

Initial Study

350 West Trimble Road Project

File Nos.: PDC22-009, PD22-028, ER22-210



March 2023

PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSE, CALIFORNIA

Project Name: 350 W. Trimble Road Project

File Nos.: PDC22-009, PD22-028, ER22-210

Description: Planned Development Rezoning to rezone the project site from IP(PD) Industrial Park Planned Development Zoning District to IP(PD) Industrial Park Planned Development Zoning District, and a Planned Development Permit to construct a 50-foot high, 208,000-square-foot manufacturing and assembly building, surface parking, associated landscaping, and removal of 57 trees, including 43 ordinance-size trees on an approximately 10.9-acre site.

Location: The approximately 10.9-acre project site is located at 350 West Trimble Road, on the southwest corner of West Trimble Road and Orchard Parkway.

Assessor's Parcel No.: 101-02-018

Council District: 4

Applicant Contact Information: LBA Realty, Anthony Calderone, 3347 Michelson Drive, Suite 200, Irvine CA, 92612, (949)-955-9369, ACalderone@lbarealty.com

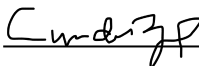
The City has performed an environmental review of the project. The environmental review examines the nature and extent of any adverse effects on the environment that could occur if the project is approved and implemented. Based on the review, the City has prepared a Draft Mitigated Negative Declaration (MND) for this project. An MND is a statement by the City that the project will not have a significant effect on the environment because the project will include mitigation measures that will reduce identified project impacts to a less than significant level. The project site is not listed on a hazardous waste site or list pursuant to Section 65962.5 of the California Government Code.

The public is welcome to review and comment on the Draft MND. The public comment period for this Draft MND begins on **April 3, 2023 and ends on April 24, 2023**. The Draft MND, Initial Study, and reference documents are available online at: www.sanjoseca.gov/NegativeDeclarations

The documents are also available for review with an appointment during normal business hours at the City of San José Department of Planning, Building and Code Enforcement, located at 200 East Santa Clara Street on the third floor; or during normal business hours at the Dr. Martin Luther King Jr. Main Library located at 150 E. San Fernando Street.

For additional information, please contact Maira Blanco at (408) 535-7837 or via email at Maira.Blanco@sanjoseca.gov.

Chris Burton, Director
Planning, Building and Code Enforcement



Deputy

04/03/2023

Date

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of San José, as the Lead Agency, has prepared this Initial Study for the 350 West Trimble Road project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of San José.

The project proposes to develop a 208,000-square foot manufacturing and assembly building that would include 15 loading docks and office space. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

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

City of San José
Department of Planning, Building, and Code Enforcement
Maira Blanco, Planner
200 East Santa Clara Street, 3rd Floor
San José, CA 95113-1905
Phone: 408-535-7837
Email: Maira.Blanco@sanjoseca.gov

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

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

1.4 NOTICE OF DETERMINATION

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

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

350 West Trimble Road Project

2.2 LEAD AGENCY CONTACT

Maira Blanco, Planner
City of San José
200 E. Santa Clara Street,
San José, CA 95113
Phone: 408-535-7837
Email: Maira.Blanco@sanjoseca.gov

2.3 PROJECT APPLICANT

Anthony Calderone
Vice President, Engineering & Construction
LBA Realty
3347 Michelson Drive, Suite 200
Irvine, CA 92612

2.4 PROJECT LOCATION

The 10.9-acre project site is located at 350 West Trimble Road, at the southwest corner of the West Trimble Road/Orchard Parkway intersection in the City of San José.

2.5 ASSESSOR'S PARCEL NUMBER

The project site's Assessor's Parcel Number (APN) is 101-02-018.

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

General Plan Designation: Industrial Park (IP)
Existing Zoning: Industrial Park (Planned Development) – IP(PD)
Proposed Zoning: Industrial Park (Planned Development)- IP(PD)

2.7 HABITAT PLAN DESIGNATION

Private Development Areas:	Area 4: Urban Development Equal to or Greater than two acres Covered
Land Cover:	Urban - Suburban
Land Cover Fee Zone:	Urban Areas (No Land Cover Fee)

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

The project would require the following discretionary and ministerial approvals from the City of San José:

- Rezoning to IP (PD)- Industrial Park Planned Development Zoning District
- Planned Development Permit

Subdivision Actions including-Vesting Tentative Map, Parcel Map, and Final Map

- Demolition, Grading, Building and Occupancy Permits
- Other Public Works Clearances

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT LOCATION

The project proposes to rezone a 10.9-acre area and develop a 10.46-acre portion of the site located at 350 West Trimble Road. Regional, vicinity, and aerial maps of the project site are provided on Figure 3.1-1, Figure 3.1-2, and Figure 3.1-3, respectively.

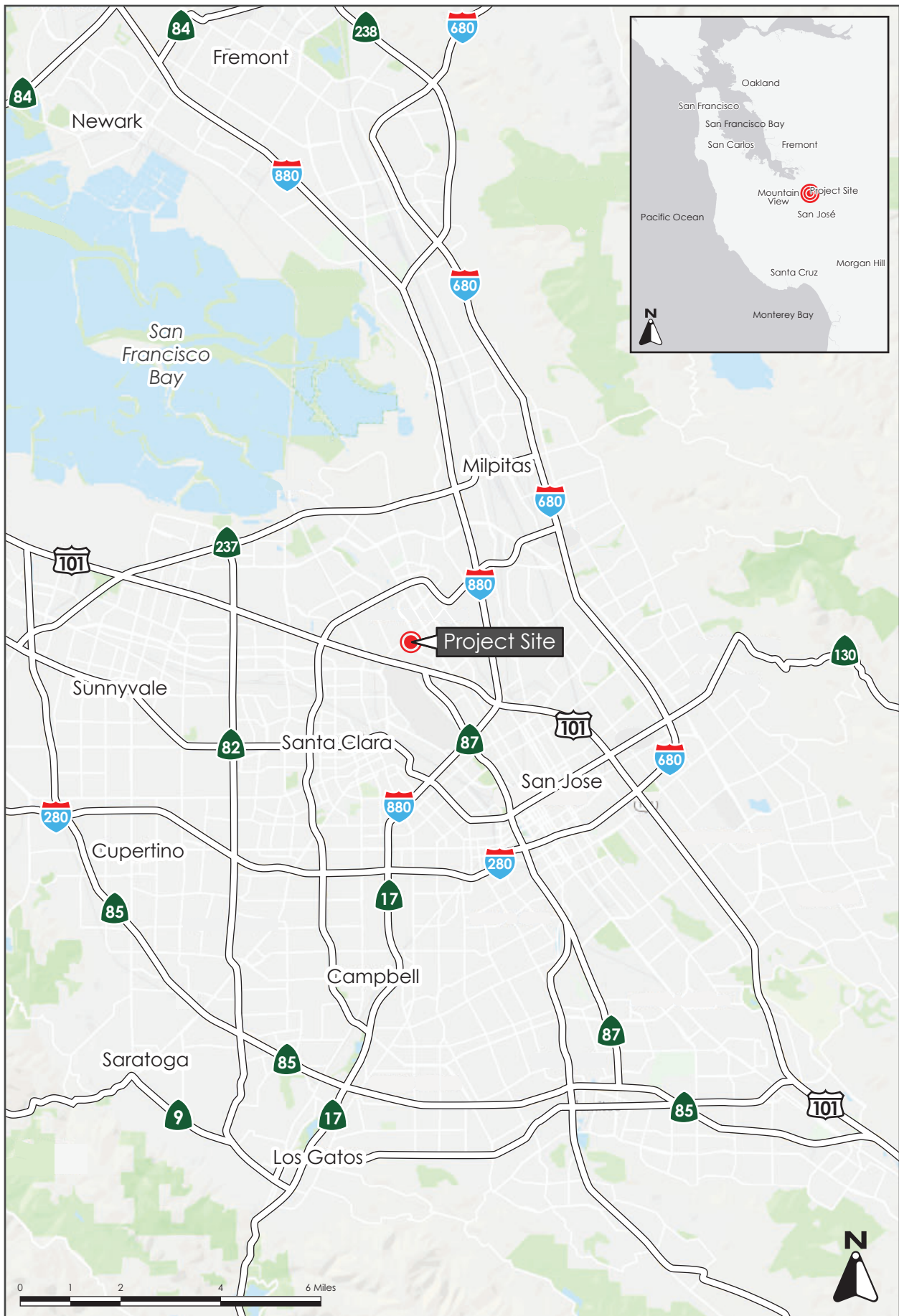
The project site was formerly part of a larger 68-acre parcel that included the Lumileds headquarters adjacent to the south (APN: 101-02-019), and a parcel south of the Lumileds site (APN: 101-02-020). As shown on Figure 3.1-3, surrounding land uses in all directions are predominantly office and industrial, with a small private park directly to the south, vacant land to the southeast, and the Guadalupe River located approximately 450 feet to the north. The project site is undeveloped as an open dirt field with a small grassy open space embankment, and trees distributed around the perimeter of the project site (116 trees in total, including 65 ordinance trees and 51 non-ordinance trees).¹ The project site was formerly improved as a paved parking lot and is currently undeveloped with 455,638 square feet of pervious surfaces and no impervious surfaces. An electric utility easement is located towards the eastern end of the project site running in a north-south direction at the western base of the embankment.

3.1.1 General Plan and Zoning

The project site is designated Industrial Park (IP) under the *Envision San José 2040 General Plan* (General Plan). Properties with an IP land use designation are intended for a wide variety of industrial uses, such as research and development (R&D), manufacturing, assembly, testing purposes, and offices. The IP land use designation permits a floor area ratio (FAR) up to 10 and building heights between two and 15 stories. Under a previously approved Planned Development Zoning District (File No. PDC17-026), 14-acres were rezoned from IP(PD) Industrial Park Planned Development Zoning District to IP(PD) Industrial Park Planned Development Zoning District. The IP(PD) zoning district allows for a wide variety of industrial uses such as R&D, manufacturing, assembly, testing purposes, and offices. Areas exclusively for industrial uses may contain a very limited amount of supportive commercial uses, in addition to industrial uses, when those uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area. The subject project site and IP(PD) Industrial Park Planned Development Zoning District represents approximately 10.9 acres of the previously approved 14-acres.

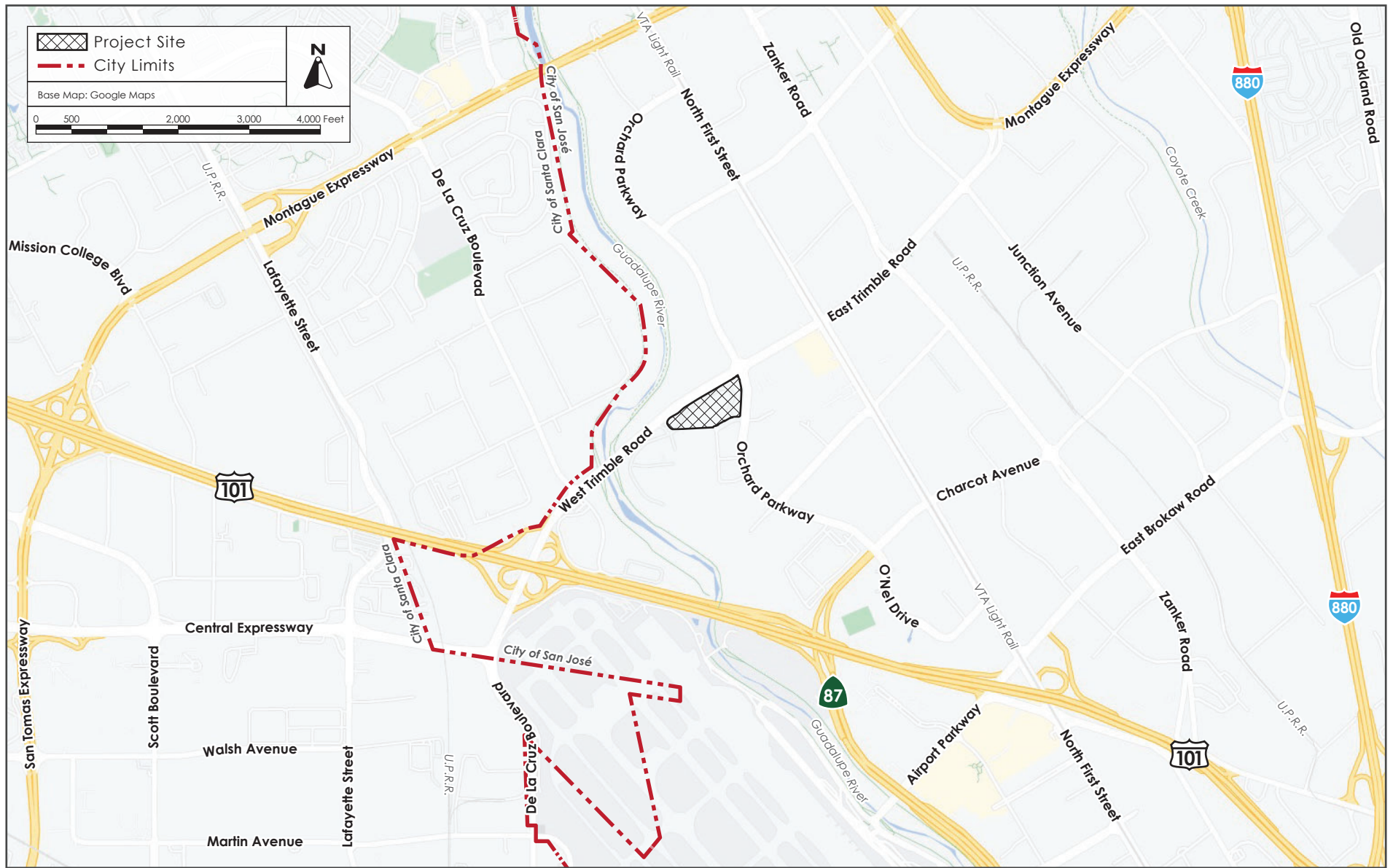
The project proposes to rezone the entire project site (10.9 acres) to a new IP(PD) Industrial Park Planned Development zoning district, that would include uses allowed in the IP Industrial Park and the CN Commercial Neighborhood zoning districts. The new IP(PD) Planned Development Zoning District would facilitate and support the project's proposed uses which include manufacturing, assembly, testing, and research.

¹ As defined in San José Municipal Code Section 13.32, ordinance-sized trees are those exceeding 38 inches in circumference, or approximately 12 inches in diameter, at a height of 4.5 feet above the ground. Ordinance trees are generally mature trees that help beautify the City, slow the erosion of topsoil, minimize flood hazards, minimize the risk of landslides, increase property values, and improve local air quality. A tree removal permit is required from the City of San José for the removal of ordinance trees.



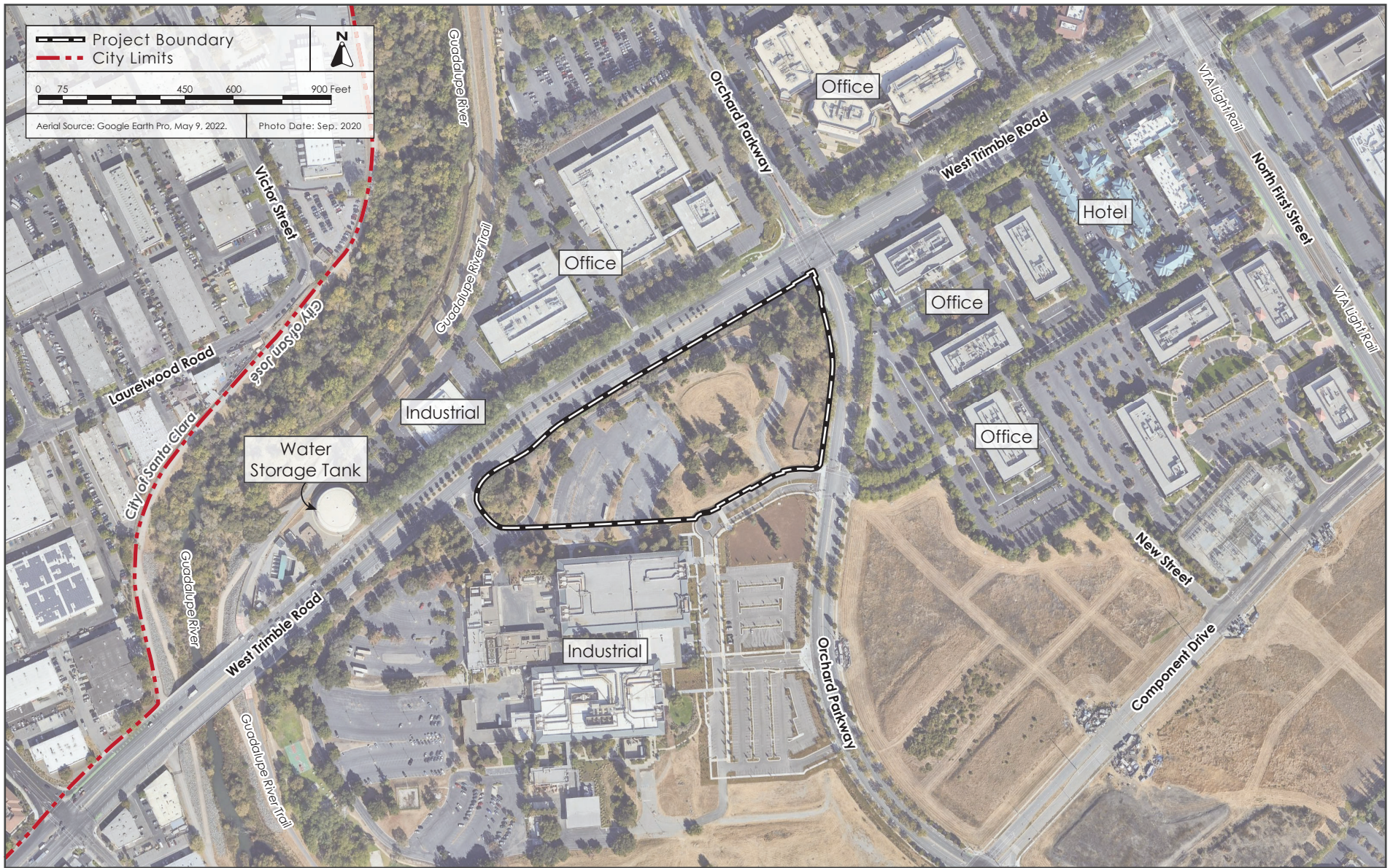
REGIONAL MAP

FIGURE 3.2-1



VICINITY MAP

FIGURE 3.2-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 3.2-3

3.2 PROPOSED PROJECT

3.2.1 Proposed Development

As discussed in Section 3.1.1, the project proposes to rezone the project site from the existing IP(PD) zoning district to a new IP (PD) zoning district that would facilitate the development of the project and associated uses. The project proposes to develop a 10.46-acre portion of the 10.9-acre site located at 350 West Trimble Road with a 50-foot-high, 208,000-square-foot manufacturing and assembly building that would include 15 loading docks on the southern building façade. Approximately 188,000 square feet of the proposed building would be dedicated to light manufacturing and assembly, with the remaining 20,000 square feet dedicated to office space. Office spaces would be located at the main building entrances near West Trimble Road at the northwest and northeast corners of the building. Included in the building design is a 300-kilowatt (kW) emergency generator powered by a 460-horsepower diesel engine. No cold storage facilities would be constructed as part of the project.²

The project would be independent from the adjacent Lumileds headquarters with no shared parking or infrastructure, with the exception of the small private park located at the southwest corner of the Orchard Parkway driveway. The park site would not be rezoned as part of this project.

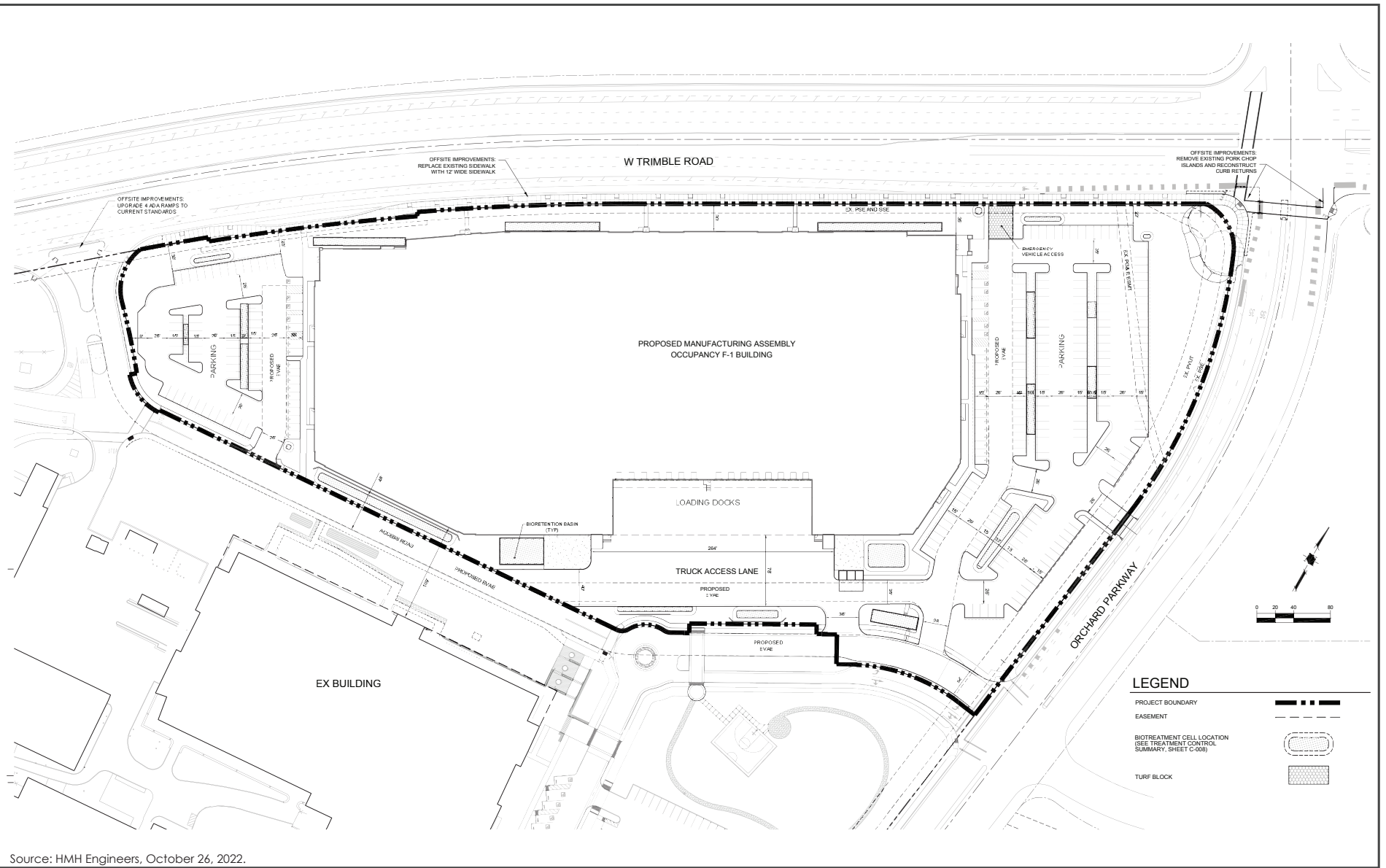
A conceptual site plan and building cross-section are shown on Figures 3.2-1 and 3.2-2, respectively.

3.2.2 Site Access, Parking, and Circulation

As shown on Figure 3.2-1, vehicular access to the project site would be provided via a one-way-in, one-way-out driveway (right in and right out) off eastbound West Trimble Road, a new one-way in, one-way out driveway off southbound Orchard Parkway, and a two-way-in, two-way-out controlled intersection further south on Orchard Parkway. An existing two-way private interior roadway would connect the West Trimble Road and Orchard Parkways driveways along the southern edge of the proposed development. An emergency vehicle access (EVA) driveway would be located at the northeast corner of the project site between West Trimble Road and the surface parking lot near the northeastern corner of the proposed building.

Parking for future employees and visitors of the proposed development would be provided at surface parking lots adjacent to the western and eastern ends of the proposed building that would provide a total of 280 parking spaces, including 235 standard, 28 electric vehicle (EV), 11 Americans with Disabilities Act (ADA)-compliant, and six motorcycle spaces. Access to the western surface lot would be provided primarily via West Trimble Road, while access to the eastern surface lot would be provided primarily via Orchard Parkway. Delivery trucks would access the site via Orchard Parkway and exit via West Trimble Road. Based on an assumption that the loading docks would turn over once per day, an average of 15 trucks per day (30 daily truck trips) may be generated by the project site. The anticipated number of trucks equates to approximately two to three trucks per hour on average either entering or exiting the site when presuming a 12-hour daily operations schedule. The construction of cold storage facilities is not proposed, and therefore none of the delivery trucks would utilize transportation refrigeration units (TRUs).

² Pursuant to California Health and Safety Code Section 112355, "Cold storage" means a place artificially refrigerated to a temperature above zero of 45 degrees Fahrenheit or below.



CONCEPTUAL SITE PLAN

FIGURE 3.2-4



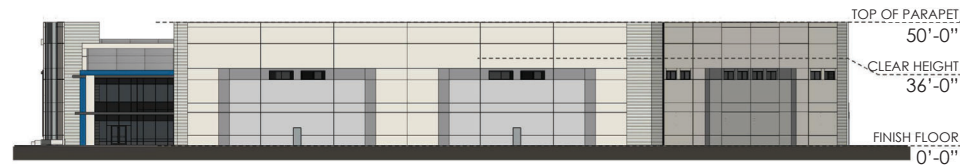
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

EXTERIOR ELEVATION KEYNOTES

1	CONCRETE BASE COLOR SW7009 - PEARLY WHITE		5	METAL TRIM ACCENT COLOR SW6804 - DIGNITY BLUE		9	CLERESTORY
2	CONCRETE SECONDARY COLOR SW2849 - WESTCHESTER GRAY		6	METAL CLADDING SW2849 - WESTCHESTER GRAY			
3	CONCRETE ACCENT COLOR SW7065 - ARGOS		7	SPANDREL GLASS			
4	METAL CANOPY COLOR SW7069 - IRON ORE		8	CLEAR VISION GLASS			

Source: Ware Malcomb, August 15, 2022.

BUILDING CROSS-SECTIONS

FIGURE 3.2-5

Bicyclists would primarily access the site via future Class IV bicycle facilities on Orchard Parkway and West Trimble Road constructed under the City's Better Bike Plan 2025 and by existing sidewalks located along these roadways. A total of 42 bicycle parking spaces for employees and visitors would be located near entrances at the northwest, northeast, and southwest areas of the building, including 36 short-term spaces and six long-term spaces.

Pedestrian access to the project site would be provided by existing sidewalks on Orchard Parkway and new sidewalks on West Trimble Road. On West Trimble Road the project would replace and widen sidewalks to be 12 feet wide, remove the existing pedestrian islands and provide ADA-compliant curb ramp access near the northwest corner of the project. Project walkways would extend along the eastern and western sides of the proposed building. Employees of the building would enter through four doorways on the eastern side of the building and three doorways on the western side of the building.

Truck access to the loading docks would be provided by the private interior roadway with two driveways on the southern boundary of the project site leading to a truck access lane in front of the loading dock parking area.

3.2.3 Landscaping and Stormwater Control

Project implementation would require removal of 57 trees, including 43 ordinance-sized trees and 15 non-ordinance sized trees (summarized in Table 4.4-2). In addition, two non-ordinance street trees in the Orchard Parkway Right of Way will be removed. In replacement, the project would plant 128 trees with at least a 24-inch box size throughout the proposed development. Project landscaping would include stormwater treatment control measures located around the building perimeter, within the project site boundary, and in between the drive aisles of both parking lots which includes 12 bioretention areas, seven flow-through planters, and three self-treating areas planted nearby with one- and five-gallon plants approved for stormwater treatment use by the Santa Clara Valley Water District (Valley Water), and landscaping dispersed throughout the site and along the project frontage planted with one- and five-gallon plants and grasses.

Construction of the proposed building and landscaping would occur on an entirely pervious site, with post-construction conditions consisting of 91,150 square feet of pervious surface and 364,602 square feet of impervious surface, equivalent to 20 percent pervious and 80 percent impervious. The project proposes to treat 100 percent of stormwater runoff through the use of bioretention areas, flow-through planters, and self-treating areas.

3.2.4 Green Building Measures

The City requires that the project be built in accordance with the California Green Building Standards Code (CALGreen) requirements which includes design provisions intended to minimize wasteful energy consumption and the most recent California Building Code (CBC). Consistent with the City's Private Sector Green Building Policy and the Green Building Ordinance, the proposed project would be designed to achieve, at minimum, Leadership in Energy and Environmental Design (LEED) Silver Certification. This would be met through community design and planning, site design, landscape design, building envelope performance, and material selections. The project would also

meet the energy efficiency performance requirements of the San José Reach Code, and enroll in SJCE's TotalGreen program.

3.2.5 Utility and Other Facility Improvements

The proposed project would construct lateral connections to existing sanitary sewer, storm drain, and water lines in West Trimble Road and Orchard Parkway. New manholes, catch basins, and water valves would be installed for these connections.

The project would also improve existing transportation facilities and would work with City staff in determining an appropriate contribution towards the implementation of multi-modal improvements to the transportation system in the area surrounding the De La Cruz Boulevard/Seaboard Avenue and West Trimble Road intersection, including:

- Remove pork chop islands located at the southwest and southeast corners of the Orchard Parkway/Trimble Road intersection along with a signal modification, and pay and in-lieu fee for or construct protected Class-IV bikeway to improve pedestrian safety and access.
- Construct or provide a monetary contribution for an in-lieu fee of \$144 per linear foot to construct the Class IV 7-foot protected bike lanes along the project frontages on West Trimble Road and Orchard Parkway per the City of San José Better Bike Plan 2025.
- Replace existing sidewalk along West Trimble Road with a new 12-foot-wide sidewalk.
- Replace existing pedestrian ramps at the pedestrian island at the West Trimble Road driveway with ADA-compliant pedestrian curb ramps.

3.2.6 Construction

Construction of the project is estimated to last approximately 275 working days over a period of approximately 12 months, with construction anticipated to begin in April 2023 and end in March 2024. Construction activities associated with the proposed project include site preparation, grading and excavation, trenching and foundation, paving, and building construction. The project's maximum depth of excavation would be 14 feet. The project would not export soil, but instead would import 18,635 cubic yards of soil to raise the building pad by three feet. Importation of soil, cement, and asphalt would require 2,779 round trips by construction vehicles. The hours of construction would occur from 7:00 a.m. to 7:00 p.m., Monday through Friday.

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Aesthetics	4.12	Mineral Resources
4.2	Agriculture and Forestry Resources	4.13	Noise
4.3	Air Quality	4.14	Population and Housing
4.4	Biological Resources	4.15	Public Services
4.5	Cultural Resources	4.16	Recreation
4.6	Energy	4.17	Transportation
4.7	Geology and Soils	4.18	Tribal Cultural Resources
4.8	Greenhouse Gas Emissions	4.19	Utilities and Service Systems
4.9	Hazards and Hazardous Materials	4.20	Wildfire
4.10	Hydrology and Water Quality	4.21	Mandatory Findings of Significance
4.11	Land Use and Planning		

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project’s impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370).

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by Caltrans. The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. There are no state-designated scenic highways in San José. Interstate 280 from the San Mateo County line to State Route (SR) 17, which includes segments in San José, is an eligible, but not officially designated, State Scenic Highway.³

In Santa Clara County, the one state-designated scenic highway is SR 9 from the Santa Cruz County line to the Los Gatos City Limit. Eligible State Scenic Highways (not officially designated) include SR 17 from the Santa Cruz County line to SR 9, SR 35 from Santa Cruz County line to SR 9, Interstate 280 from the San Mateo County line to SR 17, and the entire length of SR 152 within the County.

Local

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of avoiding or reducing aesthetic-related impacts and are applicable to the project.

Policy	Description
CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City.
CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.

³ California Department of Transportation. *List of Eligible and Officially Designated State Scenic Highways*. August 2019.

Policy	Description
CD-1.13	Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.
CD-1.17	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
CD-1.29	Provide and implement regulations that encourage high quality signage, ensure that business and organizations can effectively communicate through sign displays, promote way finding, achieve visually vibrant streetscapes, and control excessive visual clutter.
CD-10.2	Require that new public and private development adjacent to Gateways and freeways (including 101, 880, 680, 280, 17, 85, 237, and 87), and Grand Boulevards consist of high-quality materials, and contribute to a positive image of San José.
CD-10.3	Require that development visible from freeways (including 101, 880, 680, 280, 17, 85, 237, and 87) is designed to preserve and enhance attractive natural and man-made vistas.

San José Municipal Code

The City's Municipal Code includes several regulations associated with protection of the City's visual character and control of light and glare. For example, Chapter 13.32 (Tree Removal Controls) regulates the removal of trees on private property within the City, in part to promote the scenic beauty of the city.

The City's Zoning Ordinance (Title 20 of the Municipal Code) includes design standards, maximum building height, and setback requirements.

San José Design Review Process and Citywide Design Standards and Guidelines

Nearly all new private development is subject to a design review process (architecture and site planning). The design review process is used to evaluate projects for conformance with adopted design guidelines and other relevant policies and ordinances.

To assist those involved with the design, construction, review, and approval of development in San José, the City developed the San José Citywide Design Standard Guidelines, which were adopted in February 2021. Guidelines are provided for specific development types, including general industrial and industrial research and development as described below.

General Industrial

The General Industrial Guidelines apply to facilities such as light and heavy industrial uses, combined industrial commercial uses, and manufacturing, processing, and recycling. These facilities are typically space-intensive, have large open plan spaces, and require large vehicle/truck access and circulation. Any proposed office and open space uses should be located facing the street to engage the public realm. Parking should be screened from adjacent developments. Utilities should be placed in such a way that minimizes the visual and physical impact on the public realm. Building façades should be articulated using architectural elements such as windows, columns, and sunshades. Pedestrian connections should be provided to the street, and parking connections should be provided to primary building entrances. Driveways should be located to the side or rear of development sites.

City of San José Council Policy 4-3: Private Outdoor Lighting on Private Developments

City Council Policy 4-3 requires private development to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. Low-pressure sodium lighting is required unless a photometric study is done, and the proposed lighting referred to Lick Observatory for review and comment. One of the purposes of this policy is to provide for the continued enjoyment of the night sky and for continuing operation of Lick Observatory, by reducing light pollution and sky glow.

4.1.1.2 *Existing Conditions*

Project Site

The 10.9-acre project site, located at 350 West Trimble Road, is vacant and undeveloped with an open dirt field, grassy open space, and mature trees. The project site is relatively flat with a small, raised embankment in the northeast corner of the site with elevations ranging between 25 and 30 feet.⁴ There are approximately 116 trees dispersed across the project site, clustered on the embankment, in the grassy area, and along the interior roadway. Views of the project site are partially visible from the surrounding roads including Trimble Road to the north. Views of the project site from Orchard Parkway to the east are obscured by the embankment and existing trees.

Surrounding Uses

Development in the North San José area consists predominantly of industrial and office campuses with large surface parking lots and perimeter landscaping, retail, residential, hotels and smaller locally serving commercial uses interspersed throughout.

As shown on Figure 3.1-3, surrounding land uses in all directions are predominantly office and industrial, with a small private park directly to the south, vacant land to the southeast, and the Guadalupe River located approximately 450 feet to the north beyond the Verizon and Cepton office developments. Buildings on adjacent parcels range between two to three stories.

⁴ Langan Engineering and Environmental Services, Inc. *Geotechnical Investigation for North Town*. November 15, 2019.

Scenic Views

The City of San José's Envision San José 2040 General Plan defines scenic vistas or resources in the City of San José as broad views of the Santa Clara Valley, the hills and mountains surrounding the valley, the urban skyline, and the baylands. Panoramic views of hillside areas, including the foothills of the Diablo Range, Silver Creek Hills, Santa Teresa Hills, and foothills of the Santa Cruz Mountains, are identified as key scenic features in the City.

Scenic Corridors

The City's General Plan identifies Gateways, Urban Throughways, and Rural Scenic Corridors where preservation and enhancement of views of the natural and man-made environment are crucial.⁵ The nearest Gateway segment to the project site is North First Street, approximately 0.2 mile east of the West Trimble Road to East Brokaw Road/Airport Parkway intersection. The nearest Urban Throughway segment to the project site is U.S. 101, approximately 0.4-mile south of the project site. The nearest Rural Scenic Corridor is Penitencia Creek Road, approximately 4.3 miles east of the project site.

There are no state-designated scenic highways in San José. The nearest officially designated state scenic highway to the project site is SR 9, located approximately 10 miles southwest of the site. Interstate 280 from the San Mateo County line to SR 17, which includes segments of San José, is an eligible, but not officially designated, State Scenic Highway. The project site is approximately 4.4 miles north of the nearest State Scenic Highway-eligible segment.

Light and Glare

The existing project site is a vacant and undeveloped field of open dirt and grassy areas with no existing light sources. Sources of light and glare in the surrounding area are those typical of developed urban areas, including headlights, streetlights, parking lot lights, security lights, and reflective surfaces such as windows.

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒

⁵ City of San José. *Envision San José 2040 General Plan*. November 2011. Scenic Corridors Diagram. Chapter 4, page 27.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? ⁶ If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

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

As discussed in Section 4.1.1.2 Existing Conditions, there is a City Gateway 0.2-mile east and an Urban Throughway 0.4-mile south of the project site. Other scenic vistas and corridors in the City and Santa Clara Valley are much more distant, and the project site is indistinguishable from surrounding development. Due to intervening development and distance, the project site is not visible from the City Gateway segment at the North First Street/West Trimble Road intersection. However, the U.S. 101 Urban Throughway segment provides a clear view of the project site, particularly from the Guadalupe River crossing.

The project site, which consists of an open dirt field, grassy open space, and non-heritage mature trees, does not provide any scenic value with the exception of the trees. As discussed under Aesthetics checklist question c), the project would remove 57 trees, and would plant 128 replacement trees that are at least 24-inch box size. Thus, the scenic value provided by trees would be enhanced by the project. Further, the proposed 50-foot-high building would be harmonious with surrounding development and would be required to conform with the Citywide Design Standard Guidelines, which would be ensured through the City's design review process. During the design review process, the project would also be reviewed by City staff for compatibility with General Plan policies related to preserving scenic vistas along designated Gateways and Urban Throughways (Policy CD-10.2 and CD-10.3). Due to intervening development surrounding the project site and the consistency of the height of the proposed building with surrounding development, public views of the aforementioned City Gateway, Urban Throughway, and more distant scenic vistas would not be substantially affected.

