to develop a transportation network with complementary land uses that encourage travel by bicycling, walking and transit, and ensure that regional greenhouse gas emission standards are met.

Policy TR-1.10: Require needed public street right-of-way dedication and improvements as development occurs. The ultimate right-of-way shall be no less than the dimensions as shown on the Functional Classification Diagram except when a lesser right-of-way will avoid significant social, neighborhood or environmental impacts and perform the same traffic movement function. Additional public street right-of-way, beyond that designated on the Functional Classification Diagram, may be required in specific locations to facilitate left-turn lanes, bus pullouts, and right-turn lanes in order to provide additional capacity at some intersections.

Goal TR-3: Maximize Use of Public Transit. Maximize use of existing and future public transportation services to increase ridership and decrease the use of private automobiles.

Policy TR-3.3: As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

Goal TR-5: Vehicular Circulation. Maintain the City's street network to promote the safe and efficient movement of automobile and truck traffic while also providing for the safe and efficient movement of bicyclists, pedestrian, and transit vehicles.

Goal TR-8: Parking Strategies. Develop and implement parking strategies that reduce automobile travel through parking supply and pricing management.

SAN JOSÉ BETTER BIKE PLAN 2025

Adopted in October 2020, the City's Better Bike Plan assesses current bicycle facilities in San José and outlines several goals for improving facilities and increasing bicycle ridership by 2025 (City of San José 2020c). Goals applicable to the project include:

- Get more people on bikes. Change street design and parking pricing practices to actively disincentivize driving.
- Improve process and design. Adopt separated bike lanes, shared-use paths, and bicycle boulevards as preferred bikeway types.
- Establishing a bikeway network. Rapidly implement a dense, interconnected bikeway network in key focus areas that are most likely to address safety, demand, and equity.

Impacts Assessment

a. Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

The Circulation Element of the Envision San José 2040 General Plan includes goals to facilitate traffic movement and alleviate congestion by protecting public transportation facilities, encouraging land use patterns that reduce automobile dependence, and requiring new development to be located and designed with convenient access to efficient transportation options.

Construction-related vehicle trips would include construction workers traveling to and from the project site, haul trucks (for moving and importing soil), and other trucks associated with equipment and material deliveries. Such trips would occur on area roadways, such as South Bascom Avenue. Given that construction would be a short-term and temporary activity, trips would account for a relatively small portion of existing traffic on area roadways. Consistent with City standard practice, the project would be required to submit a construction management plan for City approval that addresses the construction schedule, street closures and/or detours, construction staging areas and parking, and the planned truck routes. Therefore, project construction would not conflict with a program, plan, ordinance, or policy addressing the circulation system impacts, and impacts would be less than significant.

The proposed project involves installation of two new water storage tanks, which would not conflict with adopted policies, plans, or programs addressing the circulation system, including public transit, bicycle, or pedestrian facilities. Operation of the project would include routine inspections and maintenance trips in approximately the same volume as under existing conditions. Therefore, project operation would not conflict with a program, plan, ordinance, or policy addressing the circulation system, and impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

CEQA Guidelines Section 15064.3(b) identifies criteria for evaluating transportation impacts. Specifically, the guidelines state VMT exceeding an applicable threshold of significance may indicate a significant impact. The City of San José has adopted VMT thresholds implemented through Transportation Analysis Policy 5-1 in the Transportation Analysis Handbook (City of San José 2023). These thresholds were first adopted in accordance with the standards set by the Office of Planning and Research in 2018, and updated again in April 2023. The thresholds vary depending on the land use, such as residential versus industrial. The City did not establish a VMT threshold for replacement of utility infrastructure owner by corporations, such as San Jose Water. This is primarily because utility installation or replacement generally do not bring new people, such as residents or shoppers, to an area, which in turn generate vehicle trips in the area over the life of the project.

