1605 South 7th Street Project

Public Review Draft

Draft Environmental Impact Report (Draft EIR)

File Nos. H24-031

SCH# 2024100562

Prepared by

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

November 2025

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EXECUTIVE SUMMARY

ES.1 Project Overview

The 1605 South 7th Street Project (Project) would demolish all six existing buildings onsite and construct a new concrete tilt-up warehouse/industrial use building with a supporting office area. The proposed warehouse would include approximately 36,613 square feet of external staging and loading area and approximately 106,752 square feet of industrial building area, including 8,694 square feet of incidental office use. The Project would be consistent with the General Plan land use designation of Heavy Industrial (HI) and zoning district of Heavy Industrial (HI). The Project is located at 1605 South 7th Street (APN:477-08-037), on the southern corner of East Alma Avenue and South 7th Street.

The following is a summary of the significant impacts and mitigation measures addressed within this Draft Environmental Impact Report (Draft EIR). The Project description and full discussion of impacts and mitigation measurescan be found in the following chapters of this Draft EIR.

ES.2 Summary of Significant Impacts

The following table, **Table ES 0-1: Summary of Significant Impacts and Mitigation Measures** summarizes the potentially significant effects of the Project on the environment and mitigation measures identified to reduce the effects to a less than significant level, where applicable and feasible. A significant effect on the environment means a substantial, or potentially substantial, adverse change on the environment. A discussion of impacts that are less than significant, or where the Project would have no impact, can be found in the text of Appendix B (Initial Study) of this Draft EIR.

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Table ES 0-1: Summary of Significant Impacts and Mitigation Measures

Significant Impacts	Mitigation Measures	Significance After Mitigation
Air Quality		
Impact AQ-1: During construction, NO_X would exceed the Bay Area Air District 54 lbs/day threshold by, at most, 13.59 lbs/day.	***AQ-1*** Prior to issuance of any demolition, grading, and/or building permits for each construction phase (whichever occurs earliest), the Project Applicant shall prepare and submit a construction operations plan that includes specifications of the equipment to be used during construction to the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement. ▪ All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall meet Tier 4 Final U.S. Environmental Protection Agency (EPA) particulate matter emissions standards. ▪ If Tier 4 Final equipment is not available, other measures may be substituted, including the use of added exhaust devices, alternatively fueled equipment, or a combination of measures, provided that these measures demonstrate reduction in impacts to a less than significant level, as verified by an air quality specialist, and approved by the City. ▪ The Construction operations plan prepared by the construction contractor shall outline how the contractor will comply with the measures outlined in this mitigation measure. The plan shall include, but not be limited to the following: o List of activities estimated timing. o Equipment that would be used for each activity. o Manufacturer's specifications for each equipment that provides the emissions level; or the manufacturer's specifications for devices that would be added to each piece of	Less than Significant

Significant Impacts	Mitigation Measures	Significance After Mitigation
	equipment to ensure the emissions level meet the thresholds in the mitigation measure. o How the construction contractor will ensure that the measures listed are monitored. Following compliance with the mitigations described above, the Project's NO_X emissions would be reduced to 11.95 lbs/day, at most, with Tier 4 Final equipment, which is below the 54 lbs/day Bay Area Air District threshold. If Tier 4 Final equipment is not available, NO_X emissions would be reduced to at least 54 lbs/day, as verified by an air quality specialist, and verified by the City.	
Biological Resources		
Impact BIO-1: Project tree removal could result in the loss of migratory birds and raptors or their nests should any be present during removal.	***BIO-1 Preconstruction Bird Surveys*** ▪ **Avoidance**: Prior to the issuance of any demolition, grading, tree removal, or building permits (whichever occurs first), the Project Applicant shall schedule tree removal, demolition, and construction activities to avoid the nesting season if feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31 (inclusive). ▪ **Nesting Bird Surveys:** If construction activities cannot be scheduled to occur 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 shall be disturbed during Project implementation. This survey shall be completed no more than 14 days prior to the initiation of tree removal, demolition, or construction activities during the breeding season. During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within 250 feet of the construction areas for nests. ▪ **Buffer Zones:** If an active nest is found within 250 feet of the work areas to be disturbed by tree removal, demolition, and construction (whichever occurs first), the qualified ornithologist shall determine the extent of a construction-free buffer zone to be established around the nest, (typically	Less than Significant

Significant Impacts	Mitigation Measures	Significance After Mitigation
	250 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during Project construction. The no-disturbance buffer shall remain in place until the ornithologist determines the nest is no longer active or the nesting season ends. If construction ceases for one week or more and then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present. ▪ **Reporting:** Prior to any tree removal and construction activities or issuance of any demolition, grading, or building permits (whichever occurs first), the qualified ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee. Implementation of the mitigations described above will reduce the impacts to nesting birds to less than significant.	
Noise		
Impact NOI-1: Construction of Project would last longer than 12 months and would result in a temporary increase in ambient noise levels in the vicinity of the project in excess of standards	**NOI-1 Construction Noise Logistics Plan** Prior to the issuance of any grading or building demolition permits, the project applicant shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The noise logistic plan shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee prior to the issuance of any grading or demolition permits. As a part of the construction noise logistics plan, construction activities for the project shall include, at a minimum, the following best management practices:	Less than Significant

Significant Impacts	Mitigation Measures	Significance After Mitigation
established in the City's General Plan and Zoning Ordinance.	i. Prohibit pile driving. ii. Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence (San José Municipal Code Section 20.100.450). Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of PBCE that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses. iii. Construct solid plywood fences or similar along the northwest boundary of the site adjacent to residences to shield adjacent residential land uses from ground-level construction equipment and activities. The temporary 8-foot noise barrier shall be solid over the face and at the base of the barrier in order to provide a 5 dBA noise reduction. iv. Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. v. Unnecessary idling of internal combustion engines shall be strictly prohibited. vi. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. vii. Utilize "quiet" air compressors and other stationary noise sources where technology exists. viii. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.	

Significant Impacts	Mitigation Measures	Significance After Mitigation
	ix. Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences. x. 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 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.	
Tribal Cultural Resources		
Impact TCR-1: The Project would cause a substantial adverse change in the significance of a tribal cultural resource should a previously unknown resource be encountered during ground disturbance activities.	**TCR-1 Tribal Cultural Resource Sensitivity Training.** Prior to issuance of the Grading Permit, the Project Applicant shall submit to the Director of Planning, Building and Code Enforcement or the Director's designee and a representative of Tamien Nation the proposed Cultural Resources Awareness Training materials and a plan to deliver the training to Project construction personnel prior to the start ground disturbance. The training shall be facilitated by the project archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commissions for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3.v. **TCR-2 Monitoring.** A qualified Native American monitor, registered with the Native American Heritage Commission for the City of San Jose and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, and a qualified archeologist shall be present during Project ground disturbing activities. The Native American monitor and qualified archaeologist shall have authority to halt	Less than Significant

Significant Impacts	Mitigation Measures	Significance After Mitigation
	construction activities temporarily in the immediate vicinity of an unanticipated find consistent with the Subsurface Cultural Resources and Human Standard Permit Conditions.	

ES.3 Cumulative Impacts

The Project would not result in significant and unavoidable cumulative impacts. Please see Section 4.0 for a complete analysis

ES.4 Project Objectives

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15124, an EIR must identify the objectives sought by the Project. The objectives of the Project are to:

1. Contribute to the economy of the region and the City of San José by creating employment opportunities through the productive reuse of a vacated parcel.
2. Provide a productive industrial use of currently underutilized industrial land to help meet the unmet regional demand for goods delivery services consistent with Envision San José 2040 General Plan Policy LU-6.4.
3. Redevelop an existing industrial site in close proximity to designated primary truck routes and the State highway system that is serviced by adequate existing infrastructure (e.g., roadways and utilities).
4. Reduce the vehicle miles traveled for goods delivery to the City of San José and surrounding communities.
5. Attract new businesses to the City of San José and thereby improve the jobs-housing balance in the area.
6. Construct a new building that complies with updated State and City sustainability and green building standards, achieving greater on-site operational energy efficiency than the existing building built under earlier, less rigorous standards.
7. Provide a warehouse and parking lot that is large enough to accommodate the needs of the last mile delivery supply chain in the greater San José area in a location that is convenient for employees and located near delivery customers.
8. Facilitate multimodal transportation opportunities within the Project area through the improvement of existing bike lanes.

ES.5 Summary of Alternatives to the Proposed Project

CEQA requires that an EIR identify alternatives to the Project as proposed. CEQA Guidelines Section 15126.6 specifies that an EIR identify alternatives which "would feasibly attain most of the basic objectives of the Project and could avoid or substantially lessen one or more of the significant effects" of the Project. Below is a summary of the Project alternatives. A full analysis of the Project alternatives is provided in Section 8.0 of this Draft EIR, including additional alternatives that were considered and rejected from further consideration.

A. NO PROJECT ALTERNATIVE

The CEQA Guidelines Section 15126.6(e) requires that an EIR specifically discuss a "No Project" alternative, which shall address both "the existing conditions. . . as well as what would be reasonably expected to occur in the foreseeable future if the Project is not approved, based on current plans and consistent with available infrastructure and community services."

The No Project Alternative would not result in development on the Project site. If the Project site were to remain as is, there would be no new impacts.

B. REDUCED SIZE ALTERNATIVE

The Reduced Size Alternative considers the development of a warehouse with its building size reduced to shorten the construction period for Project development. Under this alternative, impacts to biological resources and cultural resources, including tribal resources would not be avoided. Impacts to construction period air quality and construction noise duration are anticipated to be less than those associated with the Project due to the reduction in warehouse square footage.

C. MANUFACTURING USE ALTERNATIVE

The Manufacturing Use Alternative considers developing a manufacturing use of similar structural footprint on the Project site, consistent with the permitted uses in the Project site's General Plan land use designation. Under this alternative, impacts to construction-period air quality and noise, biological resources, and cultural resources, including tribal resources, would not be avoided or minimized. Further, operation of a manufacturing facility on the Project site would potentially increase impacts related to air quality and hazards and hazardous materials due to odorous and hazardous characteristics related to intensive manufacturing processes.

D. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The environmentally superior alternative is the No Project Alternative as no new impacts would occur. However, CEQA Guidelines state that if the environmentally superior alternative is the No Project Alternative, the EIR shall identify an environmentally superior alternative among the other alternatives. As such, the environmentally superior alternative is the Reduced Size Alternative as it would reduce impacts to construction period air quality and noise due the reduction in warehouse square footage. However, this alternative would not achieve all Project Objectives.