Conclusion for checklist question a): The project would not have a substantial adverse effect on a scenic vista. **(Less than Significant Impact)**

⁶ Public views are those that are experienced from publicly accessible vantage points.

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

As discussed in Section 4.1.1.2 Existing Conditions, the nearest state scenic highway is SR 9, located 10 miles southwest of the project site. The site is not adjacent to or visible from SR 9 which is the closest designated state scenic highway, and therefore the project would not damage scenic resources within a state scenic highway.

Conclusion for checklist question b): The project would not damage scenic resources within a state scenic highway. **(No Impact)**

c) In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The proposed project would develop a 10.46-acre undeveloped portion of the 10.9-acre site with a 50-foot-high, 208,000-square foot manufacturing and assembly building. Implementation of the project would alter the appearance of the site by introducing new development. The project site is surrounded by industrial and office uses ranging from two to three stories in height.

The project has a FAR of 0.45 which is below the maximum permitted FAR for the IP General Plan land use designation (10.0 FAR allowed). Accordingly, the project would be consistent with the intensity of development anticipated in the City of San José General Plan EIR, which concluded that new development and development allowed under the General Plan would alter the appearance of San José; and implementation of applicable policies and regulations (including the City's Design Guidelines) would avoid substantial degradation of the visual character of the City.

As discussed in Section 4.4 Biological Resources, the project would remove 57 trees, including 43 ordinance-size trees. The project proposes to plant 128 replacement trees that are a minimum of a 24-inch box size, which would be in accordance with the City of San José Tree Protection Ordinance, San José Municipal Code Section 13.28, and General Plan Policies MS-21.4, MS-21.5, and MS-21.6. Therefore, the project would not conflict with applicable zoning and other regulations governing the scenic quality of the City's community forest and urban canopy.

Furthermore, while the project requires a rezoning, the proposed project nonetheless would be designed in conformance with the Citywide Design Standard Guidelines and applicable General Plan policies. The proposed project would be subject to the setback, massing, and height requirements consistent with the San José Municipal Code. The proposed project would be reviewed in accordance with the applicable guidelines and policies during the Planning Permit stage as part of the City's planning review. Implementation of the proposed project in conformance with existing policies, regulations, and adopted plans would not result in a substantial degradation of the visual character of the area and would not conflict with regulations governing scenic quality.

Conclusion for checklist question c): The project would not conflict with applicable zoning and other regulations governing scenic quality. **(Less than Significant Impact)**

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

As discussed in Section 4.1.1.2 Existing Conditions, the site is located in an urban area with primarily industrial and office uses, with light and glare typical of urban areas, including headlights, streetlights, parking lot lights, security parking, and reflective surfaces such as windows from existing development and traffic. The project would include street parking lights and area lights approximately 19 feet in height, which would be located around the parking areas, the loading dock, and driveways. As required by City Council Policy 4-3, all project lighting would be fully shielded and not directed skyward. The design of the proposed project would be subject to the General Plan policies and Citywide Design Guidelines and would be required to use exterior materials that do not result in daytime glare, use bird safety treatments in the development's design and use effective and attractive lighting that is designed to reduce light pollution.

Conclusion for checklist question d): The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is identified as Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.⁷

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.⁸

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.⁹ Programs such as CAL FIRE's Fire and Resource Assessment Program and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.¹⁰

Local

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of avoiding or reducing agricultural and forestry impacts and are applicable to the project.

⁷ California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed August 9, 2022. <https://www.conservation.ca.gov/dlrp/fmmp>.

⁸ California Department of Conservation. "Williamson Act." <http://www.conservation.ca.gov/dlrp/lca>.

⁹ Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

¹⁰ California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed August 9, 2022. <http://frap.fire.ca.gov/>.

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

4.2.1.2 *Existing Conditions*

The project site is not used for agricultural or timberland purposes. The areas surrounding the project site are developed and comprised of a mix of industrial and commercial office uses. The *Santa Clara County Important Farmlands 2018 Map* designates the project site as “Urban and Built-Up Land”, which is defined as land with at least six structures per 10 acres. Common examples of “Urban and Built-Up Land” are residential, institutional, industrial, commercial, landfill, golf course, airports, and other utility uses.¹¹ The site is not under a Williamson Act contract.¹²

The project site is designated IP under the *Envision San José 2040 General Plan* and is located in the IP(PD) zoning district. Parcels within these land use designations and zoning districts are intended for industrial uses such as R&D, manufacturing, assembly, testing purposes, and offices.

¹¹ California Natural Resources Agency. *Santa Clara County Important Farmland 2018*. June 2021.

¹² County of Santa Clara. “Williamson Act and Open Space Easement.” September 17, 2018. Accessed August 9, 2022. <https://plandev.sccgov.org/policies-programs/williamson-act-and-open-space-easement>.

4.2.2 Impact Discussion

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

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

As discussed above in Section 4.2.1.2 Existing Conditions, there is no designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on or near the site.

Conclusion for checklist question a): The project would not convert farmland to non-agricultural use. **(No Impact)**

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

As discussed above in Section 4.2.1.2 Existing Conditions, the project site is neither zoned for agricultural use or under a Williamson Act contract.

Conclusion for checklist question b): The project would not conflict with existing zoning for agricultural use or a Williamson Act contract. **(No Impact)**

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?

As discussed above in Section 4.2.1.2 Existing Conditions, the project site and surrounding parcels are not zoned, or adjacent to any zoning, for forest land or timberland.

Conclusion for checklist question c): The project would not conflict with existing zoning or cause rezoning of forest land, timberland, or timberland production. **(No Impact)**

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

As discussed above in Section 4.2.1.2 Existing Conditions, the project site is located within an urbanized area that is designated for industrial and commercial uses. No forest land would be lost as a result of the project, nor would forest land be converted to non-forest use.

Conclusion for checklist question d): The project would not result in a loss of forest land or conversion of forest land to a non-forest use. **(No Impact)**

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

The proposed project would develop a 10.46-acre undeveloped portion of a 10.9-acre parcel with a 50-foot-high, 208,000-square foot manufacturing and assembly building in an urbanized area of the city. Development of the project would be confined to the project site and thus no indirect impacts to agricultural or forest land would occur.

Conclusion for checklist question e): The project would not involve other changes in the existing environment that could result in the conversion of farmland to non-agricultural use or the conversion of forest land to non-forest use. **(No Impact)**

4.3 AIR QUALITY

The following discussion is based, in part, on an Air Quality Assessment completed for the proposed project by Illingworth & Rodkin, Inc. The report, dated August 2022, is attached to this Initial Study as Appendix A.

4.3.1 Environmental Setting

4.3.1.1 *Background Information*

Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O₃), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.¹³ Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 4.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Table 4.3-1: Health Effects of Air Pollutants		
Pollutants	Sources	Primary Effects
Ozone (O ₃)	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	• Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO ₂)	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	• Aggravation of respiratory illness • Reduced visibility
Fine Particulate Matter (PM _{2.5}) and Coarse Particulate Matter (PM ₁₀)	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	• Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
Toxic Air Contaminants (TACs)	Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products	• Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

High O₃ levels are caused by the cumulative emissions of reactive organic gases (ROG) and NO_x. These precursor pollutants react under certain meteorological conditions to form high O₃ levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to

¹³ The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of sulfur dioxide or lead. These criteria pollutants are not discussed further.

reduce O₃ levels. The highest O₃ levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources.

PM is a problematic air pollutant of the Bay Area. PM is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM₁₀) and fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM_{2.5}). Elevated concentrations of PM₁₀ and PM_{2.5} are the result of both region-wide emissions and localized emissions.

Toxic Air Contaminants

TACs are a broad class of compounds known to have health effects. They include but are not limited to criteria pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway).

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).¹⁴ Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools.

4.3.1.2 *Regulatory Framework*

Federal and State

Clean Air Act

At the federal level, the United States Environmental Protection Agency (U.S. EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants (discussed previously), including PM, O₃, CO, SO_x, NO_x, and lead.

¹⁴ California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed September 1, 2022. <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>.

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Diesel Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, the plan involves application of emission control strategies to existing diesel vehicles and equipment to reduce DPM (in addition to other pollutants). Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment (including off-road equipment), will significantly reduce emissions of DPM and NO_x.

Air Quality and Land Use Handbook

In April 2005, CARB adopted the *Air Quality and Land Use Handbook* to serve as a guide for siting sensitive land uses in proximity to air pollution sources. The Handbook highlights the potential health impacts associated with specific sources and provides distance screening recommendations for sensitive land uses, such as residences, medical facilities, daycare centers, schools, and playgrounds. Air pollution sources of concern include freeways, rail yards, ports, refineries, distribution centers, chrome plating facilities, dry cleaners, and large gasoline service stations.

Regional

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals:

- Protect air quality and health at the regional and local scale by attaining all state and national air quality standards and eliminating disparities among Bay Area communities in cancer health risk from TAC.
- Protect the climate by reducing Bay Area GHG emissions 40 percent below 1990 levels by 2040 and 80 percent below 1990 levels by 2050

To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining 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 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.¹⁵

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Local

Envision San José 2040 General Plan

The following policies in the City’s General Plan have been adopted for the purpose of avoiding or reducing impacts to air quality and are applicable to the project.

Policy	Description
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.
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.
MS-10.3	Promote the expansion and improvement of public transportation services and facilities, where appropriate, to both encourage energy conservation and reduce air pollution
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.
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

¹⁵ BAAQMD. *Final 2017 Clean Air Plan*. April 19, 2017. <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.

Policy	Description
	TACs to be located an adequate distance from residential areas and other sensitive receptors.
MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
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.
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.
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.
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.

4.3.1.3 *Existing Conditions*

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. The portion of Santa Clara Valley in which the project site is located within is bounded by the San Francisco Bay to the north, the Santa Cruz Mountains to the southwest, and the Diablo Range to the east. The surrounding terrain influences winds in the valley, resulting in a prevailing wind that follows the valley's northwest-southwest axis.

The Bay Area is considered a nonattainment area for ground-level O₃ and PM_{2.5} under both the federal Clean Air Act and state Clean Air Act (refer to Appendix A for additional information about the nearest pollutant monitoring station to the project site and data of days exceeding standards). The area is also considered in nonattainment for PM₁₀ under the state act, but not the federal act. The area has attained both state and federal ambient air quality standards for CO. As part of an effort to attain and maintain ambient air quality standards for O₃ and PM₁₀, BAAQMD has established thresholds of significance for these air pollutants and their precursors¹⁶ that apply to both construction and operational period emissions.

Sensitive Receptors

The nearest sensitive receptors are single-family residences located along Eastwood Circle, approximately 3,000 feet north of the project site.

¹⁶ ROG and NO_x are O₃ precursor pollutants.

4.3.2 Impact Discussion

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

4.3.2.1 *Thresholds of Significance*

Impacts from the Project

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and PM_{2.5}. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-2 below.

Table 4.3-2: BAAQMD Air Quality Significance Thresholds			
Pollutant	Construction Thresholds	Operation Thresholds	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG, NO _x	54	54	10
PM ₁₀	82 (exhaust)	82	15
PM _{2.5}	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	

Table 4.3-2: BAAQMD Air Quality Significance Thresholds			
Pollutant	Construction Thresholds	Operation Thresholds	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Annual Average Emissions (tons/year)
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	Single Source	Combined Cumulative Sources	
Excess Cancer Risk	10 per one million	100 per one million	
Hazard Index	1.0	10.0	
Incremental Annual PM _{2.5}	0.3 µg/m ³	0.8 µg/m ³ (average)	
Notes: ROG = reactive organic gases, NO _x = nitrogen oxides, PM ₁₀ = course particulate matter with a diameter of 10 micrometers (µm) or less, and PM _{2.5} = fine particulate matter with a diameter of 2.5 µm or less.			

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

The proposed project would not conflict with the 2017 CAP because construction and operational emissions would be less than the BAAQMD CEQA Air Quality Guidelines impact thresholds shown in Table 4.3-2. Because the project would not exceed the BAAQMD impact thresholds (described further below), it would not result in significant impacts due to the generation of operational-related criteria air pollutants and/or precursors. Thus, the project is not required to incorporate project-specific control measures listed in the 2017 CAP. Further, implementation of the project would not prevent BAAQMD or partner agencies from continuing progress toward attaining State and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP. For these reasons, the project would not result in a significant impact related to consistency with the 2017 CAP.

Construction Period Emissions

The California Emissions Estimator Model (CalEEMod) Version 2020.4.0 was used to estimate emissions from on-site construction activity, construction vehicle trips, and evaporative emissions. Construction emissions were modeled based on equipment list and schedule information provided by the applicant. Details about the equipment list, construction schedule, and assumptions are included in Appendix A. Table 4.3-3 below summarizes the annualized average daily construction emissions of ROG, NO_x, PM₁₀ exhaust, and PM_{2.5} exhaust during construction of the project.

Table 4.3-3: Project Construction Period Emissions				
Year	ROG	NO_x	PM₁₀ Exhaust	PM_{2.5} Exhaust
Construction Emissions Per Year (tons)¹				
2023	1.22	0.92	0.05	0.03
Annualized Daily Construction Emissions (pounds/day)¹				
2023	8.89	6.71	0.34	0.24
<i>BAAQMD Thresholds</i>	<i>54 lbs./day</i>	<i>54 lbs./day</i>	<i>82 lbs./day</i>	<i>54 lbs./day</i>
Exceed Threshold?	No	No	No	No
Source: Illingworth & Rodkin, Inc. 350-370 West Trimble Road Air Quality Assessment. August 31, 2022.				
Notes:				
¹ This analysis assumes 275 construction workdays in 2023.				

As shown in Table 4.3-3, the project's construction criteria pollutant emissions would not exceed BAAQMD thresholds. These emissions would be further reduced by adhering to the City's standard permit conditions addressing fugitive construction dust control, as described under checklist question c).

Operational Criteria Air Pollutants

Operational air emissions from the project would be generated primarily by the proposed 300 kW (460-hp equivalent) generator and from vehicles driven by future employees (approximately 443 employees generating approximately 2,087 average daily trips); the project would also generate 30 average daily trips by delivery trucks to and from the site. Emissions associated with vehicle travel depend on the year of analysis because emission control technology requirements are phased-in over time. This analysis assumed that the project would be fully built out and operating in the year 2024.

Annual emissions were predicted using CalEEMod, and daily emissions were estimated based on 365 days of operation. The modeling assumptions, data inputs, and results are described further in Appendix A of this Initial Study. Table 4.3-4 below shows the net average daily operational emissions of ROG, NO_x, total PM₁₀, and total PM_{2.5} during operation of the project in comparison with the BAAQMD thresholds of significance identified in Table 4.3-2.

Table 4.3-4: Project Operational Period Emissions				
Scenario	ROG	Nox	PM ₁₀	PM _{2.5}
Project (2024) Annual Emissions (tons/year)	1.95	0.80	1.37	0.35
Existing (2022) Annual Emissions (tons/year)	0	0	0	0
Net Annual Emissions (tons/year)	1.95	0.80	1.37	0.35
BAAQMD Thresholds (tons /year)	10 tons	10 tons	15 tons	10 tons
Exceed Threshold?	No	No	No	No
Net Average Daily Emissions (pounds/day) ¹	10.68	4.36	7.49	1.92
BAAQMD Thresholds (pounds/day)	54 lbs.	54 lbs.	82 lbs.	54 lbs.
Exceed Threshold?	No	No	No	No
Source: Illingworth & Rodkin, Inc. 350-370 West Trimble Road Air Quality Assessment. August 31, 2022.				
Notes:				
¹ Assumes 365-days of operation in 2024 (earliest possible buildout year).				

As shown in Table 4.3-4, the project's operational emissions would not exceed BAAQMD significance thresholds.

Conclusion for checklist question a): The project would not conflict with or obstruct implementation of the applicable air quality plan. **(Less than Significant Impact)**

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

As stated in the BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions.

As described in Section 4.3.1.3 Existing Conditions, the Bay Area is considered a non-attainment area for ground-level O₃ and PM_{2.5} under both the Federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM₁₀ under the California Clean Air Act, but not the federal act. The area has attained both State and federal ambient air quality standards for carbon monoxide. As part of an effort to attain and maintain ambient air quality standards for ozone and PM₁₀, BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for O₃ precursor pollutants (ROG and NO_x), PM₁₀, and PM_{2.5} and apply to both construction period and operational period impacts. As described under checklist

question a), the project would not result in an exceedance of BAAQMD thresholds for these air pollutants during construction or operation.

Conclusion for checklist question b): The project would not result in a cumulatively considerable increase of any criteria pollutant for which the region is in nonattainment. **(Less than Significant Impact)**

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

Community Health Risk Impacts

Project impacts related to increased community risk can occur either by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity or by significantly exacerbating existing cumulative TAC impacts. This project would introduce new sources of TACs during construction (i.e., on-site construction and truck hauling emissions) and operation (i.e., mobile and stationary sources). During project operation, the project would generate some traffic, consisting of mostly light-duty vehicles and a small number of heavy-duty delivery trucks (approximately one percent of daily trips). In addition, the building design includes a 300-kW emergency generator powered by a 460-horsepower diesel engine, which would be a new stationary source of DPM emissions.

Per BAAQMD guidance, only sensitive receptors within 1,000 feet of TAC sources are at risk of health risk impacts associated with new development. As discussed in Section 4.3.1.2 Existing Conditions, the nearest sensitive receptors are single-family residences located along Eastwood Circle, approximately 3,000 feet north of the project site.

Given the large distance and temporary nature of this impact, community health risks caused by construction are considered to be below the BAAQMD single-source thresholds for increased cancer risk, annual PM_{2.5} concentration, and hazard index value. Implementation of the standard permit conditions described under Fugitive Dust below would further reduce TACs and PM_{2.5} emissions during construction, thereby reducing associated health risks. Long-term operational emissions from the project would include traffic (i.e., passenger cars, delivery truck traffic, semi-truck loading and trips) and DPM emissions from routine testing and maintenance of the emergency diesel generator.

Each of these sources would emit minor amounts of TACs and PM_{2.5}. The emissions from generator operation (limited to 50 hours per year for non-emergency conditions) and natural gas combustion would have negligible effects on the sensitive receptors. Traffic emissions would be spread out over a large area and have a negligible effect on any single sensitive receptor.

Based on the above, the project would not in the short-term (i.e., during construction) or long-term (i.e., operation) cause cancer risk, non-cancer health effects or annual PM_{2.5} concentrations to exceed the community risk thresholds.

Fugitive Dust

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM₁₀ and PM_{2.5}.

Standard Permit Conditions:

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

- Water active construction areas at least twice daily or as often as needed to control dust emissions.
- Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Remove visible mud or dirt track-out onto adjacent public roads using wet-power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Pave new or improved roadways, driveways, and sidewalks as soon as possible.
- Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph)
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Minimize idling times either by shutting off equipment when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.
- Maintain and properly tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

Consistent with the BAAQMD CEQA Air Quality Guidelines, these impacts are considered to be less than significant if the above standard permit conditions are implemented to reduce construction emissions. Further, as shown in Table 4.3-3, PM₁₀ and PM_{2.5} emissions during construction would not exceed BAAQMD thresholds.

Health Effects from Criteria Pollutants

In a 2018 decision (*Sierra Club v. County of Fresno*), the state Supreme Court determined CEQA requires that when a project's criteria air pollutant emissions would exceed applicable thresholds and contribute a cumulatively considerable contribution to a significant cumulative regional criteria

pollutant impact, the potential for the project's emissions to affect human health in the air basin must be disclosed. State and federal ambient air quality standards are health-based standards, and exceedances of those standards result in continued unhealthy levels of air pollutants. As stated in the 2017 BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. 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. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project has a less than significant impact for criteria pollutants, it is assumed to have no adverse health effect.

Conclusion for checklist question c): With implementation of standard permit conditions, the project would not expose sensitive receptors to substantial pollutant concentrations. **(Less than Significant Impact)**

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

According to the BAAQMD CEQA Guidelines, an odor source with five or more confirmed complaints per year averaged over three years is considered to have a significant impact.¹⁷ BAAQMD has identified a variety of land uses that produce emissions that may lead to odors and generate complaints including, but are not limited to, wastewater treatment plants, landfills, composting operations, and food manufacturing facilities.

Light manufacturing uses do not typically generate objectionable odors, nor do they fall under any of the land uses identified by BAAQMD to cause objectionable odors. Localized odors, mainly resulting from diesel exhaust and construction equipment on-site, would be created during the construction phase of the project. These odors would be temporary and not likely be noticed beyond the project site's boundaries. Odors associated with the application of paints and coatings may also be noticeable on occasion by adjacent receptors. Painting and coating of the project would occur during daytime hours only, would be localized, and would be generally confined to the project site. These odors would also be temporary. Operation and maintenance of the project would require the use of cleaning supplies, maintenance chemicals, and herbicides and pesticides for landscape maintenance, as well as diesel fuel for occasional testing and operation of the emergency generator and as fuel for delivery trucks. Any odors generated by the use of these materials would be both temporary and highly localized.

Conclusion for checklist question d): The project would not result in other emissions, such as odors, that would adversely affect a substantial number of people. **(Less than Significant Impact)**

¹⁷ Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. May 2017. Page 2-1.

4.4 BIOLOGICAL RESOURCES

The following discussion is based, in part, on an Arborist Report prepared for the proposed project by HMM Engineers, Inc. The report, dated April 2022, is attached to this Initial Study as Appendix B.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

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

In addition to species listed under state and federal Endangered Species Acts, Sections 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, must be considered as part of the environmental review process. These may include plant species listed by the California Native Plant Society and CDFW-listed Species of Special Concern.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. This includes direct and indirect acts, except for harassment and habitat modification, which are not included unless they result in direct loss of birds, nests, or eggs. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitat Regulations

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

Fish and Game Code Section 1602

Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW.

Regional

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) covers approximately 520,000 acres, or approximately 62 percent of Santa Clara County. It was developed and adopted through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Valley Water, Santa Clara Valley Transportation Authority (VTA), USFWS, and CDFW. The Habitat Plan is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the plan.

Western Burrowing Owl Mitigation Agreement

As described in Section 3.1, the project site was formerly part of a larger 68-acre parcel. Agilent Technologies, Inc., a former owner of the 68-acre site, entered into a mitigation agreement with the CDFW in 2001 that provided for the purchase of off-site burrowing owl habitat in other, less developed and protected areas in the region to offset the loss of habitat on the property (inclusive of all 10.9 acres of the project site).¹⁸ Although burrowing owls have not been recorded on the project site, the larger area covered by the 1802 BUOW Agreement was formerly occupied by two pairs of nesting burrowing owls and one resident adult burrowing owl. Portions of this larger area have since been developed, and portions remain undeveloped. The purpose of the mitigation agreement was to offset the loss of burrowing owl habitat and provide for survival of the species in other areas outside of the South Bay. Agilent Technologies, Inc. provided mitigation at a ratio of 6.5 acres of burrowing owl habitat for each pair and single burrowing owl displaced from the area, in conformance with CDFW (then the California Department of Fish and Game) mitigation requirements at that time, for a total of 19.5 acres.

In a letter dated November 15, 2012 to the City of San José, the CDFW confirmed that the terms of the 1802 BUOW Agreement have been fulfilled and, per the terms of the agreement, that CDFW requires no additional mitigation for impacts on burrowing owls on the property (inclusive of the project site).¹⁹ According to the CDFW, "...any determination by the City regarding the property that was formerly the Agilent project area will not affect the City's ability to successfully implement the conservation strategy for the western burrowing owl described in the Habitat Plan and will not change the strategy."

¹⁸ Mitigation Agreement between Agilent Technologies, Inc. and the California Department of Fish and Game. Reference Number 1802-2000-073-3. January 5, 2001.

¹⁹ California Department of Fish and Game. Letter from Scott Wilson, Acting Regional Manager for the California Department of Fish and Game to Vera Todorov, Senior Deputy City Attorney for the City of San José. November 15, 2012.

Local

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of avoiding or reducing impacts to biological resources and are applicable to the project.

Policy	Description
CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Any adverse effect on the health and longevity of such trees should be avoided through design measures, construction, and best maintenance practices. When tree preservation is not feasible include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.
ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
ER-6.3	Employ low-glaring lighting in areas developed adjacent to natural areas, including riparian woodlands. Any high-intensity lighting used near natural areas will be placed as close to the ground as possible and directed downward or away from natural areas.
ER-6.5	Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.
MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.

Policy	Description
MS-21.8	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals: 1. Avoid conflicts with nearby power lines. 2. Avoid potential conflicts between tree roots and developed areas. 3. Avoid use of invasive, non-native trees. 4. Remove existing invasive, non-native trees. 5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species. 6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species

San José Tree Ordinance

The City of San José maintains the urban landscape by controlling the removal of ordinance trees on private property (San José Municipal Code Section 13.32). Ordinance trees are defined as trees 38 inches in circumference or greater, or approximately 12 inches in diameter, at a height of 4.5 feet above the ground. Ordinance trees are generally mature trees that help beautify the City, slow the erosion of topsoil, minimize flood hazards, minimize the risk of landslides, increase property values, and improve local air quality. A tree removal permit is required from the City of San José for the removal of ordinance trees.

San José Citywide Design Standards and Guidelines

The San José Citywide Design Standards and Guidelines (adopted February 23, 2021) set expectations for high-quality site and building design, and maintain and enhance the character of its neighborhoods and communities. Compliance with the Design Standards and Guidelines will be mandatory in the design review process for all applicable developments. The Citywide Design Standards and Guidelines include bird-safe design techniques to ensure that new developments and building renovations avoid adverse consequences to birds, including the following:

- For non-residential uses, apply a bird safety treatment on areas of glazing within 10 feet of a building corner.
- For non-residential uses, apply a bird safety treatment to glazed areas of any building façade with more than 10 percent glazing that is within 15 vertical feet and 20 horizontal feet of a green roof or a vegetated courtyard, within or outside of the development.
- Use a bird safety treatment on parallel panes of glass 30 feet or less apart, such as skyways, walkways, and other glass building connectors
- Use a bird safety treatment on transparent atria, free-standing glass features, and glass architectural elements that protrude from the primary building mass
- Do not use mirrored glass or glazing with a reflective index above 20 percent.
- For façades with more than 20 percent glazing within 60 feet of grade and located within 300 feet from a body of water, including creeks and vegetated flood control channels; or within 100 feet of a landscaped area, open space, or park larger than one acre in size, apply a bird safety treatment to at least 90 percent of the glazed areas within 60 feet of grade.

- Turn off decorative exterior lighting between 11:00 p.m. and 6:00 a.m. except during June, July, December, and January due to bird migration.
- Use a bird safety treatment on windows or other glazed areas in which trees, landscaping, water features, or the sky will be reflected.
- Use a bird safety treatment on windows or other glazed areas through which landscaping, water features, or the sky can be seen through the glass.
- Do not plant trees in a line perpendicular to glass façades

4.4.1.2 *Existing Conditions*

The 10.9-acre project site is located in the urbanized North San José area and is surrounded by office and industrial developments in all directions. The project site is vacant and undeveloped with an open dirt field, grassy open space, and some mature trees. The site has been extensively graded as recently as April 2022 and is in a disturbed state, and a site visit conducted by DJP&A staff on January 12, 2023 determined that no squirrel burrows or other indicators of habitat that may support special-status species (such as burrowing owls) are present.

The North San José Area Development Policy Environmental Impact Report (NSJADP EIR) identified five habitat types on developable properties in the NSJADP, including urban landscape, agricultural, non-native grassland, coyote brush scrub, and remnant sycamore alluvial woodland. Urban landscape is characterized by properties that are occupied by buildings, residences, and outbuildings and generally contain a mixture of landscape plants and volunteer weedy species. Agricultural and non-native grassland habitats are vegetated with non-native, ruderal vegetation, with non-native grassland generally containing productive habitats for wildlife where plowing or weed control has been limited. Coyote brush scrub is found in areas protected from disturbance, such as along fences or property corners. The land cover on the project site is urban landscape, as identified in the Biological Resource Assessment prepared for the NSJADP EIR.²⁰

Additionally, the project site is within the Habitat Plan study area, and is designated as “Urban-Suburban” land.²¹ “Urban-Suburban” land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as areas with one or more structures per 2.5 acres. However, the project site is within a “modeled occupied nesting burrowing owl habitat” area pursuant to Figure 5-11 of the Habitat Plan.

Habitats commonly associated with Bay Area special-status species, such as salt marsh, freshwater marsh, and serpentine grassland habitats, are not present on-site. The project site is physically separated from the Guadalupe River and its associated riparian habitat (located approximately 450 feet to the north) by West Trimble Road and intervening industrial development. Due to the disturbed nature of the project site, the primary biological resources on-site are ordinance-sized trees. There are

²⁰ H.T. Harvey & Associates. *North San José Area Development Policy Final Environmental Impact Report, Appendix G, Biological Resources Report*. September 2004.

²¹ Santa Clara Valley Habitat Agency. “GIS Data & Key Maps.” Accessed August 30, 2022. <https://scv-habitatagency.org/193/GIS-Data-Key-Maps>.

116 trees present on-site, including 65 ordinance trees and 51 non-ordinance trees, as shown in Table 4.4-1 below.²²

Table 4.4-1: Summary of Trees for the Project Site							
Common Name	Condition¹				No. of Trees		
	Poor	Fair	Good	Excellent	Ordinance size	Non-Ordinance size	Total
Elm			9		-	9	9
Maidenhair tree			10		-	10	10
Callery pear	4	8	6		2	16	18
Coast live oak		10	7	1	15	3	18
Chinese pistache		3	1		1	3	4
Coast redwood	1	10	13		23	1	24
Blue oak		1			1	-	1
Deodar cedar			2		2	-	2
Crape myrtle		2	6		7	1	8
London plane		5	11		10	6	16
Purple robe locust	1				-	1	1
Valley oak		1			1	-	1
Canary island pine	1	2	1		3	1	4
Total Trees Assessed	7	42	66	1	65	51	116
Source: KayVictor. Site Development Permit Submittal Number 1, Tree Evaluation and Tree List. April 28, 2022.; Arborist Report prepared by HMM dated 4/22/22 Notes: ¹ Condition is assessed on a five-point scale, with one (1) being the worst and five (5) being the best condition. Trees are assigned a condition rating as follows: 1-2 = Poor, 3 = Fair, 4 = Good, 5 = Excellent							

²² As defined in San José Municipal Code Section 13.32, ordinance-sized trees are those 38 inches or more in circumference, or approximately 12 inches in diameter, at a height of 4.5 feet above the ground. Ordinance trees are generally mature trees that help beautify the City, slow the erosion of topsoil, minimize flood hazards, minimize the risk of landslides, increase property values, and improve local air quality. A tree removal permit is required from the City of San José for the removal of ordinance trees.

4.4.2 Impact Discussion

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

Candidate, Sensitive, and Special Status Species

As described in Section 4.4.1.2 Existing Conditions, the project site is in a highly urbanized area, and the site itself has been extensively graded and is highly disturbed. None of the habitats identified in the NSJADP EIR with the potential to support candidate, sensitive, or special-status plant and wildlife species (“protected species” are present on-site, and the project site is identified as Urban-

Suburban land in the Habitat Plan. A site visit conducted by DJP&A staff on January 12, 2023 determined that no indicators of squirrel burrows or other indicators of protected species (such as burrowing owls) are present on the site. Given the highly disturbed nature of the site and the absence of any protected species or associated habitat on-site, the proposed project would not have a substantial adverse effect on any protected species. As further described under checklist question b), the project would not have a substantial adverse effect on any protected species that reside in the Guadalupe River riparian habitat located 450 feet north of the project site. Therefore, protected species or natural communities or habitats that could support protected species are not present and would not be impacted.

Burrowing Owls

Provisions within Chapters 6 and 9 of the Habitat Plan exempt a project applicant from its conditions and/or fees provided the applicant provides to the Implementing Agency (the City of San José in this case) written confirmation from the CDFW and USFWS, as applicable, that specifically refers to the activity and states that such activity is not likely to result in the take of any state or federally listed species, and will not preclude the successful implementation of the conservation strategy of all covered species.

The Habitat Plan contains a section known as Exhibit A: Corrections, Clarifications, and Updates to the Santa Clara Valley Habitat Plan (HCP/NCCP), dated April 4, 2013. In Section 1.2 Errata, 1.2.3, it states that the implementation of the Habitat Plan will not add or remove any of the rights and obligations to any development agreement between the Implementing Agency (in this case, the City of San José) and a private applicant. The provision applies to any development agreement that was entered into and adopted prior to the operative date of the Habitat Plan and remains consistent with the City of San José's land use approvals for the project. There is a valid development agreement (the 1802 BUOW Agreement) for the project site that was adopted in 2004, prior to the 2013 operative date of the Habitat Plan. Because of this, the Santa Clara Valley Habitat Agency (Habitat Agency) does not map the project site within a Burrowing Owl Fee Zone. Both the 1802 BUOW Agreement and the letter from CDFW provide sufficient documentation to the City of San José that the proposed development, in conformance with the mitigation agreement, would not preclude the successful implementation of the conservation strategy for the burrowing owl. Therefore, the project is not subject to additional mitigation fees per Condition 15 of the Habitat Plan.

Although the project would not be required to pay burrowing owl fees, the project site is within a modeled occupied nesting habitat area pursuant to Figure 5-11 of the Habitat Plan. Accordingly, while there are no indicators that burrowing owls are currently present on-site, the potential exists for burrowing owls to occupy the site prior to initiation of construction. Individual burrowing owls could be affected during construction activities, if present on or very close to the site. Because they roost underground, burrowing owls could be killed or injured during development activities from trampling or compaction of burrows by construction personnel or equipment if appropriate protective measures (which are incorporated into the project as required by the 1802 BUOW Agreement and the Habitat Plan) are not implemented. Construction activities that occur in close proximity to active burrows could disturb owls to the point of burrow abandonment.

Impact BIO-1: Development of the proposed project could result in impacts to western burrowing owls on-site or immediately adjacent to the construction zone, if present on the site at the time of construction.

Mitigation Measures: The following mitigation measures would reduce and/or avoid impacts to burrowing owls (if present on or adjacent to the site) to a less than significant level.

MM BIO-1.1: Prior to any construction activities, a qualified biologist shall conduct pre-construction surveys for burrowing owls. To maximize the likelihood of detecting owls, the pre-construction survey shall last a minimum of three hours. The survey shall begin one hour before sunrise and continue until two hours after sunrise (for three hours total) or begin two hours before sunset and continue until one hour after sunset. A minimum of two surveys shall be conducted (if owls are detected on the first survey, a second survey is not needed). All owls observed shall be counted and their locations shall be mapped.

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

A report documenting the methodology and results of the pre-construction surveys shall be submitted to City's Director of Planning, Building and Code Enforcement or Director's designee prior to initiation of construction. Permits related to construction activities shall include a stipulation allowing construction activities to proceed as planned if no evidence of burrowing owls is found. If evidence of burrowing owls is found, project construction shall be allowed to proceed in accordance with MM BIO-1.2 or MM BIO-1.3, depending on whether the construction activities are proposed during the non-breeding (September 1 to January 31) or breeding (February 1 to August 31) seasons.

MM BIO-1.2: During the non-breeding season (September 1 to January 31, inclusive), the project applicant will establish a 250-foot non-disturbance buffer around occupied burrows as determined by the pre-construction surveys discussed in MM BIO-1.1. Construction activities outside of this 250-foot buffer shall be allowed. As outlined in Condition No. 15 of the Habitat Plan, construction activities within the non-disturbance buffer shall be allowed if the following criteria are met in order to prevent owls from abandoning important overwintering sites:

- A qualified biologist monitors the owls for at least three days prior to construction to determine baseline foraging behavior (i.e., behavior without construction).

- The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities.
- If there is any change in owl nesting and foraging behavior as a result of construction activities, these activities will cease within the 250-foot buffer.
- If the owls are gone for at least one week, the project applicant may request approval from the City's Director of Planning, Building and Code Enforcement or Director's designee that a qualified biologist excavate usable burrows to prevent owls from re-occupying the site. After all usable burrows are excavated, the buffer zone will be removed and construction may continue.
- Monitoring must continue for the non-breeding season as long as the burrow(s) remain(s) active.

MM BIO-1.3: If evidence of western burrowing owls is found during the breeding season (February 1 to August 31, inclusive), the project applicant will avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging). Avoidance will include establishment of a 250-foot non-disturbance buffer zone around nests. Construction may occur outside of the 250-foot non-disturbance buffer zone. Construction may occur inside of the 250-foot non-disturbance buffer during the breeding season if:

- the nest is not disturbed, and
- the project applicant develops an avoidance, minimization, and monitoring plan that will be reviewed by the City's Director of Planning, Building and Code Enforcement or Director's designee and the Wildlife Agencies prior to project construction based on the following criteria:
 - The Director of Planning, Building and Code Enforcement or Director's designee and the Wildlife Agencies approve of the avoidance and minimization plan provided by the project applicant.
 - A qualified biologist monitors the owls for at least three days prior to construction to determine baseline nesting and foraging behavior (i.e., behavior without construction).
 - The same qualified biologist monitors the owls during construction and finds no change in owl nesting and foraging behavior in response to construction activities.

Implementation of MM BIO-1.1 would ensure that any burrowing owls and their nest sites are identified prior to the initiation of any construction activities which could displace or harm burrowing owls and their fledglings, as required by Condition 15 of the Habitat Plan. Construction

within 250 feet of burrowing owl nests (the recommended non-disturbance buffer area by the Habitat Agency and California Burrowing Owl Consortium) would only be allowed to occur in accordance with the parameters outlined in MM BIO-1.2 and MM BIO-1.3, which reflect the avoidance and minimization measures set forth in Condition 15 of the Habitat Plan. The Habitat Agency considers potential impacts to burrowing owls to be less than significant with adherence to Condition 15 of the Habitat Plan. Accordingly, the project would have a less than significant impact on burrowing owls with adherence to MM BIO-1.1 through MM BIO-1.3. **(Less than Significant Impact with Mitigation Incorporated)**

Nesting Birds

As described in Section 3.2.3 Landscaping and Stormwater Control and shown in Table 3.2-1, the project proposes to remove 57 of the existing trees on-site and plant 128 replacement trees with 24-inch box trees. Existing trees on-site could provide nesting habitat for birds, including migratory birds. Nesting birds are protected under provisions of the MBTA and CDFW code. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or removal and site grading that disturb a nesting bird on-site or immediately adjacent to the construction zone would constitute a significant impact.

