1055 Commercial Court Industrial Project

Public Review Draft

Focused Initial Study

March 2024

Project File: SP24-008 – Special Use Permit (SUP)

Prepared for:

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Prepared by:

Kimley»Horn

MITIGATED NEGATIVE DECLARATION

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

PROJECT NAME: 1055 Commercial Court Project

PROJECT FILE NUMBER: SP24-008

PROJECT DESCRIPTION: Special Use Permit to allow the demolition of approximately 9,150 square feet of all existing structures on site except for one 3,131-square foot industrial building, addition of 193,639 square feet of paved area for a future corporation yard use, allow commercial vehicle storage on site, and removal of two ordinance-size trees and one non-ordinance-size tree on an approximately 4.88 gross acre site in the HI Heavy Industrial Zoning District.

PROJECT LOCATION: 1055 Commercial Court, San Jose

ASSESSORS PARCEL NO.: 241-10-002 **COUNCIL DISTRICT:** 3

APPLICANT CONTACT INFORMATION: Prologis Targeted U.S. Logistics Fund, (Attn: Bianca Liu), Pier 1, Bay 1, San Francisco, CA 94111, (415)733-9515

FINDING

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

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

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

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

C. AIR QUALITY.

Impact HRA-1: Construction activities associated with the proposed Project could expose sensitive receptors northwest of the Project site to a maximum estimated Cancer Risk of 36.81 (in a million) due to toxic air contaminants (TAC) emissions that could exceed the Bay Area Air Quality Management District (BAAQMD) threshold for annual cancer risk of 10 per million by 26.81 per million.

MM HRA-1:

Prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall prepare and submit a written construction operations plan that includes specifications of the equipment to be used during construction to the Director of Planning, Building and Code Enforcement or the Director's Designee. The plan shall be accompanied by a letter signed by a qualified air quality specialist, that verifies the project would achieve a fleet-wide average of a 73 percent reduction or more in diesel particulate matter (DPM) exhaust emissions during construction. Specifically, the Project would achieve this by:

- For all construction equipment larger than 25 horsepower operating on the site for more than two days continuously or 20 total hours, shall, at a minimum meet U.S. Environmental Protection Agency (EPA) Tier 4 Final emission standards.
- If Tier 4 Final equipment is not available, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA emission standards for Tier 3 engines and include particulate matter (PM) emissions control equivalent to California Area Resources Board (CARB) Level 3 verifiable diesel emission control devices that altogether achieve an 85 percent reduction in PM exhaust and 40 percent reduction in nitrogen oxide (NOX) in comparison to uncontrolled equipment.

The construction operations plan prepared by the contractor and reviewed by the air quality specialist shall include the, but not be limited to the following:

- List of activities and estimated timing.
- Equipment that would be used for each activity.
- Manufacturer's specifications for each equipment that provides the emissions level; or the manufacturer's specifications for devices that would be added to each piece of equipment to ensure the emissions level meet the thresholds in the mitigation measure.

The project applicant shall include this requirement in applicable bid documents and require compliance as a condition of contract. A copy of each equipment unit's certified tier specification and CARB or BAAQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment. The City shall require periodic reporting and provision of written documentation by contractors to ensure compliance and shall conduct regular inspections to the maximum extent feasible to ensure compliance.

The construction contractor(s) shall maintain equipment maintenance records for the construction portion of the project. All construction equipment must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications. Upon request for inspection, construction contractor(s) shall make available all maintenance records for equipment used on site within one business day (either hardcopy or electronic versions).

The Construction Operations Plan documentation shall be reviewed and approved by the Director

of Planning, Building and Code Enforcement or the Director's designee prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest).

D. BIOLOGICAL RESOURCES.

Impact BIO-1: Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.

MM-BIO-1:

Tree removal and construction shall be scheduled to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st, inclusive.

If tree removals and construction cannot be scheduled outside of nesting season, a qualified ornithologist shall complete a written pre-construction survey to identify active raptor nests that may be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive), unless a shorter preconstruction survey is determined to be appropriate based on the presence of a species with a shorter nesting period, such as Yellow Warblers. During this survey, the qualified ornithologist shall inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area that will be disturbed by construction, the qualified ornithologist shall designate a construction-free buffer zone (typically 250 feet) to be established around the nest, in consultation with California Department of Fish and Wildlife (CDFW). The buffer would ensure that raptor or migratory bird nests will not be disturbed during project construction.

Prior to any tree removal, or approval of any grading or demolition permits, the project applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee.

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

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

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

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

I. HAZARDS AND HAZARDOUS MATERIALS.

Impact HAZ-1: The project site is on a list of known hazardous materials sites. Construction activities on the project site could result in exposure to residual contaminants known to be present in the subsurface media of the project, posing a risk to construction workers and the environment.

MM-HAZ-1:

Prior to the issuance of any grading permits, the project applicant shall provide the City with a copy of the Regional Water Quality Control Board's (RWQCB) approval of the project's Media Management Plan (MMP). Proof shall consist of a letter or email from the RWQCB case worker and must be submitted to the Director of Planning, Building and Code Enforcement or Director's Designee, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

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

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

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

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

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

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

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

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

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

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

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

U. **MANDATORY FINDINGS OF SIGNIFICANCE**

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

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Tuesday, May 7th, 2024** any person may:

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

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

Christopher Burton, Director
Planning, Building and Code Enforcement

4/11/24

Date

Deputy

Kara Hawkins
Environmental Project Manager

Circulation period: April 17, 2024 to May 7, 2024

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Appendices

1.0 INTRODUCTION & PURPOSE

1.1 Project Background and Context for Analysis

This Initial Study has been prepared by the City of San José (City) as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulations and policies of the City of San José. The purpose of this Initial Study is to provide objective information regarding the environmental consequences of the proposed project to the decision makers who will be reviewing and considering the project.

The project site is located at 1055 Commercial Court in the City of San José. The project site is located approximately 2.5 miles north of downtown San Jose. Surrounding land use consists of a mix of heavy industrial, business park, residential and open space (Coyote Creek). See **Figure 1-1** and **Figure 1-2**.

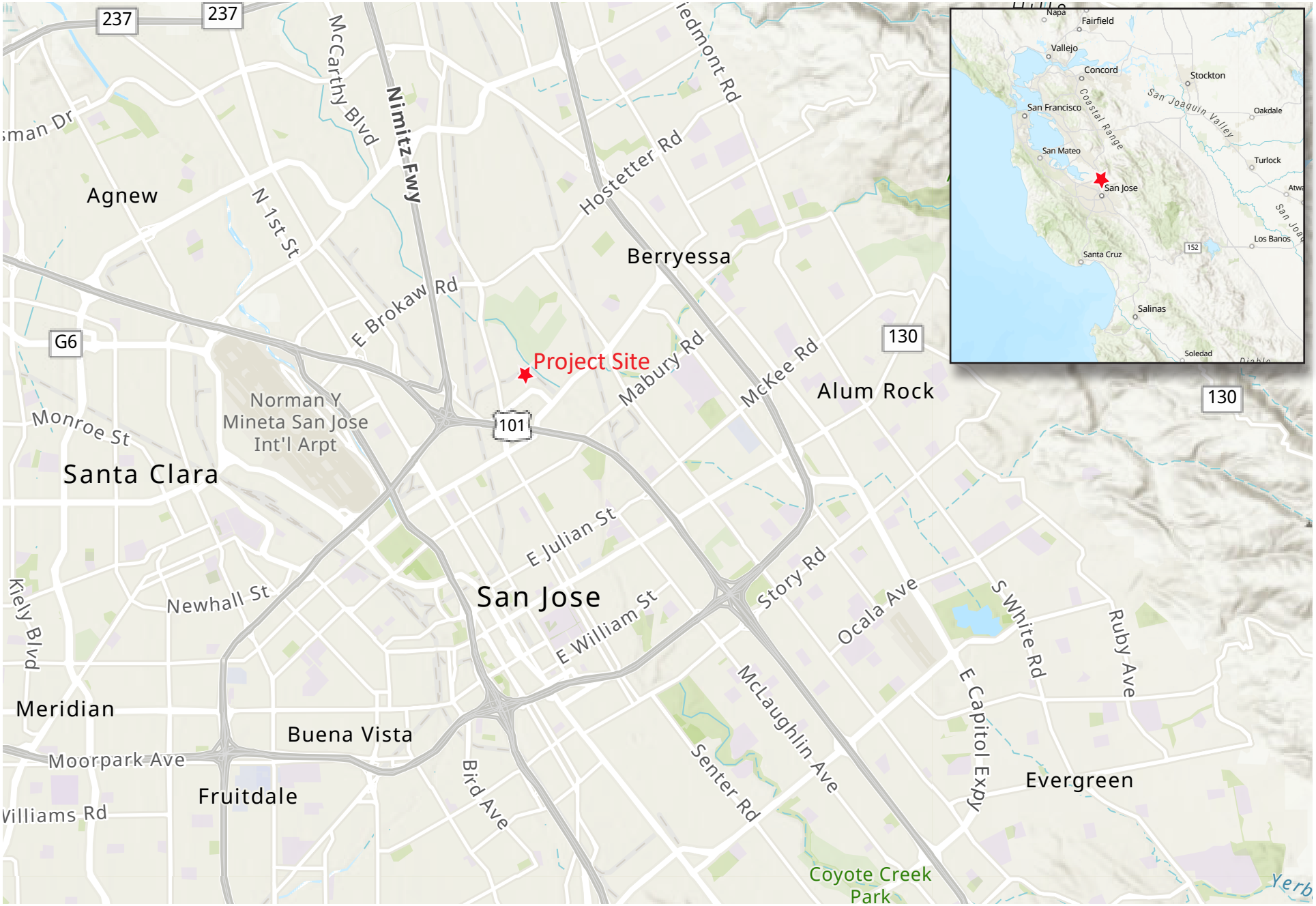
Project applicant submitted an application in May 2022 for a Conditional Use Permit (CUP) for the expansion of an existing Pick-n-Pull (auto dismantling and part sales) on a parcel adjacent to the project site. That expansion of this use is no longer sought. The applicant is now proposing a Special Use Permit (SUP) on the project site, which consists of an approximately 4.88-acre parcel recently created from two existing parcels through a lot line adjustment. The applicant is seeking approval and permits for the 4.88-acre project site to be developed as a corporation yard with materials and/or commercial vehicle storage or any principally permitted use in the heavy industrial ("HI") zone. Commercial vehicle storage could include parking for private vehicle fleets, including those with buses, vans, trucks, and/or automobiles, and may include associated vehicle maintenance and mobile fueling or accessory electric vehicle charging.

Based on City staff's review of the proposal and the limited environmental resources at the project site, the City has recommended preparation of a Focused Initial Study that provides focused discussion and analysis on only those environmental topics that could be present at this site.

Envision San José 2040 General Plan Final and Supplemental Environmental Impact Report

In November 2011, the City of San José approved the Envision San José 2040 General Plan (General Plan), which is a long-range program for the future growth of the City. The General Plan Final Environmental Impact Report (EIR) (SCH#2009072096), as amended, was a broad range "programmatic" analysis of the future growth pattern and did not analyze specific development projects. The intent was for the General Plan EIR to be a program level document from which subsequent development consistent with the General Plan could tier. The General Plan EIR did, however, develop project level information whenever possible, such as when a particular site was identified for a specific size and type of development. The General Plan EIR also identified mitigation measures and adopted Statements of Overriding Consideration for all identified traffic and air quality impacts resulting from the maximum level of proposed development. For all other effects, it was concluded that implementation of General Plan policies, existing regulations, and adopted plans and policies would reduce the impact of individual projects to a less than significant level. These conclusions are generally based on the assumption that all future projects allowed under the General Plan will reduce impacts to a less than significant level through measures included in project design or as conditions of approval. Future development projects, such as this industrial yard, are

evaluated for consistency with this assumption and may require supplemental analysis to identify additional mitigation measures.



Source: USGS, 2023

Figure 1-1: Regional Map

1055 Commercial Court

Focused Initial Study

Not to scale

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Source: Nearmap, 2023

Figure 1-2: Project Vicinity Map

1055 Commercial Court
Focused Initial Study

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2.0 PROJECT INFORMATION

2.1 Project Title and File Number

1055 Commercial Court Industrial Project
File No. SP24-008

2.2 Project Location

The 4.88-acre project area is located on at 1055 Commercial Court in the City of San José on two parcels – APNs 241-10-002 and -003. The site is located approximately 2.5 miles north of downtown San Jose. Surrounding land use consists of a mix of heavy industrial, business park, residential and open space (Coyote Creek).

2.3 Lead Agency Contact

City of San José
200 East Santa Clara Street, 3rd Floor
San José, California 95113

Environmental Planner: Kara Hawkins, Planner III
Phone: (408) 535-7852
Email: kara.hawkins@sanjoseca.gov

2.4 Property Owner/Project Applicant

Contact: Bianca Liu
Prologis
Pier 1, Bay 1
San Francisco, CA 94111

2.5 Assessor's Parcel Number

- 241-10-002
- 241-10-003

2.6 Zoning District and General Plan Designation

General Plan: Heavy Industrial (HI)
Zoning: Heavy Industrial (HI)

2.7 Habitat Plan Designation

Land Cover Designation: *Urban-Suburban*

Development Zone:	*Urban Development greater than two acres covered*
Fee Zone:	*Urban Area*
Owl Conservation Zone:	*N/A*

2.8 Project-Related Approvals, Agreements and Permits

- Special Use Permit
- A Grading Permit
- Building Permit
- Demolition Permit
- Media Management Plan (soils and groundwater)

3.0 DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

3.1 Project Location

The 4.88-acre site is at the terminus of Commercial Court, at 1055 Commercial Court in San Jose, Santa Clara County, California. The location is in a mixed commercial and industrial area approximately 2.5 miles north of downtown of San Jose. See **Figure 1-1** and **Figure 1-2**.

The site consists of Santa Clara County Assessor Parcel Numbers (APNs) 241-10-002 and 241-10-003. Until recently these parcels totaled 9.25 acres in size. However, in July 2023 the applicant received approval of a lot line adjustment from the City of San Jose that reconfigured the property into a 4.88-acre parcel which is the subject of this environmental review.

3.2 Existing Site Conditions

The property is currently developed with several small warehouse, maintenance and industrial storage structures that were constructed or brought to the site in stages between approximately 1973 and 2005. Remaining areas of the site consist of unpaved parking and storage areas, storage containers, stored vehicles of various types including campers and RVs, gravel areas, concrete-paved areas, and open dirt lot. The majority of the ground surface consists of gravel and base rock mixed with a fine, light gray silt susceptible to wind and water erosion.

The project access road, Commercial Court, becomes a semi-paved, dirt and gravel drive fronting and through the property. This drive is part of the project property and separates the site from the adjacent Pick-N-Pull scrapyard operations. The project boundaries, as well as the Pick-N-Pull operation, are surrounded by a corrugated steel fence/barrier approximately 8 feet in height. The property is leased to several industrial tenants including:

- Vintage Tile (ceramic/clay roofing tile and related equipment use and storage, including construction scaffolding)
- Peninsula Sandblasting (mobile sandblasting service and related equipment storage)
- Davey Tree Service (equipment storage and office space)
- WM O'Neill (equipment storage)

Historically, the site was occupied by Beck's Property and was identified in site investigations as a landfill for wood waste and green materials for chipping and grinding operations from approximately 2006 to 2010.

Based on the Phase I ESA and records for the project site, the former landfill operations, vehicle maintenance areas, chemical storage areas, and auto reclamation area have all contributed to the existing presence of various industrial constituents detected at concentrations exceeding regulatory guidelines in both soil and groundwater.

Surrounding Land Use

Adjacent properties consist of industrial and commercial facilities to the southeast, south and west; a mobile home park to the north; and Coyote Creek, a riparian corridor, to the north and northeast. A

railroad spur is located between the project site and uses to the north and east. This spur delivers raw materials to a Graniterock cement plant approximately 1,200 feet to the southeast.

Land Use and Zoning

The project site is designated as Heavy Industrial (HI) by the General Plan, which allows for a range of uses including materials storage and vehicle/equipment storage. The project site is zoned as Heavy Industrial (HI). The HI Zoning District allows for similar operations. The project would be consistent with the General Plan land use and zoning.

Parking, Circulation, Access

Access to the site is gained from Commercial Court, via Commercial Street, south of the site. Commercial Court dead ends on the north end of the property.

Trees and Landscaping

The site is devoid of formal landscaping, supporting only annual weeds, grasses and shrubs along fence lines. Six (6) trees have been identified on site, consisting of one ornamental plum and five eucalypti along the property line. The property is bordered with metal corrugated fencing. Individual tenants have set up informal work lighting mounted on poles and sheds to illuminate the individual work yards.

Utilities

Sewer and water lines are present on or near the subject property, as water and sewer service is provided to adjacent properties.

3.3 Project Description

Proposed Development

Demolition

Initial site work would include the relocation, demolition, removal and disposal of the existing storage sheds and structures (approximately 9,150 square feet). Existing businesses using the property would be required to remove and relocate materials associated with their operations to another location. The remaining structures include wood and metal sheds, a makeshift wooden office, and Conex boxes (shipping containers). Material to be removed will be hauled for scrap processing and landfilling at facilities with the appropriate classifications.

Building Program and Design

The project proposes construct a 4.88-acre paved commercial vehicle storage facility (193,639 square feet of new pavement area), which could include buses, vans, trucks, and/or automobiles. Project uses could include the maintenance, servicing, mobile fueling and/or storage of motor vehicles, parking and incidental charging of electric vehicles or the dispatching of fleet vehicles. The project could also include

construction/corporation yard uses, such as storage of equipment or construction materials or supplies. See **Figure 3-1** for the project's site plan.

Parking, Circulation, and Access

The proposed project would provide parking on the south side of Commercial Court, adjacent to the King Crane property. Striped parking in this area consists of 16 standard stalls and two ADA spaces, as well as one space for bicycle parking. Parking will be provided to meet City standards and ADA requirements. This parking area is connected to an existing metal building to be retained. This building could be used for storage, a business office or employee rest area/shelter.

Parking for vehicle storage will ultimately be determined based on specific needs of the tenant. However, a conceptual commercial vehicle parking layout has been designed, accommodating up to 135 spaces large enough to accommodate a range of vehicle types. See **Figure 3-2** for the conceptual parking plan.

Landscaping, Lighting and Fencing

The proposed landscape plan includes a water efficient landscape incorporating drought tolerant planting. The landscape planting plan is limited to the bioretention and drainage area near the center of the site. The proposed plant palate includes a mix of shrubs such as small cape rush and California gray rush, and ground covers such as dwarf coyote bush. Final landscape plans would be subject to review during Development Plan Review to ensure compliance with City standards. The project proposes an 8-foot wrought iron metal fence around the perimeter of the property.

The project's lighting plan identifies 14 30-foot light poles and luminaires (lights). The LED luminares range in power from 152 to 415 watts, to be focused on the interior of the site. The lighting plan is shown in **Figure 3-3**.

Project Utilities/Engineering

Grading

Construction activities associated with re-development of this site would include demolition, site preparation, trenching, staking and flagging, and installation and extension of utility systems. The project site is relatively flat. The project would resurface portions of the site with asphalt pavement, which could involve some asphalt grinding to prepare and level the surface. See the plan set details within the application package for a preliminary grading and drainage plan.

Utilities

Sewer and water services would continue to be provided by the City of San José. While the project does not include new structures or buildings, water service would be maintained at the site to support project operations and fire protection as needed.

The project's drainage plan identifies installation of a central catch basin. The catch basin is designed as a bioretention/biotreatment facility designed to filter and treat stormwater with a mix of landscaping and soil intended to meet or exceed the requirements of Appendix C of the Storm Water Handbook. See **Figure 3-4** illustrating the project's storm water control plan.

The site is currently connected to electric power. To accommodate a range of future potential tenants, electrical conduit will be installed during construction to allow for vehicle charging stations in the event

they are needed or required in the future. Electrical switching equipment entering the site will be upgraded to meet current and future needs.

Media Management Plan

Residual contaminants and combustible gas are known to be present on the Property because of historical operations at the site that pre-dates current ownership. In response, the project applicant has entered into a Voluntary Site Cleanup Program (SCP) and prepared a Media Management Plan (MMP) in consultation with the San Francisco Bay Regional Water Quality Control Board (RWQCB). The MMP will provide guidance for appropriate monitoring, testing, and management of subsurface media where constituents of potential concern are known or likely to be present. The MMP was reviewed and approved by the RWQCB on November 28, 2023.

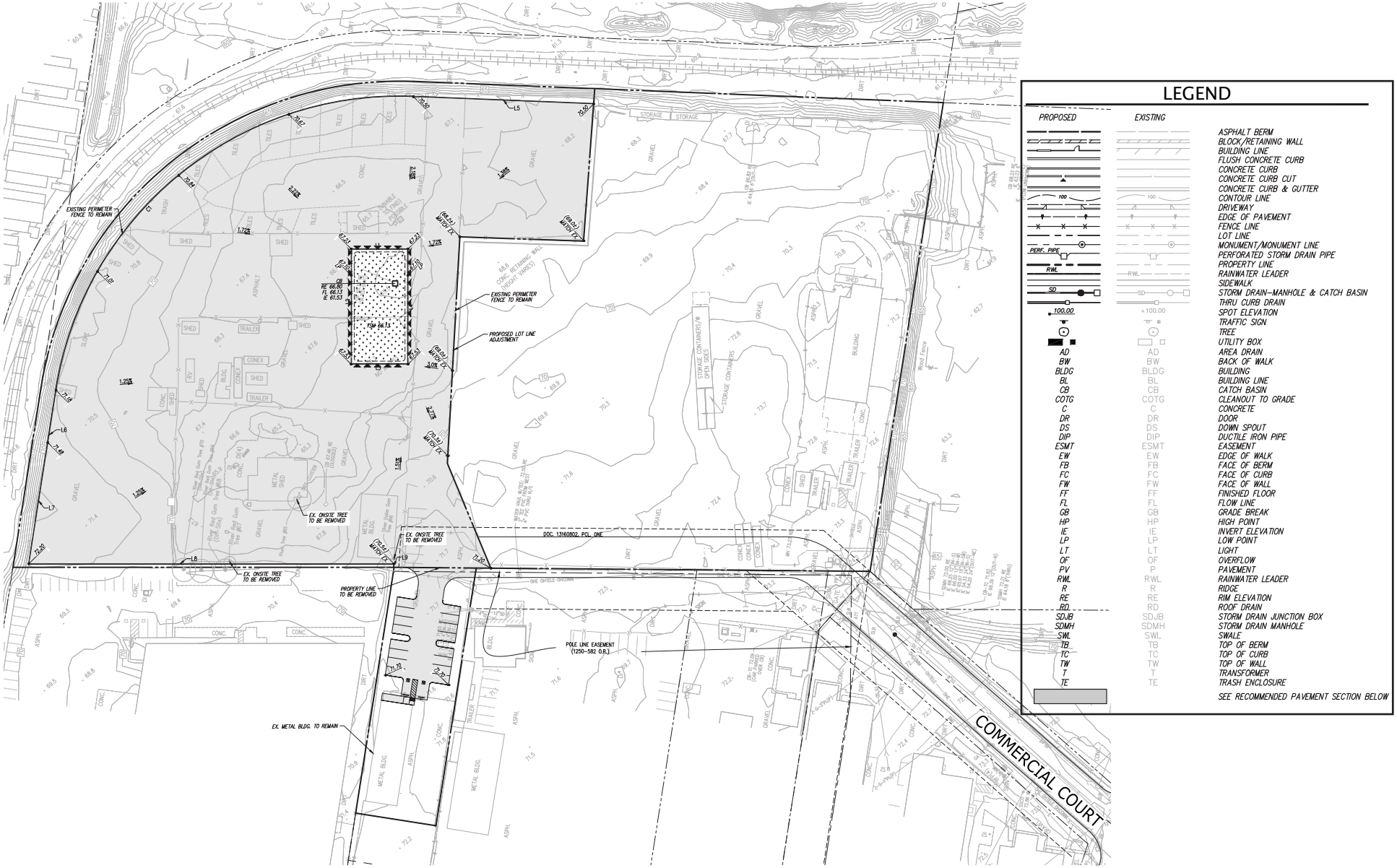
Project Construction and Phasing

Grading, demolition and construction activities would occur in one phase over a 4-to-6-month period. Equipment for site preparation and construction may include heavy equipment such as scrapers or dozers to level and compact the site, dump trucks, back hoes, paving machinery and other equipment.

Project Operations

Potential Tenant Profile and Hours of Operation

At this time there is no definitive tenant for this industrial property. However, for planning purposes, it is assumed that site operations could occur 7 days per week. No late-night operations (12:00 a.m. to 6:00 a.m.) are proposed. The most likely use at the site is commercial vehicle storage, that could include parking for private vehicle fleets, including those with buses, vans, trucks and/or automobiles, with associated vehicle maintenance and mobile fueling and/or charging. While vehicles would be stored on site 24 hours per day, it is assumed that vehicle drop off and pick up in and out of the site would occur during regular daytime hours. As an industrial use with no permanent vertical structures proposed, the number of employees will be the minimum required to manage site operations, estimated at 5 to 10 employees during daytime hours and possible 1-2 security employees during other times. This level of employment is comparable to existing number of workers estimated to be working in the industrial yards of existing tenants.