SECTION 1.0 INTRODUCTION

The City of San José (City), as the Lead Agency, has prepared this Draft Environmental Impact Report (Draft EIR) for the 1605 South 7th Street Project (Project, or proposed Project) in compliance with the CEQA Statute (Pub. Res. Code Sections 21000-21189.91) and the CEQA Guidelines (CCR Title 14, Chapter 3, Sections 15000-15387).

As described in CEQA Guidelines Section 15121(a), an EIR is an informational document that assesses potential environmental impacts of a project, as well as identifies mitigation measures and alternatives to a project that could reduce or avoid adverse environmental impacts. As the CEQA Lead Agency for

this Project, the City is required to consider the information in the EIR along with any other available information in deciding whether to approve or deny the Project. The basic requirements for an EIR include discussions of the environmental setting, environmental impacts, mitigation measures, cumulative impacts, alternatives, and growth-inducing impacts. It is not the intent of an EIR to recommend either approval or denial of a project.

1.1 Purpose and Intended Use of this EIR

This Draft EIR has been prepared to evaluate the environmental consequences that may result from implementation of the Project. This Draft EIR provides an evaluation of the Project at a project-level pursuant to the CEQA Guidelines Sections 15161. According to Section 15161 of the CEQA Guidelines, a project-level EIR is appropriate for specific development projects and should examine all phases of the project, including planning, construction, and operation.

CEQA requires the Lead Agency to consider the information contained in the EIR prior to taking any discretionary action. This Draft EIR provides information to the Lead Agency and other public agencies, the general public, and decision makers regarding the potential environmental impacts from the construction and operation of the Project. The purpose of the public review of the Draft EIR is to evaluate the adequacy of the environmental information in a transparent and publicly available setting. Section 15151 of the CEQA Guidelines states the following regarding standards by which adequacy is judged:

> *An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among the experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.*

Under CEQA, "[t]he purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the proposed project, and to indicate the manner in which those significant effects can be mitigated or avoided" (Pub. Res. Code Section 21002.1[a]). An EIR is the most comprehensive form of environmental documentation identified in the CEQA Guidelines and provides the information needed to assess the environmental consequences of a proposed project. EIRs are intended to provide an objective, factually supported, full-disclosure analysis of the environmental consequences associated with a proposed project that has the potential to result in significant, adverse environmental impacts.

As required by CEQA Guidelines Section 15128, this Draft EIR must identify any effects of the Project determined to be significant. Section 3.0, Environmental Analysis, of this Draft EIR identifies the subject matter that is the focus of analysis, and also identifies where certain environmental issues will have potential impacts from the Project.

1.2 Focusing the Draft EIR

The City prepared an Initial Study, which is included as Appendix B of this document, that evaluates environmental resource areas with no impacts or less than significant impacts. The issues of aesthetics, agriculture and forestry resources, energy, geology and soils, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, utilities and service systems, and wildfire were analyzed in the Initial Study and determined to have no impact or a less than significant impact. As such, these impact areas are not addressed further in this Draft EIR. The body of this Draft EIR focuses on the environmental resource areas with the potential to have a significant environmental effect. The following impacts could be potentially significant: air quality, biological resources, cultural resources, greenhouse gas emissions, hazards and hazardous materials, noise and vibration, transportation, and tribal cultural resources.

1.3 EIR Process

NOTICE OF PREPARATION AND SCOPING MEETING

In accordance with Section 15082 of the CEQA Guidelines, the City of San José prepared a Notice of Preparation (NOP) for this EIR. The NOP was circulated to the public and responsible agencies for input for a 30-day comment period, from October 14, 2024 to November 13, 2024. The NOP provided a general description of the Project and identified possible environmental impacts that could result from implementation of the Project.

Comments were received from individuals, organizations, and agencies as written comments via email. Concerns raised in response to the NOP were considered during preparation of the EIR and are addressed throughout the individual sections of this EIR. The NOP and copies of all written comment letters received are provided in Appendix A of this EIR. **Table 1.3-2: Summary of Comments on the Notice of Preparation and Comment Letters** summarizes the comment letters received during the NOP process and provides a reference, as applicable, to the section(s) of this EIR where the issues are addressed.

Table 1.3-1: Summary of Comments on the Notice of Preparation and Comment Letters

Commenter	Date	Summary of Comments
Aurelia Sanchez	October 24, 2024	• Notes that truck traffic on South 7th Street creates noise and smog that impacts resident's health • Requests noise and air pollution study to be conducted for the proposed development See **Section 3.1 Air Quality** and **Section 3.6 Noise and Vibration**
Aurelia Sanchez	October 29, 2024	• Requests information on the number of employees anticipated for the Project and the number of trips associated with Project operations

Commenter	Date	Summary of Comments
		See **Section 3.1 Air Quality** and **Section 3.7 Transportation**
Patrick Thomas	October 29, 2024	• Notes that the proposed development will likely cause increased traffic volumes, lower levels of service, and reduced traffic safety • Notes increased concerns regarding structural integrity of neighborhood structures due to noise and vibration impacts, as well as degraded air quality for nearby residents resulting from vehicle emissions and particulate matter • Notes that the proposed development may decrease property values in the Project area and increase risks for vehicle accidents See **Section 3.1 Air Quality**, **Section 3.6 Noise and Vibration**, and **Section 3.7 Transportation**
California Department of Transportation (Caltrans)	November 12, 2024	• Provides reference to how Caltrans evaluates the analysis of Vehicle Miles Traveled • Notes that construction-related work requiring oversized or excessive load vehicles on State requires transportation permits See **Section 3.7 Transportation**
Pacific Gas and Electric Company (PG&E)	November 12, 2024	• Notes the proposed improvements will require relocation of existing PG&E facilities and coordination with PG&E will be required. **See Appendix B, Initial Study**
Santa Clara Valley Water District	November 12, 2024	• Requests that the EIR should assess wells on the Project site, potential hazardous materials generated during operational activities, and potential impacts to groundwater. See **Section 3.5 Hazards and Hazardous Materials,** and **Appendix B, Initial Study**

Commenter	Date	Summary of Comments
Jordan Moldow	November 13, 2024	• Requests that the EIR study Vehicle Miles Traveled in the Project area and throughout the City, vehicle emissions, and traffic safety • Requests that the EIR study the impacts of the proposed development on Biological Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Public Services, Recreation, and Utilities and Service Systems • Requests the study of negative impacts new parking lots on the Project site will have on Coyote Creek • Notes that the intersection of South 7th Street and East Alma Avenue and the area around the proposed development should be studied for bicyclist and pedestrian safety • Requests that Recreation and Public Services impacts be studied, as well as the opportunity cost of not developing the site into a new public park • Requests the study and maintenance or construction of existing and proposed Class IV bikeways in the Project area as identified in the Better Bike Plan 2025 • Requests the specific analysis of impacts on census tracts 5031.22, 5031.05, 5032.21, and 5032.13 based on their Equity Atlas Score • Encourages the analysis of the Project to utilize Caltrans' Transportation Equity Index for studying Transportation-Based Priority Populations • Notes bicycle parking should be secure bicycle parking per the City's municipal code • Requests the Project objective related to traffic circulation be amended to be aligned with broader environmental and equity goals • Requests the use of a holistic travel demand model when analyzing the Project

Commenter	Date	Summary of Comments
		• Notes that the parking lot design must comply with the City's latest policies regarding electric vehicles • See **Section 3.1 Air Quality**, **Section 3.2 Biological Resources**, **Section 3.4 Greenhouse Gas Emissions**, **Section 3.5 Hazards and Hazardous Materials**, **Section 3.7 Transportation**, and **Appendix B, Initial Study**

Pursuant to the CEQA Statute Section 21083.9, the lead agency shall have at least one scoping meeting for projects of statewide, regional, or areawide significance. A scoping meeting is for jurisdictional agencies and interested persons or groups to provide comments regarding, but not limited to, the range of actions, alternatives, and environmental effects to be analyzed. The City held a virtual public scoping meeting on October 28, 2024, to discuss the Project and solicit public input as to the scope and contents of this EIR. Additional comments were heard at the public scoping meeting. **Table 1.3-2: Summary of Comments Received at the NOP Scoping Meeting** below summarizes the verbal comments received during the NOP Scoping Meeting and provides a reference, as applicable, to the section(s) of this EIR where the issues are addressed.

Table 1.3-2: Summary of Comments Received at the NOP Scoping Meeting

Commenter	Summary of Comments
Aurelia Sanchez	• Raises concern for truck routes within the Project area in relation to noise and air quality emissions generated from vehicle use See **Section 3.1 Air Quality**, **Section 3.6 Noise and Vibration**, and **Section 3.7 Transportation**
Carol Mowatt	• Notes that the proposed development would contribute to noise and air pollution • Expresses concerns for equity, health of families and children, trees, and truck noise See **Section 3.1 Air Quality**, **Section 3.2 Biological Resources**, **Section 3.6 Noise and Vibration**, and **Section 3.7 Transportation**
Carpenters Local Union 405	• Advocates that future construction activity related to this development comply with local hire and responsible bidder requirements and labor standards • Encourages local hiring for Project construction and operation
Ian Mowat	• Requests information on truck routes associated with Project activities

Commenter	Summary of Comments
	• Requests details on existing air quality monitoring and air quality impacts to children and athletes • Requests explanation of how traffic volume relates to pollution and how pollution from traffic can potentially be mitigated • See **Section 3.1 Air Quality** and **Section 3.7 Transportation**

This Draft EIR addresses the potential environmental effects of the Project and was prepared considering the input from the public and the responsible and affected agencies received through the EIR scoping process.

DRAFT EIR PUBLIC REVIEW AND COMMENT PERIOD

Publication of this Draft EIR will mark the beginning of a 45-day public review and comment period. During this period, the Draft EIR will be available to local, state, and federal agencies and to interested organizations and individuals for review and comment. Notice of the availability and completion of this Draft EIR will be sent directly to every agency, person, and organization that provided comment(s) on the NOP, as well as the Office of Land Use and Climate Innovation (LCI) per AB 819 ((Revised Pub. Resources Code, §§ 21080.4(a), 21082.1(c), 21091(a), 21092(b)(3), 21092.2(d), 21092.3, 21108(d), 21152(c), (d) and 21161.).