Impact BIO-2: Development of the proposed project could result in impacts to nesting birds on-site or immediately adjacent to the construction zone, if present on the site at the time of construction.

Mitigation Measures: The following mitigation measures would reduce and/or avoid impacts to nesting birds (if present on or adjacent to the site) to a less than significant level.

MM BIO-2.1: The project applicant shall avoid construction activities during 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).

MM BIO-2.2: If demolition and construction cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey must be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive). During this survey, the qualified ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

MM BIO-2.3: If the qualified ornithologist determines that an active nest is sufficiently close to work areas to be disturbed by construction, the ornithologist shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

MM BIO-2.4: Prior to any tree removal, or approval of any grading permit (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City’s Director of Planning, Building and Code Enforcement or Director’s designee.

Implementation of mitigation measure MM BIO-2.1, if feasible, would ensure that construction of the project takes place outside of the nesting season, thus avoiding any incidental loss of fertile eggs or nestlings, or nest abandonment. Alternatively, if demolition and construction cannot be scheduled between September 1 and January 31, the implementation of mitigation measures MM BIO-2.2 through MM BIO-2.4 would identify and protect all active nests within the project’s area of effect from being disturbed during construction.

Conclusion for checklist question a): With mitigation incorporated, the project would not have a substantial adverse effect on any species identified as a candidate, sensitive, or special status species. **(Less than Significant Impact with Mitigation Incorporated)**

b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?

As documented in Section 4.4.1.2 Existing Conditions, the project site does not contain any riparian habitats or other sensitive natural communities. The Guadalupe River riparian corridor, which is the nearest sensitive natural community in the project’s vicinity, is physically segregated from the project site by West Trimble Road and intervening industrial and office developments. Project construction and operational activities would be confined to the site boundaries and would not have any substantial effect on the Guadalupe River or the adjacent riparian area, which is located 450 feet north at its closest point.

Additionally, the project would not result in any indirect effects to the adjacent riparian habitat. Indirect effects could be those resulting from project construction, night lighting, and shading effects onto the riparian corridor. As noted above, construction activities would be constrained to the project site, and noise generated by construction activities would not substantially increase daytime ambient base noise levels due to the existing noise environment and attenuation provided by the distance between construction activities and the riparian corridor (refer to Section 4.13 Noise).

As discussed in Section 4.1.1.2 Existing Conditions, light and glare generated by the proposed development would be consistent with light and glare generated by surrounding developments, and the project would be required by City Council Policy 4-3 to fully shield outdoor lighting. Due to the height of the proposed building (50 feet), shadows cast by the proposed project would not extend into the riparian corridor.

Conclusion for checklist question b): The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community. **(Less than Significant Impact)**

c) Would the project have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means?

The project site is surrounded by urban uses and is devoid of wetlands, marshes, and vernal pools. The project would not impact any federally protected wetlands under the Clean Water Act.

Conclusion for checklist question c): The project would not impact any wetlands. **(No Impact)**

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

Migratory movements of animal species are most often associated with riparian corridors. The Guadalupe River, which eventually drains to the open waters of the San Francisco Bay, and its associated riparian corridor, located 450 north of the site at its closest point, serves as a movement corridor for several common and special-status species of birds, fish, mammals, reptiles, and amphibians in the project vicinity, as it provides sufficient vegetative cover preferred by these species when navigating across the landscape.²³ As discussed in Section 4.4.1.2 Existing Conditions, the project site is physically segregated from the Guadalupe River and its associated riparian habitat by West Trimble Road and intervening industrial development. Therefore, the proposed project would not interfere with wildlife movement along this riparian corridor.

Glass windows and building facades can result in injury or mortality of birds due to bird collisions with these surfaces. Because birds do not perceive glass as an obstruction the way humans do, they may collide with glass when the sky or vegetation is reflected in the glass; when transparent windows allow birds to perceive an unobstructed flight route through the glass (such as at corners); and when the combination of transparent glass and interior vegetation results in attempts by birds to fly through glass to reach that vegetation. The greatest risk of avian collisions with buildings occur in areas approximately 40 to 60 feet above ground. Buildings that are 500 feet or taller may pose a threat to birds that are migrating through the area. The proposed project would have a maximum height of 50 feet to the top of the roof.

A low number of native birds and occasional migratory bird collisions would be expected to occur on-site regardless of project design. Due to the highly urbanized nature of the project area, trees on and adjacent to the project site are more conducive to use by urban-adapted resident birds than by migratory species. Bird-safe design measures are required of projects in San José located near the Baylands and riparian habitats north of SR 237 (City Council Policy 6-34), due to the heightened sensitivity of these areas. The proposed project is not located in these areas, nor is it located within 300 feet of the vegetative edge of the Guadalupe River riparian corridor, and would not be subject to the bird-safe design requirements set forth in City Council Policy 6-34. However, the project would be subject to the Bird Safety Standards and Guidelines presented in the San José Citywide Design Standards and Guidelines. The design of the proposed project would be subject to the City's design review process and would be required to include bird-safe design techniques to ensure that project

²³ City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011.

design avoids adverse consequences to birds. Furthermore, the design of the proposed building does not feature any unbroken expanses of glass that could increase the likelihood of bird strikes.

Due to the developed nature of the site and its location in an urban setting without suitable habitat, there are no wildlife nursery sites present on the project site.²⁴ For the reasons stated above, the project would not interfere with the movement of native resident or migratory burrowing owl or bird species due to tree removal or construction disturbances. Implementation of the mitigation measures MM BIO-1.1 through 1.3 and MM BIO-2.1 through MM BIO-2.4 outlined under checklist question a) would further reduce the potential for the project to interfere with burrowing owl and bird movement and nesting activities.

Conclusion for checklist question d): The project would not substantially interfere with the movement or migration of fish or wildlife species, established wildlife corridors, or impede the use of wildlife nursery sites. **(Less than Significant Impact with Mitigation Incorporated)**

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

The City of San José maintains the urban forest by controlling the removal of ordinance trees on private property (San José Municipal Code Section 13.32). Removal of trees would be required to conform to the replacement requirements as identified in the Municipal Code Section 13.28.300, General Plan Policies MS-21.4, MS-21.5, MS-21.6 and CD-1.24, and City of San José Tree Removal Ordinance (Municipal Code Section 13.31.010 to 13.32.100). Additionally, the project would be required to conform with their landscape plan and maintain all trees and other vegetations shown to be retained, including off-site vegetation. Tree protection standards would be applied including fencing and signage at the dripline of a tree during construction to ensure the trees not proposed for removal would be protected during project construction.

As discussed under Section 3.2.3, the project proposes to remove a total of 57 trees, including 42 ordinance-sized trees and 14 non-ordinance sized trees. Existing trees on the project site would need to be removed due to their poor health conditions and/or to allow for the proposed improvements. A summary of the trees proposed for removal is provided in Table 4.4-2.

Table 4.4-2 : Summary of Trees Proposed for Removal			
Circumference of Tree	Type of Tree to be Removed		
	Native	Non-Native	Orchard
38 inches or greater	21	22	0
Less than 38 inches	2	12	0
Source: LBA Realty. <i>Site Development Permit Advanced Manufacturing Building – Tree Removal and Mitigation Plan</i> . April 28, 2022.			

²⁴ A wildlife nursery site is defined as a site where wildlife concentrates for hatching and/or raising young, such as rookeries, spawning areas and bat colonies.

Removal of trees would be required to conform to the replacement requirements as identified in the Municipal Code Section 13.28.300, General Plan Policies MS-21.4, MS-21.5, and MS-21.6, and City of San José Tree Removal Control (Municipal Code Section 13.31.010 to 13.32.100).

Standard Permit Condition:

Tree Replacement. A tree removal permit would be required from the City of San José for the removal of ordinance trees. The removed trees would be replaced according to tree replacement ratios required by the City, as provided in Table 4.4-3 below.

Table 4.4-3: City of San José Tree Replacement Ratios				
Circumference of Tree to be Removed¹	Type of Tree to be Removed²			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more ³	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
¹ As measured 4.5 feet above ground level ² X:X = tree replacement to tree loss ratio ³ Ordinance-sized tree Notes: Trees greater than or equal to 38-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial and Industrial properties, a permit is required for removal of trees of any size. A 38-inch tree equals 12.1 inches in diameter. A 24-inch box tree = two 15-gallon trees				

Based on the circumference and type of tree proposed for removal (refer to Table 4.4-2), 18 trees would be replaced at a 5:1 ratio, 20 trees would be replaced at a 4:1 ratio, two trees would be replaced at a 3:1 ratio, and the remaining 11 trees would be replaced at a 2:1 ratio. As shown in Table 4.4-2, there are 23 native trees on-site. The total number of replacement trees required to be planted would be 198 15-gallon trees or 99 24-inch box trees. The project proposes to plant 128 24-inch box trees, which would be more trees than required by the City of San José Tree Protection Ordinance, San José Municipal Code Section 13.28, and in accordance with General Plan Policies MS-21.4, MS-21.5, and MS-21.6. The species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement (PBCE).

In the event the 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 PBCE, at the development permit stage.

Standard Permit Conditions:

- The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site, at the development permit stage.
- Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of Public Works grading permit(s), in accordance to 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.

By conforming to the above standard permit conditions the proposed project would meet all applicable tree removal and tree protection guidelines set forth by the City of San José and offset the tree removal.

Conclusion for checklist question e): The project would not conflict with any ordinance protecting biological resources and would not result in a significant impact to trees and the community forest. **(Less Than Significant Impact)**

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

The project site is within the Habitat Plan permit area and the project is considered a covered activity. The project is designated as Urban-Suburban land in the Habitat Plan and, therefore, not subject to any land cover fee.

All development covered by the Habitat Plan is required to pay a nitrogen deposition fee as mitigation for cumulative impacts to serpentine plants in the Habitat Plan area. Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the Habitat Plan area, as well as the host plants that support the Bay checkerspot butterfly. All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area including the project area. Because serpentine soils tend to be nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species. The displacement of these species, and subsequent decline of several federally listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge (approximately eight miles east of the project site) in central Santa Clara County.

Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. The impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. The nitrogen deposition fees collected under the Habitat Plan for new vehicle trips will be

used as mitigation to purchase and manage conservation land for the Bay checkerspot butterfly and other sensitive species.

The project would comply with the Habitat Plan by implementing the following standard permit condition.

Standard Permit Condition:

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

Compliance with the standard permit condition listed above, and the mitigation measures identified above under checklist question a) (MM BIO-1.1 through MM BIO-1.3) that implement Condition 15 of the Habitat Plan would ensure that the project does not conflict with provisions of the Habitat Plan.

Conclusion for checklist question f): The project would not conflict with the provisions of an adopted Habitat Conservation Plan or Natural Community Conservation Plan. **(Less than Significant Impact with Mitigation Incorporated)**

4.5 CULTURAL RESOURCES

The following discussion is based, in part, on an Archaeological Sensitivity Memorandum completed for the proposed project by Archeological/Historical Consultants. The memorandum, dated June 2022, is confidential and is on file with the City of San José Planning Department.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act of 1966 (NHPA) and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in or eligible for listing in the NRHP must be evaluated under CEQA.

The NRHP is the nation's master inventory of historic resources that are considered significant at the national, state, or local level. The minimum criteria for determining NRHP eligibility include:

- The property is at least 50 years old (properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP);
- It retains integrity of location, design, setting, materials, workmanship, feeling, and associations; and
- It possesses at least one of the following characteristics:
 - Association with events that have made a significant contribution to the broad patterns of history;
 - Association with the lives of persons significant in the past;
 - Distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction; or
 - Has yielded, or may yield, information important to prehistory or history.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local

planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.11, a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.²⁵

Historical resources eligible for listing in the CRHR must meet the NRHP significance criteria described above and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as “the authenticity of a historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance.” The processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity that are used to evaluate a resource’s eligibility for listing. These seven characteristics include 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The act requires that upon discovery of human remains, construction or excavation activity must cease and the county coroner be notified.

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

²⁵ California Office of Historic Preservation. CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6. June 2011.

Local

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of avoiding or reducing impacts to cultural resources and are applicable to the project.

Policy	Description
ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.
LU-13.2	Preserve candidate or designated landmark buildings, structures and historic objects, with first priority given to preserving and rehabilitating them for their historic use, second to preserving and rehabilitating them for a new use, or third to rehabilitation and relocation on-site. If the City concurs that no other option is feasible, candidate or designated landmark structures should be rehabilitated and relocated to a new site in an appropriate setting.
LU-13.4	Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.
LU-13.6	Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior's Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.
LU-13.15	Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.

City of San José Historic Preservation Ordinance

The City of San José Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code) is designed to identify, protect, and encourage the preservation of significant resources and foster civic pride in the City's cultural resources. The Historic Preservation Ordinance requires the City to establish a Historic Landmarks Commission, maintain a Historic Resources Inventory, preserve historic properties using a Landmark Designation process, require Historic Preservation Permits for alterations of properties designated as a Landmark or within a City historic district, and provide financial incentives through a Mills Act Historical Property Contract.

The City of San José has identified approximately 160 City Landmarks in its Historic Resources Inventory (HRI).²⁶ City Landmarks are concentrated in the older, established areas of the City including the Downtown, Naglee Park, Hensely and Shasta-Hanchett areas in the Central/Downtown Planning Area, the Willow Glen Planning Area, and the City's fringes in the Alviso, Almaden, Alum Rock and Edenvale Planning Areas. The City has also identified 21 historic districts and/or conservation areas.

4.5.1.2 *Existing Conditions*

Archaeological Resources

The City of San José is located in the Santa Clara Valley, which was originally inhabited by a Native American group known as the "Costanoan" or Ohlone over a period of 5,000 to 8,000 years prior to Spanish exploration and colonization of the region. Prehistoric sites recorded in the Santa Clara Valley include villages, temporary campsites, and non-habitation sites including stone tool and other manufacturing areas, quarries for tool stone procurement, cemeteries usually associated with large villages, isolated burial locations, rock art sites, bedrock mortars or other milling feature sites, and Native American trails.

The property is identified as archaeologically sensitive in the City's cultural resources maps. One Native American archaeological site is located within a quarter mile of the project site. Based on the presence of an archaeological site and the Guadalupe River within a quarter mile of the project site, as well as the presence of late Holocene-era soils, the Archaeological Sensitivity Memorandum determined that the project site has a moderate sensitivity for subsurface archaeological resources.

Historic Resources

The Archaeological Sensitivity Memorandum found that the project area was intersected by the historic Spanish-era Mission Road that connected the Pueblo of San José and Mission San José, and was part of ranch lands owned by Charles Wade, an important early strawberry grower in the Santa Clara Valley. Additionally, historic maps from 1876 and 1889 show structures on or adjacent to the project site that are no longer present. Given the Wade Ranch's activities in and near the project site during the early period of San José's history, it is possible that other privies, foundations, wells, or other hollow-fill features are present within the project site. Therefore, the Archaeological Sensitivity Memorandum concluded that the project site has a moderate sensitivity for subsurface historic-era archaeological deposits.

The project site is undeveloped. According to the NRHP²⁷, CRHP²⁸, and City of San José Historic Resources Inventory²⁹, there are no historic buildings located within 200 feet of the project site.

²⁶ City of San José. "Historic Resources Inventory." Accessed July 14, 2020. <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/historic-resources/historic-resources-inventory>.

²⁷ National Register of Historic Places. "National Register Database and Research. Accessed September 20, 2022. <https://www.nps.gov/subjects/nationalregister/database-research.htm>

²⁸ California Register of Historic Places. "California Historical Resources". Accessed September 20, 2022. <https://ohp.parks.ca.gov/listedresources/>

²⁹ City of San José. "Historic Resources Inventory." Accessed September 20, 2022. <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/historic-resources/historic-resources-inventory>.

4.5.2 Impact Discussion

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

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?

A historic resource is considered to be historically significant by the City of San José if it is listed or meets the criteria for listing on the NRHP, CRHR, or as a Candidate City Landmark on the City's HRI.

As discussed in Section 4.5.1.2 Existing Conditions, the project site is vacant and therefore, does not contain any historic resources or properties listed on federal, state, or local inventories. The project site is not located within a historic district, and the proposed development would not detract from the historical significance of any nearby historic structures due to the distance between the site and the nearest historic structures.

Conclusion for checklist question a): The project would not cause a substantial adverse change in the significance of a historical resource. **(No Impact)**

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

As documented in Section 4.5.1.2 Existing Conditions, the project site has a moderate sensitivity for subsurface prehistoric and historic-era archaeological resources. Accordingly, ground-disturbing activities (e.g., trenching, grading, etc.) during project construction have the potential to encounter and damage or destroy undiscovered subsurface archaeological resources, if present on-site.

Due to the site's sensitivity for prehistoric- and historic-era archaeological resources, the Archaeological Sensitivity Memorandum recommended that an archaeologist be present during all ground-disturbing activities in order to monitor for any potential archaeological resources. The project would be required to implement the following mitigation measure that incorporates the

recommendations of the Archaeological Sensitivity Memorandum and the City's standard permit conditions in the event that resources are discovered.

Impact CUL-1: Construction activities on the project site could potentially result in the disturbance of archaeological resources pursuant to CEQA Guidelines Section 15064.5.

Mitigation Measures: The following mitigation measures shall be implemented by the project to avoid impacts to archaeological resources (if discovered) to less than significant levels.

MM CUL-1.1: Prior to the issuance of any grading permits, the project applicant shall provide proof that they have hired a qualified Professional Archaeologist and 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 to be present for monitoring during all ground-disturbing activities.

If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building, and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer (HPO) shall be notified, and a qualified archaeologist shall examine the find. The archaeologist in consultation with the Tribal representative shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include preservation in place, capping, collection, recordation, and/or analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of PBCE, the HPO, and the Northwest Information Center (if applicable). Project personnel other than the archaeologist shall not collect or move any cultural materials. Work within the 50-foot radius shall be suspended until the archaeologist determines the buffer can be reduced or is no longer needed to protect the resource.

Implementation of MM CUL-1.1 would require that an Archaeologist and Native American Monitor are present during all ground-disturbing activities, which would ensure that any objects discovered during project construction that meet the definition of a prehistoric or historic resource are appropriately identified and protected.

Conclusion for checklist question b): The project with implementation of MM CUL-1.1 would not cause a substantial adverse change in the significance of an archaeological resource. **(Less than Significant Impact with Mitigation Incorporated)**

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

Human graves are often associated with prehistoric occupation sites. Although unlikely, it is possible that project construction activities could disturb as-yet undiscovered human remains at the project site. The City has standard permit conditions which ensure that an appropriate process is followed in the event of accidental discovery of human remains during project construction.

Standard Permit Condition:

- 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 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 NAHC within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:
 - i. The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
 - iii. The MLD identified fails to make a recommendation; or The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

By following the process set forth in the above standard permit conditions, the project would ensure that any human remains encountered during ground-disturbing activities are appropriately identified and treated.

Conclusion for checklist question c): The project with implementation of standard permit condition would not result in a significant impact to human remains if encountered. **(Less than Significant Impact)**

4.6 ENERGY

The following discussion is based, in part, on an Air Quality and Greenhouse Gas Emissions Assessment completed for the proposed project by Illingworth & Rodkin, Inc. The report, dated August 2022, is included in this Initial Study as Appendix A.

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

At the federal level, energy standards set by the EPA apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. Governor Schwarzenegger issued Executive Order (EO) S-3-05, requiring statewide emissions reductions to 80 percent below 1990 levels by 2050. In 2008, EO S-14-08 was issued, requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

Executive Order B-55-18 To Achieve Carbon Neutrality

In September 2018, Governor Brown issued an executive order, EO-B-55-18 To Achieve Carbon Neutrality, setting a statewide goal "to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter." The executive order requires CARB to "ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal." EO-B-55-18 supplements EO S-3-05 by requiring not only emissions reductions, but also that, by no later than 2045, the remaining emissions be offset by equivalent net removals of CO₂ from the atmosphere through sequestration.

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately

every three years.³⁰ Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.³¹

California Green Building Standards Code

CALGreen establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.³²

In August 2022, CARB approved the Advanced Clean Cars II regulations, which require all new passenger cars, trucks and SUVs sold in California to be zero emissions by 2035. The Advanced Clean Cars II regulations will rapidly scale down light-duty passenger car, pickup truck and SUV emissions starting with the 2026 model year through 2035. The regulations are two-pronged. First, they amend the Zero-emission Vehicle Regulation to require an increasing number of zero-emission vehicles, and rely on advanced vehicle technologies, including battery-electric, hydrogen fuel cell electric and plug-in hybrid electric-vehicles, to meet air quality and climate change emissions standards. These amendments implement Governor Newsom's 2020 Executive Order N-79-20 that requires all new passenger vehicles sold in California to be zero emissions by 2035. Second, the Low-emission Vehicle Regulations were amended to include increasingly stringent standards for gasoline cars and heavier passenger trucks to continue to reduce smog-forming emissions.

Local

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of avoiding or reducing energy-related impacts and are applicable to the project.

³⁰ California Building Standards Commission. "California Building Standards Code." Accessed August 30, 2022. <https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo>.

³¹ California Energy Commission (CEC). "2019 Building Energy Efficiency Standards." Accessed August 30, 2022. <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency>.

³² California Air Resources Board. "The Advanced Clean Cars Program." Accessed September 1, 2022. <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program>.

Policy	Description
MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
MS-2.3	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
MS-3.1	Require water-efficient landscaping, which conforms to the State’s Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation or other area functions.
MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
MS-6.5	Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.
MS-6.8	Maximize reuse, recycling, and composting citywide.
MS-14.3	Consistent with the California Public Utilities Commission’s California Long Term Energy Efficiency Strategic Plan, as revised and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use.
MS-14.4	Implement the City’s Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, and passive solar building design and planting of trees and other landscape materials to reduce energy consumption.
MS-14.5	Consistent with State and Federal policies and best practices, require energy efficiency audits and retrofits prior to or at the same time as consideration of solar electric improvements.

Climate Smart San José

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

- All new residential buildings will be Zero Net Carbon Emissions (ZNE) by 2020 and all new commercial buildings will be ZNE by 2030 (Note that ZNE buildings would be all electric with a carbon-free electricity source).
- San José Clean Energy (SJCE) will provide 100-percent carbon-free base power by 2021.

- One gigawatt of solar power will be installed in San José by 2040.
- 61 percent of passenger vehicles will be powered by electricity by 2030.

City of San José Municipal Code

The City's Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include an Energy and Water Building Performance Ordinance (Chapter 17.85) to minimize the use and waste of energy, water and other resources in commercial and multi-family residential buildings, Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10), requirements for Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105), and a Construction & Demolition Diversion (CDD) Program that requires recycling of construction and demolition materials (Chapter 9.10.15).

2030 Greenhouse Gas Reduction Strategy

The 2030 Greenhouse Gas Reduction Strategy (GHGRS) is the latest update to the City's previously adopted 2011 GHGRS and is designed to meet statewide GHG reduction targets for 2030 set by Senate Bill 32. As a qualified Climate Action Plan, the 2030 GHGRS allows for tiering and streamlining of GHG analyses under CEQA. The GHGRS identifies General Plan policies (including the policies identified in the above table) and strategies to be implemented by development projects in the areas of green building/energy use, multimodal transportation, water conservation, and solid waste reduction. These seven strategies include:

1. San José Clean Energy – The City will implement the San José Clean Energy program to provide residents and businesses access to cleaner energy at competitive rates.
2. Zero Net Carbon Residential Construction – The City will implement its building reach code ordinance (adopted September 2019) and its prohibition of natural gas infrastructure ordinance (adopted October 2019) to guide the city's new construction toward zero net carbon (ZNC) buildings.
3. Renewable Energy Development – The City will expand development of rooftop solar energy through the provision of technical assistance and supportive financial incentives to make progress toward the Climate Smart San José goal of becoming a one-gigawatt solar city.
4. Natural Gas Building Retrofits – The City will support a transition to building decarbonization through increased efficiency improvements in the existing building stock and reduced use of natural gas appliances and equipment.
5. Zero Waste Goal – As an expansion to Climate Smart San José, the City will update its Zero Waste Strategic Plan and reassess zero waste strategies. Throughout the development of the update, the City will continue to divert 90 percent of waste away from landfills through source reduction, recycling, food recovery and composting, and other strategies.
6. Caltrain Modernization Project – The City will continue to be a partner in the Caltrain Modernization Project to enhance local transit opportunities while simultaneously improving the city's air quality.
7. Water Conservation – The City will expand its water conservation efforts to achieve and sustain long-term per capita reductions that ensure a reliable water supply with a changing climate, through regional partnerships, sustainable landscape designs, green infrastructure, and water-efficient technology and systems.

San José Reach Code

In 2019, the San José City Council approved Ordinance No. 30311 and adopted the Reach Code Ordinance (Reach Code) to reduce energy-related GHG emissions consistent with the goals of Climate Smart San José. In December 2020, the City Council updated the Reach Code to prohibit all natural gas infrastructure in new construction. This ordinance applies to any new construction starting August 1, 2021. The Reach Code also requires EV charging infrastructure for all building types (above current CALGreen requirements), and solar readiness for non-residential buildings.

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

In October 2008, the City adopted City Council Policy 6-32, which establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards.

4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 6,956.6 trillion British thermal units (Btu) in the year 2020, the most recent year for which this data was available.³³ Out of the 50 states, California is ranked second in total energy consumption and 49th in energy consumption per capita. The breakdown by sector was approximately 21.8 percent (1,507.7 trillion Btu) for residential uses, 19.6 percent (1,358.3 trillion Btu) for commercial uses, 24.6 percent (1,701.2 trillion Btu) for industrial uses, and 34 percent (2,355.5 trillion Btu) for transportation.³⁴ This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2020 was consumed primarily by the commercial sector (76 percent), followed by the residential sector consuming 24 percent. In 2019, a total of approximately 16,664 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.³⁵

SJCE is the electricity provider for residents and businesses in the City of San José. SJCE sources the electricity and the Pacific Gas and Electric Company (PG&E) delivers it to customers over their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, which provides 60 percent renewable, 35 percent non-renewable carbon-free, and five percent grid electricity. Customers can choose to enroll in SJCE's TotalGreen program at any time to receive 100 percent GHG emission-free electricity from entirely renewable sources.

Natural Gas

PG&E provides natural gas services within the City of San José. In 2020, approximately two percent of California's natural gas supply came from in-state production, while the remaining supply was

³³ United States Energy Information Administration. "State Profile and Energy Estimates, 2020." Accessed August 30, 2022. <https://www.eia.gov/state/?sid=CA#tabs-2>.

³⁴ Ibid.

³⁵ California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed August 30, 2022. <http://ecdms.energy.ca.gov/elecbycounty.aspx>.

imported from other western states and Canada.³⁶ In 2020 California used 2,144 trillion Btu of natural gas.³⁷ In 2020, Santa Clara County used less than one percent of the state's total consumption of natural gas.³⁸

Fuel for Motor Vehicles

In 2019, 15.4 billion gallons of gasoline were sold in California.³⁹ The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 25.4 mpg in 2020.⁴⁰ Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was updated in April 2022 to require all cars and light duty trucks achieve an overall industry average fuel economy of 49 mpg by model year 2026.^{41,42}

Energy Use of Existing Project Site

The project site is vacant and undeveloped, and therefore does not consume any energy (electricity, natural gas, etc.) or generate vehicle trips and associated gasoline consumption.

4.6.2 Impact Discussion

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

³⁶ California Gas and Electric Utilities. 2020 *California Gas Report*. Accessed August 30, 2022.

https://www.socalgas.com/sites/default/files/2020-10/2020_California_Gas_Report_Joint_Utility_Biennial_Comprehensive_Filing.pdf.

³⁷ United States Energy Information Administration. "State Profile and Energy Estimates, 2020." Accessed August 30, 2022. <https://www.eia.gov/state/?sid=CA#tabs-2>.

³⁸ California Energy Commission. "Natural Gas Consumption by County." Accessed August 30, 2022. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

³⁹ California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed September 1, 2022. <https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist>.

⁴⁰ United States Environmental Protection Agency. "The 2021 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." November 2021. <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=P1010U68.pdf>

⁴¹ United States Department of Energy. "Energy Independence & Security Act of 2007". Accessed September 1, 2022. <http://www.afdc.energy.gov/laws/eisa>.

⁴² United States Department of Transportation. "USDOT Announces New Vehicle Fuel Economy Standards for Model Year 2024-2026". Accessed September 1, 2022. <https://www.nhtsa.gov/press-releases/usdot-announces-new-vehicle-fuel-economy-standards-model-year-2024-2026>

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

Energy would be consumed during the construction and operational phases of the project, as discussed below.

Energy Use During Construction

The construction phase would require energy for the manufacture and transportation of building materials, preparation of the project site for grading, and the actual construction of the buildings. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks.

Construction of the project would require preparation of the site, grading, trenching, building construction, paving, and finishing of the building interiors. The overall construction schedule and process is designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel would not be used wastefully on the project site because of the added expense associated with renting the equipment, maintaining it, and fueling it. Further, construction of the project would occur in an urbanized area in proximity to roadways, construction supplies, and workers, making it more efficient than construction occurring in outlying, undeveloped areas. For these reasons, the project's construction process would be efficient.

In addition, energy would not be wasted or used inefficiently by construction equipment as the proposed project shall implement standard permit conditions described under Section 4.3.2 Air Quality, which would require the project to reduce idling time and use equipment properly tuned by a certified mechanic during construction that would minimize emissions. The project would also participate in the City's CDD program, which requires 75 percent of waste to be recovered and recycled, thereby minimizing energy impacts from the creation of waste. For these reasons, the construction of the project would not use energy in a wasteful manner.

Energy Use During Project Operation

Operation of the project would consume energy for multiple purposes, including transportation, building heating and cooling, lighting, and appliance use. As noted in Section 4.6.1.1 Regulatory Framework, the City's Reach Code prohibits natural gas infrastructure in new construction projects. Accordingly, the project's estimated natural gas use was converted to electricity. Additionally, employee vehicle trips and truck trips to and from the project site would consume gasoline or diesel. Energy consumption associated with operation of the proposed project is summarized in Table 4.6-1 below.

Table 4.6-1: Estimated Annual Energy Use of Project	
Electricity (kWh/yr.)	Gasoline (gallons/yr.) ¹
3,328,251	160,368
Source: Illingworth & Rodkin, Inc. 350-370 W. Trimble Road Air Quality and Greenhouse Gas Emission Assessment. August 31, 2022.	
Notes:	
¹ Gasoline consumption is based on an average fuel economy of 24.9 mpg (refer to Section 4.6.1.2) and an annual VMT of 3,993,154 (refer to the Air Quality and Greenhouse Gas Emissions Assessment (Appendix A)).	

As shown in Table 4.6-1 above, the project would result in an increase in energy demand for electricity and gasoline, with no change in demand for natural gas in comparison with existing conditions (refer to Section 4.6.1.2 Existing Conditions). The project, however, would not represent a wasteful or inefficient use of energy resources because the project would be required to comply with Title 24 and CALGreen requirements to reduce energy consumption. As required by the City's Private Sector Green Building Policy and the Green Building Ordinance, the project would achieve LEED Silver Certification. The project would also meet the energy efficiency performance requirements of the City's Reach Code (refer to Section 4.6.1.1). The project would have a less than significant VMT impact, and the project's annual consumption of gasoline would be equivalent to approximately 1/1000th of a percent of California's annual gasoline consumption.⁴³ Finally, as the project involves the construction and operation of conventional building types, there is nothing atypical or unusual about the project's construction or operations that would result in wasteful, inefficient, or unnecessary consumption of energy.

Conclusion for checklist question a): The project would not result in a potentially significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. **(Less than Significant Impact)**

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

The project would comply with the current energy efficiency standards set forth in Title 24, Climate Smart San José, the City's Reach Code and Private Sector Green Building Policy, and the City's Municipal Code chapters identified in Section 4.6.1.1 Regulatory Framework pertaining to energy, water, and construction and demolition efficiencies. In addition, the project would be required by Climate Smart San José and the City's Reach Code to enroll in SJCE's TotalGreen program, which provides 100 percent carbon-free energy, consistent with the state's Renewables Portfolio Standard Program and SB 350. For these reasons, the project would comply with state and local plans for renewable energy and energy efficiency.

⁴³ 160,368 gallons of gasoline (the project's annual consumption of gasoline) divided by 15.4 billion gallons of gasoline (California's annual gasoline consumption) equals 0.0010 percent.

Standard Permit Condition:

- Prior to issuance of any Certificate of Occupancy for the project, the occupant shall provide to the Director of the Department of Planning, Building, and Code Enforcement (PBCE), or Director's designee, proof of enrollment in the SJCE TotalGreen program (100% renewable energy). Program enrollment was determined by the level assumed in the approved environmental clearance for the project in accordance with the California Environmental Quality Act (CEQA). If it is determined the project's environmental clearance requires enrollment in the TotalGreen program, neither the occupant, nor any future occupant, may opt out of the TotalGreen program.

Conclusion for checklist question b): With adherence to standard permit conditions, the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

4.7 GEOLOGY AND SOILS

The following discussion is based, in part, on a Geotechnical Investigation completed for the proposed project by Langan Engineering and Environmental Services, Inc. The report, dated November 2019, is included in this Initial Study as Appendix C.

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

California Building Standards Code

The CBC prescribes standards for constructing safe buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Public Resources Code Section 5097.5

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These materials are valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources Code Section 5097.5 specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of avoiding or reducing impacts to geology and soils and are applicable to the project.

Policy	Description
EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
EC-4.2	Approve development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.
EC-4.7	Consistent with the San José Geologic Hazard Ordinance, prepare geotechnical and geological investigation reports for projects in areas of known concern to address the

Policy	Description
	implications of irrigated landscaping to slope stability and to determine if hazards can be adequately mitigated.
ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

City of San José Municipal Code

Title 24 of the San José Municipal Code includes the 2019 California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.10 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

4.7.1.2 *Existing Conditions*

Regional Geology

The City of San José is located in the northern Santa Clara Valley, an alluvial basin underlain by sedimentary and metamorphic rocks of the Franciscan Complex. These alluvial deposits consist of unconsolidated to semi-consolidated sand, silt, clay, and gravel. The Santa Clara Valley is bounded by the Diablo Range to the east and the Santa Cruz Mountains to the west. The valley was formed when sediments derived from both mountain ranges were exposed by tectonic uplift and regression of the inland sea which previously inundated this area.

On-Site Geologic Conditions

Topography and Soils

The project site is located in a relatively flat area on the floor of the Santa Clara Valley with an elevation of 25 to 30 feet above mean sea level.⁴⁴ The soils on-site consist of alluvial soils with a ground surface consisting of stiff to very stiff clay. The ground surface is underlain by soft to hard clay, sandy clay, clay with sand layers and loose to very dense sand with varying types and amounts of fines layers to the maximum depth explored.⁴⁵ Soils on-site have plasticity indices (PI) ranging as high as 57 PI at the surface, which are considered expansive under the CBC.

Seismicity and Seismic Hazards

The project site is located within the seismically active San Francisco Bay region. The San Francisco Bay Area contains several faults that are capable of generating earthquakes of magnitude 7.0 or

⁴⁴ Langan Engineering and Environmental Services, Inc. *Geotechnical Investigation for North Town*. November 15, 2019.

⁴⁵ Ibid.

higher. The San Andreas Fault system spans the Coast Ranges from the Pacific Ocean to the San Joaquin Valley. The closest faults to the project site are the Hayward (approximately 6.8 miles northeast of the site), Calaveras (approximately eight miles east of the site), Monte Vista-Shannon (approximately 8.7 mile southwest of the site) and San Andreas (approximately 12.4 miles southwest of the site) faults.⁴⁶ The project site is not located within an Alquist-Priolo Earthquake Fault Zone or a Santa Clara County Fault Rupture Hazard Zone for any of the faults mentioned above.^{47,48}

Liquefaction

Liquefaction can be defined as ground failure or loss of strength that causes otherwise solid soil to take on the characteristics of a liquid. This phenomenon is triggered by earthquakes or ground shaking that causes saturated or partially saturated soils to lose strength, potentially resulting in the soil's inability to support structures. Liquefaction can result in adverse impacts to human and building safety and is typically addressed at the building design stage of a project. The project site is located in a Liquefaction Hazard Zone, as identified in maps prepared by the California Geological Survey.⁴⁹ Based on the soil borings conducted for the project's geotechnical report, layers of medium dense sand with varying amounts of clay and silt were encountered below the groundwater level that indicate the potential for liquefaction.

Lateral spreading is a geologic hazard commonly associated with liquefaction. This phenomenon occurs when ground-shaking induces the horizontal displacement of relatively flat-lying soil towards an open or "free" face such as an open body of water, drainage channel, or excavation. Lateral spread presents a significant hazard to the integrity of buildings and other structures that are located in seismically active regions, such as the San Francisco Bay Area. Based on the project's geotechnical report, the medium dense sand layers are susceptible to liquefaction but are sufficiently dense to result in a low potential for lateral spreading.

Groundwater

Groundwater was encountered under the project site between 10 to 15 feet bgs during soil testing activities; however, the natural groundwater level at the project site ranges between 4.7 to 8.5 feet bgs.⁵⁰ Groundwater levels at the site may fluctuate with time due to seasonal conditions, rainfall, and irrigation practices.

Paleontological Resources

Paleontological resources are the fossilized remains of organisms from prehistoric environments from in geologic strata. Most of the City is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources; however, Pleistocene sediments present at or near the ground surface at some locations have high potential to contain these

⁴⁶ Ibid.

⁴⁷ California Geological Survey. "Earthquake Zones of Required Investigation." Accessed April 20, 2020. <https://maps.conservation.ca.gov/cgs/EQZApp/app/>

⁴⁸ County of Santa Clara Department of Planning and Development. "Geologic Maps and Data." Accessed April 20, 2020. <https://www.sccgov.org/sites/dpd/PlansOrdinances/GeoHazards/Pages/GeoMaps.aspx>

⁴⁹ Langan Engineering and Environmental Services, Inc. *Geotechnical Investigation for North Town*. November 15, 2019.

⁵⁰ Ibid.

resources. These sediments have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. Per the City's Paleontological Sensitivity Map, the proposed project is located in an area of high paleontological sensitivity at depth.⁵¹

4.7.2 **Impact Discussion**

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

⁵¹ City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011. Page 694, Figure 3.11-1.