Source: Kier + Wright, 2023

Figure 3-1: Site Plan

1055 Commercial Court
Focused Initial Study

Not to scale

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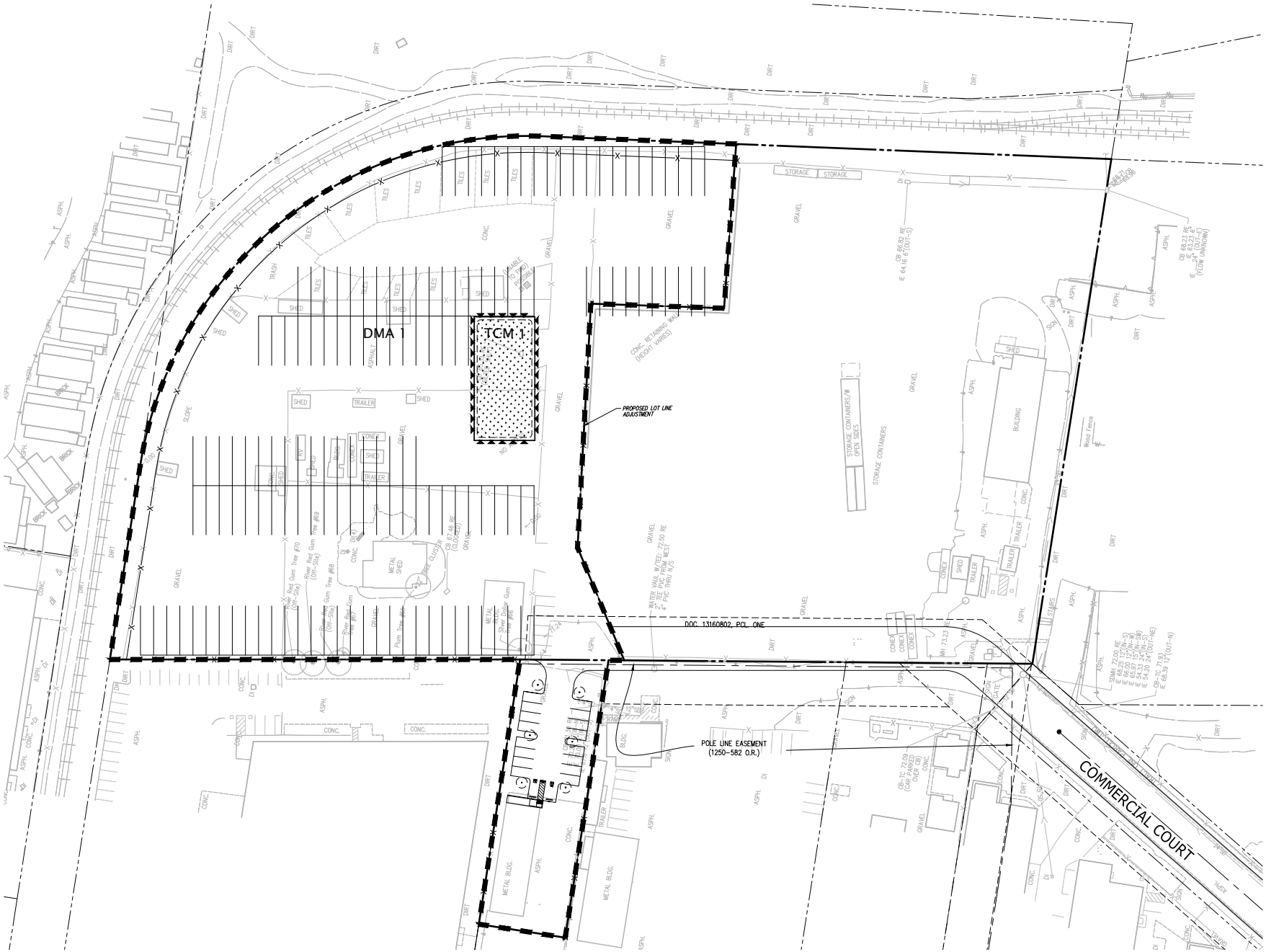

Source: Kier + Wright, 2023

Figure 3-2: Conceptual Vehicle Parking Plan

1055 Commercial Court
Focused Initial Study

Not to scale

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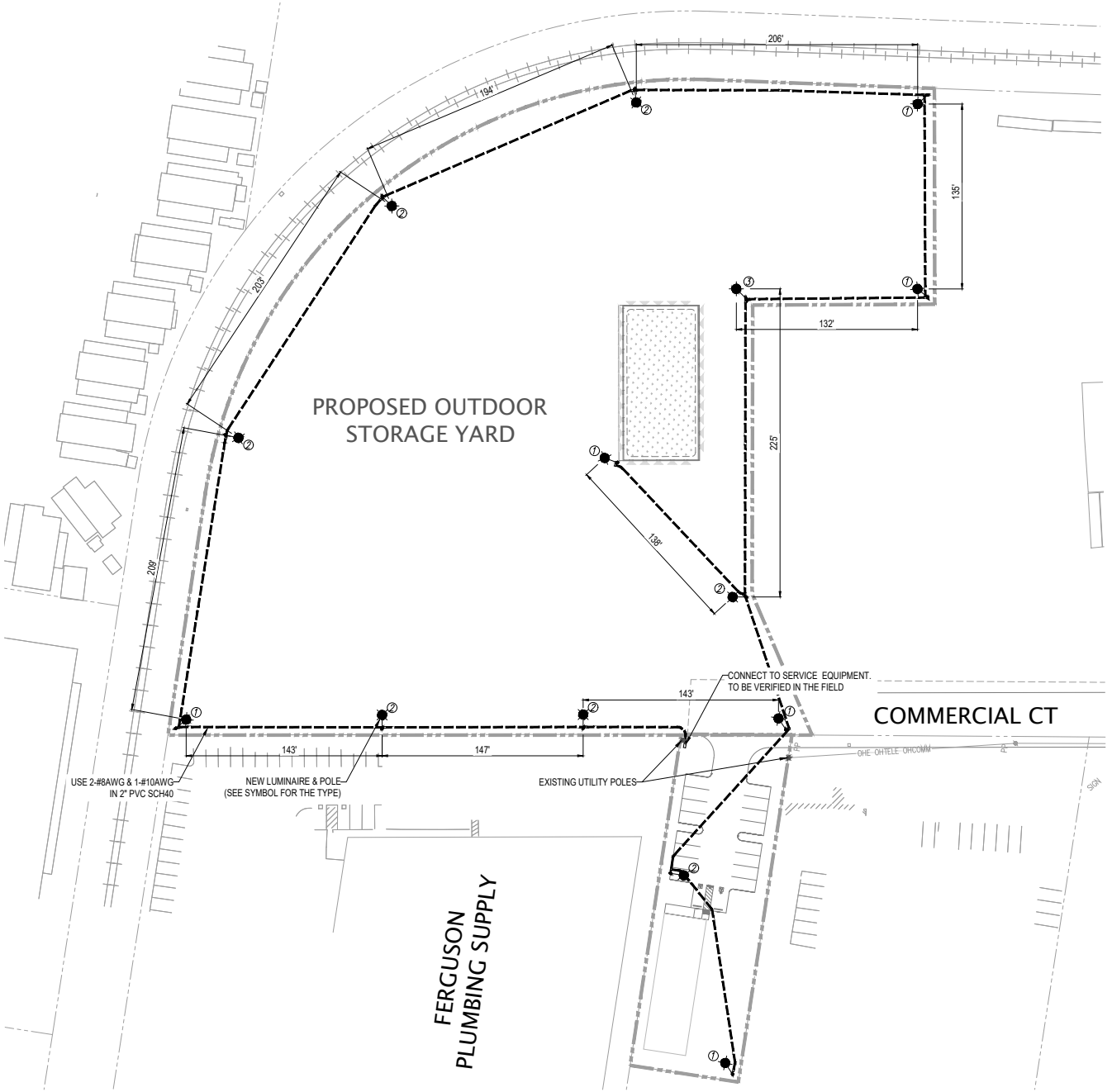

Source: Kier + Wright, 2023

Figure 3-3: Site Lighting Plan

1055 Commercial Court

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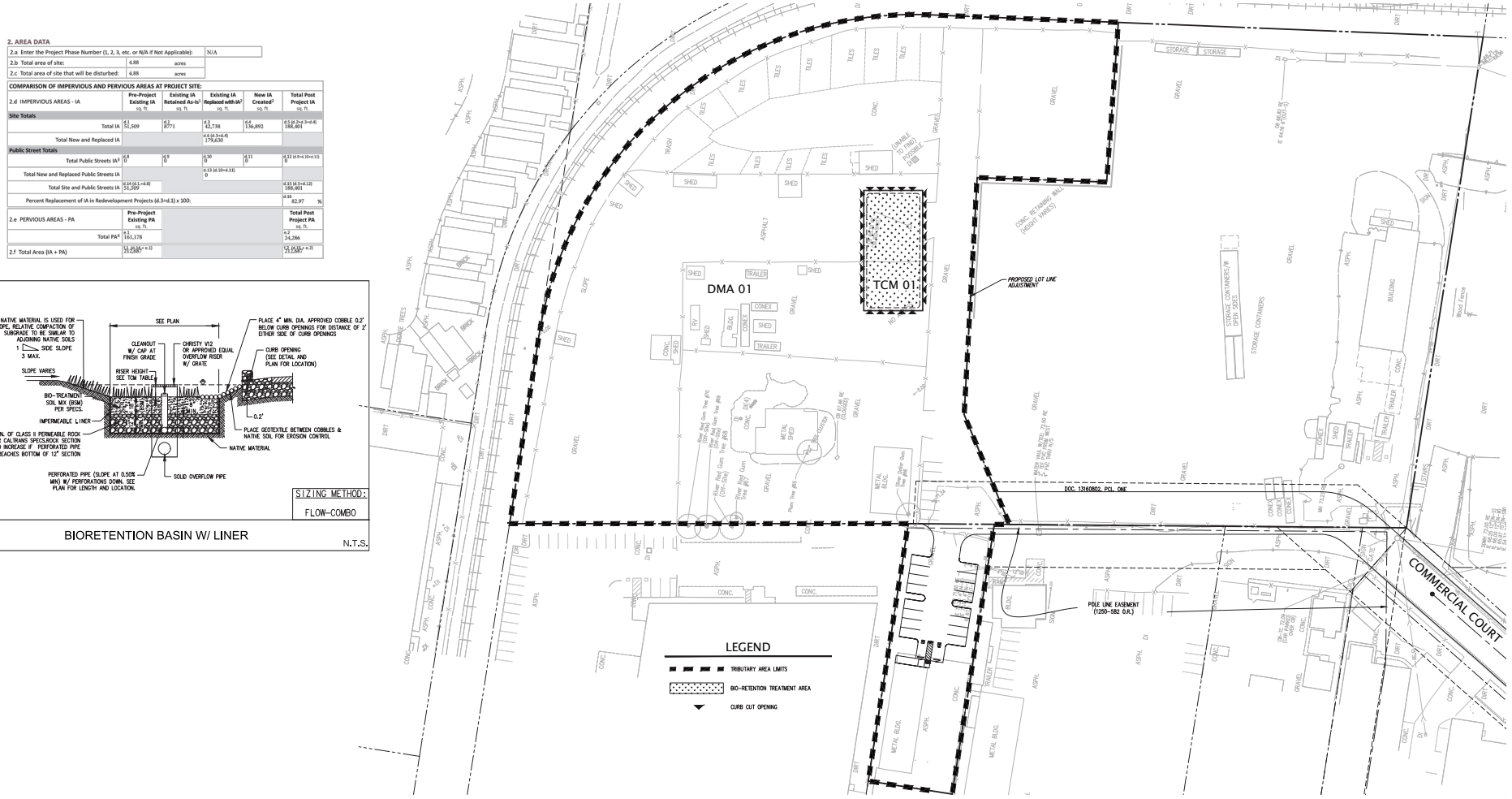

Source: Kier + Wright, 2023

Figure 3-4: Stormwater Plan
1055 Commercial Court
Focused Initial Study

Not to scale

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4.0 ENVIRONMENTAL ANALYSIS

Based on review of the project application, City staff has determined a Focused Initial Study is the appropriate approach to determine if a Negative Declaration or a Mitigated Negative Declaration should be processed for CEQA compliance. As such, this Focused Initial Study focuses on four main areas of study, as many of the issue areas will not have the potential for significant effects (i.e., "No Impact" or "Less than Significant Impact") due to the type and size of the proposed project. For all remaining topics in the CEQA Guidelines Environmental Checklist not anticipated to have a potential for significant effects, a condensed analysis has been provided.

The Initial Study will focus on the following environmental issue areas in Appendix G of the CEQA Guidelines Environmental Checklist: Air Quality/Health Risk Assessment; Biological Resources (conformance with riparian setback policy); Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; and Noise.

4.1 Aesthetics

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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?				X
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

The project site is located within an urbanized area and is surrounded by a combination of industrial and commercial uses, with Coyote Creek and residential uses to the north and northwest. The visual character of the project site and immediate surrounds is considered visually degraded by the storage and industrial users and car dismantling operation. The immediate area of the project site is screened from adjacent viewpoints by the corrugated metal fence. Public views of the site are limited to Commercial Court and limited locations along the Coyote Creek Trail.

Applicable Plans, Policies, and Regulations

City Council Outdoor Lighting 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 continued operation of the Lick Observatory by reducing light pollution and sky glow.

City of San Jose Municipal Code

The City of San José Municipal Code ("Municipal Code") includes several regulations associated with protection of the City's visual character and control of light and glare. Several sections of the Municipal Code include controls for lighting of signs and development adjacent to residential properties. These requirements call for exterior lighting to have no glare and lighting facilities to be reflected away from residential use so that there will be no glare. The City's Zoning Ordinance (Title 20 of the Municipal Code) includes design standards, maximum building height, and setback requirements.

Discussion

There are no identifiable scenic vistas in the area. The project site is not located along a State scenic highway or designated scenic corridor. The proposed project would be required to meet all setback and height requirements consistent with development regulations for the Heavy Industrial zone per Section 20.50.200 of the City Municipal Code.

The proposed project would remove all existing storage containers and other ancillary structures, resulting in a paved parking area that would not be visible to adjacent land uses. The parking area will include 14 30-foot light poles with luminaires. Several poles will be located approximately 60 feet from nearby residential (mobile home) property lines. This pole mounted lighting is expected to be visible from nearby residences at night; however, all lighting will be directed toward the center of the property and required to meet current City of San Jose standards (Public Works Standard Specifications and Details) for lighting direction, type and wattage. Compliance with City standards would serve to limit wattage and intensity to what is necessary and prevent the spill of lighting onto adjacent properties during nighttime hours.

The proposed project would also go through a design review process during the planning review and would be reviewed for consistency with the General Plan, San José Municipal Code, Citywide Design Standards and Guidelines, and related City Council Development policies such as Outdoor Lighting on Private Developments (Policy 4-3). Compliance with General Plan policies and existing regulations and adopted plans would avoid substantial impacts. For these reasons, impacts to aesthetics and visual resources would be less than significant.

4.2 Agriculture and Forestry Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

The proposed project site and surrounding areas are not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the State of California Important Farmland Map. In addition, the proposed project site is not currently zoned for forest land or agricultural use and is not under a Williamson Act contract. No designated agricultural or forest land is located within the project site. For these reasons, no impacts would occur to agricultural resources.

4.3 Air Quality

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?		X		
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			X	

The City of San José is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin. The project area's proximity to both the Pacific Ocean and the San Francisco Bay has a moderating influence on the climate. This portion of the Santa Clara Valley is bounded to the north by the San Francisco Bay and the Santa Cruz Mountains to the southwest and the Diablo Range to the east. The surrounding terrain greatly influences winds in the valley, resulting in a prevailing wind that follows along the valley's northwest-southwest axis.

Pollutants in the air can cause health problems, especially for children, the elderly, and people with heart or lung problems. Healthy adults may experience symptoms during periods of intense exercise. Pollutants can also cause damage to vegetation, animals, and property.

Sensitive populations are more susceptible to the effects of air pollution than the general population. Sensitive receptors in proximity to localized sources of toxics are of particular concern. Land uses considered sensitive receptors include residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes.

The project site is located approximately 2.5 miles north of downtown San José, in an urbanized area. Surrounding land uses consist of a mix of heavy industrial, business park, residential, and open space

(Coyote Creek). The nearest sensitive receptor is located approximately 65 feet northwest of the project site.

Applicable Plans, Policies, and Regulations

Ambient Air Quality Standards

The project is located within the San Francisco Bay Area Air Basin (SFBAAB). BAAQMD is the local agency authorized to regulate stationary air quality sources in the Bay Area. The federal Clean Air Act (CAA) and the California Clean Air Act (CCAA) mandate the control and reduction of specific air pollutants. Under these Acts, the U.S. Environmental Protection Agency (U.S. EPA) and the California Air Resources Board (CARB) have established ambient air quality standards for specific "criteria" pollutants, designed to protect public health and welfare. Primary criteria pollutants include carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NOx), particulate matter (PM10), sulfur dioxide (SO2), and lead (Pb). Secondary criteria pollutants include ozone (O3), and fine particulate matter.

CARB and the U.S. EPA establish ambient air quality standards for major pollutants at thresholds intended to protect public health. The standards for some pollutants are based on other values such as protection of crops or avoidance of nuisance conditions. **Table 4-1** summarizes the State California Ambient Air Quality Standards (CAAQS) and the National Ambient Air Quality Standards (NAAQS).

Table 4-1: State and Federal Ambient Air Quality Standards

Pollutant	Averaging Time	State Standards[1]		National Standards[2]	
		Concentration	Attainment Status	Concentration[3]	Attainment Status
Ozone (O_3)	8 Hour	0.070 ppm (137 µg/m³)	N[9]	0.070 ppm	N[4]
	1 Hour	0.09 ppm (180 µg/m³)	N	NA	N/A[5]
Carbon Monoxide (CO)	8 Hour	9.0 ppm (10 mg/m³)	A	9 ppm (10 mg/m³)	A[6]
	1 Hour	20 ppm (23 mg/m³)	A	35 ppm (40 mg/m³)	A
Nitrogen Dioxide (NO_2)	1 Hour	0.18 ppm (339 µg/m³)	A	0.100 ppm[11]	U
	Annual Arithmetic Mean	0.030 ppm (57 µg/m³)	-	0.053 ppm (100 µg/m³)	A
Sulfur Dioxide[12] (SO_2)	24 Hour	0.04 ppm (105 µg/m³)	A	0.14 ppm (365 µg/m³)	A
	1 Hour	0.25 ppm (655 µg/m³)	A	0.075 ppm (196 µg/m³)	A
	Annual Arithmetic Mean	NA	-	0.03 ppm (80 µg/m³)	A
Particulate Matter (PM_{10})	24-Hour	50 µg/m³	N	150 µg/m³	-U
	Annual Arithmetic Mean	20 µg/m³	N[7]	NA	-
Fine Particulate Matter ($PM_{2.5}$) [15]	24-Hour	NA	-	35 µg/m³	U/A
	Annual Arithmetic Mean	12 µg/m³	N[7]	12 µg/m³	N
Sulfates (SO_{4-2})	24 Hour	25 µg/m³	A	NA	-
Lead (Pb)[13, 14]	30-Day Average	1.5 µg/m³	-	NA	A
	Calendar Quarter	NA	-	1.5 µg/m³	A
	Rolling 3-Month Average	NA	-	0.15 µg/m³	-
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m³)	U	NA	-

Pollutant	Averaging Time	State Standards[1]		National Standards[2]	
		Concentration	Attainment Status	Concentration[3]	Attainment Status
(H_2S)					
Vinyl Chloride (C_2H_3Cl)	24 Hour	0.01 ppm (26 µg/m³)	-	NA	-
Visibility Reducing Particles[8]	8 Hour (10:00 to 18:00 PST)	-	U	-	-

A = attainment; N = nonattainment; U = unclassified; N/A = not applicable or no applicable standard; ppm = parts per million; µg/m³ = micrograms per cubic meter; mg/m³ = milligrams per cubic meter; – = not indicated or no information available.

1. California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, suspended particulate matter - PM_{10}, and visibility reducing particles are values that are not to be exceeded. The standards for sulfates, Lake Tahoe carbon monoxide, lead, hydrogen sulfide, and vinyl chloride are not to be equaled or exceeded. If the standard is for a 1-hour, 8-hour or 24-hour average (i.e., all standards except for lead and the PM_{10} annual standard), then some measurements may be excluded. In particular, measurements are excluded that CARB determines would occur less than once per year on the average. The Lake Tahoe CO standard is 6.0 ppm, a level one-half the national standard and two-thirds the state standard.
2. National standards shown are the "primary standards" designed to protect public health. National standards other than for ozone, particulates and those based on annual averages are not to be exceeded more than once a year. The 1-hour ozone standard is attained if, during the most recent three-year period, the average number of days per year with maximum hourly concentrations above the standard is equal to or less than one. The 8-hour ozone standard is attained when the 3-year average of the 4th highest daily concentrations is 0.070 ppm (70 ppb) or less. The 24-hour PM_{10} standard is attained when the 3-year average of the 99th percentile of monitored concentrations is less than 150 µg/m_3. The 24-hour $PM_{2.5}$ standard is attained when the 3-year average of 98th percentiles is less than 35 µg/m³.
   Except for the national particulate standards, annual standards are met if the annual average falls below the standard at every site. The national annual particulate standard for PM_{10} is met if the 3-year average falls below the standard at every site. The annual $PM_{2.5}$ standard is met if the 3-year average of annual averages spatially-averaged across officially designed clusters of sites falls below the standard.
3. National air quality standards are set by the EPA at levels determined to be protective of public health with an adequate margin of safety.
4. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm. An area will meet the standard if the fourth-highest maximum daily 8-hour ozone concentration per year, averaged over three years, is equal to or less than 0.070 ppm. EPA will make recommendations on attainment designations by October 1, 2016, and issue final designations October 1, 2017. Nonattainment areas will have until 2020 to late 2037 to meet the health standard, with attainment dates varying based on the ozone level in the area.
5. The national 1-hour ozone standard was revoked by U.S. EPA on June 15, 2005.
6. In April 1998, the Bay Area was redesignated to attainment for the national 8-hour carbon monoxide standard.
7 In June 2002, CARB established new annual standards for $PM_{2.5}$ and PM_{10}.
8 Statewide VRP Standard (except Lake Tahoe Air Basin): Particles in sufficient amount to produce an extinction coefficient of 0.23 per kilometer when the relative humidity is less than 70 percent. This standard is intended to limit the frequency and severity of visibility impairment due to regional haze and is equivalent to a 10-mile nominal visual range.
9. The 8-hour CA ozone standard was approved by the Air Resources Board on April 28, 2005 and became effective on May 17, 2006.
10. On January 9, 2013, EPA issued a final rule to determine that the Bay Area attains the 24-hour $PM_{2.5}$ national standard. This EPA rule suspends key SIP requirements as long as monitoring data continues to show that the Bay Area attains the standard. Despite this EPA action, the Bay Area will continue to be designated as "nonattainment" for the national 24-hour $PM_{2.5}$ standard until such time as the Air District submits a "redesignation request" and a "maintenance plan" to EPA, and EPA approves the proposed redesignation.
11. To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 0.100ppm (effective January 22, 2010). The US Environmental Protection Agency (EPA) expects to make a designation for the Bay Area by the end of 2017.
12. On June 2, 2010, the U.S. EPA established a new 1-hour SO_2 standard, effective August 23, 2010, which is based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. The existing 0.030 ppm annual and 0.14 ppm 24-hour SO_2 NAAQS however must continue to be used until one year following U.S. EPA initial designations of the new 1-hour SO_2 NAAQS.
13. CARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure below which there are no adverse health effects determined.
14. National lead standard, rolling 3-month average: final rule signed October 15, 2008. Final designations effective December 31, 2011.
15. In December 2012, EPA strengthened the annual $PM_{2.5}$ National Ambient Air Quality Standards (NAAQS) from 15.0 to 12.0 micrograms per cubic meter (µg/m³). In December 2014, EPA issued final area designations for the 2012 primary annual $PM_{2.5}$ NAAQS. Areas designated "unclassifiable/attainment" must continue to take steps to prevent their air quality from deteriorating to unhealthy levels. The effective date of this standard is April 15, 2015.

Source: Bay Area Air Quality Management District, *Air Quality Standards and Attainment Status*, 2017 http://www.baaqmd.gov/research-and-data/air-quality-standards-and-attainment-status.

CARB designates all areas within the State as either attainment (having air quality better than the CAAQS) or nonattainment (having a pollution concentration that exceeds the CAAQS more than once in three

years). The SFBAAB is currently designated as a nonattainment area for state and national standards for ozone and $PM_{2.5}$, and state standards for PM_{10}.

National Ambient Air Quality Standards

As required by the Clean Air Act, the NAAQS have been established for the six primary criteria pollutants: CO, NO_X, O_3, particulate matter (PM_{10} and $PM_{2.5}$), sulfur oxides, and lead. Pursuant to the California Clean Air Act, the state has also established the CAAQS, which are generally more stringent than the corresponding federal standards. The BAAQMD is primarily responsible for assuring that the national and state ambient air quality standards are attained and maintained in the San Francisco Bay Air Basin.

Santa Clara County, and the Bay Area as a whole, is classified as a nonattainment area for ozone, PM_{10}, and $PM_{2.5}$ under federal law. The County is either in attainment or unclassified for other pollutants.

- Ozone, often called photochemical smog, is classified as a secondary air pollutant, meaning it is not emitted directly into the air. It is created by the action of sunlight on ozone precursors, primarily reactive hydrocarbons and NO_X. The major sources of ozone precursors include combustion sources such as factories and automobiles and evaporation of solvents and fuels. The main public health concerns associated with ground level ozone pollution are eye irritation and impairment of respiratory functions.
- PM_{10} consists of solid and liquid particles of dust, soot, aerosols, and other matter which are less than 10 microns in diameter. Major sources of PM_{10} are combustion (including automobile engines – particularly diesel, fires, and factories) and dust from paved and unpaved roads. Public health concerns associated with PM_{10} include aggravation of chronic disease and heart/lung disease symptoms.
- $PM_{2.5}$, also known as Fine Particulate Matter, consists of the same type of matter as PM_{10}, but is less than 2.5 microns in diameter. The major source of $PM_{2.5}$ is combustion, but the particles can also be formed by chemical changes occurring in the air. $PM_{2.5}$ can cause respiratory problems and is of particular concern because the particles can penetrate deeper into the lungs.
- The region is required to adopt clean air plans on a triennial basis that show progress towards meeting the state ozone standard. The latest regional plan was adopted in April 2017. This plan includes a comprehensive strategy to reduce emissions from stationary, area, and mobile sources through the expeditious implementation of all feasible measures, including transportation control measures (TCMs) and programs such as "Spare the Air."[1]

Federal Clean Air Act

The Clean Air Act (CAA) of 1970 and the CAA Amendments of 1971 required the U.S. EPA to establish National Ambient Air Quality Standards (NAAQS), with states retaining the option to adopt more stringent standards or to include other specific pollutants. On April 2, 2007, the Supreme Court found that carbon dioxide is an air pollutant covered by the CAA; however, no NAAQS have been established for carbon dioxide.

These standards are the levels of air quality considered safe, with an adequate margin of safety, to protect the public health and welfare. They are designed to protect those "sensitive receptors" most susceptible to further respiratory distress such as asthmatics, the elderly, very young children and babies, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. Healthy

[1] http://www.sparetheair.org/ accessed October 27, 2023

adults can tolerate occasional exposure to air pollutant concentrations considerably above these minimum standards before adverse effects are observed.

The U.S. EPA has classified air basins (or portions thereof) as being in attainment, nonattainment, or unclassified for each criteria air pollutant, based on whether or not the NAAQS have been achieved. If an area is designated unclassified, it is because inadequate air quality data were available as a basis for a nonattainment or attainment designation.

National Emissions Standards for Hazardous Air Pollutants Program

Under federal law, 188 substances are listed as hazardous air pollutants (HAPs). Major sources of specific HAPs are subject to the requirements of the National Emissions Standards for Hazardous Air Pollutants (NESHAPS) program. The EPA is establishing regulatory schemes for specific source categories and requires implementation of Maximum Achievable Control Technologies (MACTs) for major sources of HAPs in each source category. State law has established the framework for California's Toxic air contaminant (TAC) identification and control program, which is generally more stringent than the federal program and is aimed at HAPs that are a problem in California. The state has formally identified 244 substances as TACs and is adopting appropriate control measures for each. Once adopted at the state level, each air district will be required to adopt a measure that is equally or more stringent.

California Air Toxics "Hot Spots" Information and Assessment Act (AB 2588)

The California Air Toxics "Hot Spots" Information and Assessment Act (Assembly Bill [AB] 2588) is a state-wide program enacted in 1987. AB 2588 requires facilities that exceed recommended OEHHA levels to reduce risks to acceptable levels.