As discussed under threshold (a) above, traffic on local roadways would be temporarily increased during project construction due to worker trips and the necessary transport of construction vehicles and equipment to the project site. Increases in VMT from construction would be short-term, minimal, and temporary. In addition, after completion of the proposed project, routine operation and maintenance trips for the project would be less frequent in comparison to existing conditions due to enhanced system functions. Thus, operational VMT would decrease as compared to existing conditions. Therefore, the project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b) as VMT would decrease even below existing conditions, and no impact would occur.

NO IMPACT

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

Circulation improvements at the project site would include modifications to the driveway apron and adjacent sidewalk on South Bascom Avenue to improve safety of vehicles and pedestrians entering and exiting the project site. In addition, the existing southern driveway will be permanently closed and the existing northern driveway will be widened for egress from the project site. However, no other major changes would be made. There is no roadway curve on South Bascom Avenue that would obstruct the vision of exiting drivers.

The proposed project would not significantly change site use, access, or road operations surrounding the project site. Accordingly, the project would not substantially increase hazards due to a design feature (e.g., sharp curves or inadequate site distance) and the impact would be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project result in inadequate emergency access?

Consistent with City standard practice, the project would be required to submit a construction management plan for City approval that addresses the construction schedule, street closures and/or detours, construction staging areas and parking, and the planned truck routes. In operation, the project plans would also be subject to review by the San José Fire Department to ensure that adequate emergency access would be available prior to issuance of building permits. Therefore, the project would not result in inadequate emergency access and the impact would be less than significant.

LESS THAN SIGNIFICANT IMPACT

18 Tribal Cultural Resources

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

Existing Setting

Ethnographic Overview

As outlined in the Cultural Resources Technical Report, the project site lies within an area traditionally occupied by the Ohlone (or Costanoan) people. Ohlone territory extends from the point where the San Joaquin and Sacramento Rivers issue into the San Francisco Bay to Point Sur, with the inland boundary most likely constituted by the interior Coast Ranges. The Ohlone language belongs to the Penutian family, with several distinct dialects throughout the region. Levy (1978) breaks the language groups into 8 regional dialects: Karkin, Chochenyo, Ramaytush, Awaswas, Taymen, Mutsun, Rumsen, and Chalon.

The pre-contact Ohlone were semi-sedentary, with a settlement system characterized by base camps and seasonal reserve camps composed of tule reed houses with thatched roofs made of

matted grass. Just outside a base camp, there was sometimes a large sweat house built into the ground near stream banks used for spiritual ceremonies and possibly hygiene. Villages were divided into small polities, each of which was governed by a chief responsible for settling disputes, acting as a war leader (general) during times of conflict, and supervising economic and ceremonial activities. Social organization appeared flexible to ethnographers and any sort of social hierarchy was not apparent to mission priests.

Ohlone subsistence was based on hunting, gathering, and fishing. Larger animals, like bears, might be avoided, but smaller game would be hunted and snared on a regular basis. Like the rest of California, the acorn was an important staple and was prepared by leaching acorn meal both in openwork baskets and in holes dug into the sand. The Ohlone also practiced controlled burning to facilitate plant growth. During specific seasons or in times of drought, the reserve camps would be utilized for gathering seasonal food and accessing food storage. Fishing would be done with nets and gorge hooks out of tule reed canoes. Mussels were a particularly important food resource. Sea mammals were also important; sea lions and seals were hunted, and beached whales were exploited.

Seven Franciscan missions were built within Ohlone territory in the late 1700s, and all members of the Ohlone group were eventually brought into the mission system. After the establishment of the missions, Ohlone population dwindled from roughly 10,000 people in 1770 to 1,300 in 1814. In 1973, the population of people with Ohlone descent was estimated at fewer than 300. The descendants of the Ohlone united in 1971 and have since arranged political and cultural organizations to revitalize aspects of their culture.