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- a) **Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides?**
-

Fault Rupture

The project site is not located within an Alquist-Priolo Earthquake Fault Zone or a Santa Clara County Fault Rupture Hazard Zone, making fault rupture at the site unlikely. While existing faults are located in the region, the project site is outside of the fault zone for any regional fault systems, and significant impacts from fault ruptures are not anticipated to occur.

Seismic Ground Shaking

The project site is located within the seismically active San Francisco Bay region. The faults in this region are capable of generating earthquakes of magnitude 7.0 or higher. During an earthquake, very strong ground shaking could occur at the project site.

In accordance with the City's General Plan and Municipal Code, and to avoid or minimize potential damage from seismic shaking, the proposed development would be built using standard engineering and seismic safety design techniques. Consistent with City requirements, the following condition shall be implemented by the proposed project to ensure all structures are designed to address seismic hazards.

Standard Permit Condition:

- To avoid or minimize potential damage from seismic shaking, the project shall be constructed using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of an approved geotechnical investigation. The report shall be reviewed and approved by the City of San José Department of Public Works as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code.
- 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.

- If dewatering is needed, the site-specific geotechnical investigations to be prepared for the project shall evaluate the underlying sediments and determine the potential for settlements to occur. If it is determined that unacceptable settlements may occur by a registered professional engineer with the California Department of Consumer Affairs, then alternative groundwater control systems shall be required.

With implementation of the above standard permit condition, the proposed project would not expose people or structures to substantial adverse effects due to ground shaking; nor would the project exacerbate existing geological hazards on the project site such that it would impact (or worsen) off-site geological and soil conditions.

Liquefaction and Lateral Spreading

As mentioned in Section 4.7.1.2 Existing Conditions, the project site is located within a Liquefaction Hazard Zone. According to the City's Municipal Code, a Certificate of Geologic Hazard Clearance is required prior to issuance of grading and/or development permits due to its location within a Geologic Hazard Zone. Further, the site-specific geotechnical investigation prepared for the project (refer to Appendix C) concluded that the project as designed could withstand seismically induced liquefaction with incorporation of the report's recommendations. Compliance with the recommendations provided in the Geotechnical Investigation is mandated by the City's standard permit conditions and the Seismic Hazards Mapping Act and CBC (refer to Section 4.7.1.1 Regulatory Framework). Consistent with the conclusions of the General Plan EIR, adherence with the City's Municipal Code and the recommendation so the site-specific geotechnical investigation would ensure that the project does not result in substantial adverse effects associated with seismically induced liquefaction.

Although the project site is mapped within a Liquefaction Hazard Zone and is approximately 450 feet from the Guadalupe River, the Geotechnical Investigation concluded that the density of soils on-site suggests that the potential for lateral spreading is low. In accordance with City policy and the standard permit conditions discussed above, the proposed project would be designed in accordance with a site-specific geotechnical investigation to reduce the risk of geologic hazards at the site. By constructing the project in accordance with standard engineering practices and the recommendations of the geotechnical investigation, the proposed project would not result in substantial adverse effect associated due to lateral spreading.

Landslides

As mentioned in Section 4.7.1.2 Existing Conditions, the project site is located in a relatively flat area. There are no hillsides or areas of significant differential elevation within the vicinity of the project site. The site is not mapped within a Landslide Hazard Zone, and the proposed project would not pose a risk to human or building safety due to earthquake-induced landslides.

Conclusion for checklist question a): With implementation of standard permit conditions, the project would not directly or indirectly cause substantial adverse effects, including loss, injury, or death from fault rupture, seismic-related ground shaking or ground failure, or landsliding.
(Less than Significant Impact)

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

The project site is relatively flat, which limits the potential for substantial soil erosion. Ground-disturbing activities (i.e., grading, trenching, etc.) could increase the exposure of on-site soils to wind and water erosion. General Plan Action EC-4.5 requires an Erosion Control Plan for private development projects that would disturb one acre or more of soil, are adjacent to a creek/river, or are located in hillside areas. The proposed project would disturb approximately 10.46 acres on-site; therefore, an Erosion Control Plan will be prepared for the project. In addition, the project would be required to implement the standard permit conditions identified under checklist question a) to reduce and avoid construction-related erosion impacts.

The General Plan EIR concluded that with the regulatory programs currently in place, the possible impacts of erosion during construction would be less than significant.⁵² Accordingly, adherence with the Erosion Control Plan and the above standard permit conditions would reduce the potential for substantial soil erosion and topsoil loss to a less than significant level.

Conclusion for checklist question b): With implementation of standard permit conditions, the project would not result in substantial soil erosion or loss of topsoil. **(Less than Significant Impact)**

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

As discussed under Section 4.7.1.2 Existing Conditions, the project site is situated on soils of high plasticity, and is located within the seismically active San Francisco Bay region. Additionally, the project site is mapped within a Liquefaction Hazard Zone.

As discussed under checklist question a), the project would be required to obtain a Certificate of Geologic Hazard Clearance prior to issuance of grading and/or development permits. Further, the project is required to be constructed in accordance with Geotechnical Investigation prepared for the project (refer to Appendix C). In addition, the project would be required by the City's standard permit conditions identified under checklist question a) to apply for a grading and drainage permit. The purpose of the grading permit is to ensure that private property is graded so that it drains properly, not impacting adjacent properties and not creating erosion problems. Improper grading can result in localized flooding, landslides, and differential settlement. These problems not only affect the graded property, but can also impact adjacent properties.

As discussed in Section 4.7.1.2 Existing Conditions, natural groundwater depths at the project site are between 4.7 and 8.5 feet bgs. Because the project proposes a maximum excavation depth of 14 feet, dewatering of subsurface groundwater could be required, if encountered. Dewatering can increase the stress on underlying sediments and potentially result in ground settlement and damage to structures, roadways, and/or utilities. Implementation of the standard permit condition identified in

⁵² City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011. Page 530.

checklist question a) would ensure that alternative groundwater control systems are implemented to prevent any ground settlement associated with dewatering.

Water discharge produced from construction dewatering to the sanitary sewer requires a permit by the City of San José Environmental Service Department Watershed Protection Division. The maximum duration of a short-term permit to discharge to the sanitary sewer is one year. Discharge to the storm drain system requires approval from the RWQCB and the City's Environmental Services Division. Refer to Section 4.10 Hydrology and Water Quality for further discussion of the project's surface water and groundwater impacts. The project would implement the City's standard permit conditions identified under checklist question a) regarding groundwater control systems to reduce the potential for project dewatering to result in destabilization of the project site.

Adherence with the recommendations of the site-specific geotechnical investigation and the City's standard conditions of approval regarding grading and groundwater control systems would ensure that the project would not result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

Conclusion for checklist question c): With implementation of standard permit conditions, the project would not result in the project site becoming unstable. **(Less than Significant Impact)**

d) Would the project be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?

As described in Section 4.7.1.2 Existing Conditions, soils underlying the project site have a PI as high as 57, which is considered highly expansive under the CBC. Expansive soils possess a “shrink-swell” characteristic. Shrink-swell is the cyclic change in volume (expansion and contraction) that occurs in fine-grained clay sediments from the process of wetting and drying. Structural damage may result over a long period of time, usually the result of inadequate soil and foundation engineering or the placement of structures directly on expansive soils.

As discussed in the General Plan EIR, compliance with the City's General Plan policies regarding soil hazards would reduce hazards associated with expansive soils and new development and redevelopment to a less than significant level.⁵³ Consistent with the General Plan policies identified in Section 4.7.1.1 Regulatory Framework and as previously noted under checklist question a), the City's standard permit conditions and the Seismic Hazards Mapping Act and the CBC require the project to be constructed in accordance with the site-specific geotechnical investigation and implement recommendations regarding the structural design and engineering techniques to reduce impacts from expansive soils (as well as other geologic hazards). Consistent with the conclusions of the General Plan EIR, by conforming with state and local regulations and the recommendations of the site-specific geotechnical investigation, the project would not create substantial direct or indirect risks to life or property.

⁵³ City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011. Page 528.

Conclusion for checklist question d): With implementation of standard permit conditions, the project would not create substantial direct or indirect risks to life or property. **(Less than Significant Impact)**

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

The proposed project would dispose of wastewater via lateral connections to the City's sewer system and would not require the use of septic tanks or alternative wastewater disposal systems.

Conclusion for checklist question e): Sewers are available for the disposal of wastewater and, therefore, the use of septic tanks or alternative wastewater disposal systems is not required for the project. **(No Impact)**

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

The proposed project involves subsurface work extending to a maximum depth of 14 feet bgs; subsurface work has the potential to encounter and damage or destroy undiscovered subsurface paleontological resources, if present. The General Plan EIR recognized that while development allowed under the General Plan could directly impact paleontological resources, implementation of General Plan policies and existing regulations and programs would reduce potential impacts to a less than significant level.⁵⁴ As such, the following standard permit condition would be applied to the project to reduce and avoid impacts to unidentified paleontological resources.

Standard Permit Condition:

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

Conclusion for checklist question f): With implementation of standard permit conditions, the project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. **(Less than Significant Impact)**

⁵⁴ City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011. Page 724.

4.8 GREENHOUSE GAS EMISSIONS

The following discussion is based, in part, on a 2030 Greenhouse Gas Reduction Strategy Compliance Checklist completed by the applicant. A copy of this checklist is attached to this Initial Study as Appendix D.

4.8.1 Environmental Setting

4.8.1.1 *Background Information*

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of CO₂ equivalents (CO₂e). The most common GHGs are carbon dioxide (CO₂) and water vapor but there are also several others, most importantly methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO₂ and N₂O are byproducts of fossil fuel combustion.
- N₂O is associated with agricultural operations such as fertilization of crops.
- CH₄ is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and SF₆ emissions are commonly created by industries such as aluminum production and semiconductor manufacturing.

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

4.8.1.2 *Regulatory Framework*

Federal

Clean Air Act

The EPA is the federal agency responsible for implementing the Clean Air Act. The U.S. Supreme Court in its 2007 decision in *Massachusetts et al. v. Environmental Protection Agency et al.*, ruled that CO₂ is an air pollutant as defined under the Clean Air Act, and that EPA has the authority to regulate emissions of GHGs. Following the court decision, EPA has taken actions to regulate, monitor, and potentially reduce GHG emissions (primarily mobile emissions).

State

Assembly Bill 32/Senate Bill 32

Under the California Global Warming Solutions Act, also known as AB 32, CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources.

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of CO₂e (MMTCO₂e). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCO₂e.

CARB is now in the process of updating the Scoping Plan to assess the state's progress toward the statutory 2030 target, while laying out a path to achieving carbon neutrality no later than 2045. The Proposed 2022 Scoping Plan Update focuses on outcomes needed to achieve carbon neutrality by assessing paths for clean technology, energy deployment, natural and working lands, and others, and is designed to meet the State's long-term climate objectives and support a range of economic, environmental, energy security, environmental justice, and public health priorities. A draft of this scoping plan was released on May 10, 2022.

Executive Order B-55-18

In 2018, a new statewide goal was established to achieve carbon neutrality as soon as possible, but no later than 2045, and to maintain net negative emissions thereafter. CARB and other relevant state agencies are tasked with establishing sequestration targets and create policies/programs that would meet this goal. The Draft 2022 Scoping Plan Update addresses Executive Order (EO) B-55-18 and would cost-effectively achieve carbon-neutrality by 2045 or earlier.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035. The per capita GHG

emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2050. Plan Bay Area 2050 establishes a course for reducing per capita GHG emissions and vehicle miles traveled through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

California Building Standards Code

The California Building Energy Efficiency Standards (California Energy Code) is under Title 24, Part 6 and is overseen by the California Energy Commission (CEC). This code includes design requirements to conserve energy in new residential and non-residential developments, while being cost effective for homeowners. This Energy Code is enforced and verified by cities during the planning and building permit process. The current energy efficiency standards (2019 Energy Code) replaced the 2016 Energy Code as of January 1, 2020.

The California Green Building Standards Code (CALGreen Code) is part of the California Building Standards Code under Title 24, Part 11. The CALGreen Code provides sustainable construction standards that involve planning/design, energy efficiency, water efficiency resource efficiency, and environmental quality. These green building standard codes are mandatory statewide and are applicable to residential and non-residential developments. The most recent CALGreen Code (2019 California Building Standard Code) was effective as of January 1, 2020.

Requirements for electric vehicle (EV) charging infrastructure are set forth in Title 24 of the California Code of Regulations and are regularly updated on a 3-year cycle. The CALGreen standards consist of a set of mandatory standards required for new development, as well as two more voluntary standards known as Tier 1 and Tier 2. The CalGreen standards have recently been updated (2022 version) to require deployment of additional EV chargers in various building types, including multifamily residential and nonresidential land uses. They include requirements for both EV capable parking spaces and the installation of Level 2 EV supply equipment for multifamily residential and nonresidential buildings. The 2022 CALGreen standards include requirements for both EV readiness and the actual installation of EV chargers. The 2022 CALGreen standards include both mandatory requirements and more aggressive voluntary Tier 1 and Tier 2 provisions.

Regional

2017 Clean Air Plan

To protect the climate, the 2017 CAP (prepared by BAAQMD) includes control measures designed 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.

Bay Area Air Quality Management District

BAAQMD is the regional government agency that regulates sources of air pollution within the nine San Francisco Bay Area counties. The BAAQMD regulates GHG emissions through the following plans, programs, and guidelines.

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

CEQA Thresholds of Significance for Climate Impacts

The BAAQMD CEQA Air Quality Guidelines (see discussion above) also included thresholds of significance for greenhouse gas emissions. For projects that are not located within a jurisdiction with an adopted GHG Reduction Strategy or projects that would be inconsistent with an adopted GHG Reduction Strategy, the Guidelines recommended a GHG emissions threshold of 1,100 metric tons (MT) or 4.6 MT per year per capita. These thresholds were developed based on meeting the 2020 GHG target of reducing statewide GHG emissions 80 percent below 1990 levels as set forth in the scoping plan that addressed AB 32. Interpolation of the 2020 GHG target through the year 2031 (when buildout of the Housing Element Update would be complete) results in a GHG emissions significance threshold of 2.7 MTCO_{2e} per year per capita.

On April 20, 2022, BAAQMD adopted new qualitative thresholds for assessing the impacts that projects and plans would have on climate change. BAAQMD provided a justification report that described these new qualitative thresholds that are recommended for lead agencies to consider when approving projects or plans through the CEQA process.⁵⁵

For land use projects, BAAQMD developed plan- and project-level thresholds that evaluate the significance of operational GHG emissions based on its effect on the State's efforts to meet the identified long-term climate goals. These thresholds are identified in Table 4.8-1 below.

⁵⁵ Bay Area Air Quality Management District. *CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans*. April 2022.

Table 4.8-1: BAAQMD GHG Significance Thresholds	
Plan-Level Thresholds	
A. Meet the State’s goals to reduce emissions to 40 percent below 1990 levels by 2030 and carbon neutrality by 2045; or	
B. Be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).	
Project-Level Thresholds	
A. Projects must include, at a minimum, the following project design elements:	
1. Buildings a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development). b. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.	
2. Transportation a. Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor’s Office of Planning and Research’s Technical Advisory on Evaluating Transportation Impacts. b. Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.	
B. Be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).	

Local

Envision San José 2040 General Plan

The following policies in the City’s General Plan have been adopted for the purpose of avoiding or reducing GHG emissions and climate change related impacts and are applicable to the project.

Policy	Description
CD-2.1	Promote the Circulation Goals and Policies in the Envision San José 2040 General Plan. Create streets that promote pedestrian and bicycle transportation by following applicable goals and policies in the Circulation section of the Envision San José 2040 General Plan. 1. Design the street network for its safe shared use by pedestrians, bicyclists, and vehicles. Include elements that increase driver awareness. 2. Create a comfortable and safe pedestrian environment by implementing wider sidewalks, shade structures, attractive street furniture, street trees, reduced traffic speeds, pedestrian-oriented lighting, mid-block pedestrian crossings, pedestrian-activated crossing lights, bulb-outs and curb extensions at intersections, and on-street parking that buffers pedestrians from vehicles.

Policy	Description
	3. Consider support for reduced parking requirements, alternative parking arrangements, and Transportation Demand Management strategies to reduce area dedicated to parking and increase area dedicated to employment, housing, parks, public art, or other amenities. Encourage decoupled parking to ensure that the value and cost of parking are considered in real estate and business transactions.
CD-2.5	Integrate Green Building Goals and Policies of the Envision San José 2040 General Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.
CD-3.2	Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.
CD-3.4	Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.
CD-5.1	Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.
LU-5.4	Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.
MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
MS-2.3	Encourage consideration of solar orientation, including building placement, landscaping, design and construction techniques for new construction to minimize energy consumption.
MS-2.7	Encourage the installation of solar panels or other clean energy power generation sources over parking areas.
MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).
MS-3.1	Require water-efficient landscaping, which conforms to the State’s Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial and

Policy	Description
	developer-installed residential development unless for recreation needs or other area functions.
MS-3.2	Promote the use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.
MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy system, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
MS-16.2	Promote neighborhood-based distributed clean/renewable energy generation to improve local energy security and to reduce the amount of energy wasted in transmitting electricity over long distances.
MS-19.4	Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.
MS-21.3	Ensure that San José's Community Forest is comprised of species that have low water requirements and are well adapted to its Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest.
MS-26.1	As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
TR-2.8	Require new development to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
TR-7.1	Require large employers to develop TDM programs to reduce the vehicle trips and vehicle miles generated by their employees through the use of shuttles, provision for car-sharing, bicycle sharing, carpool, parking strategies, transit incentives and other measures.
TR-8.5	Promote participation in car share programs to minimize the need for parking spaces in new and existing development.

City of San José Municipal Code

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

- Construction and Demolition Diversion Deposit Program (Chapter 9.10.15)
- Wood Burning Ordinance (Chapter 9.11)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.11)
- Green Building Regulations for Private Development (Chapter 17.84)

Climate Smart San José

Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community. Climate Smart San José is aligned with General Plan growth patterns and General Plan policies which prioritize automobile-alternative transportation modes, encourage denser development, and ensure energy-efficient features are included in new buildings. Approved in February 2018, Climate Smart San José ensures the City can substantially reduce GHG emissions through achieving the following goals and milestones:

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

2030 Greenhouse Gas Reduction Strategy

The 2030 GHGRS is the latest update to the City's previously adopted 2011 GHGRS and is designed to meet statewide GHG reduction targets for 2030 set by Senate Bill 32. As a qualified Climate Action Plan, the 2030 GHGRS allows for tiering and streamlining of GHG analyses under CEQA. The GHGRS identifies General Plan policies (including the policies identified in the above table) and strategies to be implemented by development projects in the areas of green building/energy use, multimodal transportation, water conservation, and solid waste reduction. These seven strategies include:

1. San José Clean Energy – The City will implement the San José Clean Energy program to provide residents and businesses access to cleaner energy at competitive rates.
2. Zero Net Carbon Residential Construction – The City will implement its building reach code ordinance (adopted September 2019) and its prohibition of natural gas infrastructure ordinance (adopted October 2019) to guide the city's new construction toward zero net carbon (ZNC) buildings.

3. Renewable Energy Development – The City will expand development of rooftop solar energy through the provision of technical assistance and supportive financial incentives to make progress toward the Climate Smart San José goal of becoming a one-gigawatt solar city.
4. Natural Gas Building Retrofits – The City will support a transition to building decarbonization through increased efficiency improvements in the existing building stock and reduced use of natural gas appliances and equipment.
5. Zero Waste Goal – As an expansion to Climate Smart San José, the City will update its Zero Waste Strategic Plan and reassess zero waste strategies. Throughout the development of the update, the City will continue to divert 90 percent of waste away from landfills through source reduction, recycling, food recovery and composting, and other strategies.
6. Caltrain Modernization Project – The City will continue to be a partner in the Caltrain Modernization Project to enhance local transit opportunities while simultaneously improving the city’s air quality.
7. Water Conservation – The City will expand its water conservation efforts to achieve and sustain long-term per capita reductions that ensure a reliable water supply with a changing climate, through regional partnerships, sustainable landscape designs, green infrastructure, and water-efficient technology and systems.

Projects that comply with the policies and strategies outlined in the 2030 GHGRS, and are constructed and operational prior to 2030, would have less than significant GHG impacts under CEQA.⁵⁶

San José Reach 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.

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

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards.

4.8.1.3 *Existing Conditions*

Unlike emissions of criteria and toxic air pollutants, which have regional and local impacts, emissions of GHGs have a broader, global impact. Global warming is a process whereby GHGs

⁵⁶ City of San José. “Greenhouse Gas Reduction Strategy”. Accessed August 30, 2022.
<https://www.sanjoseca.gov/your-government/department-directory/planning-building-code-enforcement/planning-division/environmental-planning/greenhouse-gas-reduction-strategy>.

accumulating in the upper atmosphere contribute to an increase in the temperature of the earth and changes in the weather patterns.

The project site is vacant and undeveloped, and does not generate GHG emissions.

4.8.2 Impact Discussion

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

4.8.2.1 *Thresholds of Significance*

The BAAQMD's CEQA Air Quality Guidelines do not use quantified thresholds for projects that are in a jurisdiction with a qualified GHG reductions plan (i.e., a Climate Action Plan). The plan has to address emissions associated with the period that the project would operate (e.g., beyond year 2020). As discussed above, the City of San José has a qualified Climate Action Plan. The 2030 GHGRS is designed to meet statewide GHG reduction target for 2030 allows for tiering and streamlining of GHG analyses under CEQA. Projects that comply with the policies and strategies outlined in the 2030 GHGRS, would have less than significant GHG impacts under CEQA.⁵⁷

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

As discussed in Section 4.8.1.2 Regulatory Framework, projects that comply with the policies and strategies outlined in the 2030 GHGRS would have a less than significant GHG impact and are assumed to have less than significant (direct or indirect) GHG emissions. The City has developed a consistency checklist to determine if a project is consistent with the 2030 GHGRS. Compliance with these mandatory policies and strategies by the project ensure a project's consistency with the 2030 GHGRS. As documented in Appendix D, the project would be consistent with the mandatory policies and strategies of the 2030 GHGRS.

As noted above, projects that comply with the policies and strategies outlined in the 2030 GHGRS, would have less than significant GHG impacts under CEQA. Since the project would be consistent with the 2030 GHGRS, GHG emissions generated by the project would not conflict with AB 32 or SB 32.

⁵⁷ City of San José. "Greenhouse Gas Reduction Strategy". Accessed August 30, 2022.
<https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/environmental-planning/greenhouse-gas-reduction-strategy>.

Conclusion for checklist question a): The project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. **(Less than Significant Impact)**

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

AB 32, SB 32, Plan Bay Area 2050, BAAQMD CEQA Air Quality Guidelines and Thresholds of Significance for Climate Impacts, Envision San José 2040 General Plan, San José Greenhouse Gas Reduction Strategy

The City's original GHGRS was designed to meet the statewide GHG reduction targets for 2020 set by AB 32, and the City's latest update to the GHGRS is designed to meet the statewide GHG reduction targets for 2030 set by SB 32. As discussed under checklist question a), the project is consistent with the City's GHGRS. Further, as discussed in Section 4.17 under checklist question b), the project would have a less than significant VMT impact with implementation of MM TRN-1.1 and MM TRN-1.2, which indicates the project's contribution of GHG emissions related to vehicle travel would be less than cumulatively considerable. Therefore, the project would not conflict with AB 32, SB 32, Plan Bay Area 2050, the BAAQMD CEQA Air Quality Guidelines and Thresholds of Significance for Climate Impacts, the San José Greenhouse Gas Reduction Strategy, or any policy or regulation in the Envision San José 2040 General Plan adopted for the purpose of reducing the emissions of GHGs.

2017 Clean Air Plan

As discussed in Section 4.3.2 Impact Discussion under checklist question a), the project is consistent with the 2017 CAP.

City of San José Municipal Code

The project is consistent with the chapters of the Municipal Code identified in Section 4.8.1.2 Regulatory Framework, including:

- Chapter 9.10.15, which requires new development to participate in the City's CDD program. As discussed in Section 4.6 Energy, the project would participate in the CDD program and recover and recycle 75 percent of construction and demolition waste.
- Chapter 9.11, which only permits the installation of wood burning appliances that comply with the EPA's requirements. The project does not propose the installation of wood burning appliances.
- Chapter 11.105, which requires employers with more than 100 employees to implement a Transportation Demand Management (TDM) program; as discussed in Section 4.17 Transportation checklist question b), the project would be required through mitigation measure MM TRN-1.2 to implement a TDM plan due to the project's VMT impact.
- Chapter 15.11, which requires new construction projects with a total landscape area equal to or greater than five hundred square feet to meet the City's landscape installation requirements. As discussed under Section 4.10 Hydrology and Water Quality checklist

question a), the project would comply with Municipal Code Chapter 15.11 Part 3 and install water-efficient irrigation systems.

- Chapter 17.84, which requires new developments to meet the City’s green building regulations for private development. The project is designed to achieve LEED Silver Certification, as required by the City’s Private Sector Green Building Policy and the Green Building Ordinance.

Climate Smart San José

As discussed in Section 4.6 Energy, the project would be subject to the energy efficiency standards set forth in Title 24, CALGreen, and the City’s Municipal Code. Further, the project would achieve LEED Silver Certification as required by the City’s Private Sector Green Building Policy and the Green Building Ordinance. In addition, the project would be required by Climate Smart San José and the City’s Reach Code to enroll in SJCE’s TotalGreen program, which provides 100 percent carbon-free energy, and would therefore be considered zero net energy. For these reasons, the project is consistent with the City’s climate action goals as set forth in Climate Smart San José.

San José Reach Code

The Reach Code applies to new construction projects in San José. As discussed in Section 4.6 Energy, the project does not include natural gas infrastructure. The project would comply with the Reach Code by meeting the energy efficiency standards set forth in Title 24, CALGreen, and the California Building Energy Efficiency Standards. Electricity for the proposed project would be provided by SJCE, and the project would be required by Climate Smart San José and the City’s Reach Code to enroll in SJCE’s Total Green program, which provides 100 percent carbon-free energy. For these reasons, the project is consistent with the City’s goal to reduce energy-related GHG emissions as set forth in the Reach Code.

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

City Council Policy 6-32 requires industrial uses greater than 25,000 square feet in size to be rated LEED Silver. As discussed under Section 4.6 Energy, the project would achieve LEED Silver Certification, and therefore the project would be consistent with City Council Policy 6-32.

For the reasons discussed above, the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

Conclusion for checklist question b): With implementation of mitigation measure TRN-1.2, the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. **(Less than Significant Impact)**

4.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based, in part, on a Phase I Environmental Site Assessment (ESA) prepared for the project site by Partner Engineering and Science, Inc. A copy of this report, dated November 2018, is attached to this Initial Study as Appendix E. The Phase I ESA cites a previous Phase II ESA prepared by the URS Corporation in December 2014; a copy of this report is attached to this Initial Study as Appendix F.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. Federal regulations and policies related to development include the Comprehensive Environmental Response, Compensation, and Liability Act, commonly known as Superfund, and the Resource Conservation and Recovery Act. In California, the U.S. EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. Cal/OSHA enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Federal and State

Federal Aviation Regulations Part 77

Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require 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 the ground.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), enacted in 1976, is the principal federal law in the United States governing the disposal of solid waste and hazardous waste. RCRA gives the EPA the authority to control hazardous waste from the "cradle to the grave." This includes the generation,

transportation, treatment, storage, and disposal of hazardous waste. RCRA also sets forth a framework for the management of non-hazardous solid wastes.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.⁵⁸

Government Code Section 65962.5

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

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 provides the EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. The TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of property. Facilities that are required to participate in the CalARP program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The County of Santa Clara Department of Environmental Health reviews CalARP risk management plans as the Certified Unified Program Agency (CUPA).

Regional and Local

Norman Y. Mineta San José International Airport Comprehensive Land Use Plan

The Norman Y. Mineta San José International Airport is located approximately 0.4-mile south of the project site. Development within the Airport Influence Area (AIA) can be subject to hazards from aircraft overflight and also pose hazards to aircraft travelling to and from the airport. The AIA is a composite of areas surrounding the airport that are affected by noise, height and safety considerations. These hazards are addressed in federal and State regulations as well as in land use regulations and policies in the Airport Comprehensive Land Use Plan (CLUP) prepared by the Santa

⁵⁸ United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed August 11, 2022. <https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act>.

Clara County Airport Land Use Commission (ALUC). The ALUC is responsible for reviewing all proposed rezoning applications within the Norman Y. Mineta San José International Airport CLUP.

The project site is located within the AIA and the 60 dB aircraft noise contour, but outside of any CLUP-defined safety zones.⁵⁹

Envision San José 2040 General Plan

The following policies in the City’s General Plan have been adopted for the purpose of avoiding or reducing impacts associated with hazards and hazardous materials and are applicable to the project.

Policy	Description
EC-6.1	Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use, or transport in conformance with local, state, and federal laws, regulations, and guidelines.
EC-6.2	Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.
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.
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.
EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
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.
EC-7.7	Determine for any development or redevelopment site that is within 1,000 feet of a known, suspected, or likely geographic ultramafic rock unit (as identified in maps developed by the Department of Conservation – Division of Mines and Geology) or any

⁵⁹ City of San José. “Public GIS Viewer – Airport”. Accessed August 11, 2022.
<https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=3c5516412b594e79bd25c49f10fc672f>.

Policy	Description
	other known or suspected locations of serpentine or naturally occurring asbestos, if natural occurring asbestos exists and, if so, comply with the Bay Area Air Quality Management District's Asbestos Air Toxic Control Measure requirements.
EC 7.8	Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.
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.
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.
EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.
MS-13.2	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.
TR-14.3	For development in the vicinity of airports, take into consideration the safety and noise policies identified in the Santa Clara County Airport Land Use Commission comprehensive land use plans for Mineta San José International and Reid-Hillview airports.
TR-14.4	Require avigation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptance of noise or other aircraft related effects, as needed, as condition of approval of development in the vicinity.

City of San José Emergency Operations Plan

The City of San José Emergency Operations Plan (EOP) provides an overview of the jurisdiction's approach to emergency operations. It identifies emergency response policies, describes the response and recovery organization, and assigns specific roles and responsibilities to City departments, agencies, and community partners.

4.9.1.2 *Existing Conditions*

Site History

The project site was undeveloped and/or agricultural land from at least 1889 through 1974, and was paved to provide surface parking for the adjacent development to the south in 1978. The site underwent extensive grading in 2018 and is currently vacant and undeveloped with an open dirt field, grassy open space, and mature trees.

On-Site Sources of Contamination

Subsurface soil and groundwater testing conducted in 2014 (refer to Appendix F) indicated that arsenic concentrations in soil were consistent with background levels in previous regional studies, and no volatile organic compounds (VOCs), semi-volatile organic compounds (SVOC), or metals in excess of environmental screening levels (ESLs) are present on-site. Accordingly, Partner Engineering and Science, Inc. (refer to Appendix E) did not identify any recognized environmental conditions (RECs), controlled RECs (CRECs), or historic RECs (HRECs) in connection with the project site.⁶⁰ However, given the past use of the site for agricultural purposes, pesticides may have been applied to crops that may have contaminated the subsurface soils with organochlorine pesticides (OCPs) and pesticide-based metals (e.g., arsenic, lead, mercury).

Off-Site Sources of Contamination

A review of databases and files from federal, state, and local environmental regulatory agencies was used to identify use, generation, storage, treatment, or disposal of hazardous substances and chemicals, or release incidents of such materials at surrounding facilities that may have impacted the subject site. Based on distance, regulatory status, and/or apparent groundwater gradient, Partner Engineering and Science, Inc. determined these sites were not of environmental concern.

As noted in Section 3.1, the project site was formerly part of a larger 68-acre parcel that is listed as a Closed Leaking Underground Storage Tank (LUST) Case on the Cortese List in regards to a diesel fuel release. The LUST case is associated with the Lumileds (formerly Agilent Technologies, Inc.) property adjacent south of the project site (APN No. 101-02-019). The Phase II ESA conducted by the URS Corporation (refer to Appendix F), which involved the collection of 39 soil samples and 20 groundwater samples at the Lumileds site and the project site (three of the sampling locations were located on the project site), did not detect any soil contamination in excess of non-residential ESLs.

⁶⁰ An REC refers to the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: due to release to the environment; under conditions indicative of a release to the environment; or under conditions that pose a material threat of a future release to the environment. A CREC refers to a REC resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls. An HREC refers to a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls.

Airport Operations

The Norman Y. Mineta San José International Airport is located approximately 0.4-mile southwest of the project site. As previously mentioned, FAR Part 77 requires that the 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, any structure exceeding 37 feet in height above grade would require submittal to the FAA for airspace safety review.⁶¹ As the proposed project would have a maximum height of 50 feet, notification to the FAA is required to determine the potential for the project to create an aviation hazard. Based on the Airport Community Noise Equivalent Level, the project site is within the 60 dBA aircraft noise corridor.⁶²

Wildland Fires

The proposed project is located in an area of San José that is not within the City's wildland urban interface area or a State very high fire hazard severity zone.^{[63][64]}

4.9.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☒	☐	☐

⁶¹ Federal Aviation Administration. "Notice Criteria Tool". Accessed October 25, 2022.

<https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>

⁶² City of San José. "Public GIS Viewer – Airport Community Noise Equivalent Level". Accessed August 19, 2022.

<https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=3c5516412b594e79bd25c49f10fc672f>.

⁶³ City of San José. "Public GIS Viewer – Fire Wildland Urban Interface". Accessed September 15, 2022.

<https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=3c5516412b594e79bd25c49f10fc672f>.

⁶⁴ California Department of Forestry and Fire Protection. "Fire Hazard Severity Zones Maps." Santa Clara.

Accessed September 15, 2022. <https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
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, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☒	☐
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☐	☒

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

Construction of the proposed project does not involve the routine transport, use, or disposal of reportable quantities of hazardous materials besides gas and diesel fuel used by construction vehicles.

Once operational, small quantities of cleaning supplies, maintenance chemicals, and herbicides and pesticides for landscape maintenance would be routinely stored and used by the project. The proposed manufacturing and assembly uses may require the use of various hazardous materials or chemicals. The use of any hazardous materials or chemicals would be regulated by the programs and policies identified in Section 4.9.1.1. Additionally, operation of the project would require the storage of diesel fuel associated with occasional testing and use of the project's emergency generator during power failures. Under Health and Safety Code 25507(a)(1)(A), the project would be required to establish and implement a Hazardous Materials Business Plan if the amount of diesel fuel stored on-site exceeds 55 gallons.

All hazardous materials used in project operation would be managed in accordance with existing laws and regulations (refer to Section 4.9.1.1). The General Plan EIR concluded that adherence with existing laws and regulations, and the General Plan policies identified in Section 4.9.1.1, would ensure that future development projects do not result in a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Conclusion for checklist question a): The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
(Less than Significant Impact)

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

As described in Section 4.9.1.2, subsurface soil and groundwater testing determined that soils and groundwater on-site are not contaminated with any hazardous materials or chemicals in excess of SWRCB environmental screening levels for industrial and office uses. However, due to the agricultural history of the project site, residual organochlorine pesticides and/or pesticide-based metals (such as arsenic and lead) may be present in subsurface soil that could adversely affect construction workers, adjacent properties, and future site workers if disturbed. Additionally, there is a remote possibility that soils on-site are contaminated with petroleum hydrocarbons associated with the closed diesel fuel-related LUST case associated with the Lumileds site adjacent south of the project site.

Impact HAZ-1: Due to the agricultural history, there is a potential that the shallow soil on-site contains residual organochlorine pesticides and/or pesticide-based metals arsenic and lead from historic pesticide application. If pesticides are present above SWRCB human health screening levels and not mitigated, construction of the project could result in exposure of construction workers, adjacent properties and future site workers to pesticide contamination. Soils contaminated with petroleum hydrocarbons may also be present.

Mitigation Measures:

MM HAZ-1.1: Prior to issuance of any grading permits, the project applicant shall retain a qualified hazardous materials consultant to take shallow soil samples in the near surface soil in the proposed project area and test for organochlorine pesticides, petroleum hydrocarbons, and pesticide-based metals to determine if contaminants from previous agricultural operations occur at concentrations above applicable State Water Resources Control Board (SWRCB) environmental screening levels. The result of soil sampling and testing shall be provided to the Director of Planning Building and Code Enforcement or Director's designee and Municipal Environmental Compliance Officer.

If contaminated soils are found in concentrations above the appropriate SWRCB environmental screening levels for the proposed project, the project applicant shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health (or Department of Toxic Substances Control) under their Site Cleanup Program. A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document must be prepared by a qualified hazardous materials consultant. The plan must establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future workers and visitors. The Plan and evidence of regulatory oversight shall be provided to the Director of Planning Building and Code Enforcement or Director's designee, and the Municipal Environmental Compliance Officer.

With implementation of MM HAZ-1.1 above, contaminated soils on-site would be properly identified, characterized, removed and disposed of properly prior to ground-disturbing activities, thus preventing exposure of construction workers, adjacent uses, and future site workers to soil contaminants from construction of the project.

Conclusion for checklist question b): With implementation of MM HAZ-1.1, the project would not create a significant hazard to the public or the environment through the release of hazardous materials into the environment. **(Less than Significant Impact with Mitigation Incorporated)**

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

The nearest school to the project site is Montague Elementary School, approximately 0.9-mile northwest of the site. Therefore, the project would not emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Conclusion for checklist question c): The project would not 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)**

d) Would the project 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?

As discussed in Section 4.9.1.2, the project site was formerly part of a larger parcel that is listed as a Closed Leaking Underground Storage Tank (LUST) Case on the Cortese List. As discussed above under checklist question a), the project would be required to retain a qualified hazardous materials consultant to take shallow soil samples in the near surface soil in the proposed project area and test for petroleum hydrocarbons. Soils contaminated with petroleum hydrocarbons in excess of SWRCB ESLs, if present, would be identified, characterized, removed and disposed of properly prior to ground-disturbing activities, thus preventing exposure of construction workers, adjacent uses, and future site workers to soil contaminants from construction of the project. Accordingly, the project would not create a significant hazard to the public or environment.

Conclusion for checklist question d): The project is not on any lists of hazardous materials sites compiled pursuant to Government Code Section 65962.5. **(Less than Significant Impact with Mitigation Incorporated)**

e) If 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?

As discussed in Section 4.9.1.2, the project site is located within the Norman Y. Mineta San José International AIA and the 60 dB aircraft noise contour, but outside of any CLUP-defined safety hazard zones. Non-residential uses are permitted within 60 dB aircraft noise contour with granting of an Aviation Easement to the City. With granting of an Aviation Easement to the City, the project would be compliant with the Norman Y. Mineta San José International CLUP.