Written comments concerning the environmental review contained in this Draft EIR during the 45-day public review period should be sent to:

City of San José
Department of Planning, Building, & Code Enforcement
Bethelhem Telahun, Planner I
200 E. Santa Clara Street, Tower 3rd Floor
San José, CA 95113-1905
Bethelhem.Telahun@sanjoseca.gov

This Draft EIR and all documents referenced in it are available for public review at the Department of Planning, Building and Code Enforcement at San José City Hall, located at 200 E. Santa Clara Street, Tower 3rd floor, during normal business hours (8AM to 5PM), at the Martin Luther King, Jr. library in downtown San José, and at the Biblioteca Latinoamericana Branch library approximately 0.6 mile northwest of the Project site. These documents are also available for review online here:

https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/1605-south-7th-street-project

FINAL EIR AND RESPONSES TO COMMENTS

Following the conclusion of the 45-day public review period, the City of San José will prepare a Final Environmental Impact Report (Final EIR) in conformance with CEQA Guidelines Section 15132. The Final EIR will consist of the following: revisions to the Draft EIR text, as necessary; list of individuals and agencies commenting on the Draft EIR; responses to comments received on the Draft EIR, in accordance with CEQA Guidelines (Section 15088); and copies of letters received on the Draft EIR.

NOTICE OF DETERMINATION

If the Project is approved, the City of San José will file a Notice of Determination, which will be available for public inspection at the County Clerk's Office for 30 days. The filing of the Notice of Determination starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15094(g)).

SECTION 2.0 PROJECT INFORMATION AND DESCRIPTION

2.1 Existing Project Site

The Project site is located at 1605 South 7th Street (APN: 477-08-037) in the City of San José within Santa Clara County, California. See **Figure 2.3-1:Regional Map**. The 17.63-acre Project site is located on the southern corner of the intersection of East Alma Avenue and South 7th Street. The Project site is bounded by East Alma Avenue to the north, South 7th Street to the east, Valley Services to the south, and the Sun Garden Shopping Center to the west.

The Project site is developed with six existing buildings. Specifically, the Project site is currently developed with a main multi-unit warehouse building and five smaller buildings, as described below:

- One (1) two-story, 279,030-square foot main industrial building,
- One (1) approximately 8,040-square-foot two-story building,
- One (1) approximately 8,040-square-foot one-story building,
- One (1) approximately 2,340-square-foot one-story building,
- One (1) approximately 4,000-square-foot one-story building,
- One (1) approximately 3,220-square-foot one-story building.

The existing main multi-unit warehouse building is located on the western half of the parcel, with the additional five buildings located on the southern and eastern portions of the Project site. Loading docks are located along the southern part of the main industrial building. Surface parking is available on the northern half of the Project site and truck parking is available in the northeast of the Project site. The Project site has existing landscaping along the northern and eastern site boundaries and there are 36 trees located throughout the Project site of various size and species. The majority of the site is paved and/or improved with industrial buildings. Access to the Project site is currently provided via five driveways, two driveways from East Alma Avenue and three driveways from South 7th Street. The Project site also has existing perimeter fencing, lighting, and other improvements typical of industrial and manufacturing use in an urban setting. The Project site is designated Heavy Industrial (HI) in the City of San José's *Envision San José 2040 General Plan* (General Plan), which allows for warehousing and distribution uses, and zoned as Heavy Industrial (HI), which allows for a warehouse/distribution facility.

Under existing conditions, all six existing buildings are vacant and unoccupied. All uses ceased operation by 2021. The Project site was formerly occupied by several tenants, including Piedmont Moving Systems (moving, storage, and transport services), Excess Solutions (electronics retailer), Miller Recycling (recycling storage services), Excess Solutions (electronics shop), Amberwood Products (cabinetry manufacturer, storage, and offices), Speedyskunk Performance & Restoration (automobile repair shop), iCelebrate Event Rentals (party rentals), Fence 4 Rent (fence rentals), DiMattia Construction (fencing and storage yard), James Moore studios (art studio), and Alano Club West (office).

This Draft EIR utilizes the existing conditions at the time of NOP publishing to establish the baseline conditions, consistent with CEQA Guidelines Section 15125(a)(1). This baseline is conservative because

the existing buildings could be re-occupied, by-right, with permitted uses in the future. While the buildings are currently vacant, the site has historically been occupied and could readily become fully occupied again without any discretionary approvals. Nonetheless, the baseline for this EIR is existing conditions at the time the NOP was circulated and the baseline conditions in this EIR consider that the Project site is vacant.

2.2 Project Site Vicinity

The Project site is located in an urban area with a mix of surrounding uses including commercial, office, and industrial uses. See **Figure 2.3-2: Vicinity Map**. Across East Alma Avenue to the north the Project site is bound by warehouse storage, offices, and parking lots, across South 7th Street to the east a construction company, industrial buildings, and surface parking; a recycling center to the south; and commercial uses, including Sun Garden Shopping Center, to the west. Additionally, the San José State football stadium (CEFCU Stadium) and a variety of San José State University sports fields are located to the northeast. The nearest residential uses are located approximately 800 feet west of the Project site.

Interstate 280 (I-280) runs in an east-west orientation and is located approximately 0.7 mile north of the Project site at its nearest point. State Route 87 (SR 87, or the "Guadalupe Freeway") runs in a north-south orientation and is located approximately 0.8 mile to the west at its nearest point. The nearest transit stop is the Alma and 1st bus stop located approximately 0.2 mile to the west. The nearest Valley Transportation Authority (VTA) light rail station is the Virginia Station which is located approximately 1.1 miles to the northwest of the Project site.

2.3 Proposed Project Development

The Project would construct an approximately 106,752-square-foot new one-story concrete tilt-up warehouse/industrial use building. See **Figure 2.3-3: Project Site Plan**. The exterior of the building would be painted in shades of white, grey, and blue. Identification signage would be installed on the north and south elevations. Metal accent features would be installed at the main building entrance and an approximately 36,613 square-foot prefabricated canopy structure would be installed over the loading zone along the east elevation. The maximum height of the building would be 46 feet. **Figure 2.3-4: Project Elevations,** illustrates the proposed architectural elevations. Approximately 8,694 square feet of the total 106,752-square-foot building would be incidental office use. The office space would be equipped with bathrooms and a changing room, and one (1) shower. The Project would include nine (9) loading docks for trucks in the southwestern corner of the new building and 45 van loading and 45 van queuing stalls the east of the building.

PARKING AND CIRCULATION

Four access driveways would provide ingress and egress to the Project site compared to the existing conditions which has five driveways. One access driveway would be 26 feet wide and located at the northwestern corner of the site, providing access from East Alma Avenue. The other three driveways would be located along the eastern site boundary, providing access from South 7th Street. All trucks would access the Project site from the southernmost driveway on South 7th Street.

The Project would provide approximately 178 employee parking stalls, 10 accessible stalls, 413 van

parking stalls, 18 electric vehicle(EV) parking stalls, 72 EV capable stalls with the ability support future EV equipment, 18 bicycle parking stalls, and 5 motorcycle parking stalls. Employee parking would be located north of the warehouse building and would be accessed via the driveway on East Alma Avenue. The primary pedestrian entrance to the building would be provided from the employee parking area on the north side of the building. See Figure 2.3-5: Project Renderings and Figure 2.3-6: Site Circulation.

Van parking would be located along the eastern and southern portions of the Project site. Van queuing would occur under the exterior prefabricated canopy on the eastern façade of the proposed building. Truck loading would occur at the nine loading docks on the southern façade of the proposed building. After being loaded, it is anticipated that some trucks exiting the Project site would travel north along South 7th Street to get to Interstate 280 between the hours of 6 A.M. and 8 P.M., while the remaining trucks would travel south to reach State Route 87 using South 7th Street, Phelan Avenue, Monterey Road, West Alma Avenue, and Curtner Avenue. Refer to **Figure 2.3-7: Project Truck Routes** for a map of anticipated truck routes associated with the Project. The General Plan identifies primary truck routes within the City. All truck routes in **Figure 2.3-7: Project Truck Routes** are along the primary truck routes identified by the City's General Plan.[1]

Effective April 10, 2023, the City no longer mandates minimum parking requirements for development proposals. Instead, per the City's Municipal Code Section 20.90, a Transportation Demand Management (TDM) Plan is required for non-exempt projects. The Project would be subject to the TDM Plan requirement. As part of the Project's TDM Plan, the Project would provide monetary contributions to bike network improvements, transit network improvements, and pedestrian network improvements. The Project would contribute the applicable fee for each improvement to achieve the requisite TDM points required per Table 20-190 in the City's Municipal Code.

The Project would include a variance application related to the City's design requirements for fire apparatus access roads. The City requires that all exterior walls of the first story of a building are within 150 feet from the access road measured along the path of travel, which is measured from the building overhang to the property line. A section of the northeastern corner of the proposed building would exceed the 150 feet maximum travel distance. As such, a variance application would be included as part of the Project to propose alternate means and methods related to the fire sprinkler design which would offset any additional risk by exceeding the 150 feet maximum distance.

LANDSCAPE PLAN

The proposed landscaping plan and plant palette is provided as **Figure 2.3-8: Landscape Plan**. The Project site currently has mature landscape vegetation including trees and various shrubs along the site boundary. Project implementation would remove existing vegetation on site, including 36 trees. A total of 179 new shade, accent, and street trees are proposed to be planted by the Project, all a minimum 15-gallon size. Fifty-five (55) trees would be planted within the employee parking lot area in compliance with the City

[1] City of San José. Envision San José 2040 General Plan Primary Truck Routes Diagram. Available at: https://sj-admin.s3-us-west-2.amazonaws.com/2011_GPTruckRoutes.pdf. Accessed March 17, 2025.

municipal code requirement of one (1) tree for every four (4) parking spaces. In addition, the proposed shade trees are intended to comply with the new California Green Building Standards Code (CalGreen) regulations, which require trees to provide a minimum 50 percent shade coverage within the parking lot, including a minimum 20 percent shade coverage at abutting landscape and hardscape areas within 15 years. Additional landscaping along street frontages and within the Project site interior will consist predominately of drought-tolerant species adapted to both local and regional climate conditions. Several plant species have been selected to provide reliable screen planting at new and existing above grade utility locations. The Project would include limited use and storage of hazardous materials and substances such as cleaners, paints, solvents, and fertilizers and pesticides for site landscaping.