Regulatory Setting

State

CALIFORNIA ASSEMBLY BILL 52 OF 2014

California Assembly Bill 52 (AB 52) expanded CEQA by defining a new resource category, "tribal cultural resources." AB 52 establishes that "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment" (PRC Section 21084.2). It further states the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC Sections 21074(a)(1)(A) and (B) define tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and are:

> Listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC Section 5020.1(k), or
>
> A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRCSection 5024.1(c). In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also establishes a formal consultation process for California tribes regarding tribal cultural resources. The consultation process must be completed before a CEQA document can be adopted or

certified. Under AB 52, lead agencies are required to begin consultation with California Native American tribes that are "traditionally and culturally affiliated with the geographic area of the proposed project." Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

CALIFORNIA SENATE BILL 18 OF 2004

California Government Code Section 65352.3 (adopted pursuant to the requirements of Senate Bill [SB] 18) requires local governments to contact, refer plans to, and consult with tribal organizations prior to making a decision to adopt or amend a general or specific plan. The tribal organizations eligible to consult have traditional lands in a local government's jurisdiction, and are identified, upon request, by the NAHC. As noted in the California Office of Planning and Research's Tribal Consultation Guidelines (2005), "The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places." SB 18 refers to PRC Sections 5097.9 and 5097.995 to define cultural places as a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (PRC Section 5097.9)and Native American historic, cultural, or sacred site that is listed or may be eligible for listing in the CRHR pursuant to PRC Section 5024.1, including any historic or prehistoric ruins, any burial ground, and any archaeological or historic site (PRC Section 5097.995).

The City of San José mailed letters on April 6, 2023 to local Native Americans who requested notification under AB 52. Under AB 52, tribes have 30 days to respond and request consultation. One tribe, the Tamien Nation, responded to the notice stating that they had no concerns related to the project, but asked to be notified if any resources were discovered. No other tribes responded to request consultation, which concluded in late April 2023. Therefore, the City assumes there are no tribal cultural resources within the project site.

a. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?*

b. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?*

The City received one response for consultation under AB 52 from the Tamien Nation. While the Tribe is unaware of any specific tribal cultural resources within the project site and had no concerns related to the project, they requested to be notified if any resources were discovered during the course of construction. Although there are no known tribal cultural resources present within the project site, it is possible that ground disturbance during project construction could encounter unknown archaeological resources that may be considered tribal cultural resources by locally affiliated California Native Americans. Therefore, the project has the potential to significantly impact tribal cultural resources through ground disturbance. Implementation of Mitigation Measure TCR-1 would ensure unanticipated discoveries of tribal cultural resources are avoided or, where avoidance is infeasible, mitigated to a less-than-significant level.

Impact TCR-1: Construction activities would have the potential to encounter and damage tribal cultural resources.

Mitigation Measure

TCR-1 Unanticipated Discovery of Tribal Cultural Resources

In the event that archaeological resources of Native American origin are identified during implementation of the proposed project, ground-disturbing activities within 50 feet of the find shall be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find as a cultural resource and an appropriate local Native American representative is consulted. If the City, in consultation with traditionally and culturally affiliated Native American group(s), determines the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in consultation with traditionally and culturally affiliated Native American group(s). The plan shall include measures to ensure the find is treated in a manner that respectfully retains, to the degree feasible, the qualities that render the resource of significance to the local Native American group(s). Examples of appropriate mitigation for tribal cultural resources include, but are not limited to, avoidance, protecting the cultural character and integrity of the resource, protecting traditional use of the resource, protecting the confidentiality of the resource, or heritage recovery.

Significance After Mitigation

Implementation of Mitigation Measure TCR-1, in addition to adhering to the City's Standard Permit Conditions for Subsurface Cultural Resources and Human Remains in the Cultural Resources section of this Initial Study would protect tribal cultural resources in the event of discovery during ground-disturbing activities during project construction, reducing the potential impact on such resources to a less-than-significant level.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

19 Utilities and Service Systems

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	■
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	■	☐
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	■
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	■	☐
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	■	☐

Existing Setting

San José Water Company (SJWC) provides water service to the project site. SJWC relies on groundwater, imported treated water, and local surface water for its potable water supply. On average, SJWC purchases approximately 50 percent of its water supply from the Santa Clara Valley Water District, pumps approximately 40 percent of its supply from the groundwater aquifer and draws the remaining approximately 10 percent from local surface water sources (SJWC 2023).