As described previously, any structure exceeding 37 feet in height at the project site would require submittal to the FAA to determine the potential for the project to create an aviation hazard. At a proposed maximum height of 50 feet above ground, the project is required to be reviewed by the FAA for FAR Part 77 conformance. The project would be subject to the appropriate FAA clearance prior to obtaining a building permit for vertical construction, as is described in the standard permit condition below.

Standard Permit Conditions:

- **FAA Clearance Required.** Prior to issuance of any Building Permit for construction, the permittee shall obtain from the Federal Aviation Administration a "Determination of No Hazard to Air Navigation" for each rooftop corner and any additional high points. The permittee shall abide by any and all conditions of the FAA determinations (if issued) such as height specifications, rooftop marking/lighting, construction notifications to the FAA through filing of Form 7460-2, and "No Hazard Determination" expiration date. The data on the FAA forms shall be prepared by a licensed civil engineer or surveyor, with location coordinates (latitude/longitude) in NAD83 datum out to hundredths of seconds, and elevations in NAVD88 datum rounded off to the next highest foot.

Conclusion for checklist question e): With implementation of standard permit conditions, the project would not result in a safety hazard or excessive noise for people residing or working in the project area. **(Less than Significant Impact)**

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

The City's EOP principally is designed to establish the foundational policies and procedures that define how the City will effectively prepare for, respond to, recover from, and mitigate against natural or human-caused disasters. This includes assigning City departmental roles and responsibilities during disaster response and recovery activities, establishing communication and coordination procedures, and the logistics for disseminating information and resources, among other similar items.

Emergency vehicles would be able to access the project site via an EVA-only roadway accessible from West Trimble Road to the parking lot near the building's main entry in the northeast corner of

the project site. As discussed under checklist question d) in Section 4.17 Transportation, the project would meet the San José Fire Department (SJFD) requirements that all portions of the buildings be within 150 feet of a SJFD access road and a minimum of six feet clearance from the property line to all sides of the buildings is provided. Additionally, the project would be constructed in accordance with current state and local building and fire codes to ensure structural stability and safety. The SJFD would review the final site design for consistency with applicable fire department standards. For these reasons, construction and operation of the project would not impair implementation of or physically interfere with the City's adopted EOP.

Conclusion for checklist question f): The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **(Less than Significant Impact)**

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

As discussed in Section 4.9.1.2 Existing Conditions, the project site is located in an urbanized area of San José and is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. Further, as described above under checklist question f), the project would be constructed in accordance with current state and local building and fire codes to ensure structural stability and safety and the final site design would be reviewed by SJFD for consistency with applicable fire department standards.

Conclusion for checklist question g): The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. **(No Impact)**

4.10 HYDROLOGY AND WATER QUALITY

The following discussion is based, in part, on a Flood & Stormwater Treatment Design Memorandum prepared for the project by HMH Engineers. The report, dated July 2022, is attached to this Initial Study as Appendix G.

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Federal and State

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

Wetland and riparian habitats are afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

Under Section 303(d) of the federal Clean Water Act, the SWRCB and RWQCBs are required to identify impaired surface water bodies that do not meet water quality standards and develop total maximum daily loads (TMDLs) for contaminants of concern. The list of the state's identified impaired surface water bodies, known as the "303(d) list" can be found on the on the RWQCB's website.^{[65][66]}

Fish and Game Code Section 1602

Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW.

Sustainable Groundwater Management Act

Sustainable Groundwater Management Act (SGMA) set forth a statewide framework to help protect groundwater resources over the long-term. SGMA is comprised from a three-bill legislative package, including AB 1739 (Dickinson), SB 1168 (Pavley), and SB 1319 (Pavley), and subsequent statewide

⁶⁵ San Francisco Regional Water Quality Control Board. "The 303(d) List of Impaired Water Bodies." Accessed March 3, 2022. https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/303dlist.html.

⁶⁶ Central Coast Regional Water Quality Control Board. "Central Coast Region – Clean Water Act Section 303(d) List of Water Quality Limited Segments (the 302(d) List)." Accessed August 14, 2022. https://www.waterboards.ca.gov/centralcoast/water_issues/programs/tmdl/303d_list.html.

regulations. SGMA requires local agencies to form groundwater sustainability agencies (GSAs) for the high and medium priority basins. GSAs develop and implement groundwater sustainability plans (GSPs) to avoid undesirable results and mitigate overdraft within 20 years.

National Flood Insurance Program

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

Statewide Construction General Permit

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

Regional

San Francisco Bay Basin Plan

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

Municipal Regional Permit Provision C.3

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in 2015 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.⁶⁷ Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area are required to

⁶⁷ Bay Municipal Regional Stormwater Permit Number CAS612008

implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

In addition to water quality controls, the MRP requires new development and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if they do not meet the minimum size threshold, drain into tidally influenced areas or directly into the Bay, or drain into hardened channels, or if they are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious.

Water Resources Protection Ordinance and District Well Ordinance

Valley Water operates as the flood control agency for Santa Clara County. Their stewardship also includes creek restoration, pollution prevention efforts, and groundwater recharge. Permits for well construction and destruction work, most exploratory boring for groundwater exploration, and projects within Valley Water property or easements are required under Valley Water's Water Resources Protection Ordinance and District Well Ordinance.

2021 Groundwater Management Plan

The 2021 Groundwater Management Plan (GWMP) describes the Valley Water's comprehensive groundwater management framework, including existing and potential actions to achieve basin sustainability goals and ensure continued sustainable groundwater management. The GWMP covers the Santa Clara and Llagas subbasins, which are located entirely in Santa Clara County. Valley Water manages a diverse water supply portfolio, with sources including groundwater, local surface water, imported water, and recycled water. About half of the county's water supply comes from local sources and the other half comes from imported sources. Imported water includes the District's State Water Project and Central Valley contract supplies and supplies delivered by the San Francisco Public Utilities Commission (SFPUC) to cities in northern Santa Clara County. Local sources include natural groundwater recharge and surface water supplies. A small portion of the county's water supply is recycled water.

Local groundwater resources make up the foundation of the county's water supply, but they need to be augmented by the District's comprehensive water supply management activities to reliably meet the county's needs. These include the managed recharge of imported and local surface water and in-lieu groundwater recharge through the provision of treated surface water and raw water, acquisition of supplemental water supplies, and water conservation and recycling.⁶⁸

⁶⁸ Valley Water. *Groundwater Management Plan for the Santa Clara and Llagas Subbasins*. November 2021.

Local

Envision San José 2040 General Plan

The following policies in the City’s General Plan have been adopted for the purpose of avoiding or reducing impacts related to hydrology and water quality and are applicable to the project.

Policy	Description
EC-5.1	The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence, commonly referred to as the “100-year” flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.
EC-5.3	Preserve designated floodway areas for non-urban uses.
EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
ER-8.1	Manage stormwater runoff in compliance with the City’s Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
ER-8.4	Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.
ER-8.5	Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.
ER-9.5	Protect groundwater recharge areas, particularly creeks and riparian corridors.
ER-9.6	Require the proper construction and monitoring of facilities that store hazardous materials in order to prevent contamination of the surface water, groundwater and underlying aquifers. In furtherance of this policy, design standards for such facilities should consider high groundwater tables and/or the potential for freshwater or tidal flooding.
MS-3.5	Minimize area dedicated to surface parking to reduce rainwater that comes into contact with pollutants.
MS-20.3	Protect groundwater as a water supply source through flood protection measures and the use of stormwater infiltration practices that protect groundwater quality. In the event percolation facilities are modified for infrastructure projects, replacement percolation capacity will be provided.
IN-1.1	Provide and maintain adequate water, wastewater, and stormwater services to areas in and currently receiving these services from the City.
IN-3.4	Maintain and implement the City’s Sanitary Sewer Level of Service Policy and Sewer Capacity Impact Analysis (SCIA) Guidelines to:

Policy	Description
	• Prevent sanitary sewer overflows (SSOs) due to inadequate capacity so as to ensure that the City complies with all applicable requirements of the Federal Clean Water Act and State Water Board's General Waste Discharge Requirements for Sanitary Sewer Systems and National Pollutant Discharge Elimination System permit. SSOs may pollute surface or ground waters, threaten public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters. • Maintain reasonable excess capacity in order to protect sewers from increased rate of hydrogen sulfide corrosion and minimize odor and potential maintenance problems. • Ensure adequate funding and timely completion of the most critically needed sewer capacity projects. • Promote clear guidance, consistency and predictability to developers regarding the necessary sewer improvements to support development within the City.
IN-3.7	Design new projects to minimize potential damage due to storm waters and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.

Post-Construction Urban Runoff Management (City Council Policy 6-29)

City Council Policy 6-29 implements the stormwater treatment requirements of Provision C.3 of the MRP. City Council Policy 6-29 requires new development and redevelopment projects to implement post-construction BMPs and Treatment Control Measures (TCMs). This policy also established specific design standards for post-construction TCMs for projects that create or replace 10,000 square feet or more of impervious surfaces.

Post-Construction Hydromodification Management (City Council Policy 8-14)

City Council Policy 8-14 implements the hydromodification management requirements of Provision C.3 of the MRP. Policy 8-14 requires new development and redevelopment projects that create or replace one acre or more of impervious surface area, and are located within a subwatershed that is less than 65 percent impervious, to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt generation, or other impacts to local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP). Projects that do not meet the minimum size threshold, drain into tidally influenced areas or directly into the Bay, or are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious would not be subject to the HMP requirement. This project is not within a subwatershed that requires an HMP.

North San José Floodplain Management Policies

The City of San José has established policies that govern development within North San José as related to flood hazard mitigation and impact avoidance. The objective of the City is to provide consistent policies throughout the area to allow increased development density, protect new structures from flooding, minimize potential increases in flood depths, and ensure consistency with

FEMA requirements and the City's floodplain management ordinance. The following policies described in the City's September 2006 North San José Floodplain Management Study (NSJFMS) apply to the proposed project:

- Finished floors for new development shall be at or above the established 100-year water surface elevation.
- New development shall include on-site conveyance areas to allow shallow flooding to cross the site. On-site blockage for buildings and other development shall be restricted to include on-site conveyance.
- On-site flood conveyance will be at the approximate elevation of the street sidewalk at the site.
- On-site flood blockage restrictions are established based on a percentage of the site width perpendicular to the direction of flood flow across the site (generally in an east-west direction, or perpendicular to North First Street).⁶⁹

4.10.1.2 Existing Conditions

Hydrology and Drainage

The project site is located in the Guadalupe River Watershed, as identified in the General Plan EIR.⁷⁰ The Guadalupe River Watershed drains approximately 171 square miles, originating in the eastern Santa Cruz Mountains, continuing on the Santa Clara Valley floor until its discharge point at the Lower South San Francisco Bay.⁷¹

The existing project site is a vacant and undeveloped field of open dirt and grassy areas. The site contains approximately 462,942 square feet of pervious surface area and no impervious surface areas. Surface runoff from the surrounding sidewalks and roadways flows untreated into either 54-inch diameter storm drain lines in West Trimble Road, or 15-inch diameter storm drain lines in Orchard Parkway to the West Trimble Road/Orchard Parkway intersection where it collects in a 108-inch diameter storm gravity main and discharged directly into Guadalupe River and eventually to the San Francisco Bay.⁷² On-site rainfall percolates into subsurface soil.

Surface Water Quality

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as “non-point” source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Surface runoff from the project site and surrounding area is collected by storm drains and discharged to the Guadalupe River. The runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, and animal feces),

⁶⁹ Schaaf & Wheeler. *Memorandum – North San José Floodplain Management Policy Criteria for Orchard Parkway Development*. January 25, 2016.

⁷⁰ City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011. Page 540, Figure 3.7-1.

⁷¹ Santa Clara Valley Urban Runoff Pollution Prevention Program. “Guadalupe Watershed”. Accessed August 14, 2022. <https://scvurppp.org/watersheds/santa-clara-basin-watersheds/guadalupe-watershed/>.

⁷² City of San José. “Public GIS Viewer – Storm Drain System”. Accessed September 15, 2022. <https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=3c5516412b594e79bd25c49f10fc672f>.

pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain. The Guadalupe River is currently listed on the 303(d)⁷³ list for diazinon, mercury, and trash.

Groundwater

The project site is located in the Santa Clara Plain subbasin, which covers 280 square miles extending from the southern San Francisco Bay to the Coyote Narrows near Metcalf Road. The project is not within a designated groundwater recharge zone or near groundwater recharge zones.⁷⁴ Groundwater was encountered during soil testing between 10 and 15 feet bgs and flows northwest in the project vicinity. Based on hydrostatic water pressure measurement used to determine the natural groundwater level at the project site, groundwater was calculated to be approximately 4.7 to 8.5 feet, through this may be temporary as a result of rainfall and subsurface sandy layers. Groundwater elevations within the project vicinity are between nine and 17 feet bgs year-round (refer to Appendix E). Groundwater levels at the site may fluctuate with time due to seasonal conditions, rainfall, and irrigation practices.

Flooding and Other Hazards

The project site is partially located in a 100-year floodplain (one percent annual chance flood), according to FEMA Flood Insurance Rate Maps (Panel 06085C0068J).⁷⁵ The majority of the project site is designated Flood Zone AH, which indicates an area with a one percent annual chance of shallow flooding, usually in the form of a pond, with an average depth ranging from one to three feet. The regulatory base flood elevation in this area is 27 feet (refer to Appendix G). The floodway areas in Zone AH include the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the one percent annual chance flood can be carried without substantial increase in flood heights. Mandatory flood insurance requirements would apply to development within this zone. The areas designated Flood Zone X include a portion of the project site (embankment along Orchard Parkway and West Trimble Road, limited portions of the site). Flood Zone X indicates areas of the 0.2 percent annual chance flood, with average depths of less than one foot or with drainage areas less than one square mile.

The project site is located within the North San José Floodplain Management Study policy area, which allows up to a 75 percent blockage in an east-west direction with 25 percent of the area reserved for shallow flood water conveyance (refer to Appendix G).

Due to the project site's inland location and distance from large bodies of water (i.e., the San Francisco Bay), it is not subject to seiche or tsunami hazards, or sea level rise. The site is located on flat terrain and would not be subject to potential mudslides.

⁷³ The Clean Water Act (CWA), Section 303, establishes water quality standards and Total Maximum Daily Load (TMDL) programs. The 303(d) list is a list of impaired water bodies.

⁷⁴ Valley Water. *Groundwater Management Plan for the Santa Clara and Llagas Subbasins*. Page 2-2. November 2021.

⁷⁵ Federal Emergency Management Agency. "FEMA Flood Map Service Center". Accessed August 14, 2022. <https://msc.fema.gov/portal/home>

4.10.2 Impact Discussion

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

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

Construction-Related Water Quality Impacts

Construction activities, such as grading and excavation, may result in temporary impacts to surface water quality in local waterways. When disturbance to the soil occurs, sediments may be dislodged and discharged to the storm drainage system via surface runoff. Construction of the proposed project would disturb approximately 10.46 acres of the project site. Since construction of the proposed

project would disturb more than one acre of soil, the project would be required to comply with the NPDES General Permit for Construction Activities.

In addition, because the project would create more than 10,000 square feet of impervious surfaces, the project is also subject to the requirements of the RWQCB MRP. All development projects in San José are required to comply with the City's Grading Ordinance. Development projects in San José are required to comply with the City's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while a site is under construction. An Erosion Control Plan would be prepared for the project because over one acre of soil would be disturbed. The Erosion Control Plan will detail the BMPs to be implemented during the construction phase to prevent the discard of stormwater pollutants and minimize erosion.

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.

Compliance with the requirements of the Construction General Permit, City's Grading Ordinance, NSJFMS policies, and the City's standard permit conditions would ensure that non-significant quantities of soil and construction byproducts enters the storm drain system and local waterways as a result of the project.

Post-Construction Water Quality Impacts

The existing project site is 100 percent covered by pervious surfaces (approximately 462,942 square feet). Upon buildout of the proposed project, the site would be covered by 370,616 square feet of impervious surfaces (80 percent) and 92,326 square feet of pervious surfaces (20 percent).

Accordingly, the project would increase the amount of stormwater runoff that enters the City's storm drain system.

The project would create more than 10,000 square feet of impervious surface therefore, it would be subject to Provision C.3 of the MRP. This requires the project to incorporate site design, source control and runoff treatment controls to reduce the rates, volumes and pollutant loads of runoff from the project. The project would reduce and treat surface runoff through stormwater treatment controls including 15 bioretention areas, four flow-through planters, and three self-treating areas. The facilities would filter pollutants from the stormwater allowing water to percolate into the soil and convey filtered runoff via six- to 18-inch storm drainpipes to an existing 48-inch storm drain located on the northern section of project site which drains to a 54-inch storm drain main located on West Trimble Road flowing northwest. Site design and pollutant source control measures contained in the project include the preservation of some of the existing trees, use of drought-tolerant and water-conserving landscape materials, and stenciled storm drain inlets. Implementation of these measures would reduce the rate of stormwater runoff while also removing the pollutants. For these reasons, the proposed project would not result in significant impacts (consistent with applicable post-construction standards).

Conclusion for checklist question a): With implementation of the City's standard permit conditions, the project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. **(Less than Significant Impact)**

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

The proposed project is located within the Santa Clara groundwater basin, one of the two groundwater basins located within the City of San José Urban Growth Boundary. The project site is not located within the Santa Clara Plan Recharge Area of the Santa Clara Valley Basin where groundwater occurs under unconfined conditions or in close proximity to a Valley Water groundwater recharge facility.⁷⁶ The maximum depth of excavation required to construct the proposed development is 14 feet bgs for utility trenching.

As discussed in Section 4.10.1.2 Existing Conditions, it is estimated that groundwater could potentially be encountered at the project site between 4.7 and 8.5 feet bgs. Any dewatering that would occur during construction would be required to comply with NPDES permit requirements or wastewater discharge permit conditions to the sanitary sewer which may involve installation of a treatment system(s) at the dewatering location. If construction dewatering occurs, it would be temporary in nature and would not substantially reduce groundwater supplies or affect groundwater quality in the area.

⁷⁶ Santa Clara Valley Water District. "Groundwater Management". Accessed September 16, 2020. <https://www.valleywater.org/your-water/where-your-water-comes/groundwater/sustainable>.

Development on the site would rely on existing sources of water and the City's existing water delivery system. The proposed project would increase the demand for water in the City (refer to Section 4.19 Utilities and Service Systems); however, this increase would be in keeping with demand projections with General Plan buildout and would not result in the overdraft of any groundwater basins. The project site is not located on or adjacent to one of the SCVWD's 18 major groundwater recharge systems.⁷⁷ The proposed project would not establish groundwater wells to supply the site, deplete groundwater supply, or interfere with groundwater recharge.

Conclusion for checklist question b): The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. **(Less than Significant Impact)**

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows?

As discussed in Section 4.10.1.2 Existing Conditions, the project site is currently 100 percent pervious with no impervious areas. Construction of the manufacturing and assembly building would alter the existing drainage pattern on the project site or surrounding area. Since development of the proposed project would result in an 80 percent net increase of impervious surfaces, the project would result in a corresponding increase in the amount of surface runoff compared to existing conditions.

Post-construction stormwater runoff from the project's impervious surfaces would be directed towards landscaped areas and bioretention throughout the project site for treatment, consistent with the MRP and City of San José Policy 6-29. The proposed bioretention retention would remove pollutants and minimize the rate and volume of runoff from the project site, reducing the potential for runoff, erosion or siltation on and off-site. Additionally, the project's stormwater treatment system would allow percolation of stormwater into the ground through bioretention facilities and reduce the rate of stormwater runoff entering the City's storm drainage system. As discussed in Section 4.19.2, the project would not require the construction of new or expanded storm drain facilities.

Consistent with City Council Policy 8-14, the project would increase the elevation of the building above the 100-year floodplain, and allow 25 percent of the site to convey shallow flood waters to the existing storm drain system on West Trimble Road and Orchard Parkway by expanding the flood conveyance to the back of adjacent public sidewalks and providing a concrete cap over the existing PG&E electrical line so that the grade in the electrical easement can be lowered.

In accordance with General Plan policies, the proposed project would be required to employ the following practices to reduce stormwater drainage impacts to a less than significant level. The project

⁷⁷ Valley Water. *Groundwater Management Plan for the Santa Clara and Llagas Subbasins*. Figure 30. November 2021.

would meet the design and construct on-site storm drain systems requirements for the City's 10-year storm event design standard (GP Policies IN-3.1 and IN-3.7). A drainage plan defining needed improvements in accordance with City standards and MRP requirements would be developed in accordance with GP Policies IN-3.9 and IN-3.10. The project shall implement and maintain BMPs that facilitate the infiltration of water into the ground surface, reduce the rate and volume of runoff to the storm drain system, and minimize pollution in runoff.

Adherence to the Best Management Practices described above, as well as to the BMPs and standard permit conditions listed under checklist question a), would ensure that the project reduces potential erosion and sedimentation during both construction and operation phases. Compliance with the MRP would ensure that stormwater flows generated at the project site would be reduced and treated to the maximum extent feasible using LID methods.

Conclusion for checklist question c): With implementation of the City's standard permit conditions and conformance with the North San José Floodplain Management Policy, the project would not substantially alter the drainage pattern of the project site or area in a manner which would result in on- or off-site erosion, flooding, or runoff impacts. **(Less than Significant Impact)**

d) Would the project risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones?

Due to the project site's inland location and distance from large bodies of water (i.e., the San Francisco Bay), it is not subject to seiche or tsunami hazards, or sea level rise. As noted in 4.10.1.2 Existing Conditions, the majority of the project site is within a 100-year flood plain of Flood Zone AH where there is a one percent annual chance of flooding, with remaining portions of the site within Flood Zone X where there is a 0.2 percent annual chance of flooding. As discussed in Section 3.2.6, the project would raise the building pad by one foot above the 100-year flood inundation level of approximately 27 feet to a finished floor elevation of 28 feet. The project's increased floor elevation would prevent the inundation of the proposed building. As discussed under checklist question c), 25 percent of the site would allow for the conveyance of shallow flood waters; this portion of the site would be paved surface parking and would not be used to store any hazardous materials.

Conclusion for checklist question d): The project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. **(Less than Significant Impact)**

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

Water Quality Control

As discussed in checklist question a), the project would comply with the City's Post-Construction Urban Runoff Policy 6-29 and Provision C.3 of the RWQCB Municipal Regional NPDES Permit requirements, and would implement the City's standard permit conditions addressing construction- and operational-related surface runoff quality. Adherence with these measures would reduce the rate

of stormwater runoff while also removing the pollutants. Thus, the project would not conflict with or obstruct implementation of the water quality goals of the San Francisco Bay Basin Plan. **(Less than Significant Impact)**

Santa Clara Plain and Llagas Subbasin Groundwater Management Plan

As discussed in Section 4.10.1.2, the project site is within the Santa Clara Plain groundwater subbasin, and this subbasin has not been identified in the GMP as being overdrafted. The Santa Clara Plain Basin is a priority basin managed under the 2021 GWMP. Implementation of the project would not interfere with any actions set forth by Valley Water in its GWMP in regards to groundwater recharge, transport of groundwater, and/or groundwater quality. In addition, as discussed under checklist question b), the project would not substantially decrease groundwater supplies or substantially interfere with groundwater recharge.

Conclusion for checklist question e): With implementation of the City's standard permit conditions, the project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **(Less than Significant Impact)**

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Regional

Norman Y. Mineta San José International Airport Comprehensive Land Use Plan

The Norman Y. Mineta San José International Airport CLUP, prepared by the Santa Clara County ALUC, is intended to safeguard the general welfare of the inhabitants within the vicinity of the airport and aircraft occupants. The CLUP establishes an airport land use planning area, referred to as the AIA. The AIA is a composite of areas surrounding the airport that are affected by noise, height, and safety considerations. The CLUP includes land use compatibility guidelines, with topics such as noise and building height, to ensure that surrounding land uses and development do not interfere with the airport's continuing operations.

Local

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of avoiding or reducing impacts related specifically to land use and planning and are applicable to the project.

Policy	Description
IP-1.8	Consider and address potential land use compatibility issues, the form of surrounding development, and the availability and timing of infrastructure to support the proposed land use when reviewing rezoning or prezoning proposals.
TR-14.3	For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid-Hillview airports, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.

4.11.1.2 *Existing Conditions*

General Plan and Zoning

The project site is designated Industrial Park in the City's General Plan and is in the IP(PD) Industrial Park Planned Development zoning district.

The IP General Plan land use designation allows a FAR up to 10.0 and building heights of two to 15 stories. It is an industrial designation intended for a wide variety of industrial users such as R&D, manufacturing, assembly, testing and offices. IP uses are limited to those for which the functional or operational characteristics of a hazardous or nuisance nature can be mitigated through design controls. Areas identified exclusively for IP uses may contain a very limited number of supportive

and compatible commercial uses, when those uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area.

The IP(PD) zoning designation allows for a wide variety of industrial uses such as R&D, manufacturing, assembly, testing purposes, and offices.

Surrounding Land Uses

An existing industrial campus to the north across West Trimble Road and the Lumileds headquarters building to the south have the same General Plan IP designation. The surface parking lots of the Lumileds headquarters to the southeast and southwest of the project site have a land use designation of Combined/Industrial Commercial. The office campus to the east of the project site is designated as Transit Employment Center (TEC). To the south of the site, there is a vacant office building and parking lot designated as IP. Further to the north and east of the site is the Guadalupe River and trail, designated as Open Space, Parklands and Habitat (OSPH).

As documented in Section 4.4 Biological Resources, the project site is within the Habitat Plan study area and is designated as Urban-Suburban land. As documented under checklist question e) in Section 4.9 Hazards and Hazardous Materials, the project site is within the AIA for the Norman Y. Mineta San José International Airport and the 60 dBA aircraft noise contour, but outside of the CLUP-defined safety zones.

4.11.2 Impact Discussion

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

a) Would the project physically divide an established community?

A physical division of an established community typically refers to the construction of a physical feature (such as a wall, roadway, or railroad tracks) or the removal of a means of access (such as a local roadway or bridge) that would impair mobility within an existing community or between communities.

The nearest residential community is located 3,000 feet to the north of the project site. The surrounding area consists of industrial and office development similar in use and scale to the proposed project. The proposed project would be limited to the project site and does not propose any physical features or removal of any multimodal facilities that could inhibit access and circulation in the surrounding area. As discussed in Section 4.17 Transportation under checklist question a), the

project would not conflict with a program, plan, ordinance, or policy addressing the circulation system. Therefore, the proposed project would not physically divide an established community.

Conclusion for checklist question a): The project would not physically divide and established community. **(Less than Significant Impact)**

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

Consistency with General Plan and Municipal Code

The proposed project would develop a 10.46-acre undeveloped portion of the 10.9-acre parcel with a 50-foot-high, 208,000-square foot manufacturing and assembly building. The proposed uses are consistent with those allowed under the General Plan designation of IP. As discussed under Section 4.11.1.2, the IP land use designation allows for a FAR up to 10.0 and building heights between two to 15 stories. The proposed project would result in a FAR of 0.45, which would not exceed the allowable FAR.⁷⁸

As discussed in Section 3.1.1, the project site is zoned IP(PD). The project proposes to rezone the entire project site to a new IP(PD) zoning district that would allow uses under the IP Industrial Park zoning district and the CN Commercial Neighborhood zoning district. As discussed above, the proposed project is consistent with the uses allowed under the City's Industrial Park land use designation and associated zoning district. With approval of the proposed rezoning request, the project would retain consistency with the City's Zoning Ordinance. A change in zoning district does not, by itself, constitute a significant environmental impact. As discussed throughout this Initial Study, the proposed project would not result in adverse or significant environmental impacts.

The project's consistency with other General Plan policies and Municipal Code requirements pertaining to specific environmental impacts are discussed throughout this Initial Study in the relevant resource areas. As documented throughout this Initial Study, the proposed project would not result in significant environmental impacts due to a conflict with the General Plan or Zoning Ordinance.

Compatibility with Airport Operations

The Norman Y. Mineta San José International Airport is located approximately 0.4-mile southwest of the project site. The project site is located within the Norman Y. Mineta San José International Airport AIA. Pursuant to the discussion in Section 4.9 Hazards and Hazardous Materials under checklist question e), the project is outside of the CLUP designated safety hazard zones and CLUP noise policies, and therefore is compliant with the CLUP and General Plan Policy TR-14.3.

The project would require notification to the FAA and an issuance of "no hazard" determination prior to project approval. The project would be required to grant an Aviation Easement over the project site as a Condition of Project Approval. The recorded easement would provide for acceptance of

⁷⁸ Proposed Industrial/Office Square Footage 208,000 / Site Area Square Footage 462,942 = 0.45 FAR

aircraft noise and other effects of aircraft flyovers. By requiring the proposed project to comply with General Plan policies and FAA procedures, the proposed project would have a less than significant impact on airport operations and would not conflict with the CLUP or General Plan Policy 14.4.

Santa Clara Valley Habitat Plan

As documented under checklist question f) in Section 4.4 Biological Resources, the proposed project is considered a covered activity under the Habitat Plan, and with implementation of the standard permit condition (i.e., conformance with applicable Habitat Plan conditions and fees), the project would not conflict with provisions of the Habitat Plan.

Conclusion for checklist question b): With implementation of Habitat Plan standard permit conditions, the project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Less than Significant Impact)**

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) was enacted by the California legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property, and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board (SMGB), after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

Pursuant to the mandate of the SMARA, the SMGB has designated the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, SR 87, and Hillsdale Avenue as containing mineral deposits that are of regional significance as a source of construction aggregate materials. Neither the State Geologist nor the SMGB have classified any other areas in San José as containing mineral deposits of statewide significance or requiring further evaluation.

4.12.1.2 *Existing Conditions*

The Communications Hill area in central San José is the only area within the City of San José that is designated by the SMGB as containing mineral deposits of regional significance. The project site is not on or adjacent to Communications Hill, which is located approximately 6.7 miles to the south.

4.12.2 Impact Discussion

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

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

As discussed above in Section 4.12.1.2 Existing Conditions, the Communications Hill area is the only area within the City of San José that is designated as containing mineral deposits of regional significance. The project site is not on or adjacent to Communications Hill.

Conclusion for checklist question a): The project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**

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

The project site is not in an area of San José or Santa Clara County with known mineral resources.

Conclusion for checklist question b): The project would not result in the loss of availability of a locally important mineral resource recovery site. **(No Impact)**

4.13 NOISE

4.13.1 Environmental Setting

4.13.1.1 *Background Information*

Noise

Factors that influence sound as it is perceived by the human ear, include the actual level of sound, period of exposure, frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a decibel scale, which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq} , DNL, or CNEL.⁷⁹ These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. PPV has been routinely used to measure and assess ground-borne construction vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches/second (in/sec) PPV.

4.13.1.2 *Regulatory Framework*

State

California Green Building Standards Code

For commercial uses, CALGreen (Section 5.507.4.1 and 5.507.4.2) requires that wall and roof-ceiling assemblies exposed to the adjacent roadways have a composite STC rating of at least 50 or a composite OITC rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the commercial property falls within the 65 dBA L_{dn} or greater noise contour for a

⁷⁹ L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 PM and 10:00 PM. Where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq} .

freeway or expressway, railroad, or industrial or stationary noise source. The state requires interior noise levels to be maintained at 50 dBA $L_{eq(1-hr)}$ or less during hours of operation at a proposed commercial use.

Local

Envision San José 2040 General Plan

The following policies in the City’s General Plan have been adopted for the purpose of avoiding or reducing noise- and vibration-related impacts and are applicable to the project. The City’s noise and land use compatibility guidelines are shown in Table 4.13-1 below.

Policies	Description
EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: <u>Interior Noise Levels</u> The City’s standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected <i>Envision General Plan</i> traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. <u>Exterior Noise Levels</u> The City’s acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan). Residential uses are considered “normally acceptable” with exterior noise exposures of up to 60 dBA DNL and “conditionally compatible” where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.
EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would: Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain “Normally Acceptable”; or

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

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

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

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

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

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

EC-2.3 Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Avoid use of impact pile drivers within 25 feet of any buildings, and within 100 feet of a historical building, or building in poor condition. On a project-specific basis, this distance of 100 feet may be reduced to 50 feet where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

Table 4.13-1: Land Use Compatibility Guidelines for Community Noise in San José						
Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care ¹						

Table 4.13-1: Land Use Compatibility Guidelines for Community Noise in San José						
Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						
Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements. Conditionally Acceptable: Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design. Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development would only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.						
¹ Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.						

City of San José Municipal Code

Chapter 20.100.450 of the Municipal Code establishes allowable hours of construction within 500 feet of a residential unit between 7:00 a.m. to 7:00 p.m. on Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

The Zoning Ordinance limits noise levels to 55 dBA L_{eq} at any residential property lines, 60 dBA L_{eq} at commercial/office property lines, and 70 dB at industrial property lines, unless otherwise expressly allowed in a Development Permit or other planning approval. The Zoning Ordinance also limits noise emitted by stand-by/backup and emergency generators to 60 dBA at the property line of nonresidential properties. The testing of generators is limited to 7:00 a.m. to 7:00 p.m., Monday through Friday.

Norman Y. Mineta San José International Airport Comprehensive Land Use Plan

The Norman Y. Mineta San José International Airport Comprehensive Land Use Plan (CLUP), prepared by the Santa Clara County ALUC, is intended to safeguard the general welfare of the inhabitants within the vicinity of the airport and aircraft occupants. The CLUP establishes an airport

land use planning area, referred to as the AIA. The AIA is a composite of areas surrounding the airport that are affected by noise, height, and safety considerations. The CLUP includes land use compatibility guidelines, with topics such as noise and building height, to ensure that surrounding land uses and development do not interfere with the airport's continuing operations.

4.13.1.3 *Existing Conditions*

The project site is located in an urban area of North San José. The surrounding land uses are characterized by office and industrial campuses with surface parking lots. The predominant sources of ambient noise in the project area include vehicle traffic along U.S. 101, West Trimble Road, and Orchard Parkway, and aircraft flyovers associated with Norman Y. Mineta San José International Airport. The project site is located within the current 60 dB aircraft noise contour for the Norman Y. Mineta San José International Airport; average noise levels from airport activity would be within that range.⁸⁰ Commercial noise sources such as parking lot activities and delivery loading/unloading activities also contribute to the ambient noise levels at the project site. According to the noise assessment completed for the General Plan EIR, current noise levels in the project area range from 60 to 69 dBA DNL.⁸¹ The General Plan EIR projected that noise levels in the project area will range from 60 to 75 dBA DNL in 2035.⁸² Noise levels can get lower over time due to increased efficiency and technological improvements to noise generating sources.

The project site is predominantly vacant and undeveloped and does not contain sensitive receptors or generate noise. Recreational users of the Guadalupe River Trail are not considered sensitive receptors because of their temporary use of the trail. The closest sensitive receptors are residences located approximately 3,000 feet north of the project site in the City of Santa Clara. The nearest industrial building is located adjacent south of the project site (Lumileds headquarters buildings). The nearest commercial/office uses are located across Orchard Parkway to the east and across West Trimble Road to the north.

4.13.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐

⁸⁰ San José International Airport. "2027 CNEL Contours". Accessed August 30, 2022.

<https://www.flysanjose.com/node/2206>

⁸¹ City of San José. "Public GIS Viewer – Environmental, Road Noise." Accessed August 30, 2022.

<https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=3c5516412b594e79bd25c49f10fc672f>.

⁸² City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
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?	☐	☐	☒	☐

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

Construction Noise

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

Construction activities would generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. During each stage of construction, there would be a different mix of equipment operating, and noise levels would vary by stage and vary within stages, based on the amount of equipment in operation and the location at which the equipment is operating. Construction of the project is planned to occur between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, over a 12-month period. The project would implement the following standard permit conditions to reduce construction noise, consistent with General Plan policies.

Standard Permit Conditions:

- Pursuant to General Plan Policy EC-1.7, project construction operations shall use best available noise suppression devices and techniques including, but not limited to the following:
 - Pile driving is prohibited.
 - Construct solid plywood fences above ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
 - Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
 - Prohibit unnecessary idling of internal combustion engines.

- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Operational Noise

Project-Generated Traffic

As discussed in Section 4.17 Transportation, the proposed project would result in an increase in 2,117 daily vehicle trips on local roadways. The increase in vehicle trips would correspond to an increase in ambient noise levels in the area. The General Plan EIR identified that future development in North San José would generate an increase in traffic along the local roadway network and noise levels for highways and expressways would also increase incrementally.

Development in the North San José area, including the proposed project, would reduce vehicle trips and associated traffic noise by implementing TDM measures, as discussed further in Section 4.17 Transportation; however, the General Plan EIR concluded that even with implementation of these measures, noise impacts would remain significant and unavoidable, and the City Council adopted a statement of overriding considerations for the impact. The proposed project is included within the expected growth in North San José and the City overall, which formed the basis of environmental analysis in the General Plan EIR. The increase in vehicle trips and subsequent noise level increase due to the proposed project is contained within the expected noise level increase which would occur upon General Plan buildout. Additionally, noise associated with unloading at the loading docks at the building’s southern façade would be shielded by the building envelope, and no sensitive receptors are present in the surrounding area that could be affected.

Mechanical Equipment Noise

The building design includes a 300-kW emergency generator powered by a 460-horsepower diesel engine, to be located at a to-be-determined location. The City's Noise Element requires noise produced by operation of mechanical equipment to be limited to 55 dBA DNL at residential property lines, 60 dBA DNL at commercial/office property lines, and 70 dBA DNL at industrial property lines.

As mentioned in Section 4.13.1.3 Existing Conditions, the nearest residential uses are located approximately 3,000 feet north of the site. Due to the distance of the site from nearby noise-sensitive receptors, noise generated by the project's mechanical equipment would not exceed the City's threshold of 55 dBA DNL at the property lines of noise-sensitive receptors, regardless of the final location of the emergency generator in the building. Noise generated by the emergency generator would be temporary, and during testing or operation during emergencies is not anticipated to exceed 60 dBA at the property line of adjacent non-residential uses (refer to Figure 3.1-3) given the distance between these uses and the fact that General Plan Policy EC-1.2 requires the use of acoustical enclosures and sound barriers. In order to ensure that mechanical noise does not exceed City limits at adjacent non-residential land uses, the following mitigation measure would be required.