The Project would install a water efficient low flow, point source system designed to provide adequate watering to support plant growth and ensure deeply rooted plant material while avoiding excess water application. The system will be programmable, allowing operation during late night and or early morning hours, with multiple start times and cycles. The system will interface with a weather-based sensor that will adjust the amount of water applied to the plant material based on daily weather conditions. Irrigation materials specified for the site would be selected on the basis of durability and ease of maintenance. Landscape irrigation would comply with the California Department of Water Resources Model Water Efficient Landscape Ordinance.

UTILITY INFRASTRUCTURE

Project implementation would require construction of on-site utility infrastructure to serve the proposed warehouse building. The Project would connect proposed utilities to existing off-site utility infrastructure in adjacent roadways, with the final sizing and design occurring during final building design and plan review. Refer to **Figure 2.3-9: Utility Plan** for an illustration of Project utilities.

Water. The Project site is within the San José Water's jurisdictional boundaries. Although the Project site has existing connections to the utility system, the Project would provide new eight-inch connections to the existing municipal water system for a fire water connection in the northwestern corner of the Project site, in addition to one two-inch irrigation water connection, one four-inch irrigation water connection in landscaped areas and another eight-inch fire water connection in the southeastern corner of the Project site.

Sewer. The City of San José's Environmental Services Department provides sewer utility services to the Project site, and wastewater treatment occurs at the San José-Santa Clara Regional Wastewater Facility. The Project would utilize the existing six inch sanitary sewer connections along South 7th Street.

Stormwater. The Project proposes biotreatment as the primary stormwater quality treatment control measure. Stormwater treatment planters/detention areas would be located at various points along the perimeter of the Project site and within the parking lot. Understory plant materials within the engineered Storm Water Treatment Planters shall conform to the plant material recommendations provided in the California Stormwater (C.3) Technical Guide. The Project would connect to one existing 24-inch storm drain connection on South 7th Street and two existing 15-inch storm drain connections on East Alma

Avenue. Additionally, the Project would propose a new 24-inch connection and storm drain manhole on South 7th Street, adjacent to the middle driveway on the Project site.

Dry Utilities. The Pacific Gas and Electric Company (PG&E) is the electricity provider for the Project site. As of 2023, PG&E's electricity mix was 100 percent carbon-free and entirely greenhouse gas free.[2] The Project would connect to existing electrical connections on the Project site and would be served by PG&E.

Solid Waste Management. Republic Services provides solid waste collection and provides recycling services to the Project site. Project construction and demolition waste would be diverted to meet City requirements of recycling at least 75 percent of construction and demolition waste. The Project would provide covered trash enclosures throughout the site.

SUSTAINABILITY FEATURES

The Project would be designed to meet LEED Silver performance standards, consistent with San José Green Building policies. The Project would provide sustainability features such as a solar-ready roof, EV charging stations for employee vehicles, and EV readiness for the potential future electrification of truck fleets as feasible. Additionally, the Project would be designed to achieve net zero carbon through low embodied carbon building materials, natural/low global warming potential refrigerants, smart building technology, and no on-site combustion.

OFF-SITE IMPROVEMENTS

To accommodate the required off-site improvements, the Project would include reconstruction and resurfacing of the roadway along the Project frontage of East Alma Avenue and South 7th Street to a maximum depth of 3 feet. Striping would be re-installed in these locations, as necessary. The Project would also install new street lights along the Project site frontage on East Alma Avenue and South 7th Street.

Along East Alma Avenue, the Project applicant would replace the existing sidewalk with a 10 foot sidewalk along the entirety of the northern Project site frontage. New landscaping, including street trees and associated irrigation, would be installed along the reconstructed sidewalk.

On South 7th Street, the Project applicant would replace the existing sidewalk immediately adjacent to the Project site with a 10-foot sidewalk. Additionally, the Project would replace the existing Class II bike lane along the South 7th Street Project site frontage with a 7-foot-wide Class IV protected bike lane. The bike lane would be separated from the roadway by a 5-foot park strip with raised concrete, new planted trees, landscaped planters, and associated irrigation. Bicycle marking striping would be installed along the entirety of the improved bicycle lane and bicycle crossings would be striped where the bicycle lane intersects with the Project driveways on South 7th Street. Additionally, utility connections including fire, domestic water, storm drain laterals, sanitary sewer laterals, and a 3-inch fiber conduit would be

[2] Pacific Gas & Electric Company. 2023 Content Power Label. Available at: https://www.pge.com/assets/pge/docs/account/billing-and-assistance/bill-inserts/1224-power-content-label.pdf. Accessed March 12, 2025.

implemented along the South 7th Street frontage.

PROJECT CONSTRUCTION

Construction of the Project is expected to commence in July 2026 and last for approximately 17 months, ending in early December 2027. A maximum of 38 daily construction worker trips and 15 daily vendor trips are anticipated during Project construction. No nighttime construction is anticipated. Refer to **Table 2.3-1: Project Construction Schedule** below for a summary of the construction schedule for the Project.

Table 2.3-1: Project Construction Schedule

Phase Name	Start Date	End Date	Work Days
Demolition	7/1/2026	10/1/2026	67
Site Preparation	10/2/2026	1/1/2027	66
Grading	10/2/2026	4/1/2027	130
Building Construction	11/2/2026	10/1/2027	240
Paving	7/1/2027	12/1/2027	110
Architectural Coating	6/1/2027	12/1/2027	132

Demolition. Project demolition is anticipated to begin in July 2026 and last approximately three months. The Project proposes to demolish all existing buildings onsite, resulting in the demolition of approximately 304,670 square feet of buildings. Specifically, the following buildings would be demolished: the 279,030-square-foot two-story metal building, the one 8,040-square-foot two-story metal building, the one 8,040-square-foot one-story metal building, the 2,340-square-foot one-story metal building, the 4,000-square-foot one-story metal building, and the 3,220-square-foot one-story metal building. Demolition would include the use of excavators, rubber tired dozers, and concrete/industrial saws.

Site Preparation. Site preparation for the Project is anticipated to begin in October 2026 and last approximately three months. The Project would also demolish associated concrete pavement, asphalt pavement, curbs, storm drain structures, water lines and associated valves, gas lines and associated structures, electrical lines and structures, and a driveway. Removal of 36 trees would be required as part of the Project. Site preparation would include the use of rubber tired dozers and tractors, loaders, and backhoes.

Grading. Project grading is anticipated to begin in October 2026 and last approximately six months. Approximately 3,000 cubic yards of soil are expected to be exported from the Project site. The distance for soil hauling is anticipated to be up to 20 miles per trip. Grading would require the use of graders, excavators, scrapers, rubber tired dozers, and tractors, loaders, and backhoes.

Building Construction, Paving and Architectural Coating. Building construction is anticipated to begin in November 2026 and last for approximately 11 months. Paving and architectural coating would occur later on in building construction and would last until December 2027.

PROJECT OPERATIONS

The Project is designed and proposed as a "last mile" e-commerce distribution center (delivery facility). It is anticipated that the Project would be operated by a single tenant for their business operations. Delivery facilities support the last mile of the tenant's order fulfillment process and help to expedite local deliveries for customers. Packages would be transported to the Project site via line haul trailer trucks from separate tenant fulfillment and sortation centers and would then be sorted, picked, and loaded into delivery vans on the Project site. Project operations would include the use of two forklifts.

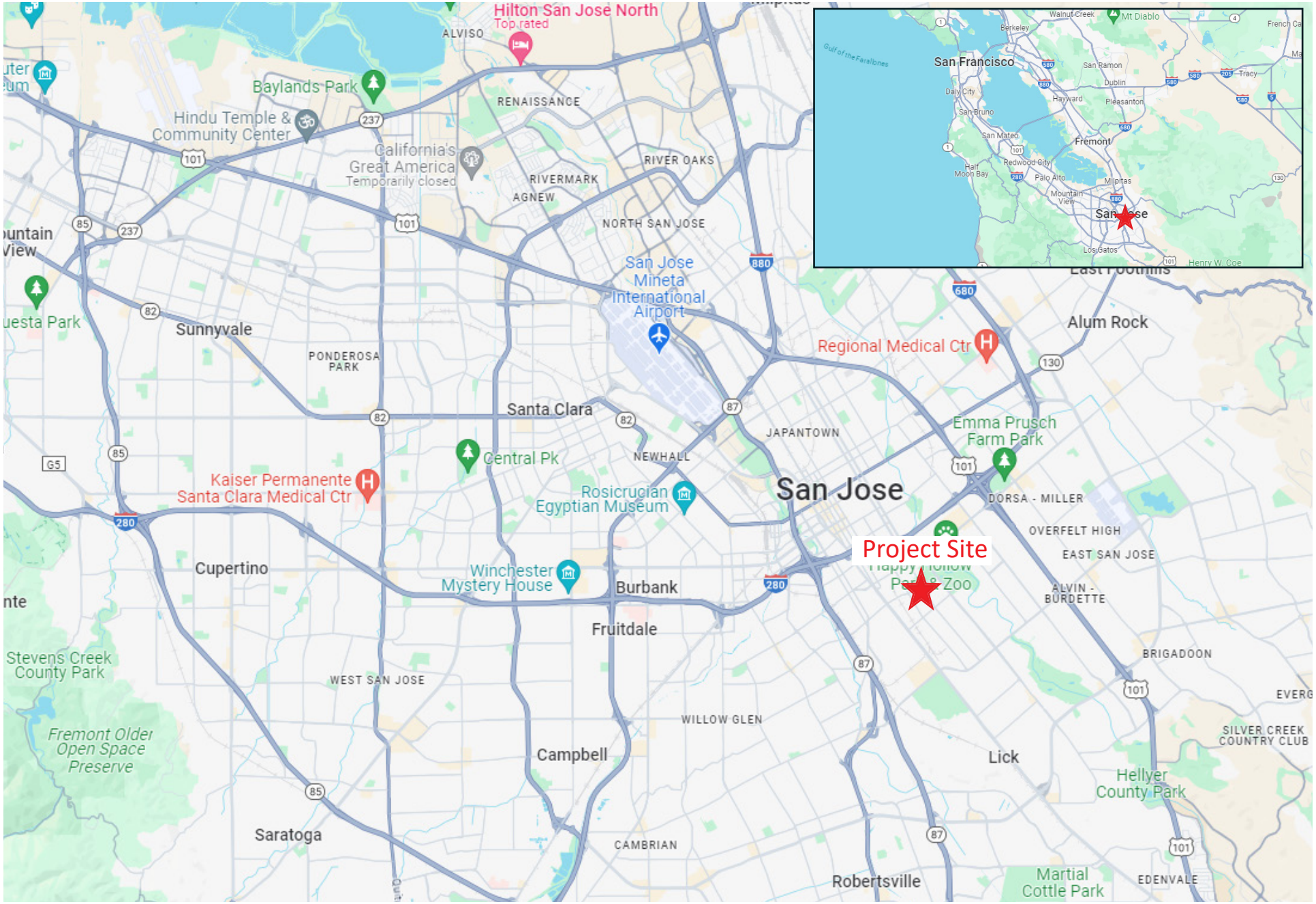
The Project is anticipated operate 24/7 to support delivery of packages to customer locations between 10:00 AM and 9:30 PM. At this facility, a total of 52 daily truck trips are expected to deliver packages to the Project site each day, between 12:00 AM and 7:00 AM. The customer packages would be unloaded from haul trucks, sorted based on the delivery routes, placed onto movable racks and staged for dispatch. While the exact service area is not explicitly defined, the tenant would operate the delivery facility in order to provide expedited delivery to the local market (e.g., San José, Campbell, Los Gatos, Scotts Valley, Santa Cruz).