Typically, land development projects generate diesel emissions from construction vehicles during the construction phase, as well as some diesel emissions from small trucks during the operational phase. Diesel exhaust is mainly composed of particulate matter and gases, which contain potential cancer-causing substances. Emissions from diesel engines currently include over 40 substances that are listed by EPA as hazardous air pollutants and by CARB as toxic air contaminants. On August 27, 1998, CARB identified particulate matter in diesel exhaust as a TAC, based on data linking diesel particulate emissions to increased risks of lung cancer and respiratory disease.

In September 2000, CARB adopted a comprehensive diesel risk reduction plan to reduce emissions from both new and existing diesel-fueled engines and vehicles. The goal of the plan is to reduce diesel PM emissions and the associated health risk by 75 percent in 2010 and by 85 percent by 2020. As part of this plan, CARB identified Airborne Toxic Control Measures (ATCM) for mobile and stationary emissions sources. Each ATCM is codified in the California Code of Regulations, including the ATCM to limit diesel-fueled commercial motor vehicle idling, which puts limits on idling time for large diesel engines (13 CCR Chapter 10 Section 2485).

California Clean Air Act

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. CARB, a part of the California Environmental Protection Agency, is responsible for the coordination and administration of both federal and state air pollution control programs within California, including setting the California ambient air quality standards. CARB also conducts research, compiles emission inventories, develops suggested control measures, and provides oversight of local programs. CARB establishes emissions standards for motor vehicles sold in

California, consumer products (such as hairspray, aerosol paints, and barbecue lighter fluid), and various types of commercial equipment. It also sets fuel specifications to further reduce vehicular emissions. CARB also has primary responsibility for the development of California's State Implementation Plan (SIP), for which it works closely with the federal government and the local air districts.

In addition to standards set for the six criteria pollutants, the State has set standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility reducing particles. These standards are designed to protect the health and welfare of the populace with a reasonable margin of safety. Further, in addition to primary and secondary ambient air quality standards, the State has established a set of episode criteria for ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and particulate matter. These criteria refer to episode levels representing periods of short-term exposure to air pollutants that actually threaten public health.

California State Implementation Plan

The federal Clean Air Act (and its subsequent amendments) requires each state to prepare an air quality control plan referred to as the SIP. The SIP is a living document that is periodically modified to reflect the latest emissions inventories, plans, and rules and regulations of air basins as reported by the agencies with jurisdiction over them. The CAA Amendments dictate that states containing areas violating the national ambient air quality standards revise their SIPs to include extra control measures to reduce air pollution. The SIP includes strategies and control measures to attain the NAAQS by deadlines established by the Clean Air Act. The U.S. EPA has the responsibility to review all State Implementation Plans to determine if they conform to the requirements of the CAA.

State law makes CARB the lead agency for all purposes related to the SIP. Local air districts and other agencies prepare SIP elements and submit them to CARB for review and approval. CARB then forwards SIP revisions to the EPA for approval and publication in the Federal Register. As discussed in **Appendix A: Air Quality and Greenhouse Gas Emissions Assessment**, the BAAQMD Final 2017 Clean Air Plan (Clean Air Plan) is the SIP for the Basin.

Statewide Truck and Bus Regulations

CARB adopted the Truck and Bus Regulation in 2008 to focus its efforts on reducing emissions of DPM, NOX, and other criteria pollutants from diesel-fueled vehicles. This regulation applies to any diesel-fueled vehicle as well as any dual-fuel or alternative-fuel diesel vehicle that travels on public highways; yard trucks with on-road engines; yard trucks with off-road engines used for agricultural operations; school buses; and vehicles with a gross vehicle weight rating (GVWR) of more than 14,000 pounds. The purpose of the regulation is to require trucks and buses registered in the state to have 2010 or newer engines by 2023. Compliance schedules have been established for lighter vehicles (GVWR of 14,000–26,000 pounds) and heavier vehicles (GVWR of more than 26,001 pounds).[2] As of January 1, 2020, only vehicles that met the requirements of the Trucks and Bus Regulation were allowed to register with the California Department of Motor Vehicles.

Air Toxic Control Measure

In 2004, CARB developed multiple measures under its Air Toxic Control Measure (ATCM) to address specific mobile- and stationary-source issues that have an impact on public health. The ATCMs focused on reducing the public's exposure to DPM and TAC emissions. The "Limit Diesel-Fueled Commercial Motor Vehicle Idling" ATCM required drivers of heavy-duty trucks with a GVWR of more than 10,000 pounds to

[2] California Air Resources Board, *CARB Truck Rule Compliance Required for DMV Registration*, 2020.

not idle the primary engine for more than 5 minutes at any given time or operate an auxiliary power system for more than 5 minutes within 100 feet of a restricted area.[3] In addition, CARB set operating requirements for new emergency standby engines (i.e., diesel-fueled compression-ignition engines of less than 50 brake horsepower). Specifically, new engines shall not operate more than 50 hours per year for maintenance and testing purposes. This does not limit engine operation for emergency use or emission testing required to show compliance with ATCM Section 93115.6(a)(3).

Toxic Air Contaminant Regulation

California regulates TACs primarily through the Toxic Air Contaminant Identification and Control Act (Tanner Act) and the Air Toxics "Hot Spots" Information and Assessment Act of 1987 ('Hot Spots' Act). In the early 1980s, CARB established a statewide comprehensive air toxics program to reduce exposure to air toxics. The Tanner Act created California's program to reduce the public's exposure to air toxics. The "Hot Spots" Act supplements the Tanner Act by requiring a statewide air toxics inventory, notification for people who were exposed to a significant health risk, and facility plans to reduce risks. In August 1998, CARB identified DPM from diesel-fueled engines as a TAC. In September 2000, CARB approved a comprehensive Diesel Risk Reduction Plan to reduce emissions from both new and existing diesel-fueled engines and vehicles. As discussed previously, implementation of ATCMs helped reduce statewide DPM concentrations substantially. CARB plans to continue its efforts to reduce DPM emissions and estimates that, by 2035, DPM emissions will be less than half of what they were in 2010.[4]

Off-Road Diesel Vehicle Regulation

Off-road vehicles include, but are not limited to, diesel compression-ignition equipment; spark-ignition gasoline and liquified petroleum gas equipment; support equipment at ports, airports, and railways; and marine vehicles. In 2007, CARB aimed to reduce emissions of DPM, NOX, and other criteria pollutants from off-road diesel-fueled equipment with adoption of the In-Use Off-Road Diesel-Fueled Fleets Regulation (Off-Road Regulation). The Off-Road Regulation applies to all diesel-fueled equipment or alternative-fuel diesel equipment with a compression-ignition engine greater than 25 horsepower (e.g., tractors, bulldozers, backhoes) as well as dual-fuel equipment. The regulation also applies to all equipment that is rented or leased.[5] The purpose of the regulation is to reduce emissions by retiring, repowering, or replacing older, dirtier engines with newer, cleaner engines. The regulation established a compliance schedule for owners of small, medium, and large fleets. The schedule for large and medium fleets requires full implementation by 2023; small fleets have until 2028.[6]

Bay Area Air Quality Management District

BAAQMD seeks to attain and maintain air quality conditions in the SFBAAB through a comprehensive program of planning, regulation, enforcement, technical innovation, and education. Its clean air strategy includes the preparation of plans for the attainment of ambient air quality standards, adoption and enforcement of rules and regulations, and issuance of permits for stationary sources. BAAQMD also

[3] California Air Resources Board, *Final Regulation Order, Regulation for In-Use Off-Road Diesel Vehicles*, 2005.
[4] California Air Resources Board, *Overview: Diesel Exhaust and Health*, 2021.
[5] California Air Resources Board, Fi*nal Regulation Order, Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling*, 2008.
[6] Ibid.

inspects stationary sources and responds to citizen complaints, monitors ambient air quality and meteorological conditions, and implements programs and regulations, as required by law.

2017 Bay Area Clean Air Plan

The 2017 Bay Area Clean Air Plan (Clean Air Plan) guides the region's air quality planning efforts to attain the CAAQS.[7] The current plan, adopted on April 19, 2017, by the BAAQMD Board of Directors, contains district-wide control measures to reduce O3 precursor emissions (e.g., ROGs and NOX), particulate matter, and greenhouse gas (GHG) emissions. Specifically, the Clean Air Plan:

- Describes the BAAQMD plan for attaining all state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities;
- Defines a vision for transitioning the region to the post-carbon economy needed to achieve ambitious GHG reduction targets for 2030 and 2050;
- Provides a regional climate protection strategy that will put the Bay Area on a pathway to achieving GHG reduction targets; and
- Includes a wide range of control measures to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, O3, and TACs; reduce emissions of methane and other GHGs with high global warming potential that are potent climate pollutants in the near term; and decrease emissions of CO by reducing fossil fuel combustion.

BAAQMD CARE Program

The Community Air Risk Evaluation (CARE) program was initiated in 2004 to evaluate and reduce health risks associated with exposures to outdoor TACs in the Bay Area. The program examines TAC emissions from point sources, area sources, and on-road and off-road mobile sources, with an emphasis on diesel exhaust, which is a major contributor to airborne health risks in California. The CARE program is an ongoing program that encourages community involvement and input. The technical analysis portion of the CARE program is being implemented in three phases: an assessment of the sources of TAC emissions, modeling and measurement programs to estimate concentrations of TACs, and an assessment of exposures and health risks. Throughout the program, information derived from the technical analyses will be used to focus emission reduction measures in areas with high TAC exposures and a high density of sensitive populations. Risk reduction activities associated with the CARE program are focused on the most at-risk communities in the Bay Area.

For commercial and industrial sources, BAAQMD regulates TACs using a risk-based approach. This approach uses an HRA to determine what sources and pollutants to control as well as the degree of control. An HRA is an analysis in which human health exposure to toxic substances is estimated and considered together with information regarding the toxic potency of the substances in order to provide a quantitative estimate of health risks.[8] As part of ongoing efforts to identify and assess potential health risks to the public, BAAQMD has collected and compiled air toxics emissions data from industrial and

[7] Bay Area Air Quality Management District, *Final 2017 Clean Air Plan*, 2017.
[8] In general, a health risk assessment is required if BAAQMD concludes that projected emissions of a specific air toxic compound from a proposed new or modified source suggests a potential public health risk. Such an assessment generally evaluates chronic, long-term effects, including the increased risk of cancer as a result of exposure to one or more TACs.

commercial sources of air pollution throughout the Bay Area. BAAQMD has identified seven affected communities, including San Jose.[9]

BAAQMD CEQA Air Guidelines

The BAAQMD CEQA Air Quality Guidelines were prepared to assist in the evaluation of the air quality impacts of projects and plans proposed within the Bay Area. The guidelines provide recommended procedures for evaluating potential air impacts during the environmental review process, consistent with CEQA requirements, and include recommended thresholds of significance, mitigation measures, and background air quality information. They also include recommended assessment methodologies for air toxics, odors, and GHG emissions. In June 2010, BAAQMD adopted updated CEQA Air Quality Guidelines and finalized them in May 2011. The guidelines, which superseded the previously adopted agency air quality guidelines of 1999, were intended to advise lead agencies on how to evaluate potential air quality impacts. BAAQMD most recently updated its CEQA Air Quality Guidelines in April 2022. The 2022 CEQA Air Quality Guidelines included thresholds for evaluating a project's impact on air quality.

Climate Smart San José

Approved by the City Council in February 2018, Climate Smart San José utilizes a people-focused approach, encouraging the entire San José community to join an ambitious campaign to reduce greenhouse gas emissions, save water and improve quality of life. The adoption of Climate Smart San José made San José one of the first U.S. cities to chart a path to achieving the greenhouse gas emissions reductions contained in the international Paris Agreement on climate change. Climate Smart San José focuses on three areas: energy, mobility, and water. Climate Smart San José encompasses nine overarching strategies:

- Transition to a renewable energy future
- Embrace our California climate
- Densify our city to accommodate our future neighbors
- Make homes efficient and affordable for families
- Create clean, personalized mobility choices
- Develop integrated, accessible public transport infrastructure
- Create local jobs in our city to reduce vehicle miles traveled
- Improve our commercial building stock
- Make commercial goods movement clean and efficient

City of San José General Plan

The City's General Plan includes the following air quality policies applicable to the project:

Policy MS-10.1: Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.

[9] The affected communities are Richmond/San Pablo; eastern San Francisco, including Treasure Island; San José; western Alameda County; Concord, Vallejo; and Pittsburg/Antioch. See Bay Area Air Quality Management District, *Identifying Areas with Cumulative Impacts from Air Pollution in the San Francisco Bay Area*, 2015.

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-10.4: Encourage effective regulation of mobile and stationary sources of air pollution, both inside and outside of San José. In particular, support Federal and State regulations to improve automobile emission controls.

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

Policy MS-11.2: For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.

Policy MS-11.4: Encourage the installation of appropriate air filtration at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources.

Policy MS-11.6: Develop and adopt a comprehensive Community Risk Reduction Plan that includes: baseline inventory of toxic air contaminants (TACs) and particulate matter smaller than 2.5 microns (PM2.5), emissions from all sources, emissions reduction targets, and enforceable emission reduction strategies and performance measures. The Community Risk Reduction Plan will include enforcement and monitoring tools to ensure regular review of progress toward the emission reduction targets, progress reporting to the public and responsible agencies, and periodic updates of the plan, as appropriate.

Policy MS-11.7: Consult with BAAQMD to identify stationary and mobile TAC sources and determine the need for and requirements of a health risk assessment for proposed developments.

Policy MS-11.8: For new projects that generate truck traffic, require signage which reminds drivers that the State truck idling law limits truck idling to five minutes.

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-13.3: Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

Action 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.

Action 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.

Sensitive Receptors

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 the chronically ill are likely to be located. These facilities may include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, and people with illnesses.

Construction TAC and $PM_{2.5}$ Health Risks

Toxic air contaminants (TACs) are airborne substances that can cause short-term (acute) or long-term (chronic or carcinogenic, i.e., cancer causing) adverse human health effects (i.e., injury or illness). TACs include both organic and inorganic chemical substances. They may be emitted from a variety of common sources including gasoline stations, automobiles, dry cleaners, industrial operations, and painting operations. The current California list of TACs includes more than 200 compounds, including particulate emissions from diesel-fueled engines.

Construction equipment and associated heavy-duty truck traffic generate diesel exhaust, which is a known TAC. Diesel exhaust from construction equipment operating at the site poses a health risk to nearby sensitive receptors.

Under the BAAQMD Air Quality Guidelines (as shown in **Appendix B Health Risk Assessment**), an incremental cancer risk of greater than 10 cases per million for a 70-year exposure duration at the Maximally Exposed Individual or MEI will result in a significant impact. The 10 in 1 million threshold is based on the latest scientific data, and is designed to protect the most sensitive individuals in the population as each chemical's exposure level includes large margins of safety. In addition to this carcinogen threshold, OEHHA recommends that the non-carcinogenic hazards for TACs at ground level should not exceed a chronic hazard index of greater than one.

Discussion

a) Conflict with or obstruct implementation of the applicable air quality plan?

The project site is located in the San Francisco Bay Area Air Basin (Basin) which includes all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties, the southern portion of Sonoma County, and the southwestern portion of Solano County. The Bay Area Air Quality Management District (BAAQMD) and the California Air Resources Board (CARB) monitor air quality within the Basin. Air quality plans describe air pollution control strategies and measures to be implemented by a city, county, region, and/or air district. The primary purpose of an air quality plan is to bring an area that does not attain federal and State air quality standards into compliance with the requirements of the federal Clean Air Act and California Clean Air Act. In addition, air quality plans are developed to ensure that an area maintains a healthful level of air quality based on the National Ambient Air Quality Standards (NAAQS) and the California Ambient Air Quality Standards (CAAQS). The Air Quality Management Plan (AQMP) is

prepared by the BAAQMD. The AQMP provides policies and control measures that reduce emissions to attain both State and federal ambient air quality standards.

The most recently adopted plan, the Clean Air Plan, in the Basin outlines how the San Francisco area would attain air quality standards, reduce population exposure and protect public health, and reduce GHG emissions. The Clean Air Plan assumptions for projected air emissions and pollutants in the City of San José are based on the General Plan Land Use Designation Map which designates the project site use as "Heavy Industrial"; the project site is zoned "Heavy Industrial." The HI Zoning District allows for commercial vehicle storage and maintenance lot. Thus, the project is consistent with the General Plan land use designation and would not increase the regional population growth or cause changes in vehicle traffic that would obstruct implementation of the Clean Air Plan in the Basin.

As described below, construction and operational air quality emissions generated by the project would not exceed the BAAQMD's emissions thresholds with the implementation of mitigation. Since the project would not exceed these thresholds, the project would not be considered by the BAAQMD to be a cumulatively considerable emitter of criteria air pollutants, and would not contribute to any non-attainment areas in the Basin.

The proposed project would have approximately 12 employees. The Association of Bay Area Governments (ABAG) predicts that job opportunities in the City of San José will grow from 387,510 in 2010 to 554,875 by 2040. The project is consistent with the City General Plan, therefore the 12 jobs would be within the ABAG growth projections for the City of (approximately 554,875 jobs by 2040) and would not exceed the ABAG growth projections for the City. As identified in the General Plan FEIR, the City currently has an existing ratio of jobs per resident of 0.8. The General Plan FEIR identified that at full buildout of the General Plan, this ratio would increase to 1.3 jobs per resident. Because the project is consistent with planned land uses for the project site, the project would not exceed the level of population or housing in regional planning efforts and would be consistent with ABAG's projections for the City and with the City's General Plan.

A project would be consistent with the 2017 Clean Air Plan[10] if it would not exceed the growth assumptions in the plan. The primary method of determining consistency with the 2017 Clean Air Plan growth assumptions is consistency with the General Plan land use designations and zoning designations for the site. It should be noted that the Clean Air Plan does not make a specific assumption for development on the site, but bases assumptions on growth in population, travel, and business, based on socioeconomic forecasts. As noted above, the project would not exceed the growth assumptions in the General Plan. Therefore, the growth assumptions in the Clean Air Plan would not be exceeded.

Given that approval of a project would not result in significant and unavoidable air quality impacts after the application of all feasible mitigation, the project is considered consistent with the 2017 Clean Air Plan. In addition, projects are considered consistent with the 2017 Clean Air Plan if they incorporate all applicable and feasible control measures from the 2017 Clean Air Plan and would not disrupt or hinder implementation of any 2017 Clean Air Plan control measures.

[10] Bay Area Air Quality Management District, *Spare the Air - Cool the Climate: A Blueprint for Clean Air and Climate Protection in the Bay Area, Final 2017 Clean Air Plan*, 2017.

The project is consistent with the 2017 Clean Air Plan policies that are applicable to the project site. As discussed in Table 4-2, the project would comply with City, State, and regional requirements.

Table 4-2: Project Consistency with Applicable Clean Air Plan Control Measures

Control Measure	Project Consistency
Stationary Source Control Measures	
SS21: New Source Review of Toxic Air Contaminants	**Consistent**. The project would not include uses that would generate new sources of TAC that would significantly impact nearby sensitive receptors.
SS25: Coatings, Solvents, Lubricants, Sealants and Adhesives	**Consistent**. The project would comply with Regulation 8, Rule 3: Architectural Coatings, which would dictate the ROG content of paint available for use during construction (also required per City of San José Environmental Standard Conditions).
SS26: Surface Prep and Cleaning Solvent	
SS29: Asphaltic Concrete	**Consistent**. Paving activities associated with the project would be required to utilize asphalt that does not exceed the BAAQMD emission standards in Regulation 8, Rule 15.
SS31: General Particulate Matter Emissions Limitation	**Consistent**. This control measure is implemented by the BAAQMD through Regulation 6, Rule 1. This Rule Limits the quantity of particulate matter in the atmosphere by controlling emission rates, concentration, visible emissions and opacity. The project would be required to comply with applicable BAAQMD rules.
SS32: Emergency Back-up Generators	**Consistent**. Use of back-up generators by the project is currently not anticipated. However, if emergency generators were to be installed, they would be required to meet the BAAQMD's emissions standards for back-up generators.
SS34: Wood Smoke	**Consistent**. The project would comply with the BAAQMD Regulation 6, Rule 3 and prohibit the construction of wood burning appliances/ fireplaces.
SS36: Particulate Matter from Trackout	**Consistent**. Mud and dirt that may be tracked out onto the nearby public roads during construction activities would be removed promptly by the contractor based on the BAAQMD's requirements.
SS37: Particulate Matter from Asphalt Operations	**Consistent**. Paving activities associated with the project would be required to utilize best management practices to minimize the particulate matter created from the transport and application of road asphalt. There would be no roofing asphalt.
SS38: Fugitive Dust	**Consistent**. Material stockpiling and track out during grading activities as well as smoke and fumes from paving and roofing asphalt operations would be required to utilize best management practices, such as watering exposed surfaces twice a day, covering haul trucks, keeping vehicle speeds on unpaved roads under 15 mph, to minimize the creation of fugitive dust. See City of San José Environmental Standard Conditions for a more detailed list.
SS40: Odors	**Consistent**. The project is a commercial vehicle storage lot development and is not anticipated to generate odors. The project would comply with the BAAQMD Regulation 7 to strengthen odor standards and enhance enforceability.
Transportation Control Measures	
TR2: Trip Reduction Programs	

Control Measure	Project Consistency
TR8: Ridesharing and Last-Mile Connections	**Not Applicable**. The project is a commercial vehicle storage lot that would only require approximately 108 commercial vehicle trips per day for storage. Estimated 10-12 employees does not warrant employee-based TDM measures.
TR9: Bicycle and Pedestrian Access Facilities	**Consistent**. The project is a commercial vehicle storage lot. The project would include the minimum required bicycle facilities as required by Section 20.90.060 of the San José Municipal Code.
TR10: Land Use Strategies	**Not Applicable**. This measure is a BAAQMD funding tool to support implementation of Plan Bay Area and maintain and disseminate information on current climate action plans (CAPs) and other local best practices and collaborate with regional partners to identify innovative funding mechanisms to help local governments address air quality and climate change in their general plans. The project would not conflict with implementation of this measure.
TR13: Parking Policies	**Not applicable**. This measure is aimed at local jurisdictions and encourages policies that reduce parking. The City recently adopted new parking standards that do not include parking minimums. The proposed project is a commercial vehicle storage lot that would remain consistent with San José Parking Policies.
TR22: Construction, Freight and Farming Equipment	**Consistent**. The project would comply through implementation of the BAAQMD standard condition, which requires construction equipment to be properly maintained.
Energy and Climate Control Measures	
EN1: Decarbonize Electricity Generation	**Not Applicable**. The project is an uncovered commercial vehicle storage lot with minimal energy requirements
EN2: Decrease Electricity Demand	
Buildings Control Measures	
BL1: Green Buildings	**Not Applicable.** The project is an uncovered commercial vehicle storage lot. There are no new proposed buildings on-site.
BL2: Decarbonize Buildings	
Natural and Working Lands Control Measures	
NW2: Urban Tree Planting	**Consistent**. The project site is a commercial vehicle storage lot that would meet the tree planting requirements for the City.
Waste Management Control Measures	
WA1: Landfills	**Not Applicable.** The project site is a commercial vehicle storage lot and would not generate a substantial amount of waste.
WA3: Green Waste Diversion	
WA4: Recycling and Waste Reduction	
Water Control Measures	
WR2: Support Water Conservation	**Not Applicable**. The project site is a commercial vehicle storage lot and would not use a substantial amount of water.
Source: BAAQMD, *2017 Clean Air Plan*, 2017.	

Compliance with General Plan Policies and applicable State and local law would reduce air quality impacts to a less than significant level. No additional site-specific mitigation measures are required.

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?

Construction Emissions

Project construction activities would generate short-term emissions of criteria air pollutants. The criteria pollutants of primary concern within the project area include ozone (O_3)-precursor pollutants (i.e., reactive organic gases [ROG] and nitrogen oxides [NO_X]) and particulate matter 10 microns in size or less (PM_{10}) and particulate matter 2.5 microns in size or less ($PM_{2.5}$). Construction-generated emissions are short term and temporary, lasting only while construction activities occur, but would be considered a significant air quality impact if the volume of pollutants generated exceeds the BAAQMD's thresholds of significance.

Construction results in the temporary generation of emissions during site preparation, site grading, road paving, motor vehicle exhaust associated with construction equipment and worker trips, and the movement of construction equipment, especially on unpaved surfaces. Emissions of airborne particulate matter are largely dependent on the amount of ground disturbance associated with site preparation activities, as well as weather conditions and the appropriate application of water.

The duration of construction activities associated with the project are estimated to last approximately five months. The project's construction-related emissions were calculated using the BAAQMD-approved California Emissions Estimator Model (CalEEMod) computer program, which is designed to model emissions for land use development projects, based on typical construction requirements. Project demolition, site preparation, and grading coating are anticipated to begin in winter 2024. Paving and architectural coating was modeled to be completed in mid-2025. The project would demolish existing storage buildings and sheds, and add paving to the property. The project would not result in any new building construction. Architectural coating would begin winter 2024 and end mid-2025. The exact construction timeline is unknown. However, to be conservative, earlier dates and a realistic (5-month) construction schedule were utilized in the modeling. This approach is conservative given that emissions factors decrease in future years due to regulatory and technological improvements and fleet turnover. See **Appendix A** for additional information regarding the construction assumptions used in this analysis. **Table 4-3: Maximum Daily Construction Emissions (lbs/day)** displays the maximum daily emissions in pounds per day that are expected to be generated from the construction of the proposed project with the implementation of Mitigation Measure (MM) HRA-1 in comparison to the daily thresholds established by the BAAQMD.

Table 4-3: Maximum Daily Construction Emissions (lbs/day)

Construction Year	Pollutant (maximum pounds per day)[1]					
	Reactive Organic Gases (ROG)	Nitrogen Oxide (NO_x)	Exhaust		Fugitive Dust	
			Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)	Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)
Unmitigated						
2024	4.21	36.01	1.60	1.47	7.34	3.49
Mitigated						
2024	3.46	2.77	0.10	0.10	7.34	3.49
BAAQMD Significance Threshold [2, 3]	*54*	*54*	*82*	*54*	*BMPs*	*BMPs*
Exceed BAAQMD Threshold?	**No**	**No**	**No**	**No**	**N/A**	**N/A**

1. Emissions were calculated using CalEEMod. Mitigated modeling includes the implementation of Tier 4 equipment. Modeling does not include compliance with the BAAQMD's Basic Construction Mitigation Measures Recommended for All Projects. These measures include the following: water exposed surfaces two times daily; cover haul trucks; clean track outs with wet powered vacuum street sweepers; limit speeds on unpaved roads to 15 miles per hour; complete paving as soon as possible after grading; limit idle times to 5 minutes; properly maintain mobile and other construction equipment; and post a publicly visible sign with contact information to register dust complaints and take corrective action within 48 hours.
2. BAAQMD, CEQA Guidelines, updated May 2022.
3. BMPs = Best Management Practices. The BAAQMD recommends the implementation of all Basic Construction Mitigation Measures, whether or not construction-related emissions exceed applicable significance thresholds. Implementation of the City's Standard Permit Conditions would include the Basic Construction Mitigation measures which would mitigate fugitive dust emissions to be less than significant.

Source: Refer to the CalEEMod outputs provided in Appendix A, *Air Quality Greenhouse Gas Assessment*.