Impact NOI-1: Commercial and industrial uses adjacent to the proposed project could be exposed to mechanical equipment noise in excess of 60 dBA L_{eq} and 70 dBA L_{eq} , respectively.

Mitigation Measures: The following mitigation measure shall be implemented by the project to ensure mechanical noise would not exceed 60 dBA L_{eq} at adjacent commercial uses or 70 dBA L_{eq} at adjacent industrial uses.

MM NOI-1.1: Prior to the issuance of any building permits, the project applicant shall select mechanical equipment designed to reduce impacts on surrounding uses to meet the City's requirements. A qualified acoustical consultant shall be retained by the project applicant to review mechanical noise as the equipment systems are selected in order to determine specific noise reduction measures necessary to reduce noise to comply with the City's 60 dBA L_{eq} noise limit at the property line of commercial/office uses and 70 dBA L_{eq} noise limit at the property line of industrial uses (pursuant to General Plan Policy ERC-1.2). Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and/installation of noise barriers such as enclosures and parapet walls to block the line of sight between the noise source and the nearest receptors. Once the mechanical equipment has been selected, a plan set showing the location and type of mechanical equipment, along with a signed letter by a qualified acoustical consultant stating the equipment will comply with the City's noise limit at the property line of adjacent commercial/office and industrial uses shall be submitted to the satisfaction of the Director of Planning, Building, and Code Enforcement or Director's designee prior to issuance of any building permits.

Implementation of MM NOI-1.1 would ensure that a qualified acoustical consultant confirms by reviewing the final project design that noise generated by the selected mechanical equipment would not exceed the City's noise limits at adjacent commercial and industrial uses prior to the issuance of building permits, thus ensuring that noise generated by the project's mechanical equipment would be less than significant.

Conclusion for checklist question a): With implementation of MM NOI-1.1 and standard permit conditions, the project would not result in a temporary or permanent increase in ambient noise levels in the vicinity of the project site in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. **(Less than Significant Impact)**

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

The City of San José prescribes different vibration limits to prevent damage to historical structures (0.08 in/sec PPV) and buildings of conventional construction (0.2 in/sec PPV). These limits are conservative and intended to provide the maximum protection for existing buildings in San José. The southern boundary of the project is adjacent to an industrial campus consisting of several buildings of normal and conventional construction.

Construction of the proposed project would generate vibration when heavy equipment or impact tools are used. Construction activities would include site preparation work, excavation for utilities, foundation work, and new building framing and finishing. Pile driving is not anticipated as a foundation construction technique. Construction activities such as drilling, the use of jackhammers (approximately 0.035 in/sec PPV at 25 feet), rock drills and other high-power or vibratory tools (approximately 0.09 in/sec PPV at 25 feet), and rolling stock equipment such as tracked vehicles, compactors, etc. (approximately 0.89 in/sec PPV at 25 feet) may generate substantial vibration in the immediate site vicinity.

Construction of the project could exceed the vibration limit of 0.2 in/sec PPV for normal and conventional structures. The General Plan EIR concluded that implementation of the General Plan would result in construction vibration impacts on adjacent structures; however, adherence to policies contained in the General Plan would reduce those impacts to less than significant levels. The proposed project would be required to implement the vibration minimization measures provided in General Plan Policy EC-2.3 (refer to Section 4.13.1.1) to ensure that construction-related vibration does not substantially affect nearby structures.

Conclusion for checklist question b): The project would not result in generation of excessive groundborne vibration or groundborne noise levels. **(Less than Significant Impact)**

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

Construction workers would be present on-site throughout construction. The project proposes to construct a manufacturing and assembly building that would introduce approximately 443 employees to the project site. No residential units are proposed and therefore no people would reside at the proposed development once constructed.

As discussed under Section 4.12.1.2 Existing Conditions, the Norman Y. Mineta International Airport is located 0.4-mile southwest of the site, and the project site is exposed to noise levels of 60 dB as a result of airport activities. Based on the General Plan Land Use Compatibility Guidelines, outdoor noise levels of up to 70 dBA DNL are considered satisfactory for non-residential uses. Due to its location within the 60 dB aircraft noise contour, the project would be required to grant an Avigation Easement to the City as an acceptance of airport noise levels. Therefore, the project's proximity to the airport would not result in the exposure of people working in the project area to excessive noise levels.

Conclusion for checklist question c): The project would not expose people residing or working in the project area to excessive noise levels due to airport operations or aircraft. **(Less than Significant Impact)**

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.⁸³ The City of San José Housing Element and related land use policies were last updated in 2014.

Regional

Plan Bay Area 2050

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified Priority Development Areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.⁸⁴

ABAG allocates regional housing needs to each city and county within the San Francisco Bay Area, based on statewide goals. These allocations are designed to lay the foundation for Plan Bay Area 2050's long-term envisioned growth pattern for the region. ABAG also develops a series of forecasts and models to project the growth of population, housing units, and jobs in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Forecasting and Modeling Report, which is a technical overview of the of the growth forecasts and land use models upon which Plan Bay Area 2050 is based.

⁸³ California Department of Housing and Community Development. "Regional Housing Needs Allocation" Accessed August 19, 2022. <https://www.hcd.ca.gov/planning-and-community-development/regional-housing-needs-allocation>.

⁸⁴ Association of Bay Area Governments and Metropolitan Transportation Commission. *Plan Bay Area 2050*. October 21, 2021. Page 20.

4.14.1.2 Existing Conditions

The population of San José was estimated to be 1,015,826 in May 2022 with an average of 3.05 persons per household.⁸⁵ Full buildout of the General Plan includes 120,000 new dwelling units and 382,200 new jobs by 2040.⁸⁶ Development approved under the General Plan is projected to increase the City's residential population to 1,313,811.

The jobs/housing balance refers to the ratio of employed residents to jobs in a given community or area. When the ratio reaches 1.0, a balance is struck between the supply of local housing and jobs. The jobs/housing resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing.

The City currently has a higher number of employed residents than jobs, but this trend is projected to reverse with full buildout of the General Plan. The General Plan assumptions, as amended in the first Four-Year Review in 2016, envision a jobs/employee resident ratio of 1.1/1, which equates to 382,200 new jobs by 2040.⁸⁷ To meet the current and projected housing needs in the City, the General Plan identifies areas for mixed-use and residential development to accommodate 120,000 new dwelling units by 2040.

The existing project site is a vacant and undeveloped field of open dirt and grassy areas. Surrounding uses consist of office and industrial uses. The project site is located in the North San José area; expected growth in this area includes 26.7 million square feet of new industrial/office/R&D uses, 2.7 million square feet of new neighborhood serving commercial uses, and the addition of 32,000 new residential units by 2040.⁸⁸

4.14.2 Impact Discussion

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

⁸⁵ State of California, Department of Finance. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2021-2022. May 2022.

⁸⁶ City of San José. *Envision San José 2040 General Plan*. November 2011.

⁸⁷ City of San José. *Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report and Supplemental Program Environmental Impact Report*. November 2016. Page 16.

⁸⁸ City of José. *Memorandum – Status Report on the Update to the North San José Area Development Policy*. February 12, 2016. http://sanjose.granicus.com/MetaViewer.php?meta_id=557581.

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

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

The project proposes to construct a manufacturing and assembly building with loading docks, surface parking and landscaping. The project would not directly induce population growth, because it does not propose any residential uses. Nor does the project propose to extend a public road or other infrastructure or remove obstacles to population growth (refer to Section 4.19 Utilities and Service Systems) that would indirectly induce growth.

The project is, however, expected to provide approximately 443 new jobs to the North San José area, which could indirectly induce population growth.⁸⁹ As discussed in under checklist question b) in Section 4.11 Land Use and Planning, the project is consistent with the site's IP General Plan land use designation. Therefore, the project is consistent with the expected job growth in the North San José area and in the City as a whole, and would not result in unplanned population growth.

Conclusion for checklist question a): The project does not propose new housing beyond projected developments levels, extend roads or other infrastructure to previously undeveloped areas, or remove obstacles to population growth. **(Less than Significant Impact)**

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

The project site is undeveloped and does not provide housing. For this reason, implementation of the project would not displace existing residents from the project site that would necessitate the construction of housing elsewhere.

Conclusion for checklist question b): The project would not displace existing residents, necessitating construction of replacement housing. **(No Impact)**

⁸⁹ Per the San José Market Overview and Employment Lands Analysis, light manufacturing spaces typically employ one worker for every 500 square feet and traditional offices typically employ one worker for every 300 square feet of office space. The project would provide approximately 188,000 square feet of light manufacturing and assembly and 20,000 square feet of creative/high tech office space, which divided by 500 for light manufacturing and 300 for traditional offices, equates to 376 light manufacturing employees and 67 office employees for a total of 443 employees. Source: Strategic Economics. *San José Market Overview and Employment Lands Analysis*. January 2016.

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Government Code Section 65995 through 65998

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Government Code Sections 65995 through 65998 set forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property)" (Section 65996[a]). The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

Developers are required to pay a school impact fee to the school district to offset the increased demands on school facilities caused by the proposed residential development project. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Regional

Countywide Trails Master Plan

The Santa Clara County Trails Master Plan Update is a regional trails plan approved by the Santa Clara County Board of Supervisors. It provides a framework for implementing the County's vision of providing a contiguous trail network that connects cities to one another, cities to the county's regional open space resources, County parks to other County parks, and the northern and southern urbanized regions of the County. The plan identifies regional trail routes, sub-regional trail routes, connector trail routes, and historic trails.

Local

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of avoiding or reducing impacts to public services and are applicable to the project.

Policy	Description
PR-1.1	Provide 3.5 acres of per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
PR-1.3	Provide 500 square feet per 1,000 population of community center space.
ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 square feet of space per capita in library facilities.
ES-3.1	Provide rapid and timely Level of Service response time to all emergencies: 1. For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, achieve a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents. 3. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models. 4. Measure service delivery to identify the degree to which services are meeting the needs of San José's community. 5. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.
ES-3.8	Use the Land Use/Transportation Diagram to promote a mix of land uses that increase visibility, activity and access throughout the day and to separate land uses that foster unsafe conditions.
ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
ES-3.10	Incorporate universal design measures in new construction, and retrofit existing development to include design measures and equipment that support public safety for people with diverse abilities and needs. Work in partnership with appropriate agencies to incorporate technology in public and private development to increase public and personal safety.
ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.
ES-3.13	Maintain emergency traffic preemption controls for traffic signals.

Policy	Description
ES-3.15	Apply demand management principles to control hazards through enforcement of fire and life safety codes, ordinances, permits and field inspections.
ES-3.18	Maintain a program consistent with requirements of State law to inspect buildings not under authority of the Office of the State Fire Marshall.

San José Greenprint

To implement the park and recreation policies of the General Plan, the 2000 Greenprint was adopted by the San José City Council in September 2000 to provide staff and decision makers with a strategic plan for expanding recreation opportunities in the City. The 2000 Greenprint identified areas of the City that were underserved by park and recreation facilities and included policies and strategies to correct those deficiencies through the development of additional facilities in those locations. The City adopted the 2009 Greenprint as an update to the 2000 version.

ActivateSJ Strategic Plan

The ActivateSJ Strategic Plan is the City of San José's Department of Parks, Recreation and Neighborhood Services' plan to maintain, improve and expand facilities, programs and services. The plan guides how the City cares for and develops a diverse park systems, and an abundance of recreation programs and services for all in San José.

4.15.1.2 Existing Conditions

Fire Protection Services

Fire protection services in San José are provided by the SJFD. The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The SJFD protects 206 square miles and approximately 1.2 million residents in both City and county areas. There are 33 fire stations that service the residents of San José. The SJFD has established the goal of responding to Priority 1 incidents (emergencies) within eight minutes, 80 percent of the time, and Priority 2 incidents (non-emergencies) within 13 minutes, 80 percent of the time. For 2020-2021, the SJFD responded to Priority 1 incidents within the set time standard 73 percent of the time and responded to Priority 2 incidents 93 percent of the time.⁹⁰

The closest fire station to the project site is Fire Department Station 29, located approximately 1.5 miles north of the site at 199 Innovation Drive. According to Google Maps, the fire station is approximately six minutes driving distance from the site.⁹¹

Police Protection Services

Police protection services for the project site are provided by the San José Police Department (SJPD), which is headquartered at 201 West Mission Street, approximately two miles northeast of the project

⁹⁰ City of San José. *Annual Report on City Services 2020-2021*. December 2021.

⁹¹ Google. "Maps, Driving Directions from San José Fire Department Station 29 to Orchard Parkway". Accessed August 30, 2022. <https://goo.gl/maps/2SMiinNFQQzdQPBv8>.

site and approximately seven minutes driving time from the project site.⁹² SJPd is divided into four geographic divisions: Central, Western, Foothill, and Southern. The project site is directly served by the SJPd Central Division. The Central Division includes four patrol districts totaling approximately 39 square miles.⁹³ The SJPd has established the goal of responding to Priority 1 calls (present or imminent dangers to life or major damage to/loss of property) within six minutes and responding to Priority 2 calls (involving injury or property damage, or the potential for either to occur) within 11 minutes. In 2020 to 2021, the citywide average response time for Priority 1 calls was 7.1 minutes, and the average response time for Priority 2 calls was 22.8 minutes.⁹⁴

Schools

The project site is located within the Santa Clara Unified School District (SCUSD). Nearby schools include Montague Elementary School (approximately 0.9 miles northwest of the site), North Valley Baptist Schools (approximately 1.2 miles northwest of the site), and Kathryn Hughes Elementary School (approximately 2.4 miles northwest of the site).

Parks

The Cities of San José and Santa Clara provide parklands, open space, and community facilities for public recreation and community services in the project area. The nearest designated park to the project site is Montague Park, operated by the City of Santa Clara and located approximately 0.5 mile northwest of the project site. The nearest park operated by the City of San José is Riverview Park, located approximately 1.3 miles to the north of the project site. A small private park is located directly to the south of the project site that includes a half basketball court, two picnic benches, a mowed grassy area, and a walking path around the perimeter with landscaping.

The project site is also located 800 feet east of an access point to the Guadalupe River trail, which is one of two core trail systems within San José's trail network. The Guadalupe River trail is planned and partially developed as one of the network's longest trail systems at 20 miles and nine miles, respectively, ultimately extending from the Bay, through Downtown and Guadalupe Park, with the southern portion leading to the Lake Almaden and Los Alamitos Creek trail systems.

Libraries and Community Centers

The City of San José is served by the San José Public Library System. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr.) and 25 branch libraries.⁹⁵ The nearest library to the site is the Northside Branch Library, located approximately 1.1 miles north of the site in the City of Santa Clara. The nearest City of San José library is the Alviso Branch Library, located approximately 3.5 miles north of the site. The City is currently meeting its service level objective of providing at least 0.59 square feet of library space per capita.⁹⁶

⁹² Google. "Maps, Driving Directions from San José Police Department to Orchard Parkway". Accessed August 30, 2022. <https://goo.gl/maps/po3Du6Zge5UNAVGt8>.

⁹³ San José Police Department. "Central Division". Accessed August 15, 2022. <https://www.sjpd.org/about-us/organization/bureau-of-field-operations/central-division>.

⁹⁴ City of San José. *Annual Report on City Services 2020-2021*. December 2021..

⁹⁵ City of San José Public Library. "Facts and Awards". Accessed August 15, 2022. <https://www.sjpl.org/facts>.

⁹⁶ City of San José. *2022-2026 Proposed Capital Improvement Program*. Accessed August 15, 2022. <https://www.sanjoseca.gov/home/showpublisheddocument/71881/637551361294119830>.

The City of San José operates 51 community centers within the City limits. The nearest community center to the site is the Grace Community Center, approximately three miles southeast. The City is currently meeting its service level objective of providing 500 square feet of community center space per 1,000 population.

4.15.2 Impact Discussion

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

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 fire protection services?

The project proposes to develop a vacant lot with 208,000 square feet of light manufacturing and office uses. The project would also construct a new one-way in, one-way out driveway off southbound Orchard Parkway.

Although the site would increase demand for fire protection services in comparison with the existing development, the proposed development is consistent with the planned buildout analyzed in the General Plan EIR which concluded buildout would not have a significant impact on fire department services. The General Plan also includes policies that address the provision of fire services within the City. Implementation of these policies provide mitigation for additional fire services required within the City as a result of buildout of the General Plan.

In addition, Fire Department Station 29 is approximately six minutes driving distance from the project site, and therefore fire protection services can be provided to the project site without affecting response times. Emergency vehicles would be able to access the project site via an EVA-only roadway accessible from the existing driveways along West Trimble Road and Orchard Parkway to the parking lot near the building's main entry in the northeast corner of the building. As discussed

under checklist question d) in Section 4.17 Transportation, the project would meet the SJFD requirements in that all portions of the buildings would be within 150 feet of a SJFD access road and a minimum of six feet clearance from the property line to all sides of the buildings is provided. As required by General Plan Policy ES-3.11, the project would provide adequate fire suppression infrastructure. The project would also improve ingress and egress with implementation of the multimodal improvements identified in Section 3.2.5. Further, the project would be constructed in accordance with current state and local building and fire codes to ensure structural stability and safety. The SJFD would review the final site design for consistency with applicable fire department standards.

Conclusion for checklist question a): The project would not result in a significant impact on fire protection facilities and services. **(Less than Significant Impact)**

b) 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 police protection services?

The proposed project would intensify the use of the site and increase the demand for police protection services in the project area. The site is contained within the SJPD's jurisdiction and would be served by officers patrolling the 39 square miles of the SJPD's Central Division. While the proposed project would increase the demand placed on the SJPD, the increase in demand would be marginal and would not warrant the construction or expansion of police facilities. The project would be required to be maintained in accordance with applicable City policies, including General Plan Policy ES-3.9, to promote public and property safety.

Conclusion for checklist question b): The project would not result in a significant impact on police protection facilities or services. **(Less than Significant Impact)**

c) 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 schools?

The proposed project does not include any residential development, and therefore no new students would be directly generated by implementation of the proposed project. While the project could encourage future employees to migrate to the North San José area, the project is consistent with the type and level of growth assessed in the General Plan EIR, which concluded that full buildout would not significantly impact school facilities.

Conclusion for checklist question c): The project would not result in a significant impact on schools. **(Less than Significant Impact)**

d) 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 parks?

As mentioned under checklist question a), the project would intensify development at the project site, which would place more employees on-site during regular business hours in comparison with existing conditions. While employees may elect to use local parks and trails, this increase in usage would be minimal, since the project would be in proximity to the small private park south of the project site. Furthermore, the project is consistent with the type and level of growth assessed in the General Plan EIR which concluded that full buildout would not significantly impact park facilities. Therefore, the proposed project would not result in an adverse physical impact due to new or physically altered park facilities.

Conclusion for checklist question d): The project would not result in a significant impact on parks. **(Less than Significant Impact)**

e) 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 other public facilities?

The proposed project would develop the site with manufacturing and assembly and office uses, and does not propose any residential uses. Therefore, in accordance with the conclusions of the General Plan EIR, since the project does not include any residential uses, the project would have no impact on other public facilities such as libraries or community centers.

Conclusion for checklist question e): The project would not result in a significant impact on library or community facilities. **(No Impact)**

4.16 RECREATION

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Local

Envision San José 2040 General Plan Policies

The following policies in the City's General Plan have been adopted for the purpose of avoiding or reducing impacts to recreational facilities and are applicable to the project.

Policy	Description
PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
PR-1.3	Provide 500 SF per 1,000 population of community center space.

ActivateSJ Strategic Plan

The ActivateSJ Strategic Plan was developed by the City of San José's as an update to the Greenprint 2009 Plan. The Plan serves as an outline of goals and policies of the city's Department of Parks, Recreation, and Neighborhood Services, and is intended to act as a 20-year strategic plan in alignment with the Envision San José 2040 General Plan. The ActivateSJ Strategic Plan will be updated at five-year intervals. The Plan identifies five major guiding principles, Stewardship, Nature, Equity & Access, Identity, and Public Life, to achieve the City's goal of connecting people through parks, recreation, and neighborhood services.

4.16.1.2 *Existing Conditions*

The Cities of San José and Santa Clara provide parklands, open space, and community facilities for public recreation and community services in the project area. The nearest park to the project site is Montague Park, operated by the City of Santa Clara, located approximately 0.5-mile northwest of the

site. The nearest park operated by the City of San José is Riverview Park, located approximately 1.3 miles to the north of the project site. The project site is also located 800 feet east of the Guadalupe River trail access point on West Trimble Road, which is a core trail system within San José's trail network. When the trail is fully developed, it will extend approximately 20 miles and provide a link between San Francisco Bay and South San José. A small private park is located directly south of the project site that provides recreational facilities including a half-basketball court, walking path around the park edge, and a multi-purpose mowed grassy field.

4.16.2 Impact Discussion

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

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?

The project proposes to develop a 208,000 square foot light manufacturing and office building that, when complete, would be occupied by approximately 443 employees. Future employees may elect to use nearby recreational facilities; however, this increase in usage would be minimal, since the proposed development is adjacent to a small private park with outdoor amenities as described in Section 4.16.1.2 Existing Conditions. The project is also consistent with the type and level of growth assessed in the General Plan EIR which concluded that full buildout would not significantly impact recreational facilities. Furthermore, the project does not include residential development that could generate substantial demand for recreational facilities. Based on the above, the proposed project would not increase the usage of recreational facilities such that construction of new facilities or expansion of existing recreational facilities would be required.

Conclusion for checklist question a): The project would not result in a significant impact on recreational facilities. **(Less than Significant Impact)**

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

The proposed project does not include recreational space or gathering areas, nor does it require the construction or expansion of recreational facilities.

Conclusion for checklist question b): The project would not require the construction or expansion of recreational facilities. **(Less than Significant Impact)**

4.17 TRANSPORTATION

The following discussion is based, in part, on a Transportation Analysis (TA) prepared for the proposed project by Hexagon Transportation Consultants, Inc. The TA, dated October 2022, is included as Appendix H.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

Regional Transportation Plan

MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2050 in July 2017, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2040.

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions were required by Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant. Notably, projects located within 0.50 mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Regional

Congestion Management Program

VTA oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management plan, a land use impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.

Local

Envision San José 2040 General Plan

The following policies in the City’s General Plan have been adopted for the purpose of avoiding or reducing transportation-related impacts and are applicable to the project.

Policy	Description
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).
TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
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. Development proposals shall be reviewed for their impacts on all transportation modes through the study of Vehicle Miles Traveled (VMT), Envision San José 2040 General Plan policies, and other measures enumerated in the City Council Transportation Analysis Policy and its Local Transportation Analysis. Projects shall fund or construct proportional fair share mitigations and improvements to address their impacts on the transportation systems. The City Council may consider adoption of a statement of overriding considerations, as part of an EIR, for projects unable to mitigate their VMT impacts to a less than significant level. At the discretion of the City Council, based on CEQA Guidelines Section 15021, projects that include overriding benefits, in accordance with Public Resources Code Section 21081 and are consistent with the General Plan and the Transportation Analysis Policy 5-1 may be considered for approval. The City Council will only consider a statement of overriding considerations for (i) market-rate housing located within General Plan Urban Villages; (ii) commercial or industrial projects; and (iii) 100% deed-restricted affordable housing as defined in General Plan Policy IP-5.12. Such projects shall fund or construct multimodal improvements, which may include improvements to transit, bicycle, or pedestrian facilities, consistent with the City Council Transportation Analysis Policy 5-1. Area Development Policy. An “area development policy” may be adopted by the City Council to establish special transportation standards that identifies development impacts and mitigation measures for a specific geographic area. These policies may take other names or forms to accomplish the same purpose.
TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
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	Description
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.
TR-5.3	Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements.
TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
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.
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.
CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

City of San José Municipal Code

The City's Municipal Code includes regulations associated with parking spaces required by land use. City regulations include Bicycle Parking Standards (Chapter 20.90). The standards indicate one bicycle parking space per 5,000 square feet of floor area of office or manufacturing space is required for new private projects.

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1, Transportation Analysis Policy, the City of San José uses VMT as the metric to assess transportation impacts from new development. According to the policy, an employment (e.g., office or 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 VMT per employee or the existing average citywide VMT per capita, respectively. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional VMT per employee. Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to have a less than significant VMT impact.

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 to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access and recommend transportation improvements. The VMT policy does not negate Area

Development policies and Transportation Development policies approved prior to adoption of Policy 5-1; however, it does negate the City's Protected Intersection policy as defined in Policy 5-3.

San José Better Bike Plan 2025

The San José Better Bike Plan 2025, adopted in 2020, contains policies for guiding the creation of safe, direct, and connected citywide bike network within San José. This includes an assessment of the current biking environment and the network connections, projects, bikeway designs, and policies needed to improve biking in San José. In 2020, the City completed buildout of the 400-mile basic bike network identified in its previous bike plan, Bike Plan 2020, which was approved by the city Council in 2009.

San José Better Bike Plan 2025 indicates that a variety of bicycle facilities are planned in the study area, some of which would benefit the project and adhere to the goals of the General Plan. Of the planned facilities, the following are nearby to the project.

Planned Class I Bicycle Facilities:

- Component Drive, between Guadalupe River Trail and Orchard Parkway

Planned Class IV Bicycle Facilities:

- Trimble Road, along its entire length
- First Street, between Taylor Street and Alviso
- Orchard Parkway, along its entire length
- Component Drive, between Orchard Parkway and Zanker Road
- Zanker Road, along its entire length
- Plumeria Drive, along its entire length
- Bonaventura Drive, along its entire length

4.17.1.2 *Existing Conditions*

Transit Services

Existing transit services to the study area are provided by the VTA. The site is not served directly by any bus routes. The nearest bus service to the project site is provided by local bus route 20, which operates along Montague Expressway, First Street, and Plumeria Drive. Route 20 provides services between the Milpitas Bay Area Rapid Transit (BART) Station and Sunnyvale Transit Center with approximately 30-minute headways during the commute periods. The nearest Route 20 bus stops are located near the intersection of First Street and Plumeria Drive, approximately 0.6 mile north from the project site.

In addition to the bus routes described above, the site is served by the VTA's light rail system. The light rail transit (LRT) system extends 42.2 miles from south San José through downtown to the northern areas of San José, Santa Clara, Milpitas, Mountain View, and Sunnyvale. The Green (Old Ironsides – Winchester) and Blue (Baypointe – Santa Teresa) LRT lines operate from 5:00 AM to 1:00 AM with approximately 20-minute headways during the commute periods with station

platforms on First Street in the project vicinity. The Bonaventura and Component light rail station platforms on First Street are located within walking distance, approximately 0.4-mile east of the project site.

The existing transit facilities in the area are shown on Figure 4.17-1.

Roadway Network

Regional access to the project site is provided via US 101 and I-880. Local access to the site is provided by Trimble Road, First Street, Zanker Road, Charcot Avenue, Orchard Parkway, and Component Drive. These facilities are described below.

US 101 is a north/south freeway with six mixed-flow lanes and two high-occupancy-vehicle (HOV) lanes through most of Santa Clara and San José. US 101 extends northward through San Francisco and southward through Gilroy. Access to and from the site is provided via an interchange at Trimble Road.

I-880 is an eight-lane freeway providing regional access from East Bay cities to San José, where it ultimately becomes SR 17 and extends into Santa Cruz. Within the project vicinity, I-880 provides six mixed-flow lanes and two high-occupancy-vehicle (HOV) lanes. Access to the project site from I-880 is provided via an interchange at Montague Expressway.

Trimble Road is a six-lane arterial extending southward from Montague Expressway to De La Cruz Boulevard near US 101. Direct access to the project site from Trimble Road is provided via a right-in/right-out driveway and a full-access signalized driveway.

First Street is a north-south roadway that extends from the north San José area through downtown San José. In the vicinity of the project area, First Street is a four-lane roadway. First Street, in conjunction with Brokaw Road, provides full access to US 101.

Zanker Road is four-lane arterial that extends from US 101 northward just north of SR 237 where it transitions to Los Esteros Road. Zanker Road intersects with Charcot Avenue and provides a parallel route to First Street in the study area.

Charcot Avenue is a two- to four-lane roadway that begins at the US 101/SR 87 junction as the SR 87 off- and on-ramps to/from North First Street and runs eastward to O'Toole Avenue, just west of I-880, where it terminates. West of North First Street, Charcot Avenue is a four-lane roadway that provides direct access to SR 87, while the segment east of North First Street functions as a two-lane collector street providing access to adjacent employment areas.



Source: Hexagon Transportation Consultants, Inc., August 8, 2022.

EXISTING TRANSIT FACILITIES

FIGURE 4.17-1

Orchard Parkway is two- to four-lane north-south roadway that begins at First Street just south of Tasman Drive and extends south to Charcot Avenue, where it transitions to O'Nel Drive. The roadway provides two travel lanes with bike lanes between North First Street and Trimble Road. South of Trimble Road, four travel lanes with bike lanes are provided. Direct access to the project site from Orchard Parkway is provided by an existing signalized intersection just south of Trimble Road and is proposed via a right-turn-only driveway along the project's frontage on Orchard Parkway.

Component Drive is a two- to four-lane east-west roadway that runs along the southern project frontage and extends from just west of Orchard Parkway to Zanker Road. Component Drive has a posted speed limit of 35 mph. The roadway provides two travel lanes between Zanker Road and North First Street then widens to provide four travel lanes west of North First Street. Component Drive provides access to the project site via its intersection with Orchard Parkway south of the site.

De La Cruz Boulevard and Seaboard Avenue are a four-lane and two-lane north-south roadway, respectively, that intersect to the southwest with Trimble Road at the next signalized intersection to the project site. Both streets have a posted speed limit of 25 mph.

Bicycle Facilities

Existing bicycle facilities within the project vicinity are described below and shown on Figure 4.17-2.

Class I Bicycle Facilities

The Guadalupe River multi-use trail system runs through the City of San José along the Guadalupe River and is shared between pedestrians and bicyclists and separated from motor vehicle traffic. The Guadalupe River Trail is an 11-mile Class I bikeway from Curtner Avenue in the south to Alviso in the north. In the vicinity of the project site, the Guadalupe River Trail can be accessed via Trimble Road approximately 800 feet west of the project entrance on Trimble Road.

Class II Bicycle Facilities

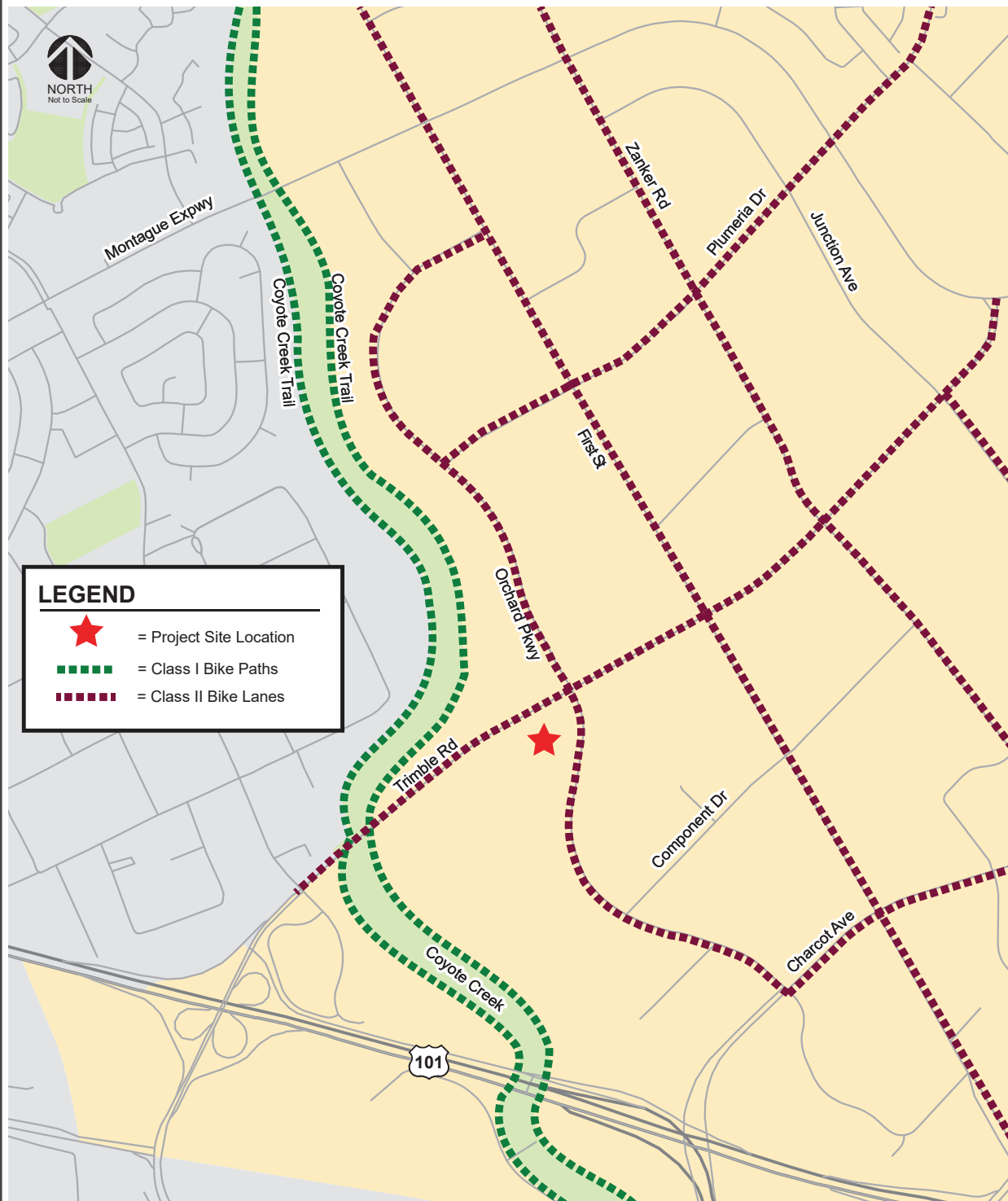
Within the vicinity of the project site, striped bike lanes are present on the following roadway segments:

- Junction Avenue, between Brokaw Road and Trimble Road
- Zanker Road, between US 101 and SR 237
- First Street, north of Brokaw Road
- Orchard Parkway, along the entire length of the street
- Trimble Road, between De La Cruz Boulevard and Montague Expressway
- Plumeria Drive, along the entire length of the street
- Charcot Avenue, along the entire length of the street

Pedestrian Facilities

Pedestrian facilities in the study area (as shown on Figure 4.17-3) consist of sidewalks along nearly all the surrounding streets, including the project site frontages along Trimble Road, Orchard Parkway, and Entry Drive. Crosswalks and pedestrian signal heads are located at all signalized intersections within the project area, including the intersections of Trimble Road with Orchard Parkway, Entry Drive with Orchard Parkway, and Component Drive with Orchard Parkway. ADA-compliant ramps are located at all crosswalks at these three intersections with the exception of the northeast and southwest corners at the existing site access point and Orchard Parkway.

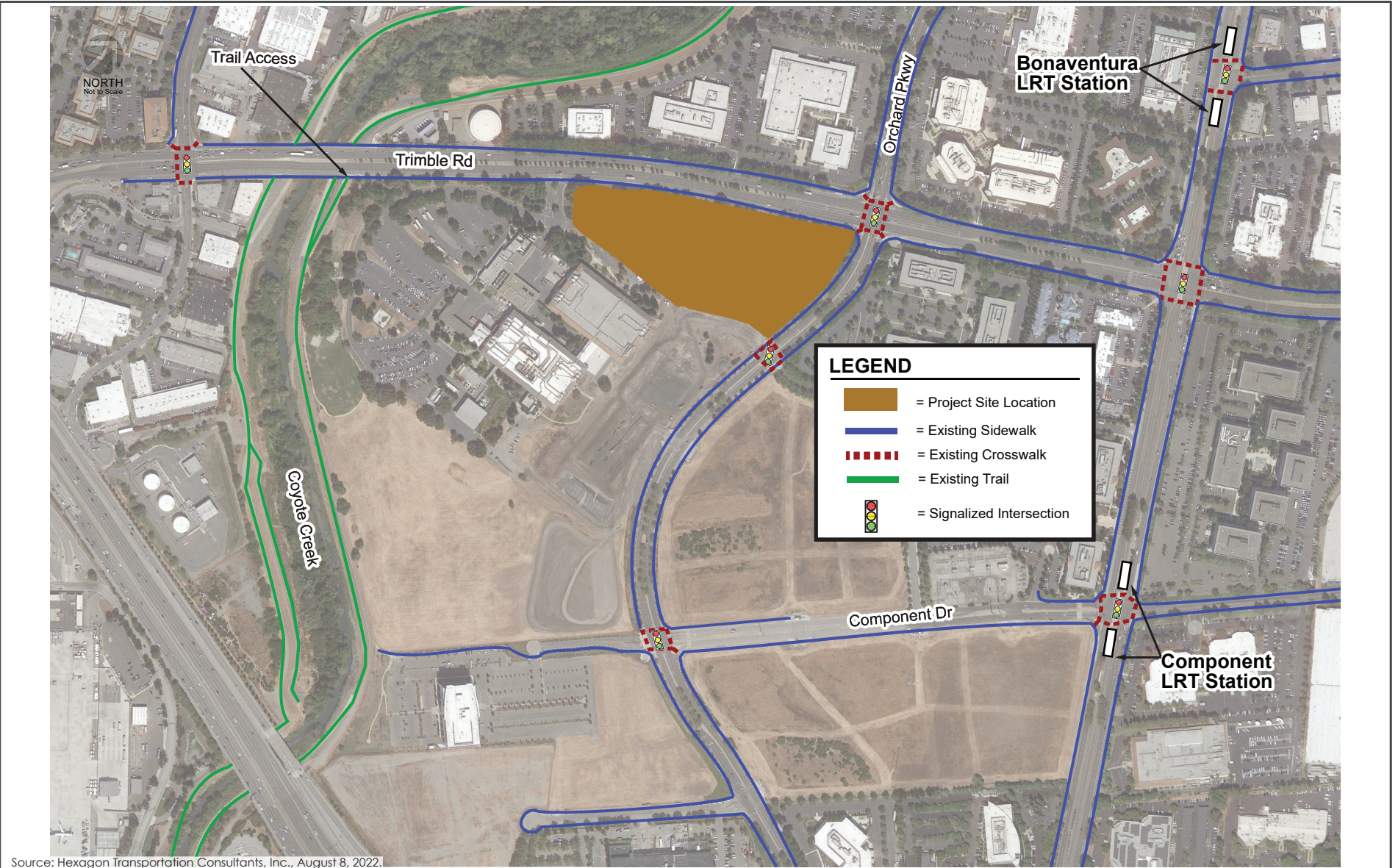
The Trimble Road and Orchard Parkway intersection currently includes right-turn “pork chop” islands at each corner which allow for better traffic flow by separating right-turning traffic from other controlled approach traffic. However, the islands are not conducive to pedestrian flow at intersections that serve a large volume of pedestrians due to limited pedestrian waiting areas and conflict with vehicle traffic.