Wastewater treatment and disposal is provided by the San José-Santa Clara Regional Wastewater Facility (RWF). The RWF treats an average of 110 million gallons per day (mgd) of wastewater, with a capacity of up to 167 mgd. The resulting fresh water from the RWF is discharged to the South San

Francisco Bay or delivered to the South Bay Water Recycling Project for distribution. The RWF is jointly owned by the cities of San José and Santa Clara and is managed and operated by the City of San José's Environmental Services Department. The City is currently implementing a $1.4 billion, 10-year Capital Improvement Program, which comprises a portion of the $2 billion in facility investments envisioned over the next 30 years in the Plant Master Plan, adopted in 2013 (City of San José 2020).

Garden City Sanitation would provide solid waste collection services and California Waste Solutions would provide recycling and junk pickup service to the project site. Collected waste is primarily processed at Newby Island Sanitary Landfill. Newby Sanitary Landfill has a remaining capacity of over 21 million cubic yards and a closure date estimated in 2041 (California Department of Resources Recycling and Recovery [CalRecycle] 2019).

Regulatory Setting

State

COMPLIANCE FOR CONSTRUCTION, WASTE REDUCTION, DISPOSAL AND RECYCLING

In January 2023, the State of California adopted the most recent version of the California Green Building Standards Code ("CALGreen"), establishing mandatory green building standards for all new and qualifying remodeled structures in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition ("C&D") debris, or meeting the local construction and demolition waste management ordinance, whichever is more stringent (see San José-specific CALGreen building code requirements in the local regulatory framework section below); and
- Providing readily accessible areas for recycling by occupants.

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

ASSEMBLY BILL 939

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

ASSEMBLY BILL 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program. Businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

ASSEMBLY BILL 1826

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

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.

Local

CALIFORNIA GREEN BUILDING STANDARDS CODE COMPLIANCE FOR CONSTRUCTION, WASTE REDUCTION, DISPOSAL AND RECYCLING

The City of San José requires 75 percent diversion of nonhazardous construction and demolition debris for projects that quality under CALGreen, which is more stringent than the state requirement of 65 percent (San José Municipal Code Section 9.10.2480).

CONSTRUCTION AND DEMOLITION DIVERSION DEPOSIT PROGRAM

The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50 percent 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 photos, estimated weight quantities, and receipts from donations centers stating materials and quantities.

Though not a requirement, the permit holder may want to consider conducting an inventory of the existing building(s), determining the material types and quantities to recover, and salvaging materials during deconstruction.

SAN JOSÉ ZERO WASTE STRATEGIC PLAN/CLIMATE SMART SAN JOSÉ

Climate Smart San José provides a comprehensive approach to achieving sustainability through new technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San

José foster a healthier community and achieve its Climate Smart San José goals, including 75 percent diversion of waste from the landfill by 2013 and zero waste by 2022. Climate Smart San José also includes ambitious goals for economic growth, environmental sustainability, and enhanced quality of life for San José residents and businesses.

ENVISION SAN JOSÉ 2040 GENERAL PLAN

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

Policy MS-2.11: Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).

Policy MS-3.1: Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.

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

Policy MS-3.3: Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.

Impacts Assessment

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

Water

The project itself would involve replacement of two existing water tanks, the environmental impacts of which are analyzed throughout this document. No additional environmental impacts associated with the construction or relocation of water facilities would occur beyond those analyzed herein.

Wastewater Treatment

The project would include replacing two water tanks. The project would not induce additional wastewater creation or treatment at a rate greater than the project sites existing use, nor would it require or result in the relocation or construction of new or expanded water facilities.