Fugitive Dust Emissions. Fugitive dust emissions are associated with land clearing, ground excavation, cut-and-fill operations, demolition, and truck travel on unpaved roadways. Dust emissions also vary substantially from day to day, depending on the level of activity, the specific operations, and weather conditions. Fugitive dust emissions may have a substantial, temporary impact on local air quality. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. The BAAQMD does not have quantitative thresholds for fugitive dust. The BAAQMD instead recommends the implementation of all Basic Construction Control Measures, whether or not construction-related emissions exceed applicable significance. The project would implement the San José Standard Permit Conditions, which include the BAAQMD's Basic Construction Control Measures, to control dust at the project site during all phases of construction. These Standard Permit Conditions would be incorporated as conditions of approval and the City would verify that these measures are incorporated on applicable plans and specifications prior to grading permit issuance. Implementation of the City's Standard Permit Conditions ensure that fugitive dust emissions would be less than significant.

Standard Permit Condition

These measures would be placed on the project plan documents prior to the issuance of any grading permits for the proposed project.

i. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) at least twice daily.

ii. Cover all haul trucks transporting soil, sand, and other loose materials off-site.

iii. Remove all 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. Suspend all excavation, grading, and/or demolition activities when average wind speeds exceed 20 mph.

ix. Wash off all trucks and equipment, including their tires, prior to leaving the site.

x. Treat unpaved roads providing access to sites located 100 feet or further from a paved road with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel. Minimize idling times either by shutting off equipment when not in use, or reducing the maximum idling time to 2 minutes (A 5-minute limit is required by the state airborne toxics control measure [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations)). Provide clear signage for construction workers at all access points.

xi. All construction equipment shall be maintained and properly tuned 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. The on-site construction coordinator shall respond and take corrective action within 48 hours. The sign shall also provide the City's Code Enforcement Complaints email and number and the Air District's General Air Pollution Complaints number to ensure compliance with applicable regulations.

Construction Equipment and Worker Vehicle Exhaust. Exhaust emission factors for heavy construction equipment are based on the CalEEMod program defaults. Variables factored into estimating the total construction emissions include: level of activity, length of construction period, number of pieces/types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported onsite or offsite. Exhaust emissions from construction activities include emissions associated with the transport of machinery and supplies to and from the project site, emissions produced on site as the equipment is used, and emissions from trucks transporting materials and workers to and from the site. Emitted pollutants would include ROG, NO_x, PM_{10}, and $PM_{2.5}$. The City's Standard Permit Conditions would be implemented, whether or not construction-related emissions exceed applicable significance thresholds. See the above listed Standard Permit Conditions. As detailed in **Table 4-3**, project construction emissions would not exceed the BAAQMD thresholds and construction emissions would not result in a potentially significant impact. Therefore, construction air quality impacts would be less than significant.

ROG Emissions. In addition to gaseous and particulate emissions, the application of asphalt and surface coatings creates ROG emissions, which are O_3 precursors. In accordance with the methodology prescribed by the BAAQMD, the ROG emissions associated with paving have been quantified with CalEEMod. The highest concentration of ROG emissions would be generated from architectural coating beginning in

summer 2024 and lasting approximately one month. This phase includes the striping of all paved parking areas and driveways. Paints would be required to comply with the BAAQMD Regulation 8, Rule 3: Architectural Coating. Regulation 8, Rule 3 provides specifications on painting practices and regulates the ROG content of paint.

Summary. As shown in **Table 4-3**, all criteria pollutant emissions would remain below their respective thresholds. The BAAQMD considers fugitive dust emissions to be potentially significant without implementation of the Construction Control Measures which help control fugitive dust. NOX emissions are primarily generated by engine combustion in construction equipment, haul trucks, and employee commuting, requiring the use of newer construction equipment with better emissions controls would reduce construction-related NOX emissions. With implementation of the Standard Permit Condition and MM HRA-1, the proposed project's construction would not worsen ambient air quality, create additional violations of federal and state standards, or delay the Basin's goal for meeting attainment standards. Impacts would be less than significant.

Operational Emissions

Operational emissions for urban developments are typically generated from mobile sources (burning of fossil fuels in cars and trucks); energy sources (cooling, heating, and cooking); and area sources (landscape equipment and common consumer products). The project proposes the use of a commercial vehicle storage area which would not generate significant emissions. The project would have some mobile emissions associated with the employee trips, energy emissions associated with lighting on-site, and area emissions from the infrequent use of consumer products and architectural coating. Project operations would include the use of maintenance equipment. However, maintenance on-site is not anticipated to require heavy-duty repair equipment. Maintenance equipment would be hand-held pieces of equipment that would be used infrequently. There are no other operational emissions are associated with the project and operational emissions would remain below the BAAQMD's operational thresholds. See **Appendix A Air Quality and Greenhouse Gas Emissions Assessment** for operational modeling results.

Cumulative Emissions

The Basin is designated nonattainment for O_3, $_{PM10}$, and $PM_{2.5}$ for State standards and nonattainment for O_3 and $PM_{2.5}$ for federal standards. As discussed above, the project's construction-related and operational emissions would not have the potential to exceed the BAAQMD significance thresholds for criteria pollutants.

Cumulative Construction Impacts. Since these thresholds indicate whether an individual project's emissions have the potential to affect cumulative regional air quality, it can be expected that the project-related construction emissions would not be cumulatively considerable. The BAAQMD recommends Basic Construction Control Measures for all projects whether or not construction-related emissions exceed the thresholds of significance. Compliance with the BAAQMD construction-related mitigation requirements are considered to reduce cumulative impacts at a Basin-wide level. As a result, construction emissions associated with the project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts.

Cumulative Operational Impacts. The BAAQMD has not established separate significance thresholds for cumulative operational emissions. The nature of air emissions is largely a cumulative impact. As a result, no single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards.

Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. The BAAQMD developed the operational thresholds of significance based on the level above which a project's individual emissions would result in a cumulatively considerable contribution to the Basin's existing air quality conditions. Therefore, a project that exceeds the BAAQMD operational thresholds would also be a cumulatively considerable contribution to a significant cumulative impact.

As shown in above, the project's construction and operational emissions would not exceed the BAAQMD thresholds. As a result, air quality emissions associated with the project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts.

c) Expose sensitive receptors to substantial pollutant concentrations?

Sensitive land uses are defined 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 these sensitive receptors are residences, schools, hospitals, and daycare centers. The State CEQA Guidelines indicate that a potentially significant impact could occur if a project would expose sensitive receptors to substantial pollutant concentrations.

Construction Toxic Air Contaminants

Construction-related activities would result in project-generated emissions of DPM from the exhaust of off-road, heavy-duty diesel equipment for site preparation (e.g. demolition, clearing, grading); paving; application of architectural coatings; on-road truck travel; and other miscellaneous activities. For construction activity, DPM is the primary toxic air contaminant of concern. On-road diesel-powered haul trucks traveling to and from the construction area to deliver materials and equipment are less of a concern because they would not stay on the site for long durations. Diesel exhaust from construction equipment operating at the site poses a health risk to nearby sensitive receptors.

Table 4-4: Construction Carcinogenic Risk Assessment shows the construction health risk for of the project. Project construction would occur for over a period of approximately four to six months. However, the health risk computation was performed to determine the risk of developing an excess cancer risk calculated on a 3-year exposure scenario, beginning with the third trimester, as recommended by the BAAQMD, and thus is conservative.[11]

As shown in **Table 4-4**, the unmitigated construction risk at residential and worker receptors would be 36.81 and 2.89 in one million, respectively. Therefore, the maximum unmitigated construction cancer risk at the residential receptor would exceed the BAAQMD threshold of 10 in one million. The project would implement Mitigation Measure (MM) HRA-1 to reduce cancer risk. MM HRA-1 requires the use of construction equipment that would meet CARB Tier 4 Final emissions standards in order to reduce diesel exhaust construction emissions. Implementation of MM HRA-1 would reduce cancer risk from project construction to below the BAAQMD's 10 in one million threshold; refer to **Table 4-4**. Therefore, the project's cancer risk would not exceed the BAAQMD's 10 in one million threshold and impacts associated with carcinogenic risk would be less than significant.

[11] The BAAQMD recommends that the cancer risk be evaluated assuming that the average daily dose for short-term exposure lasts a minimum of three years for projects lasting three years or less (BAAQMD, *BAAQMD Air Toxics NSR Program Health Risk Assessment Guidelines*, December 2016).

Table 4-4: Construction Carcinogenic Risk Assessment

Exposure Scenario	Risk per Million		Exceeds Significance Threshold?
	Cancer Risk[1]	Significance Threshold	
Unmitigated			
Residential Receptors (northwest of site)	36.81	10	Yes
Worker Receptors (southwest of site)	2.89	10	No
Mitigated			
Residential Receptors (northwest of site)	2.07	10	No
Worker Receptors (southwest of site)	0.21	10	No
1. The reported annual pollutant concentration is at the closest maximally exposed individual (MEI) to the project site.			
Source: Refer to the 1055 Commercial Court - Health Risk Assessment Memorandum prepared by Kimley-Horn, October 2023.			

As described above, worst-case construction risk levels based on AERMOD[12] and conservative assumptions would be below the BAAQMD's thresholds for construction with MM HRA-1. Therefore, construction risk levels would be less than significant with implementation of the identified mitigation measure.

Impact HRA-1: Construction activities associated with the proposed Project could expose sensitive receptors northwest of the Project site to a maximum estimated Cancer Risk of 36.81 (in a million) due to toxic air contaminants (TAC) emissions that could exceed the BAAQMD threshold for annual cancer risk of 10 per million by 26.81 per million.

Mitigation Measures:

MM HRA-1 Prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall prepare and submit a construction operations plan that includes specifications of the equipment to be used during construction to the Director of Planning, Building and Code Enforcement or the Director's Designee. The plan shall be accompanied by a letter signed by a qualified air quality specialist, that verifies the project would achieve a fleet-wide average of a 73 percent reduction or more in diesel particulate matter (DPM) exhaust emissions during construction. Specifically, the Project would achieve this by:

- For all construction equipment larger than 25 horsepower operating on the site for more than two days continuously or 20 total hours, shall, at a minimum meet U.S. EPA Tier 4 Final emission standards.
- If Tier 4 Final equipment is not available, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA emission standards for Tier 3 engines and include particulate matter (PM) emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 85 percent reduction in PM exhaust and 40 percent reduction in NO_X in comparison to uncontrolled equipment.

[12] AERMOD is a steady-state, multiple-source, Gaussian dispersion model designed for use with emission sources situated in terrain where ground elevations can exceed the stack heights of the emission sources (not a factor in this case).

The construction operations plan prepared by the contractor and reviewed by the air quality specialist shall include the, but not be limited to the following:

- List of activities and estimated timing.
- Equipment that would be used for each activity.
- Manufacturer's specifications for each equipment that provides the emissions level; or the manufacturer's specifications for devices that would be added to each piece of equipment to ensure the emissions level meet the thresholds in the mitigation measure.

The project applicant shall include this requirement in applicable bid documents and require compliance as a condition of contract. A copy of each equipment unit's certified tier specification and CARB or BAAQMD operating permit (if applicable) should be available upon request at the time of mobilization of each applicable unit of equipment. The City shall require periodic reporting and provision of written documentation by contractors to ensure compliance and shall conduct regular inspections to the maximum extent feasible to ensure compliance.

The construction contractor(s) shall maintain equipment maintenance records for the construction portion of the project. All construction equipment must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications. Upon request for inspection, construction contractor(s) shall make available all maintenance records for equipment used on site within one business day (either hardcopy or electronic versions).

The Construction Operations Plan documentation shall be reviewed and approved by the Director of Planning, Building and Code Enforcement or the Director's designee prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest).

The significance thresholds for TAC exposure also require an evaluation of non-cancer risk stated in terms of a hazard index. Non-cancer chronic impacts are calculated by dividing the annual average concentration by the REL for that substance. The REL is defined as the concentration at which no adverse non-cancer health effects are anticipated. RELs are designed to protect sensitive individuals within the population. The primary TAC emitted during construction and operations is DPM. According to OEHHA, the REL for DPM is 5 and the target organ is the respiratory system.

Chronic and acute non-carcinogenic impacts are shown in **Table 4-5: Construction Chronic Hazard Assessment**. A chronic hazard index of 1.0 is considered individually significant. The hazard index is calculated by dividing the chronic exposure by the reference exposure level. The chronic hazard was calculated based on the highest annual average concentration at the maximally exposed individual receptor. It should be noted that there is no acute REL for DPM and acute health risk cannot be calculated. **Table 4-5** shows that the non-carcinogenic hazards associated with unmitigated and mitigated scenarios would not exceed the acceptable limits of 1.0.

Table 4-5: Construction Chronic Hazard Assessment

Exposure Scenario	Annual Concentration (µg/m^3)[1]	Chronic Hazard
Unmitigated		

Residential Receptors (west of site)	0.12	0.02
Worker Receptors (southwest of site)	0.09	0.02
BAAQMD Threshold	*N/A*	*1.0*
Threshold Exceeded?	**N/A**	**No**
Mitigated		
Residential Receptors (west of site)	0.01	0.001
Worker Receptors (southwest of site)	0.01	0.001
BAAQMD Threshold	*N/A*	*1.0*
Threshold Exceeded?	**N/A**	**No**
1. The reported pollutant concentration is at the closest receptor (maximally exposed individual). 2. DPM is the primary TAC occurring during construction. There is no acute REL for DPM and acute health risk cannot be calculated.		
Source: Refer to Appendix A: AQGHG Assessment prepared by Kimley-Horn, October 2023.		

Operational Toxic Air Contaminants

Operational emissions from the proposed project would result from mobile sources (i.e., motor vehicle use) and area sources (such as the use of landscape maintenance equipment, consumer products, and architectural coatings). As discussed in **Appendix A**, the majority of these emissions would be generated by vehicle travel occurring off-site from both diesel and gasoline-powered vehicles trips to and from the Project site. The project is intended to provide storage for private vehicle fleets, those with buses, vans, trucks, and/or automobiles, and associated vehicle maintenance and mobile fueling. The modeling and analysis results did not identify substantial generation of TACs from diesel powered vehicles. Light-duty and gasoline-powered vehicles are not substantial sources of TAC emissions (e.g., DPM), which are primarily associated with diesel fueled vehicles. Therefore, operational emissions would not be considered a substantial source of TACs and this impact related to operational TAC emissions would be less than significant based on BAAQMD thresholds.

Cumulative Health Impacts

Stationary sources within a 1,000-foot radius of the project site were reviewed using the BAAQMD's Stationary Source Screening Analysis Tools. There were no stationary sources located within a 1,000-foot radius of the project site. **Table 4-6: Cumulative Operational Health Risk,** provides the emissions from the existing nearby highway, roadway, and rail sources.

Table 4-6: Cumulative Operational Health Risk

Emissions Sources	$PM_{2.5}$ ($\mu g/m^3$)	Cancer Risk (per million)	Hazard
Major Street Sources	0.03	1.34	0.12
Highway Sources	0.37	18.25	1.48
Railway Services	0.003	1.82	0.012
Cumulative Health Risk Values	**0.40**	**21.41**	**1.61**
BAAQMD Cumulative Threshold	*0.8*	*100*	*10*
Threshold Exceeded?	**No**	**No**	**No**
Source: BAAQMD's Stationary Source Screening Analysis Tools, 2023.			

Cumulative impacts are defined as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. As described above, the Project is 65 feet away from the closest sensitive receptors and would be within the zone of influence as defined by the BAAQMD. Worst-case PM2.5 concentrations associated with existing cumulative conditions would not exceed the BAAQMD's thresholds, refer to **Table 4-6**. The cancer risk and hazard levels would also remain below the BAAQMD cumulative thresholds. Therefore, the project's cumulative impacts will be less than significant and less than cumulatively considerable.

Mobile Sources

The project would not place sensitive receptors within 1,000-feet of a major roadway (mobile TAC source) which is defined by the BAAQMD as any road that has more than 10,000 daily trips. Additionally, the project's effects to existing vehicle distribution and travel speeds would be nominal as the project would generate 108 daily trips due to vehicles traveling to the site for storage. Any changes to vehicle distribution and travel speeds can affect vehicle emissions rates, although these changes would be minimal and would not substantially change criteria pollutant emissions, which are primarily driven by vehicle miles travelled (VMT). The project does not involve the increase of transit trips or routes and would not generate increased emissions from expanded service (e.g., increased bus idling service).

Carbon Monoxide Hotspots

The primary mobile-source criteria pollutant of local concern is carbon monoxide. Concentrations of CO are a direct function of the number of vehicles, length of delay, and traffic flow conditions. Transport of this criteria pollutant is extremely limited; CO disperses rapidly with distance from the source under normal meteorological conditions. Under certain meteorological conditions, however, CO concentrations close to congested intersections that experience high levels of traffic and elevated background concentrations may reach unhealthy levels, affecting nearby sensitive receptors. Areas of high CO concentrations, or "hot spots," are typically associated with intersections that are projected to operate at unacceptable levels of service during the peak commute hours. CO concentration modeling is therefore typically conducted for intersections that are projected to operate at unacceptable levels of service during peak commute hours.

The Basin is designated as in attainment for carbon monoxide (CO). Emissions and ambient concentrations of CO have decreased dramatically in the Basin with the introduction of the catalytic converter in 1975. No exceedances of the CAAQS or NAAQS for CO have been recorded at nearby monitoring stations since

1991. As a result, the BAAQMD screening criteria notes that CO impacts may be determined to be less than significant if a project would not increase traffic volumes at local intersections to more than 44,000 vehicles per hour, or 24,000 vehicles per hour for locations in heavily urban areas, where "urban canyons" formed by buildings tend to reduce air circulation. Traffic would increase along surrounding roadways during long-term operational activities.

The project would not generate a substantial amount of trips per hour as it is a commercial vehicle storage lot. The project's effects to existing vehicle distribution and travel speeds would be nominal. Based on the average daily traffic (ADT) data provided by the City of San José, there are no intersections with more than 24,000 or 44,000 vehicles per hour by the project site, nor would the addition of project trips cause an intersection to have 24,000 or more vehicles per hour.[13] As a result, the project would not have the potential to create a CO hotspot and impacts would be less than significant.

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

Construction

Construction activities associated with the project may generate detectable odors from heavy duty equipment (i.e., diesel exhaust), as well as from architectural coatings and asphalt off-gassing. Odors generated from the referenced sources are common in the man-made environment and are not known to be substantially offensive to adjacent receptors. Any construction-related odors would be short-term in nature and cease upon project completion. As a result, impacts to existing adjacent land uses from construction-related odors would be short-term in duration and therefore would be less than significant.

Operational

According to the BAAQMD, land uses associated with odor complaints typically include wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. The project does not include any uses identified by the BAAQMD as being associated with odors. The BAAQMD has established odor screening thresholds for land uses that have the potential to generate substantial odor complaints. The BAAQMD's thresholds for odors are qualitative based on the BAAQMD's Regulation 7, Odorous Substances. This rule places general limitations on odorous substances and specific emission limitations on certain odorous compounds.

The project includes a 193,639 sf commercial storage lot. This land use is not anticipated to generate odors. None of the above listed uses are located near the project site. Impacts would be less than significant.

[13] City of San José, *Average Daily Traffic GIS Open Data*, 2021.

4.4 Biological Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X		
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

The project site and area to be developed and paved is heavily disturbed, consisting of deteriorated pavement and compacted dirt surfaces. The site is bordered by a metal fence that is inset from the property line by 10 to 15 feet. Within the site's perimeter fencing, the property is virtually devoid of notable biological resources with the exception of weeds grasses, and small shrubs. Six (6) trees have been identified on site, consisting of one ornamental plum and five eucalypti along the property line in fair or poor condition. Outside the perimeter fencing on the north and west edge, the property slopes downward toward the railroad tracks. This sloped, 10 to 15-foot-wide edge of the property creates a strip of weedy vegetation. The property is located slightly over 100-feet from Coyote Creek top of bank.

Special Status Species

The project site is located within an urban area and there are no natural features that could negatively impacted or otherwise be modified. Given the heavily disturbed site conditions and active industrial uses, no candidate, sensitive, or special status species could be expected to exist in the project area. No impacts are foreseeable.

Of the special status plants that occur within the Santa Clara Valley, no plant species would occur within the project site due to low quality habitat and the extent of existing development. According to a search of the CNDDB conducted on October 23, 2023, one special status plant species is mapped as having the potential to occur in the general project area – the Robust Spineflower (*Chorizanthe robusta*). The highly developed and regularly disturbed project site is not conducive to the growth of this species, and therefore it is unlikely special status plant species would occur onsite.

According to the City of San José General Plan EIR, special-status animals are typically not expected to occur in areas of the City that are developed with structures and paving that do not support habitat requirements for nesting, foraging, or cover. Table 3.5-4 in the City General Plan EIR lists special status animal species, including federal and State-listed Threatened and Endangered Species that may be affected by future development in City. A California Natural Diversity Database (CNDDB) search of the latest 2023 data was conducted to identify the potential for special status wildlife to occur within the project site and 5 miles within the project area. The search revealed no known occurrences to have occurred on the project site. However, the search recognized the following species to have a potential for occurrence within 5 miles of the site:

- Western Bumble Bee (Bombus occidentalis)
- California Tiger Salamander (Ambystoma californiense)
- Crotch Bumble Bee (Bombus crotchii)
- American Peregrine Falcon (Falco peregrinus anatum)

Because the project site is currently fully disturbed and is to be developed and paved, there is minimal potential for these special status wildlife species to occur on-site as no or low-quality habitat exists on-site. As such, no direct or indirect impacts are anticipated to special status species.

Riparian Habitat

The northern edge of the proposed development area is located approximately 100 feet from the top of bank of Coyote Creek, a riparian corridor and one of the primary drainages in the City. Streams and adjacent riparian lands with the City of San Jose are important natural resources supporting a diversity of habitats and provide open space. Based on satellite imagery and field observations, the riparian banks of this segment of Coyote Creek are impacted by several homeless encampments, garbage and auto parts including car batteries.

San Jose Envision 2040 and the City's Riparian Corridor Policy Study contain specific goals, policies and recommendations for planning and reviewing projects near riparian corridors. The City's riparian setback policies recommend that all buildings, other structures, impervious surfaces, outdoor activity areas (except for passive or intermittent activities) and ornamental landscaped areas should be separated a minimum of 100 feet from the edge of the riparian corridor (or top of bank), whichever is greater. Exceptions to the 100-foot setback may be considered in some limited circumstances if basic riparian habitat protection objectives are achieved.

Based on the topographic survey for the project and Google Maps, the distance from the top of bank and/or riparian vegetation to the project's property line varies from 91 to 101 feet. However, the distance to the existing inset fence line – the limit of project activity – ranges from 100 to 113 feet. The "structure" associated with the project is the paved parking area, which will be behind the existing fence line. Based on this design, the project footprint will be at and just beyond the 100-foot setback. These distances are shown in **Figure 4-1**.

Regardless of the exact measurement at any given location, several exceptions to the setback appear applicable (Riparian Setback Policy, page 32). Among these, the site is being redeveloped with uses that that are similar to the existing use or are more compatible with the riparian corridor than the existing use, and the intensity of the new development will have less impact on the corridor than the existing development. This finding can be made because the project will improve stormwater quality with the implementation of a biofiltration basin to treat stormwater prior to discharge into the storm drain system and ultimately into the creek downstream. The reduced setback, if required in certain locations, would not significantly reduce or adversely impact the riparian corridor compared to existing conditions, and there is no evidence (based on the site plan and drainage plan) that stream bank erosion would occur. Furthermore, the railroad tracks and ballast located between the project and Coyote Creek create a permanent physical biological and hydrologic separator/surface barrier between the riparian corridor and adjacent industrial development. For these reasons, the project can be found consistent with the Riparian Setback Policy and its exceptions. Based on CEQA thresholds and City policy, impacts would be less than significant.

Tree Removal

Based on the arborist's report prepared for the project (HortScience, May 2023), six trees were assessed and evaluated:

- Tree #65, Plum (*prunus domestica*), with a multi-stem trunk and stem diameters of 4 and 5 inches. The tree is in fair condition with a dense crown.

- Tree #66, Silver dollar gum (*Eucalyptus polyanthemos*) has multiple attachments arising from the base ranging from 5 to 7 inches in diameter. This gum is in fair condition and has been topped for overhead utilities.
- Trees #67, 68, 69, and 70, River red gums (Eucalyptus camaldulensis) are along the west fence line with crowns overhanging the property. Diameters ranged from 12 to 20 inches and are in fair condition.

The project proses to remove three trees, #65, 66 and 67. Of these trees #65 (plum) and #66 (Silver dollar gum) are ordinance size trees within the area of proposed grading. The plum is considered an orchard tree, and the others are non-native. The City of San Jose defines an Ordinance Sized Tree as "any live or dead woody perennial plant…having a main stem or trunk 38 inches or more in circumference (12 inches diameter) at a height measured 54 inches above natural grade slope (SJMC 13.32.20.I., 2018).

The City requires mitigation for trees removed on developed sites. Mitigation is typically achieved through replacement, at the following ratios:

Table 4-7: City of San José Replacement Guidelines for Trees to be Removed

Circumference of Tree to be Removed	Type of Tree and Replacement Ratios			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 shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multifamily Residential, Commercial, and Industrial properties, a permit is required for removal of trees of any size.
A 38-inch tree equals 12.1 inches in diameter.
**A 24-inch box tree equals two 15-gallon trees.
Single Family and Two-family dwelling properties may be mitigated at a 1:1 ratio.

While use of the trees on site for raptor nesting is unlikely due to the size of the trees, industrial activity and limited cover provided, local resident and migratory birds could use the trees for nesting and cover. Implementation of Mitigation Measure (MM) BIO-1 would ensure that raptors and other birds are not significantly impacted during tree removal and construction activities.

Standard Permit Condition

Three trees onsite would be removed. Based on these ratios and the trunk diameters of the trees to be removed, the project will provide a total of nine replacement trees. One (1) tree would be replaced at a 4:1 ratio, 1 tree would be replaced at a 3:1 ratio, and the remaining tree would be replaced at a 2:1 ratio. Prior to the issuance of building permit(s), the permittee shall pay Off-Site Tree Replacement Fee(s) to the City for nine off-site replacement trees in accordance with the City Council approved Fee Resolution in effect at the time of payment, if unable to accommodate on site.

In the event the proposed project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or the Environmental Principal Planner, prior to issuance of Building Permit(s). Changes to an approved landscape plan requires the issuance of a Permit Adjustment or Permit Amendment.

The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site. Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of building permit(s), in accordance with the City Council approved Fee Resolution in effect at the time of payment. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites. All on-site trees will be removed. Trees located off-site but close to the project boundary will be retained.

Consistency with an Adopted Habitat Conservation Plan

The project site does not contain any land cover types that would support any of the wildlife or vegetation that is covered by the Santa Clara Valley Habitat Plan (SCVHP). Native vegetation in the area has been cleared for commercial, industrial, transportation, and recreational structures. Given the site and its surroundings are currently developed with industrial uses and does not contain land cover types covered by the SCVHP, payment of SCVHP fees would not be required. However, the project would still be subject to payment for nitrogen deposit fees for projects that are expected to generate new vehicle trips.