Source: Hexagon Transportation Consultants, Inc., August 8, 2022.

EXISTING BICYCLE FACILITIES

FIGURE 4.17-2



EXISTING PEDESTRIAN FACILITIES

FIGURE 4.17-3

4.17.2 Impact Discussion

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

Transit Facilities

Construction of the proposed manufacturing and assembly building would introduce approximately 443 new employees to the project site, which would increase the use of transit facilities in the project vicinity, specifically VTA Bus Route 20 and Green and Blue LRT lines. Assuming a conservative transit mode share estimate that three percent of project employees will use VTA bus services, there would be approximately six new transit riders during the peak AM or PM hours. This increase is consistent with both the General Plan EIR, which concluded that implementation of the General Plan would increase transit ridership, and VTA operations reports, which indicate that transit routes in the project vicinity have available capacity to serve increases in ridership.

Based on the fact that the increase in transit ridership is consistent with VTA operational reports and the City's General Plan, the project would not conflict with any policies, plans, ordinances, or policies addressing the transit facilities.

Roadway Facilities

While a project's effect on automobile delay is no longer considered an impact under CEQA, local jurisdictions have roadway LOS standards that can be used to evaluate whether physical roadway improvements are needed to accommodate project traffic. As described in Section 4.17.3 Non-CEQA Effects below, the results of the LOS analysis show that, measured against applicable municipal and CMP LOS standards, the added trips as a result of the proposed project would not result in an adverse effect on intersection operations under background plus project conditions and cumulative plus project conditions.

Bicycle Facilities

Planned improvements to the existing bicycle circulation system are identified in the City's General Plan and the 2025 Better Bike Plan. Various General Plan policies and actions have been adopted to implement planned improvements and ensure the City meets its objectives of enhancing the bikeway network, increasing the mode share of bicycle travelers, and promoting auto-alternative modes of transport.

As described in Section 4.17.1.1 Regulatory Framework, San José Better Bike Plan 2025 identifies bicycle facility improvements along the bounding roadways of the project site to the north and east, Trimble Road and Orchard Parkway, respectively. As discussed under Section 3.2.5 Utility and Other Facility Improvements, the project shall contribute its proportional share of in-lieu cost (\$144 per linear foot) for future implementation of a Class IV protected bike lane along the project frontages on Trimble Road and Orchard Parkway, per the City of San José Better Bike Plan 2025.

Further, based upon the City's Bicycle Parking Standards (Chapter 20.90), the project is required to provide one bicycle parking space per 5,000 square feet of floor area of manufacturing space and one bicycle parking space per 4,000 square feet of floor area of office space. Based on the City's bicycle parking requirements and the total gross floor areas as calculated above in the vehicle parking section, the project is required to provide 36 bicycle parking spaces.⁹⁷ The project proposes to provide 42 bicycle parking spaces.

Based on the above, the proposed project would not conflict with a program, plan, ordinance or policy regarding bicycle facilities.

Pedestrian Facilities

Planned improvements to the existing pedestrian circulation system are identified in the City's General Plan. Various General Plan policies and actions have been adopted to implement planned improvements and ensure the City meets its objectives of enhancing pedestrian safety and promoting auto-alternative modes of transport.

As discussed under Section 4.17.1.2 Existing Conditions, pedestrian facilities in the project area consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. The pork-chop islands at Trimble Road and Orchard Parkway intersection present a potential pedestrian conflict area with vehicle traffic and planned class IV bicycle facilities.

⁹⁷ Of the required bicycle parking, City standards require that at least 80 percent be short-term bicycle spaces and at most 20 percent be secured long-term bicycle spaces. This equates to at least 29 short-term bicycle parking spaces and at most seven long-term bicycle parking spaces (36 total spaces).

As noted in Section 3.2.5 Utility and Other Facility Improvements, the pedestrian facilities within the project site would be improved including the implementation of a protected intersection at the Orchard Parkway/West Trimble Road intersection, increase the width of the sidewalk to 12 feet on the southern side of West Trimble Road along the project's northern frontage, and update the pedestrian ramps at the West Trimble Road driveway entrance.

Conclusion for checklist question a): The project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities. **(Less than Significant Impact)**

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

This question pertains specifically to VMT as the means of analyzing transportation impacts of a project. As described in Section 4.17.1.1 Regulatory Framework, the City's adopted Transportation Policy (City Council Policy 5-1) sets forth the thresholds of significance and methodology for analyzing the VMT impacts of development projects. The methodology used to determine existing and project VMT and the analysis of the project's VMT impacts are described below.

The City of San José's 2020 Transportation Analysis Handbook identifies screening criteria that determines whether a CEQA transportation analysis would be required for a particular development project. These criteria are based on the project's type, characteristics, and/or location. If a project meets the City's screening criteria, it is presumed that the project would result in a less-than-significant transportation impact and a detailed VMT analysis is not required. Per the City's VMT screening criteria, projects located in Planned Growth Areas with low VMT are exempt from a detailed, quantitative VMT analysis.⁹⁸ The City's CEQA significance threshold for industrial uses is 14.37 VMT per industrial employee.

The approximate equivalent of industrial space indicates the proposed project would generate 15.82 VMT per employee and would not meet the screening requirements, therefore it is required to complete a VMT analysis as described below.

More information on the methodology used to determine the project's VMT impacts can be found in Appendix H. The results of the VMT evaluation indicated that the project is projected to generate 15.82 VMT per industrial employee, which would exceed the established significant threshold of 14.37 VMT per industrial employee. Therefore, the following mitigation measures would be implemented to reduce project impacts on the transportation system.

⁹⁸ A low VMT area is an area where the per capita VMT is than or equal to the CEQA significance threshold for the land use.

Impact TRN-1: The project would generate 15.82 VMT per industrial employee, which would exceed the City’s significance threshold of 14.37 VMT per employee.

Mitigation Measures: The following mitigation measures shall be implemented by the project to reduce VMT impacts to less than significant levels.

MM TRN-1.1: Prior to the issuance of any occupancy permits (temporary or final), the project applicant shall prepare and implement a Public Improvement Plan that includes multi-modal improvements to be implemented and schedules for completing the improvements. The plan shall be submitted to the Director of Public Works or Director’s designee for review and approval. The plan shall include the following multi-modal improvements:

- Expand the Reach of Bike Access with Investment in Infrastructure: The project applicant shall implement bicycle facilities that close gaps in the bicycle network and/or improve the existing bicycle network (e.g., construct barrier or buffer for an existing bike lane). The project applicant shall also be required to pay in-lieu fees to implement protected/buffered bicycle lanes along West Trimble Road and Orchard Parkway on the opposing side of or beyond the project frontages. At the intersection of West Trimble Road and Orchard Parkway, the project applicant shall complete protected intersection signal modifications that include striped bike lanes adjacent to all crosswalks and installation of corner islands in addition to the removal of the pork chop islands (described in the next bullet, below).
- Provide Pedestrian Network Improvements for Active Transportation: The project applicant shall implement pedestrian improvements both on-site and in the surrounding area. The project applicant shall be required to remove each of the pork chop islands at the West Trimble Road and Orchard Parkway intersection and modify the signal from permitted to protected phasing to improve pedestrian safety and access.

Implementation of the measures described above would reduce project-generated VMT by:

- Improving bike access to the project, which promotes biking as an alternative to driving.
- Enhancing access to transit for the project will shorten last-mile⁹⁹ connections for pedestrians and bicyclists, which will facilitate the use of transit by people traveling to/from the project site, resulting in a mode shift.
- Improving pedestrian connections, which encourages people to walk instead of drive. Under protected signal phasing, conflicts between vehicles and pedestrians are eliminated by providing a green arrow for left turning vehicles while stopping both on-coming traffic and pedestrian crossings.

⁹⁹ The “last mile” refers to the general distance between a destination and nearby public transit stops.

- Improving street connections enhances neighborhood walkability, connectivity, and accessibility.

Implementation of the measures described in MM TRN-1.1 would reduce project-generated VMT from 15.82 to 15.53 VMT per employee, which would still exceed the City's significance threshold of 14.37 VMT per employee. Therefore, mitigation measure MM TRN-1.2 below would be implemented to further reduce the project's VMT impacts.

MM TRN-1.2: Prior to the issuance of any occupancy permits (temporary or final), the project applicant shall submit a final Transportation Demand Management (TDM) Plan, approved by the Director of Department of Public Works or Director's designee and the Director of Planning, Building and Code Enforcement, or Director's designee, that shall include implementation of one of the following TDM measures to reduce the project's VMT to 14.37 VMT or below per industrial employee.

- Telecommuting and Alternative Work Schedules: Encourage employees to telecommute from home when possible, or to shift work schedules such that travel occurs outside of peak congestion periods. This strategy reduces commute trips, thereby reducing VMT. At a minimum, the measure would require that 65 percent of employees work a 4/40 work week schedule (10-hour workdays for four days a week), or,
- Operate a Free Direct Shuttle: Provide direct shuttle service to the project site from areas with high concentrations of employees. This strategy reduces drive-alone commute trips, thereby reducing VMT. At a minimum, the measure would require at least 20 percent participation by employees, or,
- Subsidize Vanpool: Provide subsidies for individuals forming new vanpools for their commute. This encourages the use of vanpools, reducing drive-alone trips, and thereby reducing VMT. The project would be required to subsidize 100 percent of the cost of the vanpool cost with at least 20 percent employee participation.
- The TDM Plan shall include a trip cap for VMT monitoring purposes. Annual trip monitoring reports shall be submitted that demonstrate that project VMT is below threshold. If the annual trip monitoring report finds that the project is exceeding the established trip cap, the project applicant shall be required to submit a follow-up report that demonstrates compliance with the trip cap requirements within a grace period, which typically will not exceed six months. Penalties shall be assessed if a project does not meet the trip cap requirements by the end of the grace period. Penalties for non-compliance shall be assessed by the City as defined in the Council Policy 5-1.

Implementation of the TDM Plan described above (which calls for implementation of telecommuting and alternative work schedules, operation of a free direct shuttle, or subsidized vanpool) would

reduce project-generated VMT to 14.04 VMT at the most between the three options, which would fall below the City's significance threshold of 14.37 VMT per industrial employee.

Implementation of mitigation measures MM TRN-1.1 and MM TRN-1.2 was shown in the City's VMT Evaluation Tool to reduce the project's VMT per capita by 1.78, from 15.82 to 14.04 VMT per industrial employee, which would be below the Citywide average 14.37 VMT per industrial employee.

Conclusion for checklist question b): With implementation of a TDM Plan and mitigation measures MM TRN-1.1 and MM TRN-1.2, the project would result in a less than significant VMT impact. **(Less than Significant Impact with Mitigation Incorporated)**

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

Geometric Design

Sight Distance

The minimum acceptable sight distance is equivalent to the American Association of State Highway Transportation Officials (AASHTO) stopping sight distance, which vary depending on the roadway speeds. Orchard Parkway has a posted speed limit of 35 mph, respectively. The AASHTO stopping sight distance for facilities with posted speed limits of 35 mph is 250 feet. Therefore, a driver exiting the proposed driveways Orchard Parkway must be able to see 250 feet to the north along Orchard Parkway. On-street parking is prohibited along both sides of Orchard Parkway and the right-turn-only driveway will be located approximately 400 feet south of Trimble Road. Construction of the project in accordance with the AASHTO minimum acceptable sight distance guidelines would ensure that the project does not substantially increase hazards related to sight distance along Trimble Parkway.

On-Site Circulation and Truck Operations

Access to the site from the surrounding roadway system would be provided via an existing full-access intersection along Orchard Parkway located approximately 600 feet south of West Trimble Road, a right-turn only driveway along Orchard Parkway located approximately 400 feet south of West Trimble Road, and an existing right-turn-only driveway located along West Trimble Road located approximately 1,200 feet west of Orchard Parkway. Direct access to the project's surface parking lots will be provided via three driveways along a shared roadway that will extend between the signalized Orchard Parkway intersection and the West Trimble Road access point and will run along the project's southern boundary. A separate driveway from parking lots would be used by trucks accessing the loading docks during the off-peak hours.

The route for inbound trucks from southbound Orchard Parkway would require the truck to turn from the inside (median) lane on Orchard Parkway, thus blocking both southbound lanes during the turn. The median along the project entrance would be narrowed and cut back from the intersection to accommodate the turning path of trucks entering from southbound Orchard Parkway to address this issue.

Egress leaving the site to the surrounding roadway system would be provided by the signalized Orchard Parkway intersection, a right-turn only driveway onto Orchard Parkway located approximately 400 feet south of West Trimble Road, and an existing right-turn-only driveway located along West Trimble Road located approximately 1,200 feet west of Orchard Parkway.

City of San José roadway design standards require typical business/industrial driveways with two-way traffic to be 32 feet wide at minimum. The site plan shows that the new Orchard Parkway project driveway would be 26 feet wide, which is below the minimum driveway width and therefore would not meet City standards. The City of San José Public Works Department has reviewed the geometric design of the proposed Orchard Parkway driveway and found that the reduced width would not create a hazard or interfere with site ingress or egress.

Incompatible Uses

As shown on Figure 3.1-3, the project site, which has an Industrial Park General Plan land use designation, is adjacent to light industrial and office buildings to the north, west, and south, and commercial buildings and open space to the east. As discussed under Section 3.11 Land Use and Planning, the proposed light manufacturing and office development is consistent with the project site's land use designation and therefore has been found programmatically compatible by the General Plan EIR with the aforementioned surrounding developments. Because the project's land use is compatible with uses in the area, the project's use of circulation systems also would be compatible and would not create a hazard.

Conclusion for checklist question c): The project would not substantially increase hazards due to a geometric design feature or incompatible uses. **(Less than Significant Impact)**

d) Would the project result in inadequate emergency access?

Primary access by emergency vehicles to the interior of the proposed development would be provided by an EVA-only path near the northeast corner of the building extending from West Trimble Road into the eastern parking lot next to the main entrance. Additional emergency access points would be provided by the project's proposed driveways described above in TRN Impact 3. The SJFD requires that all portions of buildings be within 150 feet of a fire department access road and a minimum of six feet clearance from the property line to all sides of the buildings. The project would meet the SJFD 150-foot fire access requirement and six-foot clearance requirement. Emergency vehicles would also be able to access the proposed development via an EVA-only path and right-turn only driveway on West Trimble Road, and one full access signalized driveway and one right-turn only driveway along Orchard Parkway. The project also would not impede or alter emergency access to any surrounding site.

Conclusion for checklist question d): The project would not result in inadequate emergency access. **(Less than Significant Impact)**

4.17.3 Non-CEQA Effects

As described previously, pursuant to SB 743 the effect of a project on automobile delay is no longer considered an impact on the environment. Nonetheless, local agencies retain their right to assess and regulate a project's impact on the circulation system outside of the CEQA process. As set forth in City Council Policy 5-1, an LTA is required for development projects to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and recommend needed transportation improvements. Thus, an LTA was completed for the proposed project which analyzed these issues. Each individual component of the LTA is described below.

Level of Service

Although a project's effects on LOS are no longer considered an impact on the environment, General Plan Policy IN-3.5 addresses LOS as a planning or growth management matter, outside the CEQA process. In the event a project causes an LOS deficiency, the City has discretion whether to require a project to address the deficiency by implementing roadway or other transportation improvements to restore or improve the level of service, and the relevant question under CEQA is whether those improvements would result in adverse physical changes to the environment, not whether LOS has degraded below the condition considered acceptable.

The magnitude of traffic produced by a new development and the locations where that traffic would appear are estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. In determining project trip generation, the magnitude of traffic entering and exiting the site is estimated for the AM and PM peak hours. Trips generated by the existing development are then subtracted from project-generated trips to determine the project's true effect on intersection LOS. More information on how project trip generation rates were calculated can be found in Appendix H. Project trip generation estimates are presented in Table 4.17-1 below.

Table 4.17-1: Summary of Project Trip Generation							
Land Use	Daily Trips	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
A. Proposed Land Use							
Research and Development Center ¹ (208,000 sq. ft.)	2,305	175	39	214	33	171	204
Location-Based Reduction	-184	-14	-3	-17	-3	-14	-17
VMT-Based Reduction	-4	0	0	0	0	0	0
B. Existing Land Uses							
Vacant Land	0	0	0	0	0	0	0
Total Gross Net Project Trips (A minus B)	2,117	161	36	197	30	157	187
Source: Hexagon Transportation Consultants, Inc. 350 West Trimble Road Manufacturing Development Transportation Analysis. August 8, 2022.							

Table 4.17-1: Summary of Project Trip Generation							
Land Use	Daily Trips	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Notes:							
¹ Per applicant’s request, the transportation analysis allows for flexibility to utilize the building with either warehouse, industrial, or R&D space. Of these uses, R&D space generates the greatest number of daily and peak hour trips per 1,000 square feet of space. Thus, the transportation analysis conservatively evaluated the project as 208,000 square feet of R&D.							

In accordance with standard City practice and methodology, the project's effect on LOS was analyzed on 16 signalized intersections. Extensive detail about the non-CEQA LOS analysis, including methodology, trip distribution, trip assignment, and City and County standards is included in Appendix H. The analysis found that, measured against applicable municipal and CMP LOS standards, the addition of trips from the project would not have an adverse effect on intersection operations under background, background plus project, and cumulative plus project conditions. However, the De La Cruz Boulevard/Seaboard Avenue and Trimble Road, and Trimble Road/De La Cruz Boulevard and Central Expressway will continue to operate at an unacceptable LOS F during the PM peak-hour under background, background plus project, and cumulative plus project conditions.

Planned improvements by the VTA, Caltrans, and City, include the addition of travel lanes along Trimble Road through its intersection with De La Cruz/Seaboard Avenue, the removal of the southbound free right-turn lane from De La Cruz Boulevard to westbound Trimble Road at the De La Cruz Boulevard/Seaboard Avenue and Trimble Road intersection. These planned improvements are reflected in the LOS calculations. All future improvements would undergo project-specific environmental review when proposed. There are no further improvements feasible to improve intersection operations, except for future multi-modal improvements to the transportation system in the area. As discussed under Section 3.2.5 Utility and Other Facility Improvements and checklist question a) above, the project shall contribute its proportional share of in-lieu cost (\$144 per linear foot) for future implementation of a Class IV protected bike lane along the project frontages on Trimble Road and Orchard Parkway, per the City of San José Better Bike Plan 2025. Additionally, the project would remove the pork chop islands located at the southwest and southeast corners of the Orchard Parkway/West Trimble Road intersection and modify the signal at this intersection. These improvements would reduce VMT, improve the multimodal transportation network, and only require a minimal amount of construction that would not change any of the conclusions provided in this Initial Study.

4.18 TRIBAL CULTURAL RESOURCES

The following discussion is based, in part, on an Archaeological Literature Search prepared for the project by Archaeological/Historical Consultants. A copy of the report, dated June 2022, is on file with the Department of Planning, Building and Code Enforcement. The report is confidential and only available by appointment with PBCE staff to qualified personnel.

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill 52

AB 52, effective July 2015, established a new category of resources for consideration by public agencies called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. If a tribe requests consultation with the lead agency in writing within 30 days of receipt of the formal notification, the lead agency must consult with the tribe regarding the project's potential impacts on TCRs. Consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or until a party concludes that mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
 - Included or determined to be eligible for inclusion in the California Register of Historic Resources, or
 - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- A resource determined by the lead agency to be a TCR.

4.18.1.2 *Existing Conditions*

The project site consists of a vacant portion of an industrial campus in North San José. An archaeological literature search was prepared for the site to identify any potential cultural resources present on-site or in adjacent areas. The literature search concluded that there are no known TCRs on the project site. However, due to the project site's proximity to Guadalupe River, the project has a moderate sensitivity for subsurface resources.

- 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 response to a more specific verbal request in a meeting with City staff and the representative on July 12, 2018, clarification was received that such notification be sent only for projects in the City of San José that involve ground disturbing activities in downtown or within two miles of downtown, and that such requests may be sent via e-mail only for future projects require a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report. On

June 17, 2021, Chairwoman Geary of the Tamien Nation verbally requested AB 52 notification and the written notice 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.

- On June 30, 2021, Kanyon Sayers-Roods of the Indian Canyon Band of Costanoan Ohlone People verbally requested AB 52 notification for all proposed projects that require a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report.

Accordingly, AB 52 notification was sent electronically to Kanyon Sayers-Roods of the Indian Canyon Band of Costanoan Ohlone People on June 28, 2022, and Chairwoman Geary of the Tamien Nation on July 6, 2022.

On July 9, 2022, City staff received a request to consult from Kanyon Sayers-Roods. City staff met with Ms. Sayers-Roods on August 11, 2022. The City concluded the consultation process on January 16, 2023 after not being able to re-engage Ms. Sayers-Roods, representative for the Indian Canyon Band of Costanoan Ohlone People. To date, no response has been provided by the Tamien Nation.

4.18.2 **Impact Discussion**

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

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

As discussed in Section 4.18.1.2, there are no tribal cultural resources on-site that are listed or eligible for listing in the California Register or the City of San José Historic Resource Inventory. However, the Archaeological Sensitivity Memorandum identified a moderate potential for subsurface cultural resources to be discovered. Therefore, undiscovered tribal cultural resources, which could be eligible for listing in the CRHR, have the potential to be uncovered during project construction activities. While it is possible that tribal cultural resources would be unearthed during grading, and excavation at the project site, MM CUL-1.1 and the standard permit conditions included in Section 4.5 Cultural Resources would ensure any discovered resources are properly evaluated and necessary steps are taken to ensure they are not significantly impacted.

In response to the initial feedback received from the Indian Canyon Band of Costanoan Ohlone People's representative and the project's potential to encounter undiscovered subsurface tribal cultural resources, the following mitigation measures would be imposed.

Impact TCR-1: Development of the proposed project could potentially result in impacts to undiscovered tribal cultural resources.

Mitigation Measures:

MM TCR-1.1: **Cultural Sensitivity Training:** A qualified 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, shall provide at least one cultural sensitivity training to construction personnel prior to the initial ground-breaking activities. Prior to the issuance of any grading and/or building permits (whichever occurs earliest), evidence of the cultural sensitivity training shall be submitted to the Director of Planning, Building and Code Enforcement or Director's Designee.

Implementation of MM TCR-1.1 and MM CUL-1.1 (refer to Section 4.5.2 under Impact CUL-2) would ensure that construction workers are trained to recognize potential tribal cultural resources and a qualified monitor is present during all earthmoving activities. This would ensure that any undiscovered subsurface tribal cultural resources within the subsurface area of effect would be identified and subsequently protected in accordance with MM CUL-1.1. Any Native American human remains present on-site would be protected through implementation of the standard permit conditions identified under checklist question c) in Section 4.5. Collectively, implementation of MM CUL-1.1, MM CUL-3.1, MM TCR-1.1, and the City's standard permit conditions would ensure that the project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the CRHR or the local register of historical resources.

Conclusion for checklist question a): With implementation of MM CUL-1.1, MM CUL-3.1, MM TCR-1.1, and the City's standard permit conditions, the project would not cause a substantial adverse change in the significance of a TCR. **(Less than Significant Impact with Mitigation Incorporated)**

b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is 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?

As discussed under Section 4.18.1.2 Existing Conditions, the project site does not contain any known tribal cultural resources, although the potential exists for resources to be encountered during construction. Refer to the discussion under checklist question a).

Conclusion for checklist question b): With implementation of MM CUL-1.1, MM CUL-3.1, MM TCR-1.1, and the City's standard permit conditions, the project would not cause a substantial adverse change in the significance of a tribal cultural resource. **(Less than Significant Impact with Mitigation Incorporated)**

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The San José Municipal Water System (SJMWS) is the water provider to the site; the SJMWS adopted its most recent UWMP in June 2021.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

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

Assembly Bill 1826

AB 1826 sets forth the requirements of the statewide mandatory commercial organics recycling program for businesses and multi-family dwellings with five or more units that generate two or more cubic yards of commercial solid waste per week. AB 1826 sets a statewide goal for 50 percent reduction in organic waste disposal by the year 2020.

Senate Bill 610

SB 610 amended state law, effective January 1, 2002, to improve the link between information on water supply availability and certain land use decisions made by cities and counties. SB 610 requires preparation of a WSA containing detailed information regarding water availability to be provided to the decision-makers prior to approval of specified large development projects that also require a General Plan Amendment. This WSA must be included in the administrative record that serves as the evidentiary basis for an approval action by the city or county on such projects. Under SB 610, WSAs must be furnished to local governments for inclusion in any environmental documentation for certain

projects subject to CEQA. Pursuant to the California Water Code (Section 10912[a]), projects that require a WSA include any of the following:

- A proposed residential development of more than 500 dwelling units;
- A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;
- A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
- A proposed hotel or motel, or both, having more than 500 rooms;
- A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area;
- A mixed-use project that includes one or more of the projects identified in this list; or
- A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.¹⁰⁰

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling

In January 2010, the State of California adopted the California Green Building Standards Code, establishing mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

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

¹⁰⁰ CalRecycle. Analysis of the Progress Toward the SB 1383 Organic Waste Reduction Goals. August 18, 2020. [https://www2.calrecycle.ca.gov/Publications/Details/1693#:~:text=Analysis%20of%20the%20Progress%20Toward,\(DRRR%2D2020%2D1693\)&text=SB%201383%20establishes%20targets%20to,75%20percent%20reduction%20by%202025](https://www2.calrecycle.ca.gov/Publications/Details/1693#:~:text=Analysis%20of%20the%20Progress%20Toward,(DRRR%2D2020%2D1693)&text=SB%201383%20establishes%20targets%20to,75%20percent%20reduction%20by%202025).

- Providing readily accessible areas for recycling by occupants.

Regional

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling

The City of San José requires 75 percent diversion of nonhazardous construction and demolition debris for projects that qualify under CALGreen (applies to all new construction and tenant improvement project over \$200,000 value), which is more stringent than the state requirement of 65 percent (San José Municipal Code Section 9.10.2480).

Countywide Integrated Waste Management Plan

Pursuant to AB 939, solid waste facility compliance requires that each county prepare and adopt a Countywide Integrated Waste Management Plan. The Santa Clara County Integrated Waste Management Plan (IWMP) was approved in 1996 and contains goals, policies, and objectives aimed to ensure an effective and efficient integrated waste management system. Public Resources Code Sections 41770 and 41822, and Title 24, California Code of Regulations Section 18788 require that each countywide or regional agency integrated waste management plan (County IWMP/Regional Agency IWMP (RAIWMP)), and elements thereof, be reviewed, revised (if necessary), and submitted to the CalRecycle every five years. The last such review was completed in 2016 and concluded that despite population growth, solid waste diversion has increased, Santa Clara County has adequate disposal capacity (i.e., greater than 15 years), and no revisions to the IWMP are warranted.¹⁰¹

Local

Envision San José 2040 General Plan

The following policies in the City’s General Plan have been adopted for the purpose of avoiding or reducing impacts to utilities and service systems and are applicable to the project.

Policy	Description
MS-3.1	Require water-efficient landscaping, which conforms to the State’s Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City’s potable water supply as building codes permit.
MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
IN-3.1	Achieve minimum level of services:

¹⁰¹ California Department of Resources Recycling and Recovery. *Five-Year County IWMP/RAIWMP Review Report Template*. October 27, 2016.

Policy	Description
	- For sanitary sewers, achieve a minimum level of service “D” or better as described in the Sanitary Sewer Level of Service Policy and determined based on the guidelines provided in the Sewer Capacity Impact Analysis (SCIA) Guidelines. - For storm drainage, to minimize flooding on public streets and to minimize the potential for property damage from stormwater, implement a 10-year return storm design standard throughout the City, and in compliance with all local, State and Federal regulatory requirements.
IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than “D”, or development which would be served by downstream lines already operating at a LOS lower than “D”, to provide mitigation measures to improve the LOS to “D” or better, either acting independently or jointly with other developments in the same area or in coordination with the City’s Sanitary Sewer Capital Improvement Program.
IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
IN-5.1	Monitor the continued availability of long-term collection, transfer, recycling and disposal capacity to ensure adequate solid waste capacity. Periodically assess infrastructure needs to support the City’s waste diversion goals. Work with private MRF and Landfill operators to provide facility capacity to implement new City programs to expand recycling, composting and other waste processing.
IN-5.3	Use solid waste reduction techniques, including source reduction, reuse, recycling, source separation, composting, energy recovery and transformation of solid wastes to extend the life span of existing landfills and to reduce the need for future landfill facilities and to achieve the City’s Zero Waste goals.
IN-5.4	Support the expansion of infrastructure to provide increased capacity for Materials Recovery Facilities (MRF)/transfer, composting, and Construction and Demolition materials processing (C&D) at privately operated facilities and on lands under City control to provide increased long-term flexibility and certainty.

City of San José Municipal Code

The City’s Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include an Energy and Water Building Performance Ordinance (Chapter 17.85) to minimize the use and waste of energy, water and other resources in commercial and multi-family residential buildings, Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10), requirements for Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105), and a Construction & Demolition Diversion (CDD) Program that requires recycling of construction and demolition materials (Chapter 9.10).

In addition to the above-listed San José General Plan policies, new development in San José is also required to comply with programs that mandate the use of water-conserving features and appliances and the Santa Clara County Integrated Watershed Management (IWM) Program, which minimizes solid waste.

San José Zero Waste Strategic Plan/Climate Smart San José

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

San José Sewer System Management Plan

The purpose of the Sewer System Management Plan (SSMP) is to provide guidance to the City in the operation, maintenance, and rehabilitation of the sewer assets of the City of San José. The SSMP includes construction standards and specifications for the installation and repair of the collection system and its associated infrastructure.

Private Sector Green Building Policy

The City of San José's Green Building Policy for new private sector construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in the design process. This policy establishes baseline green building standards for private sector construction and provides a framework for the implementation of these standards. It is also intended to enhance the public health, safety, and welfare of San José residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water, and other resources.

4.19.1.2 *Existing Conditions*

The project site consists of an open dirt field and grassy landscaped areas. The site is located in a predominantly urban environment in north San José where existing utility infrastructure is available.

Water Service

Water service to the project site is provided by the SJMWS. The service area of SJMWS is approximately 38 square miles, including four different areas of San José, including North San José/Alviso, Evergreen, Edenvale, and Coyote Valley. Potable water provided to the North San José/Alviso service area is sourced from SFPUC and groundwater. The SFPUC has a Water Supply Agreement from 2009 with its wholesale customers, which was amended and restated in 2018. This supply is mostly from the Hetch Hetchy reservoir, with additional local surface water. Groundwater provides about half of the County's water supply for potable use, through pumping by retail water agencies or individual well owners. Valley Water acts as the Groundwater Sustainability Agency for Santa Clara County and prepared an

alternative plan to a groundwater sustainability plan in 2016 to meet the requirements of the Sustainable Groundwater Management Act of 2014.

SJMWS estimates that total system demand, including potable and recycled water demand, was 21,643 acre-feet per year (AFY) in 2020 and is projected to increase to 40,965 AFY by 2045.¹⁰²

Within the North San José area, the SJMWS network consists of an 18-inch pipeline located along North First Street, with an extension to the east along Trimble Road, the northern bounding street of the project site. One 18-inch water main currently crosses from North San José to the Alviso area. The remainder of the distribution system consists of pipes ranging from four to 12 inches in diameter.

There is no existing water use on the project site.

Sanitary Sewer/Wastewater Treatment

Wastewater from the project site would be treated at the San José/Santa Clara Regional Wastewater Facility (RWF), which is administered and operated by the City Department of Environmental Services. The RWF has the capacity to treat 167 million gallons of wastewater per day (mgd) during dry weather flow, with the City allocated 108.6 mgd of existing capacity. The City of San José generates approximately 69.8 mgd of dry weather average flow, leaving 38.8 of excess treatment capacity at the RWF for the City's wastewater treatment demands.¹⁰³

Existing sanitary sewer facilities in the project area include 20- and 21-inch sewer lines in West Trimble Road, 20-inch sewer lines parallel to the Guadalupe River Trail, and 15-inch sewer lines in Orchard Parkway.

Storm Drainage

The project site is located in the Guadalupe River Watersheds which drains approximately 170 square miles extending from the river's headwaters in the eastern Santa Cruz Mountains to the tidal sloughs entering the San Francisco Bay.¹⁰⁴

Impervious surfaces near the project site include the surrounding sidewalks and roadways. The site is comprised entirely of pervious surfaces including open space such as dirt field with a small embanked grassy area in the northeastern corner. The project site is currently undeveloped with 100 percent pervious surface area (462,942 square feet).

Runoff from the site flows untreated into storm drain inlets and manholes in the site vicinity, where it is then conveyed to the City's storm drain system, to the Guadalupe River and eventually to the San Francisco Bay.

¹⁰² City of San José. *2020 Urban Water Management Plan*. June 2021.

¹⁰³ City of San José. *Envision San José 2040 General Plan Final Program Environmental Impact Report*. SCH: 2009072096. September 2011. Page 648.

¹⁰⁴ Santa Clara Valley Urban Runoff Pollution Prevention Program. *Monitoring and Assessment Summary Report: Guadalupe River*. September 15, 2009.

Existing storm drain facilities in the project area include 108- and 144-inch storm drain lines in West Trimble Road and 60- and 96-inch storm drain lines in Orchard Parkway. The Rincon 2 Pump Station is located across West Trimble Road, approximately 0.2-mile from the site. Runoff in the area is collected by storm drain manholes and inlets in the adjacent parking lots and streets, conveyed to the pump station via storm drain lines, and released to the Guadalupe River.

Solid Waste

The City of San José currently generates approximately 1.7 million tons of solid waste annually.¹⁰⁵ The City is served by five landfills, nine recycling and transfer stations, five composting facilities, and eight processing facilities for construction and demolition debris.¹⁰⁶ The landfills include Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road facilities. According to Santa Clara County's Integrated Waste Management Plan (IWMP), the County has adequate disposal capacity beyond 2030.¹⁰⁷

The project site does not currently generate solid waste. All commercial solid waste and recycling collection services in the City of San José are provided by the exclusive franchised hauler Republic Services.

Electricity

SJCE is the electricity provider for residents and businesses in the City of San José. SJCE sources the electricity and the Pacific Gas and Electric Company (PG&E) delivers it to customers over their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, which provides 60 percent GHG emission-free electricity. Customers can choose to enroll in SJCE's TotalGreen program at any time to receive 100 percent GHG emission-free electricity from entirely renewable sources.

Natural Gas

PG&E provides natural gas services within San José. In 2020, approximately two percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.¹⁰⁸ In 2020 California used 2,144 trillion Btu of natural gas.¹⁰⁹ In 2020, Santa Clara County used less than one percent of the state's total consumption of natural gas.¹¹⁰

¹⁰⁵ City of San José. *2040 General Plan FEIR*. September 2011.

¹⁰⁶ City of San José. *Assessment of Infrastructure for the Integrated Waste Management Zero Waste Strategic Plan Development*. 2008.

¹⁰⁷ Santa Clara County. *Five-Year County IWMP/RAIWMP Review Report*. June 2016.

¹⁰⁸ California Gas and Electric Utilities. *2020 California Gas Report*. Accessed September 16, 2022.

https://www.socalgas.com/sites/default/files/2020-10/2020_California_Gas_Report_Joint_Utility_Biennial_Comprehensive_Filing.pdf.

¹⁰⁹ United States Energy Information Administration. "State Profile and Energy Estimates, 2020." Accessed September 16, 2022. <https://www.eia.gov/state/?sid=CA#tabs-2>.

¹¹⁰ California Energy Commission. "Natural Gas Consumption by County." Accessed September 16, 2022. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

Telecommunications

Telephone service infrastructure in the North San José area is provided by SBC Communications, Inc.

4.19.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐
a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				

The proposed project would utilize existing water infrastructure, dispose of wastewater at the RWF, convey stormwater via the City's existing drainage system, and connect to existing utility lines in the vicinity of the site for electricity, natural gas, and telecommunication services.

Water Facilities

The potable and irrigation water demands of the project would be met by existing service providers (SJMWS), as is discussed under checklist question b). Existing water lines in West Trimble Road and Orchard Parkway would be available to serve the proposed project. The project would not require the construction or expansion of water delivery systems or the expansion of the boundaries of the SJMWS service area. Therefore, the project would not result in significant environmental effects related to the relocation or construction of new or expanded water facilities.

Sanitary Sewer and Wastewater Treatment

The proposed project would connect to the City's existing sanitary sewer system. The project would be required to comply with all applicable Public Works requirements to ensure sanitary sewer and water mains would have capacity for water and sewer services required by the proposed project. Existing sanitary sewer lines in West Trimble Road and Orchard Parkway would be available to service the proposed project. The General Plan EIR concluded that implementation of General Plan policies requiring future development to provide adequate sewer system capacity would reduce project-level impacts to a less than significant level. The project is consistent with projected General Plan buildout and would comply with all applicable General Plan policies to ensure adequate sanitary sewer capacity is available to serve the project.

The proposed project would dispose of wastewater at the RWF, a wastewater treatment facility which has adequate capacity to accommodate the increased demand created by the project. No relocation or construction of new or expanded treatment facilities would be required to serve the proposed project. The proposed project would construct lateral sewer connections to existing sewer lines in Orchard Parkway and West Trimble Road. Installation of sanitary sewer laterals for the proposed buildings would occur during grading of the site and would result in minimal impacts.

Storm Drainage

As discussed in Section 4.10, the proposed project would increase the amount of impervious surfaces and runoff at the site. The project would comply with the MRP and City of San José Policy 6-29, which would remove pollutants and reduce the rate and volume of runoff. Numerous biotreatment areas would be located at the building perimeter to ensure 100 percent of runoff generated on-site is managed using LID methods during the design storm. The proposed project would construct new storm drain lines and manholes throughout the site which would capture and convey runoff from the proposed biotreatment areas prior to release into existing storm drain mains in Orchard Parkway and West Trimble Road. The proposed storm drainage improvements would occur during grading and would result in minimal impacts.