In order to operate the delivery facility, the Project Applicant anticipates approximately 600 workers would be hired; however, the total daily workers onsite would not exceed 400 workers. The majority of the Project employees would arrive and depart between 1:20 AM and 1:50 PM. Other Project employees would arrive between 5:40 AM to 10:45 PM. Delivery vans are anticipated to arrive at the delivery facility between 9:30 AM and 12:00 PM. During this time, approximately 265 delivery vans will load and depart from the Project site at an average rate of approximately 53 vans every 30 minutes to facilitate a regulated traffic flow into the surrounding area. The departure window is designed to avoid peak period of local traffic. Approximately 8 to 12 hours after dispatch, the vans would complete delivery routes and return to the station between 8:00 PM and 10:30 PM. The drivers would park the delivery van onsite and leave using a personal vehicle or public transportation.

Project operation would also involve independent contractors delivering packages from this location. It is anticipated that approximately 75 traditional passenger vehicles, associated with the independent contractors, would enter the delivery facility, staggered between 4:30 PM and 5:30 PM.

In total, the Project is expected to generate a baseline total of 1,588 trips per day.

Long-term operation of the Project would involve the transport, storage, use, and disposal of limited quantities of hazardous materials related to parcel delivery facility operations, such as parcel arrival and dispatch, truck circulation, and landscape maintenance. Hazardous materials may include solvents and commercial cleansers for building maintenance and the limited use of pesticides and herbicides for landscape maintenance. Trucks accessing the facility would contain engine fuels and lubricants.



Source: Google Earth, 2024

Figure 2.3-1: Regional Map

1605 South 7th Street Project
Draft Environmental Impact Report

Not to scale

Kimley»Horn



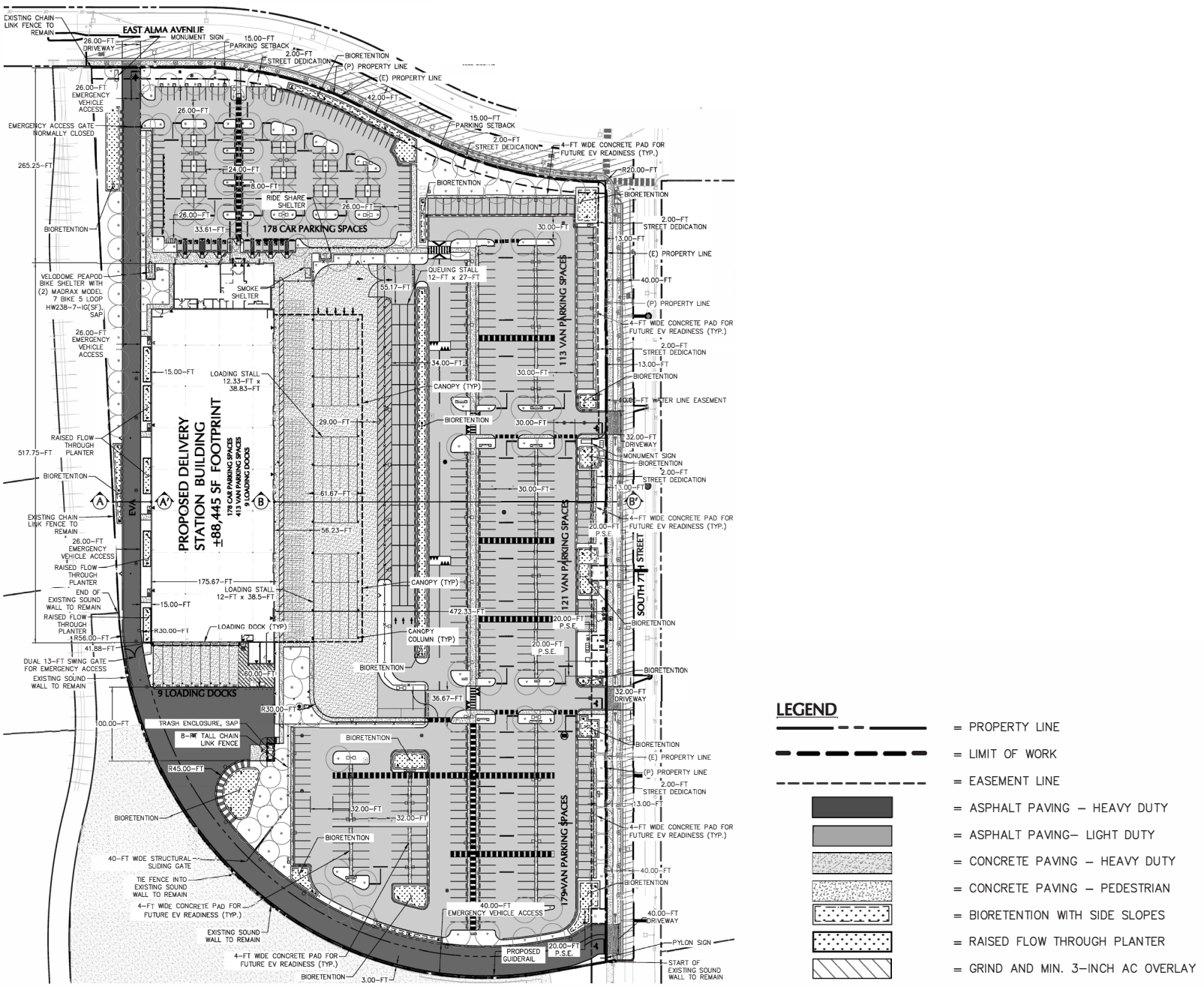
Source: Nearmap, 2024

Figure 2.3-2: Vicinity Map

1605 South 7th Street Project
Draft Environmental Impact Report

Not to scale

Kimley»Horn



Source: Langan, 2025

Figure 2.3-3: Project Site Plan

1605 South 7th Street Project

Draft Environmental Impact Report

Not to scale

Kimley»Horn



Source: MG2, 2025

Figure 2.3-4: Project Elevations

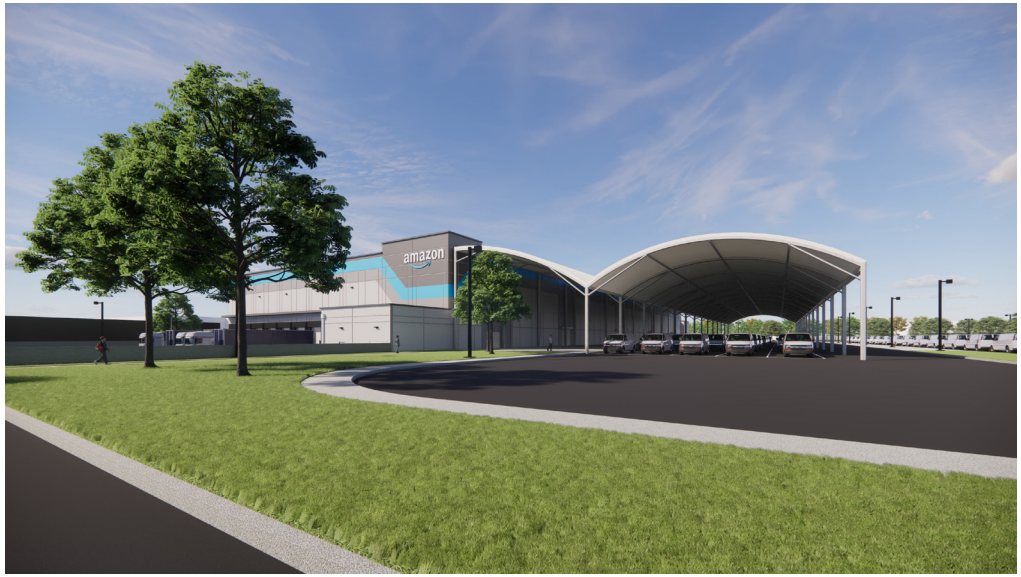
1605 South 7th Street Project
Draft Environmental Impact Report