Standard Permit Condition

Santa Clara Valley Habitat Plan. The proposed project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant would be required to submit the Santa Clara Valley Habitat Plan Coverage Screening Form 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 Conditions listed above, General Plan policies, existing regulations such as the Municipal Code, and MM BIO-1, development of the proposed project would result in a less than significant impact with relation to local policies and ordinances protecting biological resources, such as trees.

Impact BIO-1: Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.

Mitigation Measures

MM BIO-1: Tree removal and construction shall be scheduled to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st, inclusive.

If tree removals and construction cannot be scheduled outside of nesting season, a qualified ornithologist shall complete pre-construction surveys to identify active raptor nests that may be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of demolition/ construction activities during the early part of the breeding season (February 1st through

April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive), unless a shorter preconstruction survey is determined to be appropriate based on the presence of a species with a shorter nesting period, such as Yellow Warblers. During this survey, the qualified ornithologist shall inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area that will be disturbed by construction, the qualified ornithologist shall designate a construction-free buffer zone (typically 250 feet) to be established around the nest, in consultation with California Department of Fish and Wildlife (CDFW). The buffer would ensure that raptor or migratory bird nests will not be disturbed during project construction.

Prior to any tree removal, or approval of any grading or demolition permits, the project applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee.

Source: Google Earth Pro, 2023

Figure 4-1: Riparian Setback Distance

1055 Commercial Court

Focused Initial Study

Not to scale

Kimley»Horn

Expect More. Experience Better.

4.5 Cultural Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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 in § 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			X	
c) Disturb any human remains, including those interred outside of dedicated cemeteries?			X	

Based on the Phase I ESA prepared for the project, the site is assumed to have been used for agriculture from at least 1939 to the 1950s, at which time research shows the site to transition to commercial and/or industrial uses. The built structures remaining on the site were first visible by 1974, and portions of the property were used for green waste recycling from approximately 2006 to 2010. Soil samples indicate older landfilling activity at the site of unknown origin. City directory listing for the site address included various commercial and industrial companies beginning in 1998, including Beck's Property from approximately 2006 to 2010 and Davey Tree Expert Company from approximately 2003 to present.

Based on the site history and visual observations all existing and remaining buildings are temporary (sheds, trailers, Conex boxes etc.) and of modern area. One structure, pictured below, appears to be part of a wood barn of unknown age that has been modified into a metal work/storage shed with roll up doors. This structure is heavily modified and dilapidated and thus lacks historic integrity.

A records search was also conducted in October 2023 through the California Historical Resources Information System (CHRIS) at the Northwest Information Center (NWIC) of Sonoma State University (See **Appendix C**). The records search found that six previous cultural resource studies have been prepared for nearby properties, covering about 15% of the subject property. Based on the records, the property itself contains no recorded archaeological resources or recorded buildings or structures listed with the State Office of Historic Preservation Built Environment Resources Directory (OHP BERD).

However, given the project's proximity to Coyote Creek and the presence of similar environmental features of other known cultural sites in this part of Santa Clara County, as well as the enthnographic and archaeological sensitivity of the area, the records search concluded there is a high potential for unrecorded archaeological sensitivity at the site and a moderately high potential for unrecorded historic-period archaeological resources. The site contains low potential for any significant buildings or structures 45 years or older to be present, as confirmed by site observations.

A review of the City of San José General Plan EIR and the Cultural Resources Impact Report (City of San José General Plan EIR, Appendix J) revealed no archaeological or cultural resources previously identified on the project site. The project site is identified as an area of "high sensitivity at depth" for paleontological resources (General Plan EIR, Figure 3.11-1). The project will not involve grading at depth. Based on the review of the General Plan EIR, no evidence suggests that any prehistoric or historic-era marked or un-marked human interments are present within or in the immediate vicinity of the project site. However, based on the general sensitivity of the area, there is the possibility that previously unknown archaeological or Native American resources or grave sites could be present and could be uncovered during construction activities. California law recognizes the need to protect historic-era and Native American human burials, skeletal remains, and grave-associated items from vandalism and inadvertent destruction and any substantial change to or destruction of these resources would be a significant impact. Therefore, the City would require the project to comply with all applicable regulatory programs and standard permit conditions pertaining to subsurface cultural resources. Compliance with General Plan policies and the following Standard Permit Conditions would substantially reduce potential impacts to cultural resources if encountered. Therefore, this impact would be less than significant.

The totality of these information sources indicate the potential for tribal archaeological or historic archaeological resources to be present. As indicated in the project description, the project requires some surface grading to create a level parking area but does not require excavation. The project would

essentially "cap" and preserve any resources that may be present. With implementation of the City of San Jose's standard permit conditions below, the recommendations of the NWIC would be adequately addressed and no further mitigation is required.

Standard Permit Conditions

Subsurface Cultural Resources. If prehistoric archaeological or historic resources or tribal cultural resources are encountered during excavation and/or grading of the site, all activity within 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 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 be invited to examine the find with an archaeologist within the next seven days. The archaeologist, in consultation with a Tribal representative if one responds, shall 1) evaluate the find(s) to determine if they meet the definition of a historical, unique archaeological, or tribal cultural resource; and 2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include preservation in place, collection, recordation, and/or analysis of any significant cultural materials. If the archaeologist and Native American Tribal representative disagree, the City shall make the final determination of appropriate treatment. A report of findings documenting any data recovery shall be submitted to Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

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 be invited to 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 their authorized representative rejects the recommendation of the MLD, and, if mediation provided for in Public Resources Code section 5097.94(k) is invoked, mediation by the NAHC fails to provide measures acceptable to the landowner.

4.6 Energy

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

Energy consumption associated with the project would occur over two phases: construction and operation. The energy consumption associated with project construction includes primarily diesel fuel consumption from on-road hauling trips and off-road construction diesel equipment, and gasoline consumption from on-road worker commute and vendor trips. Temporary electric power for as-necessary lighting and electronic equipment would be powered by a generator and the amount of electricity used during construction would be minimal. In addition, some incidental energy conservation would occur during construction through compliance with State requirements and EPA and CARB engine emissions standards. The use of construction fuel and energy demand would cease once the project is fully developed.

Energy consumption associated with operation of the project would include fuel usage from on-road vehicles, with potential for electric vehicle charging on-site. Electricity and natural gas are currently available to service the project site although there are no plans for natural gas use with the project. The project design and materials would comply with the 2022 Building Energy Efficiency Standards, which took effect on January 1, 2023, and/or future Building Energy Efficiency Standards depending on when construction permits are submitted for approval. Prior to issuance of a building permit, the City of San José would review and verify that the project plans demonstrate compliance with the current version of the Building and Energy Efficiency Standards.

Additionally, the project would also be required adhere to the appliable provisions of CALGreen, which establishes planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, and material conservation.

The project would be required to comply with existing regulations, including applicable measures from the City's General Plan, or would be directly affected by the outcomes (vehicle trips and energy consumption would be less carbon intensive due to statewide compliance with future low carbon fuel standard amendments and increasingly stringent Renewable Portfolio Standards). As such, operational

fuel and energy consumption associated with the project would not be inefficient, wasteful, or unnecessary and the project would not conflict with any other state-level regulations pertaining to energy.

4.7 Geology and Soils

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

The project site is flat with 0 to 2 percent slopes and is primarily underlain by Urban Land-Caninecreek-Elder complex and Urban Land-Elpaloalto complex soils (USDA-NRCS, 2023).[14] The project area is not located within the Alquist-Priolo Earthquake Fault Zone or the Santa Clara County Geologic Hazard Zone and no active faults have been mapped on the project site.[15] The nearest active fault to the project site is the Calaveras fault which is located approximately 3.5 miles to the east along the San José Foothills. Therefore, the possibility of significant fault rupture on the project site would be less than significant. The project site is not located within a designated Landslide Zone and there are no potential impacts related to landslides.

The project is within a designated Liquefaction Zone.[16] No structures are proposed, however, that could be damaged by liquefaction. Any structures and foundations requiring building permits would be required to meet California Building Code requirements to withstand ground shaking and liquefaction, minimizing potential impacts to the project resulting from liquefaction. The project would not cause liquefaction or exacerbate existing liquefaction potential.

Grading during the construction phase of the project would displace soils and temporarily increase the potential for soils to be subject to wind and water erosion. The project would be required to comply with a stormwater pollution prevention plan (SWPPP) during construction. Complying with the measures in the SWPPP, such as wind erosion control measures and soil stabilization measures, would minimize soil erosion and loss of topsoil.

The project does not propose any new structures that could be located on an unstable geologic unit or soil. Project construction and operation would not cause or create an unstable geologic unit or soil, including expansive soils. Thus, there is no impact related to unstable geologic units or soils that would create substantial direct or indirect risks to life or property.

Sewer service is available to the project site. For this reason, the project will have no impact regarding the capability of the soils to support septic tanks or alternative wastewater systems.

The project would be required to be constructed in conformance with the California Building Code, City regulations, and other applicable seismic construction standards and best management practices that

[14] California, State of, Department of Conservation. Web Soil Survey. Available at: https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx. Accessed October 23, 2023.
[15] California, State of, Department of Conservation. CGS Seismic Hazards Program: Alquist-Priolo Fault Hazard Zones. Available at: https://www.arcgis.com/home/webmap/viewer.html?layers=ee92a5f9f4ee4ec5aa731d3245ed9f53. Accessed October 23, 2023.
[16] City of San José. General Plan Environmental Impact Report, Figure 3.6-1. https://www.sanJoséca.gov/home/showdocument?id=22039. Accessed October 23, 2023.

minimize erosion. Conformance with these standard engineering practices and design criteria would reduce the effects of seismic ground shaking and potential for soil erosion. Furthermore, the project would be built and maintained in accordance with the Standard Permit Conditions outlined below. A less than significant impact would occur.

As discussed under Cultural Resources, the data base search for the project site identified the area as "high probability at depth" for paleontological resources, although no resources have been identified at the project site. Because the project will not require extensive grading or excavation at depth, this impact and the risk of disturbance of paleontological resources is considered less than significant with application of the City's standard conditions of approval identified below.

Standard Permit Conditions

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

Construction Stormwater Management.

- All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
- Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
- Ditches shall be installed to divert runoff around excavations and graded areas if necessary.
- The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.

Paleontological Resources. If vertebrate fossils are discovered during construction, all work on the site within 50 feet of the find shall stop immediately, Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement (PBCE) shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project applicant shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of Planning or Director's designee of the PBCE.

4.8 Greenhouse Gas Emissions

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Existing Setting

A Greenhouse Gas Assessment was prepared for the project and is included as **Appendix A.**

Global climate change refers to changes in average climatic conditions on Earth as a whole, including temperature, wind patterns and precipitation. Global temperatures are moderated by naturally occurring atmospheric gases, including water vapor, carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O), as well as hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). These "greenhouse" gases (GHGs) allow solar radiation (sunlight) into the Earth's atmosphere but prevent radiative heat from escaping, thus warming the Earth's atmosphere. GHGs are emitted by both natural processes and human activities. Concentrations of GHG have increased in the atmosphere since the industrial revolution. Human activities that generate GHG emissions include combustion of fossil fuels (CO_2 and N_2O); natural gas generated from landfills, fermentation of manure and cattle farming (CH_4); and industrial processes such as nylon and nitric acid production (N_2O).

GHGs have varying global warming potential (GWP). The GWP is the potential of a gas or aerosol to trap heat in the atmosphere; it is the "cumulative radiative forcing effect of a gas over a specified time horizon resulting from the emission of a unit mass of gas relative to a reference gas." The reference gas for GWP is CO_2; therefore, CO_2 has a GWP factor of 1. The other main GHGs that have been attributed to human activity include CH_4, which has a GWP factor of 28, and N_2O, which has a GWP factor of 265. When accounting for GHGs, all types of GHG emissions are expressed in terms of CO_2 equivalents (CO_2e) and are typically quantified in metric tons (MT) or million metric tons (MMT).

Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006, established a State goal of reducing GHG emissions to 1990 levels by the year 2020, which would require a reduction of approximately 173 MMT net CO_2e below "business as usual" emission levels. Senate Bill (SB) 97, a companion bill, directed the California Natural Resources Agency (Resources Agency) to certify and adopt guidelines for the mitigation of GHGs or the effects of GHG emissions. SB 97 was the State Legislature's

directive to the Resources Agency to specifically establish that GHG emissions and their impacts are appropriate subjects for CEQA analysis. Executive Order (EO) S-3-05 was enacted in June 2005 and calls for an 80 percent reduction below 1990 levels by 2050. SB 32 was signed into law in 2016 and establishes an interim GHG emission reduction goal for the State to reduce GHG emissions to 40 percent below 1990 levels by the year 2030. The State's current goal is to be carbon neutral by 2045 and this goal is reflected in the 2022 Scoping Plan, discussed in more detail below.

Applicable Plans, Policies, and Regulations

To date, no national standards have been established for nationwide GHG reduction targets, nor have any regulations or legislation been enacted specifically to address climate change and GHG emissions reduction at the project level. Various efforts have been promulgated at the federal level to improve fuel economy and energy efficiency to address climate change and its associated effects.

Energy Independence and Security Act of 2007

The Energy Independence and Security Act of 2007 (December 2007), among other key measures, requires the following, which would aid in the reduction of national GHG emissions:

- Increase the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022.
- Set a target of 35 miles per gallon for the combined fleet of cars and light trucks by model year 2020, and direct the National Highway Traffic Safety Administration (NHTSA) to establish a fuel economy program for medium- and heavy-duty trucks and create a separate fuel economy standard for work trucks.
- Prescribe or revise standards affecting regional efficiency for heating and cooling products and procedures for new or amended standards, energy conservation, energy efficiency labeling for consumer electronic products, residential boiler efficiency, electric motor efficiency, and home appliances.

U.S. Environmental Protection Agency Endangerment Finding

The U.S. Environmental Protection Agency's (EPA) authority to regulate GHG emissions stems from the U.S. Supreme Court decision in Massachusetts v. EPA (2007). The Supreme Court ruled that GHGs meet the definition of air pollutants under the existing Federal Clean Air Act (FCAA) and must be regulated if these gases could be reasonably anticipated to endanger public health or welfare. Responding to the Court's ruling, the EPA finalized an endangerment finding in December 2009. Based on scientific evidence, it found that six GHGs (CO2, CH4, N2O, HFCs, PFCs, and SF6) constitute a threat to public health and welfare. Thus, it is the Supreme Court's interpretation of the existing FCAA and the EPA's assessment of the scientific evidence that form the basis for the EPA's regulatory actions.

Federal Vehicle Standards

In response to the U.S. Supreme Court ruling discussed above, Executive Order 13432 was issued in 2007 directing the EPA, the Department of Transportation, and the Department of Energy to establish regulations that reduce GHG emissions from motor vehicles, non-road vehicles, and non-road engines by 2008. In 2009, the NHTSA issued a final rule regulating fuel efficiency and GHG emissions from cars and light-duty trucks for model year 2011, and in 2010, the EPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012–2016.

In 2010, an Executive Memorandum was issued directing the Department of Transportation, Department of Energy, EPA, and NHTSA to establish additional standards regarding fuel efficiency and GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, the EPA and NHTSA proposed stringent, coordinated federal GHG and fuel economy standards for model years 2017–2025 light-duty vehicles. The proposed standards projected to achieve 163 grams per mile of CO_2 in model year 2025, on an average industry fleet-wide basis, which is equivalent to 54.5 miles per gallon if this level were achieved solely through fuel efficiency.

In addition to the regulations applicable to cars and light-duty trucks described above, in 2011, the EPA and NHTSA announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014–2018. The standards for CO_2 emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to the EPA, this regulatory program will reduce GHG emissions and fuel consumption for the affected vehicles by 6 to 23 percent over the 2010 baseline.[17]

In August 2016, the EPA and NHTSA announced the adoption of the phase two program related to the fuel economy and GHG standards for medium- and heavy-duty trucks. The phase two program will apply to vehicles with model year 2018 through 2027 for certain trailers, and model years 2021 through 2027 for semi-trucks, large pickup trucks, vans, and all types and sizes of buses and work trucks. The final standards are expected to lower CO_2 emissions by approximately 1.1 billion metric tons and reduce oil consumption by up to 2 billion barrels over the lifetime of the vehicles sold under the program.

On September 27, 2019, the U.S. EPA and the NHTSA published the "Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program." (84 Fed. Reg. 51,310 (Sept. 27, 2019.)[18] The SAFE Rule (Part One) revoked California's authority to set its own GHG emissions standards and set zero-emission vehicle mandates in California. On March 31, 2020, the U.S. EPA and NHTSA finalized rulemaking for SAFE Part Two sets CO_2 emissions standards and corporate average fuel economy (CAFE) standards for passenger vehicles and light duty trucks, covering model years 2021-2026. The current U.S. EPA administration repealed SAFE Rule Part One, effective January 28, 2022, and is reconsidering Part Two.

In December 2021, the U.S. EPA finalized federal GHG emissions standards for passenger cars and light trucks for Model Years 2023 through 2026. These standards are the strongest vehicle emissions standards ever established for the light-duty vehicle sector and are based on sound science and grounded in a rigorous assessment of current and future technologies. The updated standards will result in avoiding more than three billion tons of GHG emissions through 2050.[19]

California Air Resources Board

The California Air Resources Board (CARB) is responsible for the coordination and oversight of State and local air pollution control programs in California. Various statewide and local initiatives to reduce

[17] U.S. EPA and NHTSA, *Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium and Heavy-Duty Engines and Vehicles – Phase 2,* 2016. Available at: https://www.gpo.gov/fdsys/pkg/FR-2016-10-25/pdf/2016-21203.pdf. Accessed: October 2023.

[18] U.S. EPA and NHTSA, Federal Register, Vol. 84, No. 188, *The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program*, September 27, 2019. Available at: https://www.govinfo.gov/content/pkg/FR-2019-09-27/pdf/2019-20672.pdf. Accessed: October 2023.

[19] U.S. EPA, *Final Rule to Revise Existing National GHG Emissions Standards for Passenger Cars and Light Trucks Through Model Year 2026,* 2021. Available at: https://www.epa.gov/regulations-emissions-vehicles-and-engines/final-rule-revise-existing-national-ghg-emissions. Accessed: January 2023.

California's contribution to GHG emissions have raised awareness about climate change and its potential for severe long-term adverse environmental, social, and economic effects. California is a significant emitter of CO_2e in the world and produced 369 million gross metric tons (MMT) of CO_2e in 2020.[20] The transportation sector is the State's largest emitter of GHGs, followed by industrial operations such as manufacturing and oil and gas extraction.

The State of California legislature has enacted a series of bills that constitute the most aggressive program to reduce GHGs of any state in the nation. Some legislation, such as the landmark AB 32 California Global Warming Solutions Act of 2006, was specifically enacted to address GHG emissions. Other legislation, such as Title 24 building efficiency standards and Title 20 appliance energy standards, were originally adopted for other purposes such as energy and water conservation, but also provide GHG reductions. This section describes the major legislation related to GHG emissions reduction.

Assembly Bill (AB) 32 – California Global Warming Solutions Act of 2006

AB 32 instructs the CARB to develop and enforce regulations for the reporting and verifying statewide GHG emissions. AB 32 also directed CARB to set a GHG emissions limit based on 1990 levels, to be achieved by 2020. It set a timeline for adopting a scoping plan for achieving GHG reductions in a technologically and economically feasible manner.

Assembly Bill 3018

AB 3018 established the Green Collar Jobs Council (GCJC) under the California Workforce Investment Board (CWIB). The GCJC will develop a comprehensive approach to address California's emerging workforce needs associated with the emerging green economy. This bill will ignite the development of job training programs in the clean and green technology sectors.

Senate Bill 375 – Sustainable Communities and Climate Protection Act

Signed into law on September 30, 2008, SB 375 provides a process to coordinate land use planning, regional transportation plans, and funding priorities to help California meet AB 32's GHG reduction goals. SB 375 requires metropolitan planning organizations to include sustainable community strategies in their regional transportation plans for reducing GHG emissions, aligns planning for transportation and housing, and creates specified incentives for the implementation of the strategies. The applicable sustainable community strategy in the Bay Area is Plan Bay Area 2040.

AB 1493 (Pavley Regulations and Fuel Efficiency Standards)

AB 1493, enacted on July 22, 2002, required CARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light duty trucks. Implementation of the regulation was delayed by lawsuits filed by automakers and by the EPA's denial of an implementation waiver. The EPA subsequently granted the requested waiver in 2009, which was upheld by the by the U.S. District Court for the District of Columbia in 2011. The regulations establish one set of emission standards passenger vehicle and light duty truck model years 2009–2016 and a second set of emissions standards for model years 2017 to 2025.

[20] California Air Resources Board, *Current California GHG Emissions Inventory Data, 2000-2020 GHG inventory (2022 Edition)*, https://ww2.arb.ca.gov/ghg-inventory-data, accessed March 2023.

By 2025, when all rules will be fully implemented, new automobiles will emit 34 percent fewer CO_2e emissions and 75 percent fewer smog-forming emissions.

Senate Bills 1078, 107 and SBX1-2 (Renewable Electricity Standards)

SB 1078 (2002) required California to generate 20 percent of its electricity from renewable energy by 2017. SB 107 (2006) changed the due date to 2010 instead of 2017. On November 17, 2008, Executive Order S-14-08 established a Renewable Portfolio Standard target for California requiring that all retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. Executive Order S-21-09 also directed CARB to adopt a regulation by July 31, 2010, requiring the state's load serving entities to meet a 33 percent renewable energy target by 2020. CARB approved the Renewable Electricity Standard on September 23, 2010 by Resolution 10-23. SB X1-2 codified the 33 percent by 2020 goal.

Senate Bill 1368

SB 1368 is the companion bill of AB 32, which directs the California Public Utilities Commission (CPUC) to adopt a performance standard for GHG emissions for the future power purchases of California utilities. SB 1368 limits carbon emissions associated with electrical energy consumed in California by forbidding procurement arrangements for energy longer than 5 years from resources that exceed the emissions of a relatively clean, combined cycle natural gas power plant. The new law effectively prevents California's utilities from investing in, otherwise financially supporting, or purchasing power from new coal plants located in or out of the state. The CPUC adopted the regulations required by SB 1368 on August 29, 2007. The regulations implementing SB 1368 establish a standard for baseload generation owned by, or under long-term contract to publicly owned utilities, for 1,100 pounds of CO2 per megawatt-hour.

Senate Bill 32 (California Global Warming Solutions Act of 2006: Emissions Limit)

Signed into law in September 2016, SB 32 codifies the 2030 GHG reduction target in Executive Order B-30-15 (40 percent below 1990 levels by 2030). The bill authorizes CARB to adopt an interim GHG emissions level target to be achieved by 2030. CARB also must adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective GHG reductions.

With SB 32, the Legislature passed companion legislation, AB 197, which provides additional direction for developing the Scoping Plan. On December 14, 2017, CARB adopted a second update to the Scoping Plan (CARB, 2017b). The 2017 Scoping Plan details how the State will reduce GHG emissions to meet the 2030 target set by Executive Order B-30-15 and codified by SB 32. Other objectives listed in the 2017 Scoping Plan are to provide direct GHG emissions reductions; support climate investment in disadvantaged communities; and support the Clean Power Plan and other Federal actions.

CARB Scoping Plan

Adopted December 15, 2022, CARB's 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan) sets a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels by 2045 in accordance with AB 1279. To achieve the targets of AB 1279, the 2022 Scoping Plan relies on existing and emerging fossil fuel alternatives and clean technologies, as well as carbon capture and storage. Specifically, the 2022 Scoping Plan focuses on zero-emission transportation; phasing out use of fossil gas use for heating homes and buildings; reducing chemical and refrigerants with high GWP; providing communities with sustainable options for walking, biking, and public transit; displacement of fossil-fuel fired electrical generation through use of renewable energy

alternatives (e.g., solar arrays and wind turbines); and scaling up new options such as green hydrogen. The 2022 Scoping Plan sets one of the most aggressive approaches to reach carbon neutrality in the world. Unlike the 2017 Scoping Plan, CARB no longer includes a numeric per capita threshold and instead advocates for compliance with a local GHG reduction strategy (i.e., Climate Action Plan) consistent with CEQA Guidelines section 15183.5.

The key elements of the 2022 CARB Scoping Plan focus on transportation. Specifically, the 2022 Scoping Plan aims to rapidly move towards zero-emission transportation (i.e., electrifying cars, buses, trains, and trucks), which constitutes California's single largest source of GHGs. The regulations that impact the transportation sector are adopted and enforced by CARB on vehicle manufacturers and are outside the jurisdiction and control of local governments. The 2022 Scoping Plan accelerates development of new regulations as well as amendments to strengthen regulations and programs already in place.

Included in the 2022 Scoping Plan is a set of Local Actions (2022 Scoping Plan Appendix D) aimed at providing local jurisdictions with tools to reduce GHGs and assist the state in meeting the ambitious targets set forth in the 2022 Scoping Plan. Appendix D to the 2022 Scoping Plan includes a section on evaluating plan-level and project-level alignment with the State's Climate Goals in CEQA GHG analyses. In this section, CARB identifies several recommendations and strategies that should be considered for new development in order to determine consistency with the 2022 Scoping Plan. Notably, this section is focused on Residential and Mixed-Use Projects. CARB specifically states that Appendix D does not address other land uses (e.g., industrial). However, CARB plans to explore new approaches for other land use types in the future.

As such, it would be inappropriate to apply the requirements contained in Appendix D of the 2022 Scoping Plan to any land use types other than residential or mixed-use residential development.

SB 350 (Clean Energy and Pollution Reduction Act of 2015)

Signed into law on October 7, 2015, SB 350 implements Executive Order B-30-15's goals. The SB 350 objectives are to increase the procurement of electricity from renewable sources from 33 percent to 50 percent (with interim targets of 40 percent by 2024, and 45 percent by 2027) and to double the energy efficiency savings in electricity and natural gas end uses of retail customers through energy efficiency and conservation. SB 350 also reorganizes the Independent System Operator to develop more regional electricity transmission markets and improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States.

AB 398 (Market-Based Compliance Mechanisms)

Signed on July 25, 2017, AB 398 extended the duration of the Cap-and-Trade program from 2020 to 2030. AB 398 required CARB to update the Scoping Plan and for all GHG rules and regulations adopted by the State. It also designated CARB as the statewide regulatory body responsible for ensuring that California meets its statewide carbon pollution reduction targets, while retaining local air districts' responsibility and authority to curb toxic air contaminants and criteria pollutants from local sources that severely impact public health. AB 398 also decreased free carbon allowances over 40 percent by 2030 and prioritized Cap-and-Trade spending to various programs including reducing diesel emissions in impacted communities.

SB 150 (Regional Transportation Plans)

Signed on October 10, 2017, SB 150 aligns local and regional GHG reduction targets with State targets (i.e., 40 percent below their 1990 levels by 2030). SB 150 creates a process to include communities in

discussions on how to monitor their regions' progress on meeting these goals. The bill also requires the CARB to regularly report on that progress, as well as on the successes and the challenges regions experience associated with achieving their targets. SB 150 provides for accounting of climate change efforts and GHG reductions and identify effective reduction strategies.

SB 100 (California Renewables Portfolio Standard Program: Emissions of Greenhouse Gases)

Signed into law in September 2018, SB 100 increased California's renewable electricity portfolio from 50 to 60 percent by 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045.