Electric Power, Natural Gas and Telecommunications

Existing utility lines would be utilized by the project for electric power and natural gas services. Connecting to the City's energy and communications grid would require trenching on the site, which would not require substantial excavation and is unlikely to result in unanticipated impacts. The project would be required to detail the exact locations for all utility connections and utility plans would be subject to design review by the City. Therefore, the proposed project would not result in

significant impacts from construction or relocation of new or expanded electric power, natural gas, or telecommunications utilities.

Conclusion for checklist question a): The project would not result in significant impacts from construction or relocation of new or expanded utilities. **(Less than Significant Impact)**

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

As discussed under Section 4.19.1.2 Existing Conditions above, the existing site has no water demand. The proposed project would have a water demand of approximately 134,818 gpd (128,848 gpd of which is indoor use and 5,970 gpd of which is outdoor use), equivalent to 151 AFY.¹¹¹ Thus, the project would result in a net increase in water demand of 151 AFY. In comparison with SJMWS's overall water demand of 21,643 AFY, the project would increase demand by 0.7 percent, which SJMWS considers to be within normal growth projections for the system and would not require new or expanded water facilities. Based on the size of the site, the size of the development, and the anticipated water demand, the project does not meet the threshold for a 'water demand project' under CEQA Guidelines section 15155.

According to the SJMWS's most recent UWMP, the City has available water supply to meet projected demands of customers in the SJMWS service area through 2045.¹¹² The sources of potable water supply (SFPUC deliveries and groundwater from the Santa Clara subbasin) available to the SJMWS would be sufficient to meet projected demands upon implementation of water shortage contingency actions for dry- and multiple-dry year scenarios. The proposed project is consistent with planned development analyzed in the 2040 General Plan EIR and its estimated demand was accounted for in the 2020 UWMP's projected water demand increases in the SJMWS service area. For these reasons, the proposed project would not have insufficient water supplies available to serve it during normal, dry, and multiple dry years. The project would also be subject to the same drought-related curtailments as the City's other customers, would not cause the City to increase curtailments on other customers, and would reduce its water demand through installation of water efficient fixtures and landscaping and by complying with the Energy and Water Building Performance Ordinance (Chapter 17.85) and Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10).

Conclusion for checklist question b): The project would have sufficient water supplies available during normal, dry, and multiple-dry years. **(Less than Significant Impact)**

¹¹¹ California Emissions Estimator Model. "Appendix D Default Data Tables." Table 9.1 Water Use Rates for General Office Building Land Use and Manufacturing Land Use. May 2021.

¹¹² City of San José. *2020 Urban Water Management Plan*. June 2021.

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

As discussed under Section 4.19.1.2 Existing Conditions above, the RWF currently has an available capacity of 38.8 mgd of dry weather flow available to service the City of San José's wastewater treatment demands. Planned buildout under the General Plan is estimated to result in a dry weather flow of 30.8 mgd, which would not exceed the capacity of the RWF.

The proposed project would have an estimated water demand of 134,818 gpd (refer to checklist question b) above) which equates to 114,595 gpd of wastewater.¹¹³ The project would result in an increase of wastewater generated at the project site (where there is currently zero wastewater generated). However, the wastewater demands of the proposed project would not result in an exceedance of wastewater treatment capacity at the RWF. Increased demand at the RWF created by planned development under the General Plan is expected and accounted for in long term infrastructural planning by the City of San José and its partner agencies. The proposed project is consistent with planned development analyzed in the 2040 General Plan EIR; therefore, the proposed project would not result in an unanticipated increase in wastewater treatment requirements at the RWF.

The construction of new wastewater treatment facilities would not be required as a result of the proposed project. Environmental impacts from the construction of new or expanded facilities would be avoided by utilization of existing facilities, which are currently well below capacity. The treatment capacity of the RWF would not be exceeded as a result of the proposed project or the project's contribution to existing treatment commitments.

Conclusion for checklist question c): The project would not result in a determination by the wastewater treatment provider that it does not have adequate capacity to serve the project's projected demand. **(Less than Significant Impact)**

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

The project is estimated to generate up to 15.81 tons of solid waste per year, which would be a net increase over the existing conditions of zero waste generated by the vacant project site (refer to Appendix A).

The proposed project would be required to conform to City plans and policies to reduce solid waste generation and increase waste diversion, such as the Zero Waste Strategic Plan and General Plan Policies IN-1.5, IN-5.1, IN-5.3, IN-5.4, and IP-3.8. The project would be required to meet the City's current diversion goal of 75 percent waste reduction and zero waste goal post-2022 by complying with the policies and strategies mandated in the City's Zero Waste Strategic Plan. In addition, the

¹¹³ Based upon the California Emissions Estimator Model (CalEEMod) standard wastewater generation rate of 85 percent of total water usage. $134,595 \text{ gallons of water per day} \times 0.85 = 114,595 \text{ gallons wastewater per day}$.

project would include provide organic waste collection containers within waste collection areas as required by AB 1826. Given the City’s annual disposal allocation at Newby Island Landfill (NISL) (395,000 tons per year), NISL’s remaining capacity (12.7 million tons), and the project’s net increase in solid waste generation (15.81 tons), there is sufficient capacity at NISL to serve the project. In addition, according to the IWMP, the County has adequate disposal capacity beyond 2030.¹¹⁴ The General Plan EIR determined that the increase in waste generated by buildout of the General Plan (which includes the development of the project) would not result in an exceedance of capacity at existing landfills or otherwise impair the attainment of solid waste reduction goals.¹¹⁵

Conclusion for checklist question d): The project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

e) Would the project be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?

The proposed project would support the goals of the Zero Waste Strategic Plan by complying with the City’s Construction and Demolition Diversion Program (which ensures that at least 75 percent of this construction waste is recovered and diverted from landfills), providing readily accessible areas for recycling that serve all of the buildings on-site, and provide organic waste collection containers within waste collection areas. By adhering to the requirements of the Zero Waste Strategic Plan and General Plan policies, the project would not conflict with applicable statutes and regulations related to solid waste, including CALGreen, AB 939, AB 341, and local waste diversion requirements.

Conclusion for checklist question e): The project would be compliant with federal, state, or local management and reduction statutes and regulations related to solid waste. **(Less than Significant Impact)**

¹¹⁴ Santa Clara County. *Five-Year County IWMP/RAIWMP Review Report*. June 2016.

¹¹⁵ City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011. Page 685.

4.20 WILDFIRE

4.20.1 Environmental Setting

4.20.1.1 *Regulatory Framework*

State

Fire Hazard Severity Zones

CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZs), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. FHSZs are divided into areas where the state has financial responsibility for wildland fire protection, known as state responsibility areas (SRAs), and areas where local governments have financial responsibility for wildland fire protection, known as local responsibility areas (LRAs). Homeowners living in an SRA are responsible for ensuring that their property is in compliance with California's building and fire codes. Only lands zoned for very high fire hazard are identified within LRAs.

4.20.1.2 *Existing Conditions*

The proposed project is located in an urbanized area of San José which is not located in or near SRAs or lands classified as very high fire hazard severity zones.¹¹⁶

4.20.2 Impact Discussion

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

¹¹⁶ CalFire. "Fire Hazard Severity Zone Maps". Accessed August 14, 2022.

<https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, Would the project:				
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?	☐	☐	☐	☒

The project site is not located in or near SRAs or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **(No Impact)**

Conclusion for Wildfire project-level impact discussion: The project would not result in a significant wildfire impact. **(No Impact)**

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

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

As discussed in the previous sections of this Initial Study, the proposed development project would not degrade the quality of the environment through implementation of identified standard conditions and mitigation measures. As discussed in Section 4.4 Biological Resources, the project site is located in a highly urbanized area and does not contain wildlife habitat or endangered species. However, existing trees on-site could provide nesting habitat for burrowing owls and birds, and construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings. Implementation of mitigation measures MM BIO-1.1 through MM BIO-1.3 would ensure that the project does not result in take of burrowing owls or their fledglings, and MM BIO-2.1 through MM BIO-2.4 would ensure that project construction does not result in the loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Cumulative impacts related to the loss of burrowing owl habitat at the project site were mitigated through the 1802 BUOW Agreement. Additionally, as discussed in Section 4.5 Cultural Resources and Section 4.18 Tribal Cultural Resources, the project would implement mitigation measures (MM CUL-1.1 and MM TCR-1.1) and standard conditions

that would result in a less than significant impact to archaeological resources or tribal cultural resources, in the unlikely event any are discovered during construction of the project.

Conclusion for checklist question a): With implementation of mitigation measures MM BIO-1.1 through MM BIO-1.3, MM BIO-2.1 through MM BIO-2.4, and MM CUL-1.1, and standard permit conditions, the project would not substantially degrade the quality of biological, cultural, or tribal cultural resources. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

b) Does the project have impacts that are individually limited, but cumulatively considerable?

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.” This Initial Study evaluates the environmental impacts of the proposed project. This Initial Study also takes into account other past, pending, and probable future projects whose impacts could combine to produce cumulative impacts.

The nearest approved project to the site is the Innovation Place Office Project, located approximately 3,000 feet northeast of the site at 3130 Zanker Road, which would develop the site with 536,949 square feet of new office/R&D uses, two parking garages, and related site improvements.¹¹⁷ The nearest proposed project is the San José Data Center project located at the northwest corner of the intersection of Orchard Parkway and Component Drive, approximately 1,000 feet south of the project site. The San José Data Center project would construct two data center buildings; emergency backup generating facilities; recycled water storage, fire water storage, pipeline and support buildings; building cooling equipment; an on-site substation and switchyard; two potential distribution transmission lines; and ancillary support facilities.

Resource Topics not Impacted by the Project

As described in the respective sections throughout this Initial Study, the proposed project would have no impact on agricultural resources, historic resources, mineral resources, or wildfire risk. Therefore, the project has no potential to combine with other projects to result in cumulative impacts to those resources.

Cumulative Aesthetics and Land Use and Planning Impacts

The geographic area for cumulative aesthetic impacts is the project site. As discussed under Section 4.1 Aesthetics, there are no scenic vistas or state scenic highways within or around the project site that would be impacted by implementation of the proposed project. Furthermore, while the project

¹¹⁷ City of San José. “Key Economic Development Projects.” Accessed September 12, 2022.
<https://csj.maps.arcgis.com/apps/Shortlist/index.html?appid=c4051ffa5efb4f4dbf8b6d8ec29cfabd>.

would alter the appearance of the project site by introducing new development, the proposed development would be consistent with surrounding development and would comply with the City's General Plan policies and Design Standard Guidelines. For these reasons, implementation of the proposed project would not result in a cumulatively considerable contribution to a significant cumulative aesthetics impact.

The geographic area for cumulative land use and planning impacts is the city boundaries, as the City plans for land use comprehensively and citywide. As discussed in Section 4.11 Land Use and Planning, the proposed project does not include any features that would physically divide adjacent communities. Furthermore, the uses proposed by the project are consistent with those allowed under the site's General Plan designation of IP. The proposed rezoning of the site from IP(PD) to CIC does not, by itself, constitute a significant environmental impact. With approval of the proposed rezoning request, the project would retain consistency with the City's Zoning Code. For these reasons, the proposed project would not result in a cumulatively considerable contribution to a significant land use and planning resources impact.

Cumulative Biological Resources Impacts

The geographic area for cumulative impacts to biological resources includes the project site and its surrounding area because localized development would affect the same group of biological resources. As discussed in Section 4.4 Biological Resources, the project site is located in a highly urbanized area and does not contain wildlife habitat or endangered species. Existing trees on-site could provide nesting habitat for birds, and construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings. Implementation of mitigation measures MM BIO-1.1 through MM BIO-1.4 would ensure that project construction does not result in the loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Cumulative impacts related to the loss of burrowing owl habitat at the project site were mitigated through the 1802 BUOW Agreement. The project proposes removal of 57 trees, including 43 ordinance-sized trees, which would conform with tree replacement requirements identified in Municipal Code Section 13.28.300, General Plan Policies MS-21.4, MS-21.5, MS-21.6 and CD-1.24, and City of San José Tree Removal Ordinance. Similarly, the project would comply with the City's ordinances protecting biological resources and the requirements of the Santa Clara Valley Habitat Plan. For these reasons, the proposed project would not contribute to a cumulatively considerable contribution to a significant biological resources impact.

Cumulative Air Quality, Greenhouse Gas, and Energy Impacts

By its very nature, air pollution is largely a cumulative impact. The geographic area for cumulative air quality impacts is the San Francisco Bay Area Air Basin. 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 proposed project would emit criteria air pollutants and contribute to the overall regional emissions of these pollutants. The project-level thresholds identified by BAAQMD (which the project's impacts were compared to in Section 4.3 Air Quality) are the basis for determining whether a project has a cumulatively considerable contribution to the existing cumulatively significant air quality impact. As discussed in Section 4.3 Air Quality, the project's construction and operational criteria air pollutant emissions would be below BAAQMD screening criteria and thresholds for these pollutants. There

are also no sensitive receptors within 1,000 feet of the project site, and therefore the project would not contribute to a cumulatively significant exposure of sensitive receptors to pollutant concentrations (i.e., criteria air pollutants or TACs). Additionally, the project would result in temporary, localized odors during construction (i.e., from diesel exhaust, construction equipment, and painting) and operation (i.e., use of cleaning supplies and landscaping chemicals) that would not combine with other odors to create a significant cumulative odor impact. Thus, the project would not result in a cumulatively considerable contribution to a significant cumulative air quality impact.

The proposed project and past, present, present and future development projects worldwide contribute to global climate change. No single project is sufficient in size to, by itself, change the global average temperature. Therefore, due to the nature of GHG impacts, a significant project impact is a significant cumulative impact. As discussed in Section 4.8 Greenhouse Gas Emissions, the project's operational emissions would be less than significant since the project would be consistent with the City's Greenhouse Gas Reduction Strategy for 2030. Therefore, the project would not result in significant GHG impact. For these reasons, the project would not result in a cumulatively considerable contribution to a significant cumulative GHG impact.

Similarly, the discussion of the project's energy impact also reflects cumulative conditions, since the project's consumption of electricity, natural gas, and gasoline was assessed in comparison with consumption at the state and county level. Therefore, the proposed project would not make a cumulatively considerable contribution to significant cumulative air quality, GHG emissions, or energy use impacts.

Cumulative Cultural Resources, Tribal Cultural Resources, and Geologic Impacts

The geographic area for cumulative archaeological resources, tribal cultural resources, and geologic impacts would be locations adjacent to the site where ground disturbing activities could combine to disturb resources or change the geology of the site. The project would be designed to meet current City code and would not change or exacerbate any geologic conditions, of which there are no significant cumulative impacts. The project thus would not combine with other past, present, and reasonably foreseeable future projects to create a significant cumulative geologic impact. The project also would not make a cumulatively considerable contribution to significant cumulative impacts on archeological and tribal cultural resources with the project-level mitigation and adherence to standard conditions described in Sections 4.5 and 4.18. to the project site. Therefore, the project would not result in a cumulatively considerable contribution to a significant cumulative cultural and tribal cultural or geologic impact.

Cumulative Hydrology, Population and Housing, Public Services, Recreation, and Utilities Impacts

The geographic area for cumulative hydrology and water quality impacts is the Guadalupe River watershed. The Guadalupe River is currently listed on the 303(d) list for diazinon, mercury, and trash. Cumulative developments near the project would be subject to similar hydrological and urban runoff conditions. All projects occurring within San José would be required to implement the same standard conditions and measures related to construction water quality as the proposed project (including preparation of a SWPPP if disturbance is greater than one acre). In addition, all current and future projects that would disturb more than one acre of soil or replace/add more than 2,500 square feet of impervious surfaces would be required to meet applicable site design, source control,

and runoff treatment controls to reduce the rates, volumes and pollutant loads of runoff where feasible. For these reasons, cumulative projects, including the proposed project, would not combine to result in significant cumulative hydrology or water quality impacts.

The geographic area for cumulative population and housing, public services, recreation, and utilities and service system impacts are the City boundaries. The project would have less than significant impacts on population and housing (i.e., no residents would result from the project), public services, and recreation facilities and is consistent with the intended land use and amount of development analyzed in the General Plan EIR.

The project would incrementally contribute to cumulative demands on utilities and service systems (i.e., water, sewer, solid waste, and storm drainage). The proposed project, and other future projects that were accounted for in the General Plan, were included in the UWMP water demand projections, the estimates for wastewater treatment capacity, landfill capacity, and the General Plan EIR analysis of cumulative demand on utility services. The General Plan EIR concluded that the growth it anticipated, of which the project is a part, would not combine with past, present, and reasonably foreseeable probable future projects to create a significant cumulative impact related to utilities and service systems.

Under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail. Thus, the proposed project would not result in cumulatively considerable impacts to population and housing, public services, recreation and utilities and service systems.

Cumulative Hazards and Hazardous Materials Impacts

The geographic area for cumulative hazardous materials impacts would be the project site and adjacent parcels. The use, storage, transportation, and disposal of fuel, and maintenance chemicals would be managed in accordance with existing laws and regulations that ensure the use, storage, and transportation of hazardous materials at the cumulative sites would not result in a significant cumulative impact related to hazardous materials. Prior to construction, the project would be required to implement MM HAZ-1.1 to address any soil contaminated with agricultural pesticides or pesticide-based metals. Future projects adjacent to the project site would be required to prepare a Phase I ESA that would identify any potential contaminated soil and mitigate contamination levels below the appropriate SWRCB environmental screening levels prior to construction. There are no other current or reasonably foreseeable future projects immediately adjacent to the project site that the project would combine with to create a significant cumulative impact. Therefore, the proposed project would not contribute to a cumulatively significant hazards and hazardous materials impact.

Cumulative Noise Impacts

The geographic area for cumulative noise impacts is defined as all locations within 1,000 feet of the project site where noise from cumulative projects would be perceptible. Based on a review of proposed and approved development permits, there is one project located in the study area that would combine with the noise impacts of the proposed project (San José Data Center). Assuming the proposed project and the San José Data Center receive their respective approvals, a worst-case

scenario assuming an overlapping construction schedule of the two projects was assumed. In this scenario, ambient noise levels during construction could increase to 63 dBA with the addition of the San José Data Center. Ambient noise levels in the area are measured to be 62.1 dBA CNEL, and the airport noise contour for the area is 60 dB. Cumulative construction noise levels would not be five dBA or more over ambient conditions, per the City's threshold (refer to Section 4.13.1.2). Further, construction noise would be temporary and construction measures would be required to be implemented by both projects to reduce construction noise, per standard permit conditions. Thus, there would be no significant cumulative impact with respect to construction noise, and the project would not result in a cumulatively considerable contribution to construction noise impacts.

Additionally, as discussed in Section 4.13 Noise, operation of the project's emergency generator and loading docks would not result in a substantial permanent increase in ambient noise levels. Due to the distance between the project site and the proposed location of the San José Data Center (which are segregated from each other by the existing Lumileds campus), and the associated noise attenuation provided by distance and the building envelope, simultaneous operation of the projects would result in a less than significant cumulative noise impact. The General Plan EIR concluded that future development in North San José would result in significant and unavoidable impacts from increased noise levels associated with traffic generation on multiple roadways, including Trimble Road. The proposed project is consistent with the project site's General Plan designation and projected City growth. Under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail. Thus, the proposed project would not result in a new cumulatively considerable noise impact, including those associated with traffic volumes, beyond what was disclosed in the General Plan EIR for future roadway noise impacts.

For these reasons, the project would not combine with other projects to create a significant cumulative noise impact and would not make a cumulatively considerable contribution to areas with existing significant cumulative noise impacts.

Cumulative Transportation Impacts

The City's Transportation Analysis Handbook states that an evaluation of cumulative transportation impacts should take a project's long-term effects on VMT into account. In addition, a cumulative analysis should address a project's potential to increase land development in outlying areas, thereby increasing lengths and VMT. As discussed in Section 4.17 Transportation, the impacts of the proposed project on long-term VMT would be less than cumulatively considerable with implementation of mitigation measures MM TRN-1.1 and MM TRN-1.2. Since year 2040 is the horizon year for the City's General Plan, the VMT analysis for the year 2020 takes planned Citywide/cumulative growth into account. Furthermore, the proposed project would be consistent with applicable General Plan policies regarding circulation and would, therefore, not result in a cumulative conflict with those policies. Additionally, cumulative projects, including the proposed project, would be required to comply with current building and fire codes and would be reviewed by the SJFD to ensure adequate emergency access. For these reasons, the project would not combine with other projects to create a significant cumulative transportation impact and would not make a cumulatively considerable contribution to areas with existing significant cumulative transportation impacts.

Conclusion for checklist question b): With implementation of mitigation measures MM TRN-1.1 and MM TRN-1.2, and the City's standard permit conditions, the project would result in less than significant cumulatively considerable impacts. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

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

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 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-related air quality, hazards and hazardous materials, and construction noise impacts. Implementation of standard permit conditions and mitigation measures, and adherence to the City's General Plan and Municipal Code, and state and federal regulations described in this Initial Study, would avoid significant impacts. No other direct or indirect adverse effects on human beings have been identified.

Conclusion for checklist question c): With implementation of mitigation measures and standard permit conditions, the project would not have environmental effects which would cause direct or indirect substantial adverse effects on human beings. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

SECTION 5.0 REFERENCES

The analysis in this Initial Study is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references:

Association of Bay Area Governments and Metropolitan Transportation Commission. *Plan Bay Area 2050*. October 21, 2021. Page 20.

Bay Area Air Quality Management District. California Environmental Quality Act Air Quality Guidelines. May 2017. Page 2-1.

Bay Area Air Quality Management District. CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans. April 2022.

Bay Area Air Quality Management District. Final 2017 Clean Air Plan. April 19, 2017.
<http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.

Bay Municipal Regional Stormwater Permit Number CAS612008

CalFire. “Fire Hazard Severity Zone Maps”. Accessed August 14, 2022.
<https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>.

California Air Resources Board. “Overview: Diesel Exhaust and Health.” Accessed September 1, 2022. <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>.

California Air Resources Board. “The Advanced Clean Cars Program.” Accessed September 1, 2022. <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program>.

California Building Standards Commission. “California Building Standards Code.” Accessed August 30, 2022. <https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo>.

California Department of Conservation. “Farmland Mapping and Monitoring Program.” Accessed August 9, 2022. <https://www.conservation.ca.gov/dlrp/fmmp>.

California Department of Conservation. “Williamson Act.”
<http://www.conservation.ca.gov/dlrp/lca>.

California Department of Fish and Game. Letter from Scott Wilson, Acting Regional Manager for the California Department of Fish and Game to Vera Todorov, Senior Deputy City Attorney for the City of San José. November 15, 2012.

California Department of Forestry and Fire Protection. “Fire and Resource Assessment Program.” Accessed August 9, 2022. <http://frap.fire.ca.gov/>.

California Department of Forestry and Fire Protection. “Fire Hazard Severity Zones Maps.” Santa Clara. Accessed September 15, 2022. <https://osfm.fire.ca.gov/divisions/community-wildfire->

preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/.

California Department of Housing and Community Development. “Regional Housing Needs Allocation” Accessed August 19, 2022. <https://www.hcd.ca.gov/planning-and-community-development/regional-housing-needs-allocation>.

California Department of Resources Recycling and Recovery. Five-Year County IWMP/RAIWMP Review Report Template. October 27, 2016.

California Department of Tax and Fee Administration. “Net Taxable Gasoline Gallons.” Accessed September 1, 2022. <https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist>.

California Department of Transportation. List of Eligible and Officially Designated State Scenic Highways. August 2019.

California Emissions Estimator Model. “Appendix D Default Data Tables.” Table 9.1 Water Use Rates for General Office Building Land Use and Manufacturing Land Use. May 2021.

California Energy Commission (CEC). “2019 Building Energy Efficiency Standards.” Accessed August 30, 2022. <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency>.

California Energy Commission. “Natural Gas Consumption by County.” Accessed August 30, 2022. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

California Energy Commission. Energy Consumption Data Management System. “Electricity Consumption by County.” Accessed August 30, 2022. <http://ecdms.energy.ca.gov/elecbycounty.aspx>.

California Gas and Electric Utilities. 2020 California Gas Report. Accessed August 30, 2022. https://www.socalgas.com/sites/default/files/2020-10/2020_California_Gas_Report_Joint_Utility_Biennial_Comprehensive_Filing.pdf.

California Geological Survey. “Earthquake Zones of Required Investigation.” Accessed April 20, 2020. <https://maps.conservation.ca.gov/cgs/EQZApp/app/>

California Natural Resources Agency. Santa Clara County Important Farmland 2018. June 2021.

California Office of Historic Preservation. CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6. June 2011.

California Register of Historic Places. “California Historical Resources”. Accessed September 20, 2022. <https://ohp.parks.ca.gov/listedresources/>

CalRecycle. Analysis of the Progress Toward the SB 1383 Organic Waste Reduction Goals. August 18, 2020. <https://www2.calrecycle.ca.gov/Publications/Details/1693#:~:text=Analysis%20of%20the%2>

0Progress%20Toward,(DRRR%2D2020%2D1693)&text=SB%201383%20establishes%20target%20to,75%20percent%20reduction%20by%202025.

Central Coast Regional Water Quality Control Board. "Central Coast Region – Clean Water Act Section 303(d) List of Water Quality Limited Segments (the 302(d) List)." Accessed August 14, 2022.

https://www.waterboards.ca.gov/centralcoast/water_issues/programs/tmdl/303d_list.html.

City of José. Memorandum – Status Report on the Update to the North San José Area Development Policy. February 12, 2016.

http://sanjose.granicus.com/MetaViewer.php?meta_id=557581.

City of San José Public Library. "Facts and Awards". Accessed August 15, 2022.

<https://www.sjpl.org/facts>.

City of San José. "Greenhouse Gas Reduction Strategy". Accessed August 30, 2022.

<https://www.sanjoseca.gov/your-government/department-directory/planning-building-code-enforcement/planning-division/environmental-planning/greenhouse-gas-reduction-strategy>.

City of San José. "Historic Resources Inventory." Accessed July 14, 2020.

<https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/historic-resources/historic-resources-inventory>.

City of San José. "Key Economic Development Projects." Accessed September 12, 2022.

<https://csj.maps.arcgis.com/apps/Shortlist/index.html?appid=c4051ffa5efb4f4dbf8b6d8ec29cfabd>.

City of San José. "Public GIS Viewer – Airport Community Noise Equivalent Level". Accessed August 19, 2022.

<https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=3c5516412b594e79bd25c49f10fc672f>.

City of San José. "Public GIS Viewer – Airport". Accessed August 11, 2022.

<https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=3c5516412b594e79bd25c49f10fc672f>.

City of San José. "Public GIS Viewer – Environmental, Road Noise." Accessed August 30, 2022.

<https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=3c5516412b594e79bd25c49f10fc672f>.

City of San José. "Public GIS Viewer – Fire Wildland Urban Interface". Accessed September 15, 2022.

<https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=3c5516412b594e79bd25c49f10fc672f>.

City of San José. "Public GIS Viewer – Storm Drain System". Accessed September 15, 2022.

<https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=3c5516412b594e79bd25c49f10fc672f>.

City of San José. 2020 Urban Water Management Plan. June 2021.

City of San José. 2022-2026 Proposed Capital Improvement Program. Accessed August 15, 2022.
<https://www.sanjoseca.gov/home/showpublisheddocument/71881/637551361294119830>.

City of San José. Addendum to the Envision San José 2040 General Plan Final Program
Environmental Impact Report and Supplemental Program Environmental Impact Report.
November 2016. Page 16.

City of San José. *Annual Report on City Services 2020-2021*. December 2021.

City of San José. Assessment of Infrastructure for the Integrated Waste Management Zero Waste
Strategic Plan Development. 2008.

City of San José. Envision San José 2040 General Plan Integrated Final Program Environmental
Impact Report. SCH: 2009072096. September 2011.

City of San José. Envision San José 2040 General Plan. November 2011.

County of Santa Clara Department of Planning and Development. “Geologic Maps and Data.”
Accessed April 20, 2020.
<https://www.sccgov.org/sites/dpd/PlansOrdinances/GeoHazards/Pages/GeoMaps.aspx>

County of Santa Clara. “Williamson Act and Open Space Easement.” September 17, 2018.
Accessed August 9, 2022. <https://plandev.sccgov.org/policies-programs/williamson-act-and-open-space-easement>.

Federal Aviation Administration. “Notice Criteria Tool”. Accessed October 25, 2022.
<https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToForm>

Federal Emergency Management Agency. “FEMA Flood Map Service Center”. Accessed August
14, 2022. <https://msc.fema.gov/portal/home>

Google. “Maps, Driving Directions from San José Fire Department Station 29 to Orchard
Parkway”. Accessed August 30, 2022. <https://goo.gl/maps/2SMiinNFQQzdQPBv8>.

Google. “Maps, Driving Directions from San José Police Department to Orchard Parkway”.
Accessed August 30, 2022. <https://goo.gl/maps/po3Du6Zge5UNAVGt8>.

H.T. Harvey & Associates. North San José Area Development Policy Final Environmental Impact
Report, Appendix G, Biological Resources Report. September 2004.

Langan Engineering and Environmental Services, Inc. Geotechnical Investigation for North
Town. November 15, 2019.

Mitigation Agreement between Agilent Technologies, Inc. and the California Department of Fish
and Game. Reference Number 1802-2000-073-3. January 5, 2001.

National Register of Historic Places. “National Register Database and Research. Accessed September 20, 2022. <https://www.nps.gov/subjects/nationalregister/database-research.htm>

San Francisco Regional Water Quality Control Board. “The 303(d) List of Impaired Water Bodies.” Accessed March 3, 2022. https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/303dlist.html.

San José International Airport. “2027 CNEL Contours”. Accessed August 30, 2022. <https://www.flysanjose.com/node/2206>

San José Police Department. “Central Division”. Accessed August 15, 2022. <https://www.sjpd.org/about-us/organization/bureau-of-field-operations/central-division>.

Santa Clara County. Five-Year County IWMP/RAIWMP Review Report. June 2016.

Santa Clara Valley Habitat Agency. “GIS Data & Key Maps.” Accessed August 30, 2022. <https://scv-habitatagency.org/193/GIS-Data-Key-Maps>.

Santa Clara Valley Urban Runoff Pollution Prevention Program. "Guadalupe Watershed". Accessed August 14, 2022. <https://scvurppp.org/watersheds/santa-clara-basin-watersheds/guadalupe-watershed/>.

Santa Clara Valley Urban Runoff Pollution Prevention Program. Monitoring and Assessment Summary Report: Guadalupe River. September 15, 2009.

Santa Clara Valley Water District. "Groundwater Management". Accessed September 16, 2020. <https://www.valleywater.org/your-water/where-your-water-comes/groundwater/sustainable>.

Schaaf & Wheeler. Memorandum – North San José Floodplain Management Policy Criteria for Orchard Parkway Development. January 25, 2016.

State of California, Department of Finance. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2021-2022. May 2022.

Strategic Economics. *San José Market Overview and Employment Lands Analysis*. January 2016.

United States Department of Energy. "Energy Independence & Security Act of 2007". Accessed September 1, 2022. <http://www.afdc.energy.gov/laws/eisa>.

United States Department of Transportation. "USDOT Announces New Vehicle Fuel Economy Standards for Model Year 2024-2026." Accessed September 1, 2022. <https://www.nhtsa.gov/press-releases/usdot-announces-new-vehicle-fuel-economy-standards-model-year-2024-2026>

United States Energy Information Administration. “State Profile and Energy Estimates, 2020.” Accessed August 30, 2022. <https://www.eia.gov/state/?sid=CA#tabs-2>.

United States Environmental Protection Agency. “Summary of the Resource Conservation and Recovery Act.” Accessed August 11, 2022. <https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act>.

United States Environmental Protection Agency. “The 2021 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975.” November 2021. <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=P1010U68.pdf>

Valley Water. *Groundwater Management Plan for the Santa Clara and Llagas Subbasins*. November 2021.

SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

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Hazardous Materials Consultants

URS

Hazardous Materials Consultants

SECTION 7.0 ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACM	Asbestos-Containing Material
ADA	Americans with Disabilities Act
AFY	Acre-Feet per Year
AIA	Airport Influence Area
BAAQMD	Bay Area Air Quality Management District
ALUC	Airport Land Use Commission
BART	Bay Area Rapid Transit
Basin Plan	Water Quality Control Plan for the San Francisco Bay Basin
bgs	Below Ground Surface
BMP	Best Management Practice
CAL FIRE	California Department of Forestry and Fire Protection
CalARP	California Accidental Release Prevention
Caltrans	California Department of Transportation
CalEPA	California Environmental Protection Agency
CALGreen	California Green Building Standards Code
Cal/OSHA	Division of Occupational Safety and Health of California
CAP	Clean Air Plan
CARB	California Air Resources Board
CBC	California Building Code
CCR	California Code of Regulations
CDD	Construction and Demolition Diversion Program
CDFW	California Department of Fish and Wildlife
C&D	Construction and Demolition
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFC	Chlorofluorocarbons
CFR	Code of Federal Regulations
CGS	California Geologic Society
CH ₄	Methane
CHMIRS	California Hazardous Material Incident Reporting System

CIC	Combined Industrial/Commercial
CLUP	Airport Comprehensive Land Use Plan
CMP	Congestion Management Program
CNEL	Community Noise Equivalent Level
CO	Carbon Monoxide
CO ₂	Carbon Dioxide
CO ₂ e	Carbon Dioxide Equivalent
CREC	Controlled Recognized Environmental Condition
CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agency
dB	Decibel
dBA	Human Hearing Adjusted, A-Weighted Decibel
DNL	Day-Night Level
DPM	Diesel Particulate Matter
DTSC	California Department of Toxic Substances Control
EIR	Environmental Impact Report
EO	Executive Order
EOP	Emergency Operations Plan
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
ESL	Environmental Screening Level
EV	Electric Vehicle
FAA	Federal Aviation Administration
FAR Part 77	Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zones
FIRM	Flood Insurance Rate Map
FMMP	Farmland Mapping and Monitoring Program
GHG	Greenhouse Gas Emission
GHGRS	Greenhouse Gas Reduction Strategy
GWMP	Groundwater Management Plan
GWP	Global Warming Potential
Habitat Plan	Santa Clara Valley Habitat Plan/Natural Community Conservation Plan
HAZNET	Hazardous Waste Information System

HFC	Hydrofluorocarbon
HOV	High-Occupancy-Vehicle
HREC	Historical Recognized Environmental Condition
HRI	Historic Resources Inventory
HSWA	Federal Hazardous and Solid Waste Amendments
IP	Industrial Park
IWM	Integrated Watershed Management
IWMP	Integrated Waste Management Plan
L _{dn}	Average Equivalent Sound Level Over a 24 Hour Period
L _{eq}	Average Energy Level Intensity of Noise Over a Given Period of Time
LED	Light-Emitting Diode
LEED	Leadership in Energy and Environmental Design
LID	Low Impact Development
L _{max}	Maximum A-weighted noise level during a measurement period
LOS	Level of Service
LRA	Local Responsibility Area
LRT	Light Rail Transit
LUST	Leaking Underground Storage Tank
MBTA	Migratory Bird Treaty Act
mgd	Million Gallons per Day
MLD	Most Likely Descendant
MND	Mitigated Negative Declaration
MMTCO _{2e}	Million Metric Tons of Carbon Dioxide Equivalent
mpg	Miles per Gallon
Mph	Miles per Hour
MRF	Materials Recovery Facility
MRP	Municipal Regional Stormwater NPDES Permit
MT	Metric Tons
MTC	Metropolitan Transportation Commission
NAHC	Native American Heritage Commission
NCP	National Contingency Plan
NESHAP	National Emission Standards for Hazardous Air Pollutants
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act

NISL	Newby Island Landfill
NOD	Notice of Determination
NOI	Notice of Intent
NO _x	Nitrogen Oxides
NO ₂	Nitrogen Dioxide
N ₂ O	Nitrous Oxide
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NSJADP	North San José Area Development Policy
NSJFMS	North San José Floodplain Management Study
O ₃	Ozone
OITC	Outdoor-Indoor Transmission Class
OPR	California Governor's Office of Planning and Research
OSPH	Open Space, Parklands and Habitat
PBCE	Department of Planning, Building, and Code Enforcement
PCB	Polychlorinated Biphenyl
PD	Planned Development
PDA	Priority Development Area
PFC	Perfluorocarbon
PM _{2.5}	Fine Particulate Matter
PM ₁₀	Coarse Particulate Matter
ppm	Parts per Million
PPV	Peak Particle Velocity
RAP	Removal Action Workplan
RCRA	Resource Conservation and Recovery Act
REC	Recognized Environmental Condition
RHNA	Regional Housing Need Allocation
RMP	Risk Management Plan
ROG	Reactive Organic Gases
RWF	Regional Wastewater Facility
RWQCB	Regional Water Quality Control Board
R&D	Research and Development
SB	Senate Bill
SCCDEH	Santa Clara County Department of Environmental Health

SCIA	Sewer Capacity Impact Analysis
SCS	Sustainable Communities Strategy
SCUSD	Santa Clara Unified School District
SF ₆	Sulfur Hexafluoride
SFHA	Special Flood Hazard Area
SFPUC	San Francisco Public Utilities Commission
SHMA	Seismic Hazards Mapping Act
SJCE	San José Clean Energy
SJFD	San José Fire Department
SJMWS	San José Municipal Water System
SJPD	San José Police Department
SMARA	Surface Mining and Reclamation Act
SMGB	California State Mining and Geology Board
SMP	Soil Management Plan
SO _x	Sulfur Oxides
SR	State Route
SRA	State Responsibility Area
SSMP	Sewer System Management Plan
SSO	Sanitary Sewer Overflow
STC	Sound Transmission Class
SVOC	Semi-Volatile Organic Compounds
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	California State Water Resources Control Board
TAC	Toxic Air Contaminant
TCM	Treatment Control Measure
TCR	Tribal Cultural Resource
TDM	Transportation Demand Management
TEC	Transit Employment Center
TIA	Transportation Impact Analysis
Title 24	Building Energy Efficiency, Title 24, Part 6, California Code of Regulations
TMDL	Total Maximum Daily Load
TSCA	Toxic Substances Control Act
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service

UST	Underground Storage Tank
UWMP	Urban Water Management Plan
µg/m ³	Micrograms per Cubic Meter
Valley Water	Santa Clara Valley Water District
VdB	Vibration Decibels
VMT	Vehicle Miles Traveled
VOC	Volatile Organic Compound
VTa	Valley Transit Authority
Williamson Act	California Land Conservation Act
ZNC	Zero Net Carbon
ZNE	Zero Net Carbon Emissions