Not to scale

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Northeast Project Rendering



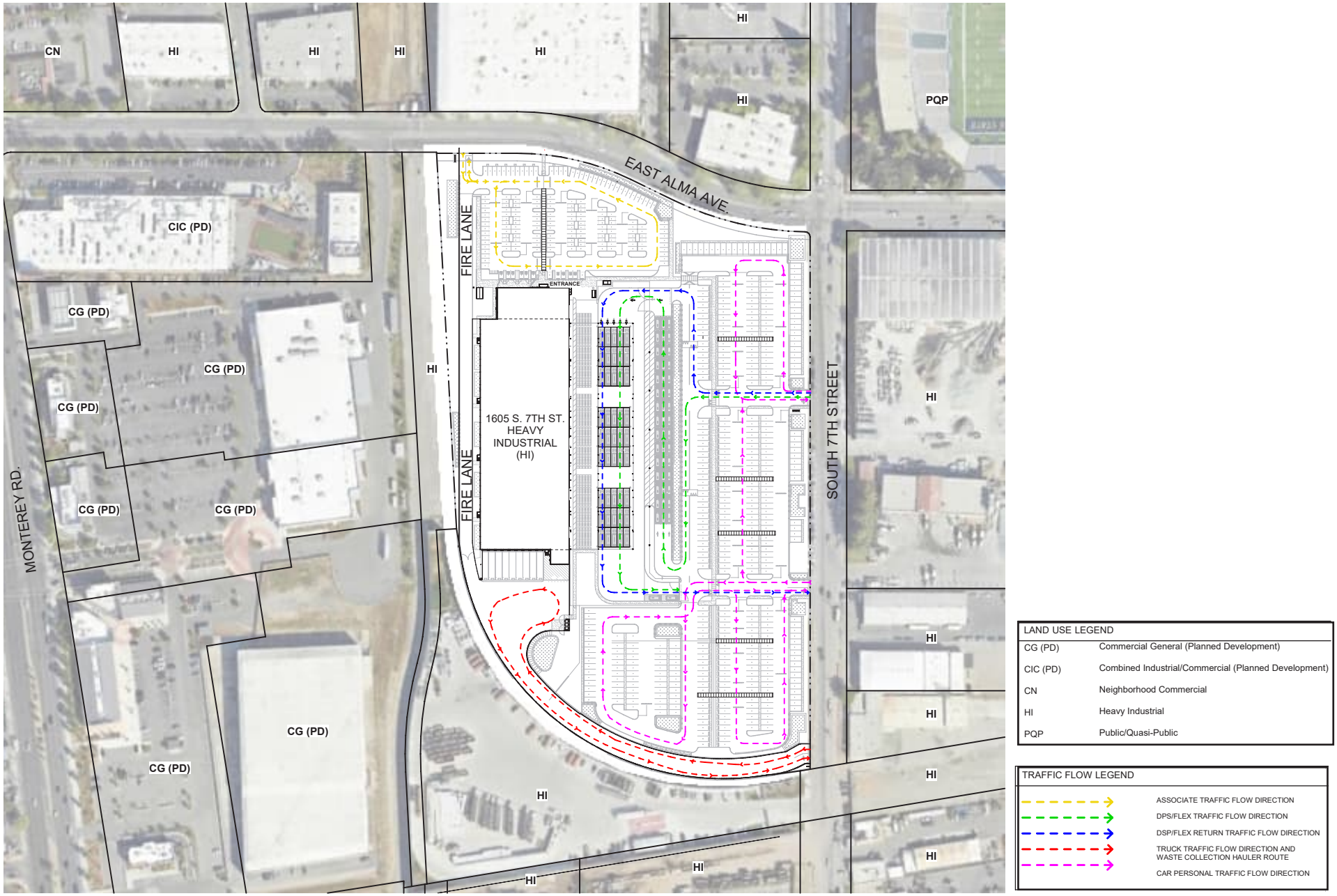
Southeast Project Rendering

Source: MG2, 2025

Figure 2.3-5: Project Renderings
1605 South 7th Street Project
Draft Environmental Impact Report

Not to scale

Kimley»Horn



Source: MG2, 2025

Figure 2.3-6: Site Circulation

1605 South 7th Street Project
Draft Environmental Impact Report

Not to scale

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Source: City of San José, MG2, 2025

Figure 2.3-7: Project Truck Routes
1605 South 7th Street Project
Draft Environmental Impact Report

Not to scale

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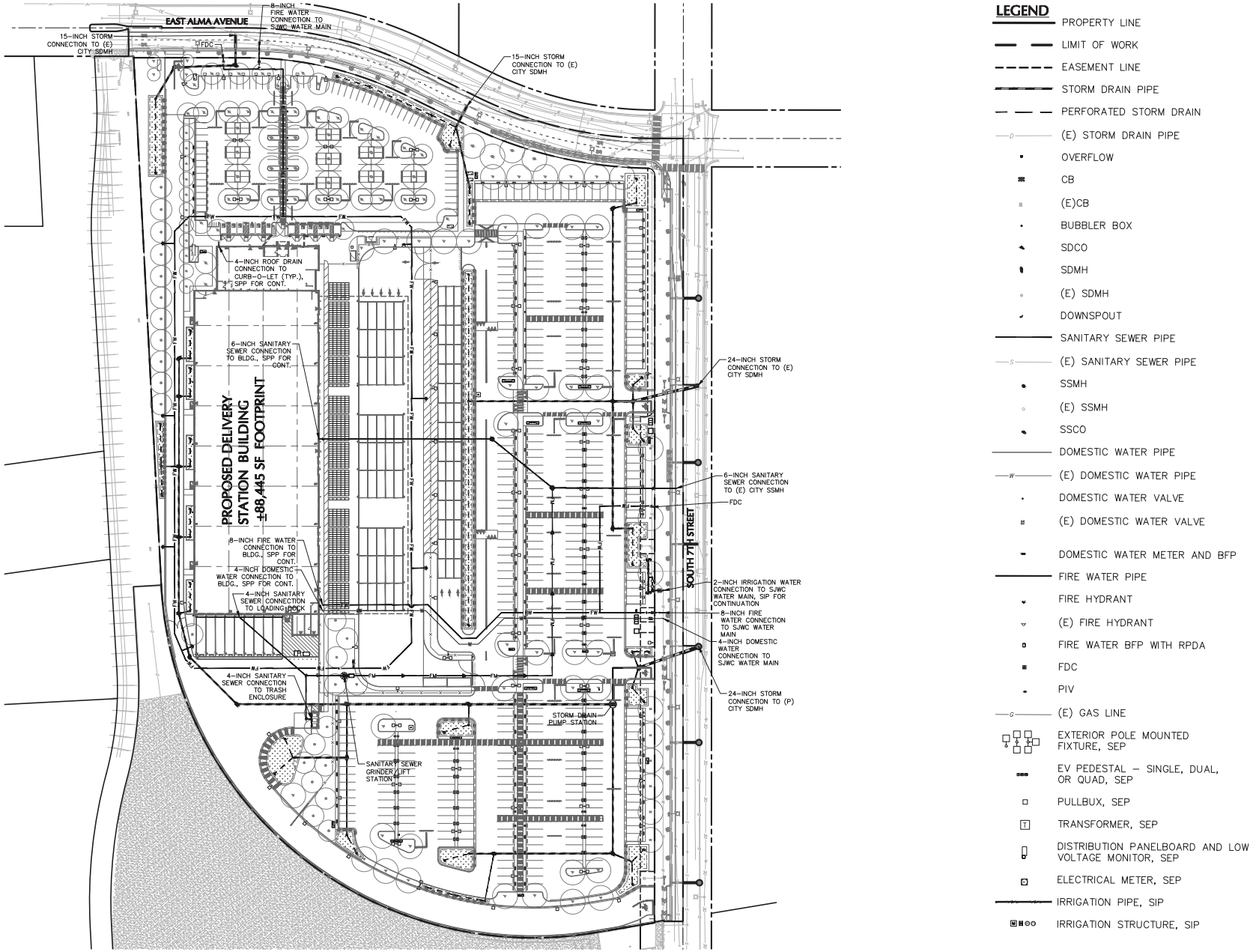
Source: David Babcock + Associates, 2025

Figure 2.3-8: Landscape Plan

1605 South 7th Street Project
Draft Environmental Impact Report

Not to scale

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Source: Langan, 2025

Figure 2.3-9: Utility Plan

1605 South 7th Street Project
Draft Environmental Impact Report

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2.4 Project Objectives

Pursuant to CEQA Guidelines Section 15124, an EIR must identify the objectives sought by the Project. The objectives of the Project are to:

1. Contribute to the economy of the region and the City of San José by creating employment opportunities through the productive reuse of a vacated parcel.
2. Provide a productive industrial use of currently underutilized industrial land to help meet the unmet regional demand for goods delivery services consistent with Envision San José 2040 General Plan Policy LU-6.4.
3. Redevelop an existing industrial site in close proximity to designated primary truck routes and the State highway system that is serviced by adequate existing infrastructure (e.g., roadways and utilities).
4. Reduce the vehicle miles traveled for goods delivery to the City of San José and surrounding communities.
5. Attract new businesses to the City of San José and thereby improve the jobs-housing balance in the area.
6. Construct a new building that complies with updated State and City sustainability and green building standards, achieving greater on-site operational energy efficiency than the existing building built under earlier, less rigorous standards.
7. Provide a warehouse and parking lot that is large enough to accommodate the needs of the last mile delivery supply chain in the greater San José area in a location that is convenient for employees and located near delivery customers.
8. Facilitate multimodal transportation opportunities within the Project area through the improvement of existing bike lanes.

2.5 Use of this EIR

This Draft EIR is intended to provide the City and members of the public with the relevant environmental information needed in considering the Project.

Anticipated Project-related discretionary approvals and permits to implement the Project addressed in this Draft EIR include, but are not limited to, the following:

1. Site Development Permit
2. Demolition Permit
3. Grading Permit
4. Building Permit – including a fire variance
5. Tree Removal Permit
6. Other Public Works Clearances (e.g. Public Street Improvement Permit or Encroachment Permit)

SECTION 3.0 ENVIRONMENTAL ANALYSIS

The analysis contained in this Draft EIR evaluates the potential environmental effects of the Project. As stated Section 1.0, Introduction, an Initial Study (Appendix B) was prepared and found that the Project would have no impact or a less than significant impact on the following resources: aesthetics, agriculture and forestry resources, energy, geology and soils, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, utilities and service systems, and wildfire. This Draft EIR focuses on the potentially significant impacts to air quality, biological resources, cultural resources, greenhouse gas emissions, hazards and hazardous materials, noise and vibration, transportation, and tribal cultural resources. Sections 3.1 through 3.7 of this Draft EIR are structured as follows:

ENVIRONMENTAL SETTING

This subsection describes the existing, physical environmental conditions at the Project site and in the surrounding area, as relevant.

REGULATORY FRAMEWORK

This subsection provides a brief overview of relevant plans, policies, and regulations that comprise the regulatory framework for the Project.

IMPACT ANALYSIS

This subsection:

1) includes thresholds of significance for determining impacts from Appendix G of the CEQA Guidelines,
2) discusses the Project's consistency with those thresholds and with applicable plans (such as general plans, specific plans, and regional plans) is also discussed within this subsection pursuant to CEQA Guidelines Section 15125(d), and
3) discusses the Project's consistency with applicable plans. For any identified potentially significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered using an alphanumeric system that identifies the environmental issue. For example, **Impact AQ-1** would denote the first impact discussed in the Air Quality section. Mitigation measures are numbered to correspond to the order they appear. For example, **Mitigation Measure AQ-1** would refer to the first mitigation measure introduced in the Air Quality section.