AB 1346 (Air Pollution: Small Off-Road Engines)

Signed into Law in October 2021, AB 1346 requires CARB, to adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines, consistent with federal law, by July 1, 2022. The bill requires CARB to identify and, to the extent feasible, make available funding for commercial rebates or similar incentive funding as part of any updates to existing applicable funding program guidelines to local air pollution control districts and air quality management districts to implement to support the transition to zero-emission small off-road equipment operations.

AB 1279 (The California Climate Crisis Act)

AB 1279 establishes the policy of the State to achieve carbon neutrality as soon as possible, but no later than 2045; to maintain net negative GHG emissions thereafter; and to ensure that by 2045 statewide anthropogenic GHG emissions are reduced at least 85 percent below 1990 levels. The bill requires CARB to ensure that Scoping Plan updates identify and recommend measures to achieve carbon neutrality, and to identify and implement policies and strategies that enable CO_2 removal solutions and carbon capture, utilization, and storage technologies.

SB 1020 (100 Percent Clean Electric Grid)

Signed on September 16, 2022, SB 1020 provides additional goals for the path to the 2045 goal of 100 percent clean electricity retail sales. It creates a target of 90 percent clean electricity retail sales by 2035 and 95 percent clean electricity retail sales by 2040.

SB 905 (Carbon Sequestration Program)

Signed on September 16, 2022, SB 905 establishes regulatory framework and policies that involve carbon removal, carbon capture, utilization, and sequestration. It also prohibits the injecting of concentrated carbon dioxide fluid into a Class II injection well for the purpose of enhanced oil recovery.

AB 1757 (Nature-Based Solutions)

Signed on September 16, 2022, AB 1757 requires State agencies to develop a range of targets for natural carbon sequestration and nature-based climate solutions that reduce GHG emissions to meet the 2030, 2038, and 2045 goals which would be integrated into a scoping plan addressing natural and working lands.

Executive Orders Related to GHG Emissions

California's Executive Branch has taken several actions to reduce GHGs using executive orders. Although not regulatory, they set the state's tone and guide the actions of state agencies.

Executive Order S-3-05

Executive Order S-3-05 was issued on June 1, 2005, which established the following GHG emissions reduction targets:

- By 2010, reduce greenhouse gas emissions to 2000 levels.
- By 2020, reduce greenhouse gas emissions to 1990 levels.
- By 2050, reduce greenhouse gas emissions to 80 percent below 1990 levels.

The 2050 reduction goal represents what some scientists believe is necessary to reach levels that will stabilize the climate. The 2020 goal was established to be a mid-term target. Because this is an executive order, the goals are not legally enforceable for local governments or the private sector.

Executive Order S-01-07

Issued on January 18, 2007, Executive Order S-01-07 mandates that a statewide goal shall be established to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020. The executive order established a Low Carbon Fuel Standard (LCFS) and directed the Secretary for Environmental Protection to coordinate the actions of the California Energy Commission, CARB, the University of California, and other agencies to develop and propose protocols for measuring the "life-cycle carbon intensity" of transportation fuels. CARB adopted the LCFS on April 23, 2009

Executive Order S-13-08

Issued on November 14, 2008, Executive Order S-13-08 facilitated the California Natural Resources Agency development of the 2009 California Climate Adaptation Strategy. Objectives include analyzing risks of climate change in California, identifying and exploring strategies to adapt to climate change, and specifying a direction for future research.

Executive Order S-14-08

Issued on November 17, 2008, Executive Order S-14-08 expands the state's Renewable Energy Standard to 33 percent renewable power by 2020. Additionally, Executive Order S-21-09 (signed on September 15, 2009) directs CARB to adopt regulations requiring 33 percent of electricity sold in the state come from renewable energy by 2020. CARB adopted the Renewable Electricity Standard on September 23, 2010, which requires 33 percent renewable energy by 2020 for most publicly owned electricity retailers.

Executive Order S-21-09

Issued on July 17, 2009, Executive Order S-21-09 directs CARB to adopt regulations to increase California's Renewable Portfolio Standard (RPS) to 33 percent by 2020. This builds upon SB 1078 (2002), which established the California RPS program, requiring 20 percent renewable energy by 2017, and SB 107 (2006), which advanced the 20 percent deadline to 2010, a goal which was expanded to 33 percent by 2020 in the 2005 Energy Action Plan II.

Executive Order B-30-15

Issued on April 29, 2015, Executive Order B-30-15 established a California GHG reduction target of 40 percent below 1990 levels by 2030 and directs CARB to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of CO_2e ($MMTCO_2e$). The 2030 target acts as an interim goal on the way to achieving reductions of 80 percent below 1990 levels by 2050, a goal set by Executive

Order S-3-05. The executive order also requires the state's climate adaptation plan to be updated every three years and for the state to continue its climate change research program, among other provisions. With the enactment of SB 32 in 2016, the Legislature codified the goal of reducing GHG emissions by 2030 to 40 percent below 1990 levels.

Executive Order B-55-18

Issued on September 10, 2018, Executive Order B-55-18 establishes a goal to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter. This goal is in addition to the existing statewide targets of reducing GHG emissions. The executive order requires CARB to work with relevant state agencies to develop a framework for implementing this goal. It also requires CARB to update the Scoping Plan to identify and recommend measures to achieve carbon neutrality. The executive order also requires state agencies to develop sequestration targets in the Natural and Working Lands Climate Change Implementation Plan.

Executive Order N-79-20

Issued on September 23, 2020, Executive Order N-79-20 established a goal to end the sales of new internal combustion engine vehicles in the state as soon as possible, and no later than 2035, and continue to phaseout fossil-fueled cars and trucks. By setting a course to end sales of internal combustion passenger vehicles by 2035, the Governor's Executive Order establishes a target for the transportation sector that helps put the state on a path to carbon neutrality by 2045. It is important to note that the Executive Order focuses on new vehicle sales for automakers, and therefore does not require Californians to give up the existing cars and trucks they already own.

California Regulations and Building Codes

California has a long history of adopting regulations to improve energy efficiency in new and remodeled buildings. These regulations have kept California's energy consumption relatively flat, even with rapid population growth.

Title 20 Appliance Efficiency Regulations

The appliance efficiency regulations (California Code of Regulations [CCR] Title 20, Sections 1601-1608) include standards for new appliances. Twenty-three categories of appliances are included in the scope of these regulations. These standards include minimum levels of operating efficiency, and other cost-effective measures, to promote the use of energy- and water-efficient appliances.

City of San José Municipal Code

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

- Green Building Regulations for Private Development (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

Bay Area Air Quality Management District Thresholds

The Bay Area Air Quality Management District (BAAQMD) is the primary agency responsible for addressing air quality concerns in the San Francisco Bay Area, including the City of San José. BAAQMD also

recommends methods for analyzing project-related GHGs in CEQA analyses as well as multiple GHG reduction measures for land use development projects. BAAQMD released its *Justification Report CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans* (BAAQMD Justification Report) in April 2022. BAAQMD Justification Report presents updates to the CEQA GHG thresholds from the 2017 CEQA Guidelines, which were not consistent with the statewide GHG target established by SB 32. The GHG thresholds of significance were updated to consider newer state reduction targets (e.g., SB 32) and plans for eventual carbon neutrality by 2045 (e.g., Executive Order B-55-18 and SB 1279), as well as evolving case law. The BAAQMD Justification Report (and thus the GHG thresholds) was adopted by the Board of Directors on April 20, 2022. In summary, the updated thresholds emphasize:

- Avoiding wasting electricity and developing fossil fuel infrastructure (i.e., natural gas plumbing or appliances) in new buildings that will be in place for decades and thus conflict with carbon neutrality by 2045.
- Compliance with California Green Building Standards Code (CALGreen) Tier 2 EV requirements and per capita VMT reductions consistent with SB 743.
- Consistency with a qualified GHG reduction strategy (also known as a Climate Action Plan).

Clean Air Plan

Air quality plans developed to meet federal requirements are referred to as State Implementation Plans. The federal and state Clean Air Acts require plans to be developed for areas designated as nonattainment (with the exception of areas designated as nonattainment for the state PM10 standard). The 2017 Clean Air Plan: Spare the Air, Cool the Climate was adopted on April 19, 2019, by BAAQMD.

The 2017 Clean Air Plan provides a regional strategy to protect public health and protect the climate. To protect public health, the plan describes how BAAQMD will continue progress toward attaining all state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 Clean Air Plan defines a vision for transitioning the region to a post-carbon economy needed to achieve ambitious greenhouse gas (GHG) reduction targets for 2030 and 2050 and provides a regional climate protection strategy that will put the Bay Area on a pathway to achieve those GHG reduction targets.

The 2017 Clean Air Plan includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic air contaminants; to reduce 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.

Envision San José 2040 General Plan

The General Plan includes a GHG Reduction Strategy that is designed to help the City sustain its natural resources, grow efficiently, and meet California legal requirements for GHG emissions reduction. Multiple policies and actions in the General Plan have GHG implications including those targeting land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The policies also include a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Guidelines and the recent standards for “qualified plans” as set forth by BAAQMD.

The GHG Reduction Strategy was re-adopted by the San José City Council in December 2015. The environmental impacts of the GHG Reduction Strategy were analyzed in the General Plan FPEIR and a

2015 Supplement to the General Plan FPEIR. The City's projected emissions and the GHG Reduction Strategy are consistent with the measures necessary to meet state-wide 2020 goals established by AB 32 and addressed in the Climate Change Scoping Plan. Measures have not been identified that would ensure GHG emissions would be consistent with state-wide 2050 goals; however, the City adopted overriding considerations for identified future impacts associated with buildout of the City's General Plan.

City of San José Greenhouse Gas Reduction Strategy

The City of San José adopted its 2030 Greenhouse Gas Reduction Strategy (GHGRS), in November 2020, consistent with SB 32. SB 23 has established an interim statewide greenhouse gas reduction goal for 2030 to meet the long-term target of carbon neutrality by 2045 (EO B-55-18). SB 32 expands upon AB 32, the Global Warming Solutions Act of 2006, and requires a reduction in greenhouse gas emissions of at least 40 percent below the 1990 levels by 2030.

The 2030 GHGRS allows for tiering and streamlining of GHG analyses under CEQA because it serves as a qualified Climate Action Plan for the City of San José. The GHGRS was prepared under the BAAQMD CEQA Guidelines, and particularly in conformance with CEQA Guidelines Section 15183.5, which specifically addresses the development of GHG Reduction Plans for tiering and streamlining GHG analysis under CEQA. The 2030 GHGRS identifies major General Plan strategies and polices to be implemented by development project such as green building practices, transportation strategies, energy use, water conservation, waste reduction and diversion, and other sectors that contribute to GHG reductions and advancements of the City's broad sustainability goals.

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

Compliance with the mandatory measures and voluntary measures required by the City would ensure an individual project's consistency with the 2030 GHGRS. Implementation of the proposed General Plan through 2030 would not constitute a cumulatively considerable contribution to global climate change.

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 framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. Future development under the proposed Downtown Strategy 2040 would be subject to this policy.

Climate Smart San José

Climate Smart San José was developed by the City to reduce air pollution, save water, and create a healthier community. The plan contains nine strategies to reduce carbon emissions consistent with the Paris Climate Agreement. These strategies include use of renewable energy, densification of neighborhoods, electrification and sharing of vehicle fleets, investments in public infrastructure, creating local jobs, and improving building energy-efficiency.

Reach Building Code

In 2019, the San José City Council approved Ordinance No. 30311 and adopted Reach Code Ordinance (Reach Code) to reduce energy-related GHG emissions consistent with the goals of Climate Smart San José. The Reach Code applies to new construction projects in San José. It requires new residential construction to be outfitted with entirely electric fixtures. Mixed-fuel buildings (i.e., use of natural gas) are required to demonstrate increased energy efficiency through a higher Energy Design Ratings and be electrification ready. In addition, the Reach Code requires EV charging infrastructure for all building types (above current CALGreen requirements), and solar readiness for non-residential buildings.

Discussion

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

Short-Term Construction Greenhouse Gas Emissions

Construction of the proposed project would result in minor increases in GHG emissions from on-site equipment and emissions from construction workers' personal vehicle travelling to and from the project construction site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of construction workers. Neither the City of San José nor the BAAQMD have an adopted threshold of significance for construction-related GHG emissions; however, the BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. The CalEEMod outputs prepared for the proposed project (refer to **Appendix A**) calculated emissions with project construction to be 146 $MTCO_2e$ for the total construction period (4 to 6 months). Because project construction would be a temporary condition (a total of 4 to 6 months) and would not result in a permanent increase in emissions that would interfere with the implementation of state and local regulations to reduce GHG emissions and reach net carbon neutrality by 2045, the temporary increase in emissions would not be cumulatively considerable.

Long-Term Operational Greenhouse Gas Emissions

As mentioned above, the project proposes the use of a commercial vehicle storage area that would not generate significant GHG emissions. The project would have mobile GHG emissions associated with the vehicle trips for storage and movement of tenant vehicles, and energy GHG emissions associated with lighting on-site. However, no other operational GHG emissions are associated with the project. In the event that stored/parked vehicles are zero emission, GHG emissions would be even lower.

Energy and mobile sources are targeted by statewide measures such as low carbon fuels, cleaner vehicles, strategies to promote sustainable communities and improved transportation choices that result in reducing VMT, continued implementation of the Renewable Portfolio Standard (the target is now set at 60 percent renewables by 2030), and extension of the Cap and Trade program (requires reductions from industrial sources, energy generation, and fossil fuels). As discussed in GHG Threshold (b), below, the proposed development would be constructed to ensure construction and operational emissions are consistent with the City's General Plan strategies and the 2030 GHG Reduction Strategy. The proposed

project, therefore, would be consistent with the City's GHG Reduction and General Plan and would have a less than significant GHG emissions impact.

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

City of San José Greenhouse Gas Reduction Strategy Compliance Checklist

The City's 2030 Greenhouse Gas Reduction Strategy (GHGRS) outlines the actions the City will undertake to achieve its proportional share of State GHG emission reductions for the interim target year 2030. Individual projects demonstrate their compliance with the GHGRS through the GHGRS Compliance Checklist. The City of San José 2030 GHGRS is a qualified local GHG reduction plan under CEQA, which can be used to determine the significance of GHG emissions from a project (CEQA Guidelines section 15183.5). The BAAQMD also recognizes the use of a Greenhouse Gas Reduction Strategy as a significance threshold for a project's GHG emissions. Therefore, if the project is consistent with the 2030 GHGRS, then the project would result in a less than significant cumulative impact to global climate change in 2030.

Prior to project approval, the applicant is required to complete the GHGRS Compliance Checklist to demonstrate the project's compliance with the City of San José 2030 GHGRS. Refer to **Appendix A**. Compliance with the checklist is demonstrated by completing Section A (General Plan Policy Conformance) and Section B (Greenhouse Gas Reduction Strategies). Projects that propose alternative GHG mitigation measures must also complete Section C (Alternative Project Measures and Additional GHG Reductions). The proposed project does not include any alternative measures.

As discussed above, the project would comply with the City's applicable construction and operational standards. Project construction and demolition waste would be diverted to exceed City requirements and least 75 percent of construction and demolition waste and 100 percent of metal would be recycled. The proposed project would also be compliant with the State's Model Water Efficient Landscape Ordinance and the City's Water-Efficient Landscape Ordinance (Chapter 15.11 of the San José Municipal Code). The project would include the minimum required area of landscaped shrubs and ground cover vegetation in the parking areas. The vegetation includes shading trees and drought tolerant plants which would shade surrounding surfaces, deflect radiation from the sun, and release moisture in the atmosphere to help mitigate the urban heat island effect and reduce water usage.

Pursuant to CEQA Guidelines Sections 15064(h)(3), 15130(d), and 15183(b), a project's incremental contribution to a cumulative GHG emissions effect may be determined not to be cumulatively considerable if it complies with the requirements of the GHGRS. As described above, the project would comply with the 2030 GHG Reduction Strategy (refer to **Appendix A** for further detail). Therefore, the project would be consistent with a qualified local GHG reduction plan under CEQA Guidelines section 15183.5. GHG emissions caused by long-term operation of the proposed would not be cumulatively considerable.

2022 CARB Scoping Plan

As previously noted, the 2022 Scoping Plan sets a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels by 2045 in accordance with AB 1279. The transportation, electricity, and industrial sectors are the largest GHG contributors in the State. The 2022

Scoping Plan plans to achieve the AB 1279 targets primarily through zero-emission transportation (e.g., electrifying cars, buses, trains, and trucks). Additional GHG reductions are achieved through decarbonizing the electricity and industrial sectors.

Statewide strategies to reduce GHG emissions in the latest 2022 Scoping Plan include implementing SB 100, which would achieve 100 percent clean electricity by 2045; achieving 100 percent zero emission vehicle sales in 2035 through Advanced Clean Cars II; and implementing the Advanced Clean Fleets regulation to deploy zero-electric vehicle buses and trucks. Additional transportation policies include the Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, In-use Off-Road Diesel-Fueled Fleets Regulation, Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, and Amendments to the In-use Off-Road Diesel-Fueled Fleets Regulation. The 2022 Scoping Plan would continue to implement SB 375. GHGs would be further reduced through the Cap-and-Trade Program carbon pricing and SB 905. SB 905 requires CARB to create the Carbon Capture, Removal, Utilization, and Storage Program to evaluate, demonstrate, and regulate carbon dioxide removal projects and technology.

The project would implement the City's Standard Permit Conditions during construction. For example, the measure requiring idling time restrictions on construction vehicles would also reduce GHG emissions.

The 2022 Scoping Plan states that local CAPs that address the State's largest sources of emissions and prioritize transportation electrification, VMT reduction, and building decarbonization, contribute to the alignment between local climate action and the State's climate goals. As indicated above, the proposed project would be consistent with the 2030 GHGRS. Further, project's GHG emissions associated with energy and mobile sources would be further reduced by the 2022 Scoping Plan measures described above. It should be noted that the City has no control over vehicle emissions, however, these emissions would decline in the future due to Statewide measures discussed above, as well as cleaner technology and fleet turnover.

The project would not impede the State's progress towards carbon neutrality by 2045 under the 2022 Scoping Plan. The project would be required to comply with applicable current and future regulatory requirements promulgated through the 2022 Scoping Plan.

Plan Bay Area

The project would be consistent with the overall goals of Plan Bay Area 2050 to provide housing, healthy and safe communities, and climate protection with an overall goal to reduce VMT. As noted above, the project would develop the project site with climate protection and uses consistent with the General Plan. The project would add some additional trips related to vehicle storage but such trips are anticipated by Plan Bay Area. Further, the Plan Bay Area seeks to decrease vehicle per capita emissions to 20 percent below 2005 levels by 2035. Achievement of the decrease in vehicle per capita emissions is conducted by regional planning efforts through the Metropolitan Transportation Commission (MTC) and other agencies with regard to land use and transportation decision making; for which the project's land use is consistent. The project would not obstruct any of the goals and strategies outlined in Plan Bay Area 2050. Thus, implementation of the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, and this impact would be less than significant.

4.9 Hazards and Hazardous Materials

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?		X		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X

Existing Setting

Phase I and Phase II Environmental Site Assessments (ESAs) were prepared for the project by Farallon Consulting, L.L.C. (Farallon) in 2019 and are included in **Appendix D**. These initial assessments were followed by a Site Investigation Report and subsurface investigation (Farallon, September 2022), Data Gap Investigation Report (SCS Engineers, June 2023) and targeted Media Management Plan (SCS Engineers, October 2023). These documents were prepared for the site and adjacent property to review historical site usage information including aerial photographs and maps, search environmental databases, obtain previous environmental investigation records and documents, identify potential environmental concerns, collect current samples of soil and groundwater quality, and provide a plan for long term disposition and monitoring.

The information in this section of the Initial Study summarizes this extensive reporting. All supporting documents are included in the Appendices. The site enrolled in the San Francisco Bay Regional Water Quality Control Board (RWQCB) Site Cleanup Program or SCP (GeoTracker ID T10000020778) under Water Code section 13304 for oversight of environmental aspects of site redevelopment. The oversight was requested in a Request for Agency Oversight submitted to the RWQCB on December 21, 2022, with a Cost Recovery Agreement for the SCP executed by the RWQCB on February 24, 2023.

Past Site Use

The project site appeared to be developed for agricultural use from at least 1939 to the 1950s, at which time the site appeared to be developed for commercial and/or industrial use. The current structures were first visible by 1974. The northwestern corner of the Site appeared to be used for green waste recycling from approximately 2006 to 2010. City directory listings for the site address included various commercial and industrial companies beginning in 1998, including Beck's Property from approximately 2006 to 2010, and Davey Tree Expert Company from approximately 2003 to the present. Pick-N-Pull – immediately adjacent to the parcel proposed for development - was listed at 1065 Commercial Street from approximately 2003 to the present.

Historical Environmental Activities/Environmental Concerns

During the performance of its Phase I ESA, Farallon identified several potential environmental concerns associated with the site. In response, Farallon prepared a Phase II ESA at the Site (2019 Phase II ESA). The identified potential environmental concerns consisted of:

Former Landfill Operations: The site historically was occupied by Beck's Property, which was identified in the ERIS *Database Report,* Solid Waste Information System (SWF/LF) database as a landfill for wood waste

and green materials for chipping and grinding operations from approximately 2006 to 2010. In aerial photographs reviewed for this time period, landfill operations appeared to be restricted to the northwestern portion of the site. Soil testing has indicated evidence of older landfilling operations at the site of unknown origin or time period. Landfill operations have the potential to impact the site from unknown contaminants in waste brought to the landfill, including volatile organic compounds, total petroleum hydrocarbons, polychlorinated biphenyls, polycyclic aromatic hydrocarbons, organochlorine pesticides and metals.

Vehicle Maintenance Areas: Multiple vehicle maintenance areas were identified during the site reconnaissance, including storage areas for hazardous materials such as petroleum products, automotive fluids, and motor oil. Farallon observed poor housekeeping practices, staining, and unlabeled drums and containers during the site reconnaissance.

Chemical Storage Areas: The site is occupied by commercial and industrial tenants that use hazardous materials, including paints, pesticides, degreasers, automotive fluids, and motor oil, in their operations and have received notices of minor violations from the environmental health department regarding poor housekeeping.

Auto Reclamation Area: The adjacent parcel, to the south of the site, is occupied by Pick-N-Pull, a recycled auto parts salvage yard. During the site reconnaissance, Farallon observed cars in poor condition, petroleum staining, and several aboveground storage tanks and drums used for storing waste automotive fluids, situated on unpaved surfaces throughout the salvage yard. This area is adjacent to, but not part of, the proposed project; however, it close enough to the project area to influence subsurface media.

Potential Environmental Impacts to the Site from the Application of Pesticides and Other Chemicals in Connection with Former Agricultural Uses: Based on historical aerial photographs, the site appeared to have been used for agricultural operations as late as 1960. Agricultural lands are known to involve use of pesticides and herbicides.

The 2019 Phase II ESA included collection of soil and/or reconnaissance groundwater samples from 19 locations for laboratory analysis. Various industrial constituents were detected at concentrations exceeding regulatory guidelines for unrestricted land use in soil, soil vapor and groundwater. The conclusion from the Phase II ESA was that analytical results suggest that one or more releases of industrial constituents from historical operations occurred at the site over time. The data also suggest the potential for contribution to the identified impact to groundwater by surrounding property releases.

The presence of industrial constituents in soil, soil vapor and groundwater apparently originating from historical site and surrounding land use represents a recognized environmental condition (REC) in connection with the site.

Current Subsurface Conditions (Soil and Groundwater)

Landfill Material (soil): Based on the findings of the Data Gap Investigation (SCS, 2023), debris, including brick, glass, plastic, metal, and wood, was encountered during drilling to depths of at least 15 feet below ground surface (bgs) during the most recent investigation. This investigation and information obtained from previous investigations indicate the presence of buried debris from near ground surface to a depth of 5 feet on the south side of the site and extending to the north to depths as great as 30 to 40 feet.

Petroleum Hydrocarbons (soil). Soil sample analysis identified various petroleum hydrocarbon compounds primarily consisting of diesel and motor oil range hydrocarbons with some gasoline range hydrocarbons. In some locations the concentrations of petroleum hydrocarbons in soil generally increase from near surface to 15 feet bgs.

Volatile Organic Compounds (soil). VOCs representative of petroleum and solvent product constituents were detected in soil samples collected at various sample locations from depths of 1 to 15 feet bgs and in the samples collected at one monitoring well (MW-12) at depths of 20 and 30 feet bgs.

CAM 17 Metals (soil). Sixteen CAM 17 metals (all but Thallium) were detected above health risk-based screening criteria in soil samples. The detected metal concentrations of arsenic, lead, and nickel exceeded one or both of the applicable environmental screening level (ESL) values (Commercial/Industrial Shallow Soil Exposure or the Construction Worker ESLs) promulgated by the RWQCB.

Semi-Volatile Organic Compounds (soil). All detected SVOC concentrations in the 40 samples analyzed were below Commercial/Industrial Shallow Soil Exposure or the Construction Worker ESL values. The SVOCs detected in soil do not appear to present a health risk concern.

Organochlorine Pesticides and Polychlorinated Biphenyls (soil). All concentrations of detected OCPs were below Commercial/Industrial Shallow Soil Exposure or the Construction Worker ESL values and therefore to not appear to present a significant health risk concern. PCBs were detected in 16 of the 40 soil samples collected, of which 10 samples exceeded applicable ESL values for Commercial/Industrial Shallow Soil Exposure or the Construction Worker Exposure.

Volatile Organic Compounds (soil vapor). One or more of 33 VOC analytes were detected in all nine primary soil vapor samples. Of these, six VOCs (benzene, 1,4-dichlorobenzene 1,2-dichloropropane, ethyl benzene, chlorobenzene, and vinyl chloride) exceeded the Commercial/Industrial Subslab/Soil Gas Vapor Intrusion ESLs.

Fixed Gases and Methane (soil vapor). Laboratory sample analysis from all probes sampled (with the exception of one) indicated elevated concentrations of carbon dioxide and low concentrations of oxygen, relative to atmospheric levels, consistent with the presence of methane. Methane is commonly produced during the anaerobic breakdown of organic matter, as is carbon dioxide. Assuming the presence of sufficient moisture, organic matter in municipal and some other solid waste landfills is known to degrade and produce methane and carbon dioxide. Methane was detected in the subsurface at elevated concentrations in probes located on the adjacent property. The methane readings at on-site probes SV-11 and SV-12 were an order of magnitude lower and not in exceedance of the corresponding ESL value.

Groundwater. Groundwater samples were tested from 13 monitoring wells from the project site and adjacent (Pick N Pull) parcel. Samples identified elevated concentrations of total petroleum hydrocarbons (TPH), VOC, CAM 17 metals, SVOCs, OCPs and PCBs. Several of these constituents exceed established ESL levels.

The initial site assessment work performed by Farallon identified a range of COPC. The list of COPC was subsequently refined as part of the SCS Data Gap Investigation. In summary, the Data Gap Investigation Report found low concentrations of TPH, VOCs, metals, and PCBs in soil. Elevated levels of TPH and VOCs were also discovered in soil vapor and groundwater samples. Methane was also detected at elevated concentrations in soil vapor.