Stormwater Drainage

As discussed in Section 10, *Hydrology and Water Quality*, the project would alter the existing drainage pattern within the project site, and would decrease the amount of impervious surfaces within the project site as compared to existing conditions. Stormwater infiltration basins would be installed on site, and the project would not increase stormwater flow such that new or expanded stormwater drainage systems would be necessary. No impact would occur.

Electricity and Natural Gas

As discussed in Section 6, *Energy*, the project would include solar panels that would supply all of the project site's energy demand. The project would not require natural gas connections. Therefore, the project would not require or result in the relocation or construction of new or expanded electricity or natural gas facilities. No impact would occur.

Telecommunications

The project would not involve components requiring telecommunications infrastructure and is not anticipated to involve the relocation of existing telecommunications facilities. Therefore, no impact would occur.

Summary

In summary, the project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

NO IMPACT

b. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Small quantities of water would be required during construction for dust suppression. Water consumption associated with dust suppression would be temporary and minimal because only disturbed areas would need to be watered. The project does not include development of structures or infrastructure that would directly or indirectly increase the population of San José such that water demand would increase. Therefore, impacts to water supplies would be less than significant.

LESS THAN SIGNIFICANT IMPACT

c. Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The proposed project consists of replacing water tanks at the project site. The project would not increase wastewater generation at the site, and there would be no impact regarding wastewater services.

NO IMPACT

d. Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

e. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Construction activities would temporarily generate solid waste, including soil spoils, demolition debris, and other construction waste that would be disposed of at the Newby Sanitary Landfill approximately 12.9 miles north of the project site or at another nearby landfill. The proposed project would be required to comply with federal, state, and local statutes and regulations related to solid waste including the California Green Building Standards, the San José Municipal Code Section 9.10.2480, and any applicable policies that govern solid waste within the City's General Plan. Compliance with these regulations would reduce construction waste production. The Newby Sanitary Landfill has a maximum permitted throughput of 4,000 tons per day. Project operation is not anticipated to produce solid waste or construction waste. In addition, as of 2020, the Newby Sanitary Landfill had approximately 16.4 million cubic yards remaining of its total capacity of 57.5 million cubic yards and is expected to continue operations through 2041 (CalRecycle 2019).

The project would conform to regulations related to solid waste, and the project site would be served by a landfill with adequate capacity. Therefore, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

20 Wildfire

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	■
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	■
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	■
d. Expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	■

Existing Setting

The California Department of Forestry and Fire Protection (CAL FIRE) maps areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors, pursuant to Public Resources Code 4201-4204 and Government Code 51175-51189. These areas are referred to as Fire Hazard Severity Zones (FHSZs) and are identified for areas where the state has financial responsibility for wildland fire protection (i.e., state responsibility areas, or SRAs), and areas where local governments have financial responsibility for wildland fire protection (i.e., local responsibility areas, or LRAs). There are three FHSZ mapped for SRAs (moderate, high, and very high), while only lands zoned as very high are identified in LRAs. The project site is not located near a SRA or a very high FHSZ (CAL FIRE 2022). Additionally, the project site is located within an urbanized area of the City of San José and is surrounded by other developed land uses or roads on all sides. Given the surrounding land uses, there are insufficient fuels for a wildland fire.

SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan establishes goals and policies that relate to wildfire. The following are applicable to the project:

Goal EC-8: Wildland and Urban Fire Hazards. Protect lives and property from risks associated with fire-related emergencies at the urban/wildland interface.

Policy EC-8.1: Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.

Policy EC-8.2: Avoid actions which increase fire risk, such as increasing public access roads in very high fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.

Policy EC-8.3: For development proposed on parcels located within a very high fire hazard severity zone or wildland-urban interface area, implement requirements for building materials and assemblies to provide a reasonable level of exterior wildfire exposure protection in accordance with City-adopted requirements in the California Building Code.