IMPORTANT NOTE TO THE READER

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

The City currently has policies that address existing conditions (e.g., air quality, noise, and hazards) affecting a proposed project. Applicable polices are addressed in Sections 3.1-3.20 of this document. Though not required, this is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an "environmental impact" as defined by CEQA.

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

Separately, it should be noted that the following analysis considers the Project's potential impacts with respect to air quality, biological resources, cultural resources, greenhouse gas emissions, hazards and hazardous materials, noise and vibration, transportation, and tribal cultural resources. Each of these analyses focus on the direct and indirect impacts on physical environment.

3.1 Air Quality

An Air Quality Assessment and Health Risk Assessment were prepared by Kimley-Horn, Inc. (October 2024) to address potential impacts to Air Quality associated with implementation of the Project. The following discussion is based on the Air Quality and Health Risk Assessments, which are included as Appendix C and D of this Draft EIR, respectively.

ENVIRONMENTAL SETTING

CLIMATE AND METEOROLOGY

The California Air Resources Board (CARB) divides the State into 15 air basins that share similar meteorological and topographical features. The Project site is located within the San Francisco Bay Area Air Basin (Basin). This Basin comprises all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties, the southern portion of Sonoma County, and the southwestern portion of Solano County. Air quality in this area is determined by such natural factors as topography, meteorology, and climate, in addition to the presence of existing air pollution sources and ambient conditions. These factors along with applicable regulations are discussed below. The Bay Area Air District is responsible for local control and monitoring of criteria air pollutants throughout the Basin.

There are several climatic factors that influence air quality. Wind patterns can transport or disperse air pollutants emitted by stationary or mobile sources. An inversion is a condition where warmer air traps cooler air underneath it, which can confine air pollutants near the ground by limiting upward mixing (dilution).

Radiation inversions, which are typical in the wintertime, form as heat quickly radiates from the Earth's surface at night, causing the surface air to rapidly cool. Radiation inversions are strongest on clear, low-wind, cold winter nights, allowing the build-up of pollutants such as carbon monoxide (CO) and particulate matter. When wind speeds are low, there is little mechanical turbulence to mix the air, resulting in a layer of warm air over a layer of cooler air next to the ground. During radiation inversions downwind transport is slow, the mixing depths are shallow, and turbulence is minimal, all factors which contribute to ozone formation.

The frequency of hot, sunny days during the summer months in the Basin is another important factor that affects air pollution. In the presence of ultraviolet sunlight and higher temperatures, reactive organic gases and oxides of nitrogen react to form secondary photochemical pollutants, including ozone.

The climate is dominated by the location and strength of a semi-permanent, subtropical high-pressure cell. In the summer, this cell is centered over the northeastern Pacific Ocean, resulting in stable meteorological conditions and a steady northwesterly wind flow. This northwesterly wind flow induces upwelling of cold deep ocean water which creates a band of cold water off the coast. This frequently results in condensation and the presence of fog and low stratus clouds along the coast. In the winter, the high-pressure cell weakens and shifts southward, resulting in increased offshore wind flow, weakening upwelling, and the occurrence of storms.

The Basin is characterized by moderately wet winters (November through March) and dry summers. The rainfall in the mountains reaches 40 inches while the valley sees less than 16 inches. Generally, coastal

temperatures can be 35 degrees Fahrenheit cooler than temperatures 15 to 20 miles inland. At night, this contrast usually decreases to less than 10 degrees Fahrenheit. In the winter, the relationship of minimum and maximum temperatures is reversed.

The Project site is located in the City of San José and Santa Clara County; on the southern perimeter of the San Francisco Bay. The City of San José has a generally mild climate, with average temperatures in the low 80's Fahrenheit in the summer and high 50's Fahrenheit in the winter. The annual rainfall is approximately 15 inches in the City, primarily between November and April. The Project area's proximity to both the Pacific Ocean and the San Francisco Bay has a moderating influence on the climate. This portion of the Santa Clara Valley is bounded to the north by the San Francisco Bay and the Santa Cruz Mountains to the southwest and the Diablo Range to the east. The surrounding terrain greatly influences winds in the valley, resulting in a prevailing wind that follows along the valley's northwest-southwest axis. The regulatory section below discusses the various buffer zones around sources of air pollution sufficient to avoid adverse health and nuisance impacts on nearby receptors.

AIR POLLUTANTS OF PRIMARY CONCERN

The air pollutants emitted into the ambient air by stationary and mobile sources are regulated by federal and state laws. These regulated air pollutants are known as "criteria air pollutants" and are categorized into primary and secondary pollutants. Primary air pollutants are those that are emitted directly from sources. CO, reactive organic gases (ROG), nitrogen oxide (NO_X), sulfur dioxide (SO_2), coarse particulate matter (PM_{10}), fine particulate matter ($PM_{2.5}$), and lead are primary air pollutants. Of these, CO, NO_X, SO_2, PM_{10}, and $PM_{2.5}$ are criteria pollutants. ROG and NO_X are criteria pollutant precursors and go on to form secondary criteria pollutants through chemical and photochemical reactions in the atmosphere. For example, the criteria pollutant ozone (O_3) is formed by a chemical reaction between ROG and NO_X in the presence of sunlight. O_3 and nitrogen dioxide (NO_2) are the principal secondary pollutants. Sources and health effects commonly associated with criteria pollutants are summarized in **Table 3.1-1: Air Contaminants and Associated Public Health Concerns**.

Ozone, or smog, is not emitted directly into the environment, but is formed in the atmosphere by complex chemical reactions between ROG and NO_X in the presence of sunlight. Ozone formation is greatest on warm, windless, sunny days. The main sources of NO_X and ROG, often referred to as ozone precursors, are combustion processes (including motor vehicle engines) the evaporation of solvents, paints, and fuels, and biogenic sources. Automobiles are the single largest source of ozone precursors in the Basin. Tailpipe emissions of ROG are highest during cold starts, hard acceleration, stop-and-go conditions, and slow speeds. They decline as speeds increase up to about 50 miles per hour (mph), then increase again at high speeds and high engine loads. ROG emissions associated with evaporation of unburned fuel depend on vehicle and ambient temperature cycles. Nitrogen oxide emissions exhibit a different curve; emissions decrease as the vehicle approaches 30 mph and then begin to increase with increasing speeds.

Ozone levels usually build up during the day and peak in the afternoon hours. Short-term exposure can irritate the eyes and cause constriction of the airways. Besides causing shortness of breath, it can aggravate existing respiratory diseases such as asthma, bronchitis and emphysema. Chronic exposure to high ozone levels can permanently damage lung tissue. Ozone can also damage plants and trees, and materials such as rubber and fabrics.

Table 3.1-1: Air Contaminants and Associated Public Health Concerns

Pollutant	Major Man-Made Sources	Human Health Effects
Particulate Matter (PM_{10} and $PM_{2.5}$)	Emissions from combustion of gasoline, oil, diesel fuel, or wood produce much of the $PM_{2.5}$ pollution, as well as PM_{10}. PM_{10} also includes dust from construction sites, landfills and agriculture, wildfires and brush/waste burning, and industrial sources and processes such as motor vehicle exhaust.	Increased respiratory symptoms, such as irritation of the airways, coughing, or difficulty breathing; worsening of cardiovascular disease; asthma; chronic bronchitis; irregular heartbeat; nonfatal heart attacks; and premature death in people with heart or lung disease. Impairs visibility.
Ozone (O_3)	Formed by a chemical reaction between reactive organic gases/volatile organic compounds (ROG or VOC)[1] and nitrogen oxides (NO_X) in the presence of sunlight. Motor vehicle exhaust industrial emissions, combustion, consumer products, evaporation of paints, and factories.	Irritates and causes inflammation of the mucous membranes and lung airways; causes wheezing, coughing, and pain when inhaling deeply; decreases lung capacity; aggravates lung and heart problems. Worsening of lung disease leading to premature death, and damage to lung tissue. Damages plants; reduces crop yield.
Sulfur Dioxide (SO_2)	A colorless gas formed when fuel containing sulfur is burned and when gasoline is extracted from oil. Examples are petroleum refineries, motor vehicles, metal processing facilities, locomotives, and ships.	Aggravates lung and heart problems, exacerbates asthma, and is a respiratory irritant which can lead to wheezing, shortness of breath and chest tightness. Also increases incidence of pulmonary symptoms and disease, decreased pulmonary function, and increased risk of mortality. Damages crops and natural vegetation. Impairs visibility. Precursor to acid rain.
Carbon Monoxide (CO)	An odorless, colorless gas formed from the incomplete combustion of carbon containing fuels such as natural gas, gasoline, or wood. Emitted by motor vehicles, power plants, wildfires, and incinerators.	Reduces the ability of blood to deliver oxygen to vital tissues, affecting the cardiovascular and nervous system. Impairs vision, causes dizziness, and can lead to unconsciousness or death.
Nitrogen Dioxide (NO_2)	A reddish-brown gas formed during fuel combustion for motor vehicles and industrial sources. Sources include motor vehicles, electric	Can intensify responses to allergens in allergic asthmatics. Exposure can lead to premature death, cardiopulmonary effects, decreased lung function growth in children,

Pollutant	Major Man-Made Sources	Human Health Effects
	utilities, and other sources that burn fuel.	and respiratory symptoms. Precursor to ozone. Causes brown discoloration of the atmosphere.
Lead (Pb)	Lead is a metal found naturally in the environment as well as in manufactured products. The major sources of lead emissions have historically been motor vehicles (such as cars and trucks) and industrial sources. Due to the phase out of leaded gasoline, the major sources of emissions today are ore and metal processing, lead smelters, piston-engine aircraft operating on leaded aviation gasoline, waste incinerators, utilities, and lead-acid battery manufacturers.	Exposure to lead occurs mainly through inhalation of air and ingestion of lead in food, water, soil, or dust. It accumulates in the blood, bones, and soft tissues and can adversely affect the kidneys, liver, nervous system, and other organs. Excessive exposure to lead may cause neurological impairments such as seizures, mental retardation, and behavioral disorders. Even at low doses, lead exposure is associated with damage to the nervous systems of fetuses and young children, resulting in learning deficits and lowered IQ.

[1] Volatile Organic Compounds (VOCs or Reactive Organic Gases [ROG]) are hydrocarbons/organic gases that are formed solely of hydrogen and carbon. There are several subsets of organic gases including ROGs and VOCs. Both ROGs and VOCs are emitted from the incomplete combustion of hydrocarbons or other carbon-based fuels. The major sources of hydrocarbons are combustion engine exhaust, oil refineries, and oil-fueled power plants; other common sources are petroleum fuels, solvents, dry cleaning solutions, and paint (via evaporation).