The resulting list of Constituents of Concern or COCs at the site is as follows:

- Soil – Nickel, Lead and PCBs
- Soil Vapor – VOCs, Methane and Fixed Gases
- Groundwater – TPHd (evaluated with and without silicon gel cleanup), Benzene, Tertiary Butyl Alcohol (TBA), Methyl Tertiary Butyl Ether (MTBE), cis-1,2-Dichloroethylene (DCE), trans-1,2-DCE, Vinyl Chloride, Arsenic, Barium and Cobalt.

The RWQCB concurred with the conclusions and recommendations of the Data Gap Investigation Report in their October 18, 2023 letter, stating, "*The Report recommends the commencement of semiannual groundwater monitoring for selected contaminants (VOCs, metals, and petroleum hydrocarbons). Petroleum hydrocarbon results should be reported both with and without silica gel cleanup. Additionally, semiannual monitoring of soil vapor for VOCs, fixed gases, and methane for two years, with preparation of a conceptual site model to follow.*"

On October 16, 2023, SCS submitted a Media Management Plan (MMP) for the site. The objective of the MMP is to provide guidance for identifying and managing potential impacted media such as soil, soil vapor, potential combustible gas, and groundwater encountered during future subsurface activities at the site. The MMP is intended to mitigate potential risks posed by residual COPC in the site subsurface and allow safe site redevelopment.

The MMP provides guidance for appropriate monitoring, testing, and management of subsurface media where COPC are known or likely to be present and will be implemented during such activities. The MMP also provides guidance for contingency measures to be taken in the event that visual or other indications of impacts or subsurface features are encountered during subsurface and/or grading activities. The MMP was reviewed and approved by the RWQCB on November 28, 2023.

Airports

The Norman Y. Mineta San José International Airport is located approximately 1.7 miles west of the project site. Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR Part 77), requires that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways or which would otherwise stand at least 200 feet in height above ground. For the project site, the maximum allowable height is 50 feet in height above ground per the City of San José Municipal Code. The proposed development, including light poles, would be within the allowable height of 50 feet and FAA notification would not be required.

Wildland Fire Hazards

The project site is not located within a Very-High Fire Hazard Severity Zone for wildland fires.[21]

Applicable Plans, Policies, and Regulations

Hazardous waste generators and users in the City are required to comply with regulations enforced by several federal, State, and county agencies. The regulations are designed to reduce the risk associated

[21] California Department of Forestry and Fire Protection. FHSZ Viewer. Available at https://egis.fire.ca.gov/FHSZ/. Accessed October 23, 2023.

with human exposure to hazardous materials and minimize adverse environmental effects. The San José Fire Department coordinates with the Santa Clara County Hazardous Materials Compliance Division to implement the Santa Clara County Hazardous Materials Management Plan and to ensure that commercial and residential activities involving classified hazardous substances are properly handled.

Government Code Section 65962.5 (Cortese List)

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State, local agencies, and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. Government Code Section 65962.5 requires the California Environmental Protection Agency (Cal/EPA) to develop at least annually an updated Cortese List. The Cortese List includes lists maintained by the Department of Toxic Substances Control (DTSC) and the State Water Resources Control Board (SWRCB).

California Department of Forestry and Fire Protection (CAL FIRE)

The California Department of Forestry and Fire Protection (CAL FIRE) has mapped fire threat potential throughout California. CAL FIRE ranks fire threats based on the availability of fuel and the likelihood of an area burning (based on topography, fire history, and climate). The rankings include no fire threat, moderate, high, and very high fire threats.

City of San José Envision San José 2040 General Plan

The General Plan includes the following hazardous material policies applicable to the project:

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.

Action EC-6.8: The City will use information on file with the County of Santa Clara Department of Environmental Health under the California Accidental Release Prevention (CalARP) Program as part of accepted Risk Management Plans to determine whether new residential, recreational, school, day care, church, hospital, seniors or medical facility developments could be exposed to substantial hazards from accidental release of airborne toxic materials from CalARP facilities.

Action EC-6.9: Adopt City guidelines for assessing possible land use compatibility and safety impacts associated with the location of sensitive uses near businesses or institutional facilities that use or store substantial quantities of hazardous materials by September 2011. The City will only approve new development with sensitive populations near sites containing hazardous materials such as toxic gases when feasible mitigation is included in the projects.

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

Policy EC-7.2: Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and

provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, State and federal laws, regulations, guidelines and standards.

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

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

Action EC-7.8: When 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 hazard materials found in the soil, groundwater, soil vapor, or in existing structures.

Action EC-7.9: Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.

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

Discussion

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than Significant Impact. The proposed project would clear and repurpose the site as a fenced, paved parking and commercial vehicle storage area. As an industrial yard that could be used for a range of uses consistent with the City's Heavy Industrial (HI) land use, it is possible that the project could include the use or temporary storage of limited hazardous materials and substances such as cleaners, private fueling apparatus and fuel storage, solvents, or pesticides/fertilizers for site landscaping. However, the most likely use consisting of commercial vehicle storage and parking would not involve the routine transport, use or disposal of hazardous materials as part of daily operations or create substantial hazardous emissions or chemical releases that would affect surrounding uses. All materials and substances used or

stored on site, including fuels, would be subject to applicable regulations and health and safety requirements.

The project will demolish and remove existing structures. A pre-demolition hazardous materials survey report prepared by the applicant (ACC Environmental Consultants, 2023) identified no asbestos-containing materials. One of eight bulk samples of paints/coatings identified a detectable amount of lead, but at levels below the definition of "lead based paint" recognized by the Environmental Protection Agency (EPA) and California department of Public Health (CDPH). However, the OSHA Lead in Construction Standard requires the use of special work practices during the disturbance of paint with any detectable amounts of lead. Compliance with applicable federal, local, and State requirements (including the city's Standard Permit Condition below) would ensure no significant hazard to the public or the environment are created through the routine transport, use, or disposal of hazardous materials. Thus, impacts would be less than significant.

Standard Permit Condition: Asbestos and Lead-Based Paint

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

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?

Less than Significant Impact. The project is not anticipated to result in a release of hazardous materials into the environment. The proposed industrial yard/parking area would be expected to use limited hazardous materials and substances as discussed above, consistent with parking and storage operations. These operations do not pose a significant hazard to the public or environment from onsite accidents or hazardous materials releases. All materials and substances that may be used on site would be subject to applicable health and safety requirements. While the project site and adjacent parcel has known historical

releases of hazardous materials (e.g. hydrocarbons, VOCs, metals, PCBs, etc.), these constituents would be capped in place and subject to a long term monitoring plan consistent with the Media Management Plan (MMP) prepared by the applicant.

The property owner has entered into the Voluntary Site Cleanup Program (SCP) and a Cost Recovery Agreement (CRA) was executed with the San Francisco Bay Regional Water Quality Control Board (RWQCB) in February 2023. In addition, a Media Management Plan (MMP) has been prepared to guide excavation and monitoring activities and the proper handling of impacted soils and materials if identified during redevelopment. Thus, close coordination with the County DEH, State Water Boards and compliance with the MMP during and after construction activities that involve disturbance of on-site soils would not result in the release of hazardous materials. Thus, impacts would be less than significant.

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

No Impact. The closest school, Challenger School-Berryessa, is located at 711 E Gish Road, approximately 1,770 feet or about 1/3 of a mile west of the project site. Because the project site would be located more than one-quarter mile from this school, any emissions and hazardous materials handling at the site, during construction and operations, would not pose a significant health risk to nearby schools. Thus, no impacts would occur.

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

Less than Significant Impact with Mitigation. While the site is not technically on the Cortese List, the site is listed on the State Water Boards' GeoTracker website, which identifies the site cleanup status as open and active. The City of San Jose considers properties with active, listed sites on this data base as meeting the "listing" criteria under CEQA.

As described above, residual contaminants and combustible gas are known to be present on the Property as a result of historical operations. Constituents of Potential Concern (COPCs) were identified in the subsurface media of the property:

Soil

- Polychlorinated biphenyls (PCBs)
- Heavy metals (primarily lead and nickel)

Soil Vapor

- VOCs
- Methane
- Hydrogen sulfide (potential)

Groundwater

- VOCs
- TPHd (petroleum hydrocarbons)
- Heavy metals (arsenic, barium and cobalt)

Other

- Buried refuse/landfill

In response, the applicant has prepared a Media Management Plan (MMP) to provide guidance for identifying and managing potential impacted media such as soil, soil vapor, potential combustible gas, and groundwater encountered during future subsurface activities at the property. The MMP provides guidance for ongoing monitoring, testing, and management of subsurface media where constituents of potential concern (COPCs) are known or likely to be present and will be implemented during such activities. This MMP also provides guidance for contingency measures to be taken in the event that visual or other indications of impacts or subsurface features are encountered during subsurface activities. Indications of impacts may include, but are not limited to, obvious discoloration of soil, irregular odors, and subsurface features such as tanks, sumps, clarifiers.

The MMP identifies existing local, State and federal regulations that must be met in conjunction with improvements at the site. The MMP also includes measures for monitoring well protection, a health and safety plan, environmental monitoring plan, soil handling procedures, fugitive dust and vapor control measures, and soil excavation and stockpiling methods. The MMP has been prepared in coordination with the State Water Boards.

The project would be required to implement and incorporate recommended measures from the MMP, as appropriate, as conditions of approval of any grading permit. Implementation of Mitigation Measure HAZ-1 would reduce impacts related to hazards and hazardous materials sites to a less than significant level with implementation of the MMP.

IMPACT HAZ-1: The project site is on a list of known hazardous materials sites. Construction activities on the project site could result in exposure to residual contaminants known to be present in the subsurface media of the project, posing a risk to construction workers and the environment.

Mitigation Measures

MM HAZ-1: Prior to the issuance of any grading permits, the project applicant shall provide the City with proof that the Regional Water Quality Control Board (RWQCB) has reviewed and approved the project's Media Management Plan (MMP). Proof shall consist of a letter or email from the RWQCB case worker and must be submitted to the Director of Planning, Building and Code Enforcement or Director's Designee, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. The closest public airport the project site is located to is Mineta San José International Airport, which is located approximately 1.7 miles southwest of the project site. The closest minor airport is Reid Hillview Airport, located approximately 5 miles southeast of the project site. The project site is not located within the "Airport Influence Area" defined by the Santa Clara County Airport Land Use Commission's Comprehensive Land Use Plan (CLUP). According to Figures 3.8-1 and 3.8-2 in the General Plan EIR, the proposed project is not located within the San José International or Reid-Hill Airport Safety Zones. In

addition, the project would not be subject to FAA airspace safety review because the proposed structure's maximum height is below the FAR Part 77 notification surface elevation over the site. The project site would be within the maximum allowable height of 50 feet in height above ground per the City of San José Municipal Code. As such, the project site would not result in a safety hazard or excessive noise for people residing or working in the project area. No impacts in this regard would occur.

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

Less than Significant Impact. Implementation of the project would not impair or physically interfere with an adopted emergency response or evacuation plan. The City of San José Emergency Operations Plan (EOP) was prepared by the City describing the City's response to emergency situations associated with natural disasters, technological incidents and nuclear defense operations. The EOP outlines the overall organizational and operational concepts in relation to response and recovery and includes the roles and responsibilities of the various committees and agencies during an emergency; and the activation and execution procedures of the emergency response system. No revisions to the EOP would be required as a result of the proposed project.

Primary access to all major roads would be maintained during construction of the proposed project and circulation paths would be required to comply with all emergency-access related development standards. Additionally, the project would be reviewed for conformance during the building permit stage with all applicable Fire Code and Building Code requirements.

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

No Impact. CAL FIRE identifies Fire Hazard Severity Zones (FHSZ) and designates State of Local Responsibility Areas within the state of California. New developments located in 'Very High' Fire Hazard Severity Zones are required to comply with exterior wildfire design and construction codes as well as vegetation clearance and other wildland fire safety practices for structures. As discussed above, the project is zoned as a "Non-Very High Fire Hazard Safety Zone" on the Very High Hazard Severity Zones on CAL FIRE's FHSZ Viewer.

The City's General Plan EIR contains Wildland and Urban Fire policies specific to development within "Very High" hazard zones or near urban/wildlife interfaces. The proposed project is not located in a "Very High" zone and would not conflict with the wildland fire hazard policies identified in the General Plan EIR. In addition, the project site is in a developed urban area and is not within a wildland interface area or directly adjacent to a wildland interface area. For these reasons, there are no impacts in this regard.

4.10 Hydrology and Water Quality

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. Result in substantial erosion or siltation on- or off-site?			X	
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?			X	
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?			X	
iv. Impede or redirect flood flows?				X
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				X
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

The project site is located in an urban area with connections to the City's water, storm drain and sewer infrastructure. The closest waterway to the project site is Coyote Creek, which is located approximately 100 feet northeast of the project site, and ultimately flows into the San Francisco Bay.[22] Based on the effective FEMA Flood Insurance Rate Maps for the City of San Jose, the project site is not located within a 100-year floodplain and would therefore have no impact on 100-year flows. Flood zone X is an area of moderate or minimal flood hazard. The project would not expose people to flood hazards associated with a 100-year flood. The site is not subject to flooding, seiche or tsunami, there is no risk of release of pollutants due to inundation. As the site is served by an urban water supply, the project would not have an effect on groundwater supply or demand, or conflict with a sustainable groundwater management plan. The project site is partially impervious and is not located within a natural or facilitated groundwater recharge area.

Redevelopment of the site would increase the amount of impervious area from 51,509 SF to 193,639 SF. Thus, the amount of surface runoff associated with the site would increase in volume over existing conditions. The proposed project would result in a paved parking lot and removal of the existing uses onsite, paving over areas that currently consist of decomposing pavement or compacted dirt. These areas are currently used by heavy equipment and diesel trucks associated with tenant operations. With implementation of the project's central bioretention basin, site drainage would be sized, controlled and directed to a new collection facility that would ultimately discharge to the City's storm drain system. Existing drains on the property are of unknown functionality with signs of surface damage and heavy sedimentation due to the unconsolidated surface material. While parking vehicles on site could increase the presence of some constituents such as automotive fluids, brake dust and microplastics from vehicle tires, the proposed bioretention basin would serve to improve water quality prior to discharge through biofiltration. For these reasons, the post-project conditions are expected to result in beneficial impacts with respect to downstream water quality, erosion control and stormwater control.

The proposed project is required to comply with the C.3 Provision for "New Development and Redevelopment" of the Municipal Regional Stormwater Permit (MRP) (NPDES Permit No. CAS612008) which requires appropriate source control, site design, and stormwater treatment measures in new development and redevelopment projects to address soluble and insoluble stormwater runoff pollutant discharges and prevent increases in runoff from projects. The provision requires regulated projects to include 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 also requires that stormwater treatment measures are properly installed, operated and maintained. The project's LID features would comply with the requirements of the NPDES permit and reduce polluted runoff and control runoff velocity and amount and would not obstruct the implementation of a water quality control plan.

All development projects, whether subject to the Construction General Permit or not, must comply with the City of San Jose's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 1st to April 30), the project will submit to the Director of Public Works an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants.

[22] US Fish and Wildlife Service, National Wetlands Inventory. Available at: https://www.fws.gov/wetlands/data/mapper.html. Accessed October 23, 2023.

Construction of the proposed project would require compliance with the City's standard permit conditions to prevent stormwater pollution and minimize potential sedimentation during construction. During project operations, runoff from paved areas would be directed via gravity to a lined bioretention basin, sized to control the off-site stormwater flow rate consistent with City's C.3 requirements. Implementation of the bioretention basin would help limit the release of storm water from the project site; and direct runoff from paved areas to landscaped areas. For these reasons, proposed project drainage patterns would be consistent with existing conditions and would not adversely redirect site flows.

The General Plan EIR, as supplemented, concluded that with the regulatory programs currently in place stormwater runoff from new development would have a less than significant impact on stormwater quality. With implementation of a Stormwater Control Plan consistent with RWQCB and compliance with the City's standard permit conditions pertaining to stormwater runoff, construction and operation of the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality and impacts would be less than significant.

Standard Permit Conditions

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

4.11 Land Use and Planning

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?			X	
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

The project site is currently a series of industrial yards with existing storage containers, sheds, Conex boxes and light structures associated with material storage and vehicle parking. The project would be in an urban area with similar surrounding land uses, specifically industrial and commercial uses, and would be consistent with the mix of surrounding uses. The nearest residential areas are not integrated into this industrial area and are currently separated by railroad tracks. Further, the project would comply with all applicable City policies, actions, and ordinances and would be consistent with goals outlined in the City General Plan addressing the planning and objectives for industrial land use. Thus, the proposed project would not result in the physical division of the established community.

The City's Development standards for the Heavy Industrial (HI) zoning designation apply to the proposed project site and require a minimum lot area of 6,000 SF, a minimum street frontage of 60 feet, and a maximum building height of 50 feet. As the project is a paved parking area that will not involve new structures, it will comply with these standards.

The proposed project is located within the SCVHP study area, however it is not designated as a natural community area or identified as an important habitat for endangered and threatened species and native vegetation has been cleared for residential, commercial, industrial, transportation, and recreational structures. As such, the proposed project would comply with the General Plan land use, Zoning designation, and SCVHP. Impacts would be less than significant.

4.12 Mineral Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

The General Plan identifies the area around Communications Hill as the only area in the City containing mineral deposits of regional significance by the State Mining and Geology Board under SMARA. The proposed project site is located more than five miles north of Communications Hill. The proposed project is not located in an area known to contain regionally significant mineral resources and would not result in the loss of the availability of a known mineral resource of regional value. Thus, no impacts to mineral resources would occur in this regard.

4.13 Noise

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

Existing Setting

The project site is primarily surrounded by industrial and commercial uses. Existing mobile noise sources in the project area are generated primarily along Commercial Street, which is southeast of the project site. However, the project's proximity U.S. 101 and Interstate 880 also adds to the overall ambient noise environment in this area. The primary sources of stationary noise in the project vicinity are those associated with the operations of nearby industrial and commercial uses in active operation. The nearest sensitive receptor is a mobile home community located approximately 65 feet northwest of the project site. The nearest airport is the Norman Y. Mineta San José International Airport located approximately 1.7 miles southwest of the project site. The project site lies outside of the 65 dBA CNEL noise contours shown in the Norman Y. Mineta San José International Airport Master Plan Update Project report published in October 2019.

The City of San José is impacted by various noise sources. Mobile sources of noise, especially cars and trucks, are the most common and significant sources of noise in most communities. Other sources of noise

are the various land uses (i.e., residential, commercial, institutional, and recreational and parks activities) throughout the City that generate stationary-source noise.

Noise Measurements

To determine ambient noise levels in the project area, four short-term (10-minute) noise measurements were taken using a Larson Davis SoundExpert LxT Type I integrating sound level meter on June 26, 2023; refer to **Appendix E: Acoustical Assessment** for existing noise measurement data.

As shown in **Table 4-8: Noise Measurements**, short-term measurement 1 (ST-1) was taken to represent the ambient noise level at the residential sources and traffic within the community at the South Bay Mobile Park closest to the project site; ST-2 was taken to represent existing noise levels of construction and industrial noise, traffic on Notting Hill Drive, and residential noise along Notting Hill Drive; ST-3 was taken to represent existing noise levels of residential sources, traffic within the community, and industrial noise along the Trailer Tel RV Park closest to the project site; ST-4 was taken to represent existing noise levels from traffic along Commercial Street and industrial noise sources along the industrial uses located south of the project site on Commercial Street. **Figure 4-2: Noise Measurement Locations** provides the locations of the noise measurements. The primary noise sources during the noise measurements were industrial noise, residential noise, traffic along nearby roadways, and construction noise. **Table 4-8** provides the ambient noise levels measured at these locations.

Table 4-8: Noise Measurements

Site No.	Location	L_{eq} (dBA)	L_{min} (dBA)	L_{max} (dBA)	L_{peak} (dBA)	Time
ST-1	South Bay Mobile Park	46.1	42.8	55.4	96.1	1:14 p.m.
ST-2	Notting Hill Drive	51.2	43.5	63.5	92.7	12:18 p.m.
ST-3	Trailer Tel RV Park closest to Project site	51.3	47.5	63.5	102.3	12:54 p.m.
ST-4	Commercial uses south of the project site on Commercial Street	70.4	54.3	86.6	105.6	12:36 p.m.
Source: Noise Measurements taken by Kimley-Horn on September 26, 2023.						

Sensitive Receptors

Noise exposure standards and guidelines for various types of land uses reflect the varying noise sensitivities associated with each of these uses. Residences, hospitals, schools, guest lodging, libraries, and churches are treated as the most sensitive to noise intrusion and therefore have more stringent noise exposure targets than do other uses, such as manufacturing or agricultural uses that are not subject to impacts such as sleep disturbance.

As shown in **Table 4-9: Sensitive Receptors,** sensitive receptors near the project site are residential communities consisting of mobile home parks and single-family residential. Other uses such as open space (Coyote Creek) are either not sensitive and other sensitive uses (such as a private school) are too far away to be negatively affected by the project. Refer to **Figure 4-3: Sensitive Receptor Locations.** These distances are from the project site boundary to the sensitive receptor property line.

Table 4-9: Sensitive Receptors

Receptor Description	Distance and Direction from the Project Site[1]
South Bay Mobile Home Park	65 feet northwest
Residential Community (Single-family)	330 feet northeast
Trailer Tel RV Park	450 feet southwest
Distances are measured from the project site boundary to the property line.	
Source: Google Earth, 2023.	

Applicable Plans, Policies, and Regulations

This analysis relies on the following standards and significance criteria to evaluate potential noise and vibration impacts from the proposed project in accordance with the CEQA thresholds of significance.

City of San José General Plan Thresholds

The San José General Plan identifies goals, policies, and implementations in the Noise Element. The Noise Element provides a basis for comprehensive local programs to regulate environmental noise and protect citizens from excessive exposure. **Table 4-10: Land-Use Compatibility Guidelines for Community Noise in San José** highlights five land-use categories and the outdoor noise compatibility guidelines.

Table 4-10: Land-Use Compatibility Guidelines for Community Noise in San José

Land-Use Category	Exterior Noise Exposure (DNL), in dBA		
	Normally Acceptable[1]	Conditionally Acceptable[2]	Unacceptable[3]
Residential, Hotels and Motels, Hospitals, and Residential Care	Up to 60	>60 to 75	>75
Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds	Up to 65	>65 to 80	>80
Schools, Libraries, Museums, Meeting Halls, Churches	Up to 60	>60 to 75	>75
Office Buildings, Business Commercial, and Professional Offices	Up to 70	>70 to 80	>80
Sports Area, Outdoor Spectator Sports	Up to 70	>70 to 80	>80
Public and Quasi-Public Auditoriums, Concert Halls, Amphitheaters		>55 to 70	>70

1. Normally Acceptable – Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction. There are no special noise insulation requirements. 2. Conditionally Acceptable – Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction. There are no special noise insulation requirements. New construction should be undertaken only after a detailed analysis of the noise reduction requirement is conducted and needed noise insulation features included in the design. 3. Unacceptable – New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.
Source: City of San José General Plan, 2014. *Chapter 3, Pg. 40.*

City of San José Municipal Code Thresholds

According to San José Municipal Code[23], Section 20.100.450, construction hours within 500 feet of a residential unit are limited to the hours of 7:00 a.m. to 7:00 p.m. on Monday through Friday, unless otherwise allowed in a Development Permit or other planning approval. The Municipal Code does not establish quantitative noise limits for construction activities in the City. **Table 4-11: City of San José Zoning Ordinance Noise Standards** shows the San José standards for maximum noise level at the property line.

Table 4-11: City of San José Zoning Ordinance Noise Standards

Land Use Types	Maximum Noise Level in Decibels at Property Line
Industrial use adjacent to a property used or zoned for residential purposes	55
Industrial use adjacent to a property used or zoned for commercial purposes	60
Industrial use adjacent to a property used or zoned for industrial or use other than commercial or residential purposes	70
Source: City of San José Municipal Code section 20.50.300.	

Discussion

a) Generate 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

Construction-related activities would temporarily increase ambient noise levels in the proposed project vicinity. Construction-related noise levels at and near the project site would fluctuate depending on the level and type of construction activity on a given day. During construction, exterior noise levels could affect the various uses surrounding the site. Construction activities would occur throughout the project site and would not be concentrated at a single point near sensitive receptors. However, the conservative distance from the edge of the construction area to the sensitive receptor property line is used for construction noise level. Thus, Project construction would occur approximately 65 feet from an existing mobile home community to the northwest and 330 feet from single-family residential to the northeast. Noise levels typically attenuate (or drop off) at a rate of 6 dB per doubling of distance from point sources, such as industrial machinery. During construction, exterior noise levels could affect the buildings near the

[23] City of San José, *Municipal Code Section 20.100.450*.

construction site.

Construction activities associated with development of the project would include demolition, site preparation, grading, infrastructure improvements, paving, and lighting installation. Such activities may require excavators and bulldozers during demolition, graders, scrapers, and tractors during site preparation; graders, dozers, and tractors during grading; pavers, rollers, mixers, tractors, and paving equipment. It should be noted that only a limited amount of equipment can operate near a given location at a particular time. Typical noise levels associated with individual construction equipment and noise levels at the nearest sensitive receptors are listed in **Table 4-12: Typical Construction Noise Levels**

Noise impacts from project-related construction activities occurring within or adjacent to the project site would be a function of the noise generated by construction equipment, the location of the equipment, the timing and duration of the noise-generating construction activities, and the relative distance to the noise-sensitive receptors. Noise levels may also be reduced by intervening structures; generally, a single row of buildings between the receptor and the noise source reduces the noise level by about 5 dBA, while a solid wall or berm reduces noise levels by 5 to 10 dBA.

Table 4-12: Typical Construction Noise Levels

Equipment	Typical Noise Level (dBA) at 50 feet from Source	Typical Noise Level (dBA) at 65 feet from Source[1]	Typical Noise Level (dBA) at 330 feet from Source[1]
Air Compressor	80	78	64
Backhoe	80	78	64
Compactor	82	80	66
Concrete Mixer	85	83	69
Concrete Pump	82	80	66
Concrete Vibrator	76	74	60
Crane, Derrick	88	86	72
Crane, Mobile	83	81	67
Dozer	85	83	69
Generator	82	80	66
Grader	85	83	69
Impact Wrench	85	83	69
Jack Hammer	88	86	72
Loader	80	78	64
Paver	85	83	69
Pneumatic Tool	85	83	69
Pump	77	75	61
Roller	85	83	69
Saw	76	74	60
Scraper	85	83	69
Shovel	82	80	66
Truck	84	82	68

[1] Calculated using the inverse square law formula for sound attenuation: $dBA_2 = dBA_1+20Log(d_1/d_2)$
Where: dBA_2 = estimated noise level at receptor; dBA_1 = reference noise level; d_1 = reference distance; d_2 = receptor location distance.
Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.

The City of San José does not have a quantitative construction noise standard. Per General Plan Policy EC-1.7, project construction is considered significant when substantial noise generating activities last more than 12 months and are within 500 feet of residential spaces or 200 feet of commercial spaces. While the

site is within 500 feet of residential uses, the substantial noise generation activities involved with project construction would last less than 12 months and would, therefore, not be significant per Policy EC-1.7 of the San José General Plan.