Impacts Assessment

a. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

b. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

c. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

d. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

The proposed project is not within a SRA or a VHFHSZ (CAL FIRE 2022). The nearest SRA or VHFSZ is located approximately 3.0 miles southwest of the project site. Therefore, no impacts related to wildfire in or near State Responsibility Areas or lands classified as a Very High Fire Hazard Severity Zone would occur.

NO IMPACT

21 Mandatory Findings of Significance

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Does the project:				
a. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	■	☐	☐
b. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	■	☐
c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	■	☐	☐

a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

The project would not degrade the quality of the environment or substantially reduce habitat of fish or wildlife species or other special-status species, as the project is located within a developed area of San José. There are no sensitive habitats or wetlands located on or near the project site, and no special-status species are known to occupy the site. As discussed in Section 4, *Biological Resources,* construction of the project would require the removal of existing trees and landscaping, which migratory birds could use for nest sites. Mitigation Measure BIO-1 would require that tree removal

occur outside the migratory bird nesting season, if feasible, and if not feasible, that a nesting bird survey be performed and submitted to the City for review and compliance with required measures prior to construction.

The project would not eliminate important examples of the major periods of California prehistory or history. The project would not result in impacts to historic resources. It is not anticipated that new archaeological resources would be encountered during project construction. Additionally, Mitigation Measure TCR-1 would protect tribal cultural resources in the event of discovery during ground-disturbing activities during project construction, reducing the potential impact on such resources. These mitigation measures would ensure that impacts related to inadvertent discovery of cultural resources and tribal cultural resources would be less than significant.

With mitigation, the project would not 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. Impacts would be less than significant with mitigation.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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

The General Plan EIR identified the following cumulative impacts: loss of agricultural land in southern Santa Clara County/north Coyote Valley, traffic congestion, traffic-related noise, increase in VMT per capita, emissions of criteria air pollutants, nitrogen deposition, GHG emissions, and a regional jobs-housing imbalance. The project would neither contribute to cumulative impacts on agricultural land, as none is located on or near the project site (see Section 2, *Agricultural and Forestry Resources*), nor to nitrogen deposition impacts on species composition of serpentine ecosystems as the project would not generate additional operational trips. In addition, the project would not result in a substantial increase in population or employment. Therefore, the project would not contribute to a regional jobs-housing imbalance and would provide housing in the region. As discussed in Section 3, *Air Quality*, subsection (b), cumulative criteria pollutant emission impacts and health risk impacts would be less than significant. As discussed in Section 8, *Greenhouse Gas Emissions*, the project would have a less than significant impact with regard to GHG emissions, which are cumulative in nature. As described in Section 13, *Noise*, the project would not result in an increased in vehicle trips on roadways in the project area. Therefore, the project would not result in cumulative traffic noise impacts. Similarly, as described in Section 17, *Transportation*, the project would not result in a cumulative increase in VMT.

Given the foregoing, the project's contribution to significant cumulative impacts would be less than cumulatively considerable.

LESS THAN SIGNIFICANT IMPACT

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

Implementation of the project would not result in impacts that are significant and unavoidable or cumulatively considerable, including those related to hazardous materials, emergency response, proximity to airport activities, or transportation hazards. The implementation of the standard permit conditions described in Section 2, *Air Quality*; Section 4, *Biological Resources;* Section 5, *Cultural Resources*; Section 7, *Geology and Soils*; and Section 10, *Hydrology and Water Quality,* would minimize potential impacts associated with fugitive dust, tree removal, compliance with the SCVHP, disturbance of archaeological or tribal cultural resources, seismic ground shaking, and stormwater runoff, such that impacts would be less than significant. Additionally, the project would require implementation of Mitigation Measures BIO-1, HAZ-1 through HAZ-4, N-1, and TCR-1, which would minimize potentially significant impacts to biological resources, hazards and hazardous materials, noise, and tribal cultural resources to a less than significant level. Therefore, the project would not result in impacts that would cause substantial adverse effects on human beings, either directly or indirectly.

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