As shown in **Table 4-12**, noise levels at the closest sensitive receptors are at or below 86 dBA at 65 feet and 72 dBA at 330 feet. The highest anticipated construction noise level of 86 dBA at 65 feet may occur during the demolition phase (jackhammer). However, the majority of construction would occur throughout the project site and would not be concentrated at a single point near sensitive receptors. Actual construction-related noise activities would be lower than the conservative levels described above and would cease upon completion of construction. Due to the variability of construction activities and equipment for the project, overall construction noise levels would be intermittent and would fluctuate over time. These assumptions represent the worst-case noise scenario because construction activities would typically be spread throughout the project site, and thus some equipment would be farther away from the affected receptors. In addition, the noise levels above assume that construction noise is constant, when, in fact, construction activities and associated noise levels would generally be brief and sporadic, depending on the type, intensity, and location of construction activities.-The Contractor would also equip all construction equipment, fixed and mobile, with properly operating and maintained noise mufflers, consistent with manufacturer's standards.

As mentioned above, uses near the project site include a mobile home community, RV park, and single-family residential uses. These sensitive uses may be exposed to elevated noise levels during project construction. However, the proposed project would be required to adhere to the Standard Permit Conditions which would ensure that all construction equipment is equipped with properly operating and maintained mufflers and other state required noise attenuation devices, helping to reduce noise at the source. The Standard Permit Conditions are required to ensure that construction noise levels do not exceed the City's standards and that time-of-day restrictions are adhered to. The proposed project would have limited site preparation, and no building construction and would last less than 12 months. Additionally, site preparation would only last approximately eleven (11) days. Therefore, with implementation of these conditions, construction noise impacts to nearby receptors would be less than significant.

Standard Permit Conditions

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

i. Pile Driving is prohibited.
ii. 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.
iii. Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
iv. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
v. Prohibit unnecessary idling of internal combustion engines.

vi. 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.
vii. Utilize "quiet" air compressors and other stationary noise sources where technology exists.
viii. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
ix. 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.
x. 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.
xi. 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.

Construction Traffic Noise

Construction noise may be generated by large trucks moving materials to and from the project site. Large trucks would be necessary to deliver building materials as well as remove demolition materials. Cut and fill would not be required during the grading process. Based on the California Emissions Estimator Model (CalEEMod) default assumptions for this project, as analyzed in **Appendix A***,* the project would generate the highest number of daily trips during the paving phase. The model estimates that the project would generate up to 20 worker trips per day for paving. Because of the logarithmic nature of noise levels, a doubling of a traffic volume (assuming that the speed and vehicle mix do not also change) would result in a noise level increase of 3 dBA, which is the increase necessary to be perceptible to humans. Approximately 20 worker trips would not double the existing traffic volume per day of 18,934 average daily trips (ADT) on Commercial Street south of Commercial Court.[24] Construction related traffic noise would not be noticeable and would not create a significant noise impact.

Operation

As a discussed above, the closest sensitive receptors are RV parks and residential spaces surrounding the project site. The City of San José stationary source exterior Zoning Ordinance Noise Standards for industrial areas is 55 dBA L_{eq} when adjacent to residential uses and 70 dBA L_{eq} at nearby industrial uses.

Traffic Noise

Implementation of the project would generate increased traffic volumes along study roadway segments. The project is expected to generate 108 trips associated the vehicle storage facility and the movement of vehicle in and out of the facility, which would result in noise increases on project area roadways. In general, a traffic noise increase of less than 3 dBA is barely perceptible to people, while a 5-dBA increase is readily noticeable.[25] Generally, traffic volumes on project area roadways would have to approximately double for the resulting traffic noise levels to increase by 3 dBA. Therefore, permanent increases in

[24] City of San José, *San José GIS Open Data Average Daily Traffic*, 2021.
[25] Caltrans, *Technical Noise Supplement to the Traffic Noise Analysis Protocol,* 2013.

ambient noise levels of less than 3 dBA are considered to be less than significant. As mentioned previously, surrounding roadways, such as Commercial Street, has approximately 18,934 ADT and an additional 108 trips would not double existing traffic volumes. Therefore, operational traffic noise associated with the project would be less than significant.

Stationary Noise Sources

The proposed project would operate as a commercial vehicle storage facility. Therefore, implementation of the project would create new sources of noise in the project vicinity from vehicle maintenance, parking lot noise, and landscape maintenance.

Vehicle Maintenance

As mentioned previously, the project would provide vehicle maintenance services to vehicles stored on-site. Maintenance activity would require only small hand-held pieces of equipment that would not generate substantial levels of noise. Further, maintenance activities would be short-term and irregular. Therefore, vehicle maintenance activity would not permanently increase ambient noise in the project vicinity and would be consistent with activities that currently occur at surrounding uses. Thus, noise associated with parking/vehicle storage lot activities is not anticipated to exceed the City's Noise Standards or the California Land Use Compatibility Standards during operation, and impacts would be less than significant.

Parking Areas

Traffic associated with parking areas is typically not of sufficient volume to exceed community noise standards, which are based on a time-averaged scale such as the CNEL scale. However, the instantaneous maximum sound levels generated by a car door slamming, engine starting up and car pass-by range from 53 to 61 dBA[26] and may be an annoyance to adjacent noise-sensitive receptors. Parking area noise can also be considered a "stationary" noise source. Conversations in parking areas may also be an annoyance to sensitive receptors. Sound levels of speech typically range from 33 dBA at 48 feet for normal speech to 50 dBA at 50 feet for very loud speech.[27] It should be noted that parking area noise sources are instantaneous noise levels compared to noise standards in the CNEL scale, which are averaged over time. As a result, actual noise levels over time resulting from parking activities would be far lower.

The proposed project includes a surface parking area to be used for vehicle storage. Noise impacts associated with outdoor parking would be 59 dBA at the closest sensitive receptor, the South Bay Mobile Home Park, without accounting for any attenuating structures such as solid fences. The mobile home park is surrounded by a protective wall that would provide a significant noise reduction for operational noise produced on-site and would bring noise levels below the City's 55 dBA Municipal Code standard and the 60 dBA General Plan standard. Additionally, parking area noise at the closest industrial use would reach approximately 60 dBA which would remain below the 70 dBA municipal code standard.[28] Parking area noise would be partially masked by the background noise of the surrounding industrial uses. Thus, noise associated with parking activities is not anticipated to exceed the City's Noise Standards or the California

[26] Kariel, H. G., *Noise in Rural Recreational Environments*, Canadian Acoustics 19(5), 3-10, 1991.

[27] Elliott H. Berger, Rick Neitzel, and Cynthia A. Kladden, *Noise Navigator Sound Level Database with Over 1700 Measurement Values*, 2010.

[28] City of San José, *Envision San José 2040 General Plan*, Pg. 39-40, 2011.

Land Use Compatibility Standards during operation. Therefore, noise impacts from parking areas would be less than significant.

Landscape Maintenance Activities

Development and operation of the project includes new landscaping that would require periodic maintenance. Noise generated by a gasoline-powered lawnmower is estimated to be approximately 70 dBA at a distance of 5 feet. Landscape maintenance activities would be 48 dBA at the closest sensitive receptor approximately 65 feet northwest from the edge of the project site and 48 dBA at the closest industrial site located 60 feet southwest of the project site. This would be at noise levels below the City's noise standard for residential uses. Maintenance activities would operate during daytime hours for brief periods of time as allowed by the City Municipal Code and would not permanently increase ambient noise levels in the project vicinity and would be consistent with activities that currently occur at the surrounding uses. Therefore, with adherence to the City's Municipal Code, impacts associated with landscape maintenance would be less than significant.

b) Generate excessive groundborne vibration or groundborne noise levels?

Increases in groundborne vibration levels attributable to the project would be primarily associated with construction-related activities. Construction on the project site would have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and the operations involved. Ground vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Groundborne vibrations from construction activities rarely reach levels that damage structures.

The nearest receptor includes the industrial building 60 feet southwest of the project site. Based on Federal Transit Administration (FTA) vibration data, at 60 feet the vibration velocities from construction equipment would be 0.024 in/sec PPV, which is well below the City's 0.20 PPV threshold listed under Policy EC-2.3 in the San José General Plan. It can be assumed that at a greater distance this vibration would be even less. It is also acknowledged that construction activities would occur throughout the project site and would not be concentrated at the point closest to the nearest commercial structure. Therefore, vibration impacts associated with the proposed project would be less than significant.

The project would not generate groundborne vibration during operations that could be felt at surrounding uses. Project operations would not involve railroads or substantial heavy truck operations, and therefore would not result in vibration impacts at surrounding uses. As a result, impacts from vibration associated with project operation would be less than significant.

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

The nearest airports to the project site are the San José Mineta International Airport located approximately 1.7 miles west of the project and the Reid-Hillview County Airport located approximately 4.2 miles southeast of the project. The project is within 2 miles of the San José International Airport. However, the airport has a Land Use Compatibility Plan. According to the City's aircraft noise contour projections, the project site is located well outside the noise impact area of San José International Airport.[29] Additionally, there are no private airstrips located within the project vicinity Therefore, the project would not expose people residing or working in the project area to excessive airport- or airstrip-related noise levels and no mitigation is required.

[29] City of San José, *Norman Y. Mineta San Jose International Airport Noise Assessment for the Master Plan Environmental Impact Report*, 2019.

Source: Nearmap, 2023

Figure 4-2: Noise Measurement Locations

1055 Commercial Court
Focused Initial Study

Not to scale

Kimley»Horn
Expect More. Experience Better.

Source: Nearmap, 2023

Figure 4-3: Sensitive Receptor Locations

1055 Commercial Court
Focused Initial Study

Not to scale

Kimley»Horn
Expect More. Experience Better.

4.14 Population and Housing

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

As identified in the General Plan EIR, the City currently has an existing ratio of jobs per resident of 0.8. The General Plan EIR identified that at full buildout of the General Plan, the existing ratio of jobs per employed resident would be increased to a job per employed resident ratio of 1.3. The increase in jobs caused by the project will incrementally increase the overall jobs/housing ratio within the City, and the proposed project is consistent with employment projections outlined in the General Plan for the City.

The proposed project is not of the scope or scale to induce population growth within the City. On site employees during both construction and operational phases of the project are expected to come from the surrounding area. Further, the project site currently supports a range of industrial uses and will continue to support vehicle parking and storage consistent with the HI designation. Implementation of the project would not result in the removal of any residential units or displacement of people such that construction of replacement housing would be required. Therefore, no impact would occur.

4.15 Public Services

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?			X	
ii) Police protection?			X	
iii) Schools?			X	
iv) Parks?				X
v) Other public facilities?				X

Development of the proposed project may incrementally increase the demand for fire and police protection services, however, not to a substantial level considering the existing onsite and historic use and the site's urbanized location. Because the limited number of on-site employees would likely come from surrounding areas, the project is not anticipated to induce population growth within the City that could impact service ratios. The General Plan found with implementation of Policy ES-3.1, planned construction and/or relocation of stations as described in the General Plan, will improve response times of police and fire. Furthermore, the proposed project would be constructed in accordance with current Building codes, Fire Codes, and City policies (e.g. Policy ES-3.9) to avoid unsafe building conditions and promote public safety. Thus, impacts to police and fire services would be less than significant and incremental demand upon these services that may be generated by the project would not trigger the need for new or altered facilities that could result in physical environmental effects.

The project site is located within the Orchard Elementary School District (OESD) and East Side Union High School District (ESUHSD) boundaries. As discussed in Section 4.14, Population and Housing, the proposed project would not generate substantial population growth within the City that could increase demand for services within OESD or ESUHSD. Further, the proposed project is part of the planned growth in the City

and would not increase students in the OESD or ESUSD beyond what was anticipated in the General Plan. The project would also be subject to Government Code Section 65995, which requires a new development project's impacts on school facilities are fully mitigated via the payment of the requisite new school construction fees established. Thus, the project would not increase the number of school children attending public schools in the project area and it would be consistent with the increases identified in the General Plan and would mitigate its impact through compliance with State law regarding school impacts. Impacts would be less than significant. As the project would not generate an increase in the student population, the project would not result in the construction for new or altered school facilities.

The project would not induce population growth in the project vicinity that could increase demand on local parks or other public facilities. As discussed below in Section 4.16, visitors and on-site employees may visit nearby park facilities, however, this nominal increase would not impact the City's parkland ratios. The General Plan EIR concluded that development and redevelopment allowed under the General Plan would be adequately served by existing and planned public facilities, such as libraries. For these reasons, there would be no impact on parks and other public facilities, and the nominal demand that may be generated by the project would not result in the construction of new or altered parks or public facilities.

4.16 Recreation

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

The proposed project would not increase the City's population, as discussed in Section 4.14, Population and Housing. The increase of employees and visitors to the project site could conceivably result in additional visitors to nearby parks and recreation facilities. However, this relatively small number of people, combined with the City's on-going park operation and maintenance plans (for which this proposed project would contribute to by way of property taxes) would not result in a substantial physical deterioration of parks or other recreation facilities or require the construction or expansion of existing recreational facilities. Therefore, there would be no impact. Although the project could increase the use of these recreational facilities, this increased use was accounted for in the General Plan EIR. Therefore, there would be no impact.

4.17 Transportation

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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?				X
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?				X
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
d) Result in inadequate emergency access?				X

The current use of the project site consists of a group industrial users and material storage area, adjacent to a Pick-N-Pull facility that buys junk cars for consumer parts sales. The site at 1055 Commercial Court is accessed from Commercial Street via an access easement. Commercial Court is paved for approximately 300 feet north of Commercial Street but becomes a poorly maintained drive with a deteriorated surface after that point till it dead ends at the property line.

Regional access is provided from US 101, Old Oakland Road, and Berryessa Road. Pedestrian activity in the immediate vicinity and the North San Jose area is generally sparse around industrial areas. However, the Coyote Creek Trail, a bicycle and pedestrian facility, is located along the creek north and east of the site. Commercial Court has no sidewalks.

Applicable Plans, Policies, and Regulations

Metropolitan Transportation Commission

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 the final Plan Bay Area in July 2013 which includes the region's Sustainable Communities Strategy and the most recently adopted Regional Transportation Plan (2040).

Santa Clara Valley Transportation Agency Congestion Management Program

In accordance with California Statute, Government Code 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 (CMA) for Santa Clara County and maintains the County's CMP. The CMP requires review of substantial individual projects, which might on their own impact the CMP transportation system. Specifically, the CMP Traffic Impact Analysis measures impacts of a project on the CMP Highway System. Compliance with the CMP requirements ensures a city's eligibility to compete for State gas tax funds for local transportation projects.

San José Transportation Impact Policy 5-1

As established in City Council Policy 5-1 "Transportation Analysis Policy" (2018), the City of San José uses vehicle miles traveled (VMT) as the metric to assess transportation impacts from new development under CEQA, as suggested by SB 743. According to the policy, a residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average citywide per capita VMT. An employment (e.g., office, R&D) project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional per employee VMT. For industrial projects (e.g., warehouse, manufacturing, distribution or other uses allowed under industrial land use designations), the impact would be less than significant if the project VMT is equal to or less than existing average regional per employee VMT. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible.

The policy also requires preparation of a Local Transportation Analysis (LTA) to analyze non-CEQA transportation issues, which may include local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and to recommend needed transportation improvements.

City of San José Envision San José 2040 General Plan

The City's General Plan includes the following transportation policies applicable to the proposed project:

Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).

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

Policy TR-1.4: Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

Policy TR-1.5: Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

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

Policy TR-2.8: Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.

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

Policy TR-8.6: Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.

Policy TR-8.7: Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments.

Policy TR-8.8: Promote use of unbundled private off-street parking associated with existing or new development, so that the sale or rental of a parking space is separated from the rental or sale price for a residential unit or for non-residential building square footage.

Policy TR-8.9: Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.

Policy TR-9.1: Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

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Policy CD-2.10: Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land use regulations to require compact, low-impact development that efficiently uses land planned for growth, especially for residential development which tends to have a long life-span. Strongly discourage small-lot and single-family detached residential product types in growth areas.

Policy CD-3.3: Within new development, create a pedestrian friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Policy CD-3.6: Encourage a street grid with lengths of 600 feet or less to facilitate walking and biking. Use design techniques such as multiple building entrances and pedestrian paseos to improve pedestrian and bicycle connections.

Discussion

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

No Impact. The project site is located at the end of a local industrial street in an existing industrial area. There are no connecting or through streets that would create a need for pedestrian or bicycle facilities or connections. Due to the functional characteristics of the proposed industrial yard and commercial vehicle parking, the project is not anticipated to add substantial project trips to the existing roadway network or bicycle and pedestrian facilities nearby such as the Coyote Creek trail. No buildings are proposed that would generate new trips per ITE and City guidelines, and new trips from commercial vehicles are estimated to be less than 110 per day, which is reflected in the City's screening guidance. The project as proposed would not conflict with the City's stated goals and polices regarding mobility and multi-modal transportation due to the project location, proposed use and surrounding uses, and the project would not cause adverse neighborhood impacts for these same reasons. All access improvements will be required to meet the City's design standards as per city policy.

For these reasons, the proposed project is consistent with goals, policies, and programs adopted by the City and VTA and would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Therefore, impacts would not occur in this regard.

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

No Impact. The City of San José's Transportation Analysis Policy, Council Policy 5-1, establishes the threshold for transportation impacts under CEQA based on Vehicle Miles Traveled (VMT) in accordance with California Senate Bill 743 (SB 743). Per the City of San José's Transportation Analysis Handbook dated April 2020, the proposed project – with paved parking areas and no new structures (or building floor area) - would meet the screening criteria for a VMT analysis exemption as an industrial small infill project of 30,000 square feet of gross floor area or less; therefore, a CEQA Transportation Analysis is not required.

For these reasons, the project would not conflict or be inconsistent with the City's Transportation Analysis Policy and no impact would occur.

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

No Impact. An informal review of the project was prepared to determine if adequate site access and on-site circulation is provided to identify any access issues that should be improved. Based on the site plans and City of San Jose requirements, the project would result in compatible uses with surrounding properties.

Commercial Court is not a through street and will only serve the project site and existing businesses with similar industrial uses. The intersection of Commercial Court and Commercial Street is a stop-controlled

T intersection at the Commercial Court leg. Assuming parking and storage uses consistent with the Heavy Industrial land use designation, the project is not anticipated to generate substantial increases in traffic at this location that would substantially increase or exacerbate hazards.

d) Result in inadequate emergency access?

No Impact. In the event of an emergency, it is assumed that fire apparatus and emergency vehicles will access all existing properties via Commercial Court. The existing roadway is an access easement ranging from approximately 25 feet 40 to feet wide with adequate pavement area to maneuver large cranes (King Crane). This access will be preserved with the project. For these reasons, the project would provide adequate emergency access and no impact would occur in this regard.

4.18 Tribal Cultural Resources

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

Assembly Bill (AB) 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation

requirement applies only if the tribes timely respond to written requests for consultation that are sent to tribes on a list compiled by the NAHC by the lead agency.

- On July 9, 2018, a representative of the Ohlone Indian Tribe, Inc., requested notification of projects in accordance with Public Resources Code Section 21080.3.1 subd (b). In a meeting with City staff and the representative on July 12, 2018, the tribe clarified that such notification should be sent only for projects in the City of San José that involve ground disturbing activities in Downtown, and that such consultation requests may be sent via e-mail only for future projects that require a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report. As this project is not in Downtown, no notification was sent to the Ohlone Indian Tribe, Inc.
- On June 17, 2021, Chairwoman Geary of the Tamien Nation verbally requested AB 52 notification and sent written notice to the City, received June 28, 2021, requesting notification of projects in accordance with Public Resources Code Section 21080.3.1 subd (b), for all proposed projects that require a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report. Accordingly, AB 52 notification was sent via email to the Tamien Nation on November 13, 2023.The City did not receive a request for consultation nor additional information from the Tamien Nation.
- On November 13, 2023, City staff sent a notification letter to Kanyon Sayers-Roods, a representative of the Indian Canyon Band of Costanoan Ohlone People. A request for consultation was received from Kanyon Sayer-Roods on November 26, 2023. Kanyon Sayer-Roods met with City staff on April 4, 2024, and requested that Cultural Sensitivity Training be included as a requirement for construction personnel.

There are no known tribal cultural resources on the project site and due to the shallow depth of grading required for the project, it is unlikely that unknown tribal cultural resource will be discovered. Nevertheless, previously unknown and/or unrecorded below-surface tribal cultural resources could be discovered during ground disturbance. Project site work such as clearing, demolition, preparation, grading, trenching, etc. could potentially encounter buried tribal resources. Should this occur, the ability of the deposits to convey their significance, either as containing information about prehistory or history, as possessing traditional or cultural significance to the Native American or other descendant communities, would be materially impaired. The project would be required to comply with the General Plan goals and policies, which include direction for the protection of such resources. However, future ground-disrupting activities within the project site could have the potential to uncover and damage or destroy unknown resources. Implementation of the Standard Permit Conditions listed in the Section 4.5, Cultural Resources, as well as the voluntary condition below, would reduce the project's potential impact to uncover and damage or destroy unknown tribal cultural resources to a less than significant level.

Voluntary Permit Condition

Prior to issuance of any grading permit, the project applicant shall be required to conduct a Cultural Awareness Training for construction personnel. The training shall be facilitated by a qualified archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commissions for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. Documentation verifying that

Cultural Awareness Training has been conducted shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee.

4.19 Utilities and Service Systems

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				X
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				X

The project site is located within the Urban Service Area of the City of San José and is currently served by City services. Off-site facilities would not be required to be upgraded or expanded to serve the project. However, to accommodate the possibility of electric vehicle charging incidental to the proposed use, electrical service infrastructure (switching equipment) within the site may be require upgrades for adequate power needs.

Water service to the project site is currently provided by San José Water Company (SJWC) by a connection to an existing water main along Commercial Street and would continue to supply the project site. The

proposed project would be consistent with planned growth in the General Plan, in that it would be consistent with the type of development planned for this area in the General Plan. Based on the small number of on-site employee numbers, the project is not of the scope or scale to result in a significant water demand that would result in or require construction of new or expanded water facilities. There are no buildings proposed or new fixtures to be installed. Further, the project is within the bounds of maximum build out considered by the General Plan, therefore, the project demand is within normal growth projections for water demand in the SJWC system.

Sewer services would continue to be provided by the City of San José via existing infrastructure. The San José-Santa Clara Regional Wastewater Facility (RWF) in Alviso is the regional wastewater treatment facility that provides wastewater treatment services for the project area. Since the project is within the bounds of the maximum build out considered by the General Plan, the project would not increase wastewater generation beyond what was previously analyzed in the General Plan EIR, and treatment capacity of the San José-Santa Clara RWF would not be exceeded as a result of the proposed project.

Storm drainage infrastructure to serve the project site would be installed in the form of a bioretention basin at the center of the site. As discussed in Section 4.10, Hydrology and Water Quality, implementation of the proposed project would increase impervious surfaces on-site but do so in compliance with existing regulations. With implementation of a Stormwater Control Plan consistent with RWQCB and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the proposed project would not require or result in the relocation or construction of significant new stormwater drainage facilities and there would be no environmental impact caused by the construction of those facilities beyond the noted construction related effects.

As the project site is currently surrounded by urban uses, infrastructure on the project site is already established. PG&E is the main electricity and natural gas provider for the City of San José and would continue to provide these services for the proposed project as needed. As noted previously, on-site upgrades to electrical switching equipment may be required for vehicle charging incidental to the proposed use. However, any such equipment would not require significant construction or cause specific environmental effects beyond normal construction activity and was considered in the analysis in this document. Telecommunications, if needed, would continue to be provided by AT&T, Comcast, Viasat, Frontier, and Spectrum.

The General Plan EIR concluded that the increase in solid waste generated by full buildout under the General Plan would not cause the City to exceed the capacities of the operating landfills that serve the City. Solid waste generation from implementation of the proposed project would be avoided with the ongoing implementation of the City's Zero Waste Strategic Plan. Compliance with the General Plan policies, existing regulations, and local programs would ensure that the proposed project would not result in significant impacts to water, wastewater, and landfill capacities to accommodate the City's increased service population. Therefore, there would be no impact. For these reasons, the proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities and there would be no impact.

4.20 Wildfire

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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?				X
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				X
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				X
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				X

The project site is located within an urban area and is predominately surrounded by industrial uses. The proposed project is not located within a “Very High Fire Hazard Safety Zone” or an area subject to risks related to wildfires. Thus, no impact related to wildfires would occur.

4.21 Mandatory Findings of Significance

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

Discussion

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?

Less than Significant Impact. As discussed in the individual sections, the proposed project would not degrade the quality of the environment with the implementation of identified Standard Permit Conditions and mitigation measures. As discussed in Section 4.4, Biological Resources, the proposed project would not have a significant impact on sensitive habitat or species.

As identified in Section 4.5, Cultural Resources, the proposed project would not have potentially significant impact on historic, cultural, or tribal cultural resources located on the project site with mitigation and standard permit conditions. The proposed project would result in a less than significant impact on cultural resources with mitigation and standard permit conditions.

As described in the environmental topic sections of this Initial Study, impacts were found to be less than significant, and the proposed project would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

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

Less than Significant Impact. Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

The proposed project could result in temporary air quality, water quality, and noise impacts during construction. However, with the implementation of the identified mitigation measures, Conditions of Project Approval, Standard Permit Conditions, and adopted City policies, these construction impacts would be fully mitigated to a less than significant level. As mitigated, these effects would not create nor make a cumulatively considerable contribution to a significant cumulative effect.

Several areas of environmental study and impact, regardless of significance, are geographically isolated and mitigated on a project-specific basis. For example, aesthetics, biological resources, cultural resources, geologic and seismic hazards, contaminated soils, etc. present environmental conditions that are largely contained to the project limits and addressed on site, with limited opportunity for those impacts to combine with other nearby past, present or probable future project to create a significant cumulatively considerable effect as defined by CEQA. For this project, these issues are fully addressed on site, are less than significant, and do not extend or combine with other environmental conditions to create a significant cumulative effect.

Other areas of study, however, such as air quality, tribal cultural resources, greenhouse gas emissions, transportation, downstream water quality, ambient noise and public services demands have a wider reach beyond the project site and therefore those areas of study are more likely to contribute to an existing environmental condition in an adverse way. For this project, however, standard permit conditions, state and local regulatory requirements and mitigation measures will reduce project impacts to below established cumulative thresholds (for air quality, for example), and/or the project's contribution is so

minor (such as for public services and recreation) that there is no measurable contribution from the project to a larger significant cumulative impact.

The proposed project would not impact population and housing, recreation, agricultural and forest resources, mineral resources, or wildfire. Therefore, the proposed project would have no impact and would not contribute to a significant cumulative impact on these resources.

Finally, the General Plan EIR determined that there is a significant cumulative transportation impact under full build out of the General Plan. The project, in the context of this industrial area of the City, is consistent with the General Plan and therefore would not exceed the assumptions of the General Plan EIR for cumulative impacts or development.

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

Less than Significant Impact. Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the proposed project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include construction impacts related to air quality, hazardous materials and noise. However, implementation of mitigation measures and General Plan policies would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified.

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