Sources: U.S. Environmental Protection Agency, Criteria Air Pollutants, https://www.epa.gov/criteria-air-pollutants, accessed October 22, 2024.
California Air Resources Board, *Common Air Pollutants*, https://ww2.arb.ca.gov/resources/common-air-pollutants, accessed September 29, 2024.

Toxic Air Contaminants

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

CARB identified diesel particulate matter (DPM) as a toxic air contaminant. DPM differs from other TACs in that it is not a single substance but rather a complex mixture of hundreds of substances. Diesel exhaust is a complex mixture of particles and gases produced when an engine burns diesel fuel. DPM is a concern because it causes lung cancer; many compounds found in diesel exhaust are carcinogenic. DPM includes the particle-phase constituents in diesel exhaust. The chemical composition and particle sizes of DPM vary between different engine types (heavy-duty, light-duty), engine operating conditions (idle, accelerate, decelerate), fuel formulations (high/low sulfur fuel), and the year of the engine. Some short-term (acute) effects of diesel exhaust include eye, nose, throat, and lung irritation, and diesel exhaust can cause coughs, headaches, light-headedness, and nausea. DPM poses the greatest health risk among the TACs. Almost all diesel exhaust particle mass is 10 microns or less in diameter. Because of their extremely small

size, these particles can be inhaled and eventually trapped in the bronchial and alveolar regions of the lung.

AMBIENT AIR QUALITY

CARB monitors ambient air quality at approximately 250 air monitoring stations across the state. Air quality monitoring stations usually measure pollutant concentrations 10 feet above ground level; therefore, air quality is often referred to in terms of ground-level concentrations. Existing levels of ambient air quality, historical trends, and projections near the Project site are documented by measurements made by the Bay Area Air District's air pollution regulatory agency that maintains air quality monitoring stations, which process ambient air quality measurements.

Ozone (O_3) and particulate matter (PM_{10} and $PM_{2.5}$) are pollutants of concern in the Bay Area Air District. The closest air monitoring station to the Project site that monitors ambient concentrations of these pollutants is the San Jose-Jackson Street Monitoring Station located approximately 2.5 miles north of the Project site. Local air quality data from 2021 to 2023 is provided in **Table 3.1-2: Ambient Air Quality Data** lists the monitored maximum concentrations and number of exceedances of federal or state air quality standards for each year.

Table 3.1-2: Ambient Air Quality Data

Pollutant	San Jose- Jackson Street[1]		
	2021	2022	2023
Ozone (O_3)			
1-hour Maximum Concentration (ppm)	0.098	0.090	0.087
8-hour Maximum Concentration (ppm)	0.085	0.074	0.068
Number of Days Standard Exceeded			
CAAQS 1-hour (>0.09 ppm)	3	0	0
NAAQS 8-hour (>0.070 ppm)	4	1	0
Carbon Monoxide (CO)			
1-hour Maximum Concentration (ppm)	1.703	1.755	1.957
Number of Days Standard Exceeded			
NAAQS 1-hour (>35 ppm)	0	0	0
CAAQS 1 hour (>20 ppm)	0	0	0
Nitrogen Dioxide (NO_2)			
1-hour Maximum Concentration (ppm)	0.0478	0.0468	0.0587
Number of Days Standard Exceeded			
NAAQS 1-hour (>0.100 ppm)	0	0	0
CAAQS 1-hour (>0.18 ppm)	0	0	0
Particulate Matter Less Than 2.5 Microns ($PM_{2.5}$)			
National 24-hour Maximum Concentration	38.1	36.2	49.0
State 24-hour Maximum Concentration	38.1	36.2	49.0
Number of Days Standard Exceeded			
NAAQS 24-hour (>150 µg/m^3)	1	2	1
CAAQS 24-hour (>50 µg/m^3)	12	12	10
Particulate Matter Less Than 10 Microns (PM_{10})			
National 24-hour Maximum Concentration	42.8	41.1	76.5

Pollutant	San Jose- Jackson Street[1]		
	2021	2022	2023
State 24-hour Maximum Concentration	45.1	44.5	79.8
Number of Days Standard Exceeded			
NAAQS 24-hour (>150 µg/m^3)	0	0	0
CAAQS 24-hour (>50 µg/m^3)	0	0	2
NAAQS = National Ambient Air Quality Standards; CAAQS = California Ambient Air Quality Standards; ppm = parts per million; µg/m^3 = micrograms per cubic meter; NM = not measured [1] Measurements taken at the San Jose-Jackson Street Monitoring Station located at 156B Jackson Street, San Jose, California 95112 (CARB# 43383), expect for 2023 PM_{10} concentrations, which were taken at the San Juan Bautista-Nyland Monitoring Station located at 100 Nyland Drive, San Juan Bautista, California 95045 (CARB #35821)			
Source: All pollutant measurements are from the CARB Aerometric Data Analysis and Management system database (arb.ca.gov/adam) except for CO, which were retrieved from the CARB Air Quality and Meteorological Information System (https://www.arb.ca.gov/aqmis2/aqdselect.php, https://www.arb.ca.gov/qaweb/siteinfo.php).			

SENSITIVE RECEPTORS

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

The Project site is located in an urban area with a mix of surrounding uses including commercial, office, and industrial uses. The Project site is bound by warehouse storage, office and parking lots, across East Alma Avenue to the north; a construction company, industrial buildings, and surface parking, across South 7th Street to the east; a recycling center to the south; and commercial uses, including Sun Garden Shopping Center, to the west. Additionally, CEFCU Stadium and a variety of San José State University sports fields are located to the north. Additionally, Downtown College Preparatory (DCP) El Camino Middle School & DCP El Primero High School campus (DCP Charter School) is located to the west of the Project site. The eastern boundary of the site is 7th Street. **Table 3.1-3: Air Quality Sensitive Receptors**, lists the distances and locations of nearby sensitive receptors considered in the air quality and health risk analyses. Refer to **Figure 3.1-1: Sensitive Receptor Location Map** for a map of the sensitive receptors shown in **Table 3.1-3: Air Quality Sensitive Receptors.**

Table 3.1-3: Air Quality Sensitive Receptors

Sensitive Receptor Identification Number from Figure 3.1-1: Sensitive Receptor Location Map	Sensitive Receptor Description	Distance and Direction from the Project Site[1]
SR-1	DCP Charter School	100 feet west
SR-2	CEFCU Stadium	230 feet north
SR-3	Single family residential community	800 feet west
SR-4	Bellevue Park	1,200 feet west
1. These distances are from the Project site property line to the sensitive receptor property line.		
Source: Google Earth, 2024.		

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Source: Google Earth, 2024

Figure 3.1-1: Sensitive Receptor Location Map

1605 South 7th Street Project

Draft Environmental Impact Report

Not to scale

Kimley»Horn

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REGULATORY FRAMEWORK

FEDERAL AND STATE

Federal Clean Air Act

Air quality is federally protected by the Federal Clean Air Act (FCAA) and its amendments. Under the FCAA, the U.S. Environmental Protection Agency (U.S. EPA) developed the primary and secondary National Ambient Air Quality Standards (NAAQS) for the criteria air pollutants including ozone, NO_2, CO, SO_2, PM_{10}, $PM_{2.5}$, and lead. Depending on whether the standards are met or exceeded, the local air basin is classified as in "attainment" or "nonattainment." Some areas are unclassified, which means no monitoring data are available. Unclassified areas are considered to be in attainment. Proposed projects in or near nonattainment areas could be subject to more stringent air-permitting requirements. The FCAA requires that each state prepare a State Implementation Plan (SIP) to demonstrate how it will attain the NAAQS within the federally imposed deadlines.

The U.S. EPA has delegated enforcement of air pollution control regulations to the individual states. Applicable federal standards are summarized in **Table 3.1-4: State and Federal Ambient Air Quality Standards.**

California Air Resources Board

CARB administers California's air quality policy. The California Ambient Air Quality Standards (CAAQS) were established in 1969 pursuant to the Mulford-Carrell Act. These standards, included with the NAAQS in **Table 3.1-4: State and Federal Ambient Air Quality Standards**, are generally more stringent and apply to more pollutants than the NAAQS. In addition to the criteria pollutants, CAAQS have been established for visibility reducing particulates, hydrogen sulfide, and sulfates. In general, the Bay Area experiences low concentrations of most pollutants when compared to federal standards, except for O_3 and PM, for which standards are exceeded periodically. With respect to federal standards, the Bay Area's attainment status for 8-hour ozone is classified as "marginal nonattainment" and for $PM_{2.5}$ is "nonattainment." The region is also considered to be in nonattainment with the CAAQS for PM_{10} and $PM_{2.5}$. Area sources generate the majority of these airborne particulate emissions. The Basin is considered in attainment or unclassified with respect to the CO, NO_2 and SO_2 NAAQS and CAAQS.

The California Clean Air Act (CCAA), which was approved in 1988, requires that each local air district prepare and maintain an Air Quality Management Plan (AQMP) to achieve compliance with CAAQS. These AQMPs also serve as the basis for the preparation of the SIP for meeting federal clean air standards for the State of California. Like the U.S. EPA, CARB also designates areas within California as either attainment or nonattainment for each criteria pollutant based on whether the CAAQS have been achieved. Under the CCAA, areas are designated as nonattainment for a pollutant if air quality data shows that a state standard for the pollutant was violated at least once during the previous three calendar years. Exceedances that are affected by highly irregular or infrequent events such as wildfires, volcanoes, etc. are not considered violations of a State standard, and are not used as a basis for designating areas as nonattainment. The applicable State standards are summarized in **Table 3.1-4: State and Federal Ambient Air Quality Standards.**

Table 3.1-4: State and Federal Ambient Air Quality Standards

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

Pollutant	Averaging Time	State Standards[1]		Federal Standards[2]	
		Concentration	Attainment Status	Concentration[3]	Attainment Status
Hydrogen Sulfide (H_2S)	1 Hour	0.03 ppm (42 µg/m^3)	U	NA	-
Vinyl Chloride (C_2H_3Cl)	24 Hour	0.01 ppm (26 µg/m^3)	-	NA	-
Visibility Reducing Particles[8]	8 Hour (10:00 to 18:00 PST)	-	U	-	-

A = attainment; N = nonattainment; U = unclassified; N/A = not applicable or no applicable standard; ppm = parts per million; µg/m^3 = micrograms per cubic meter; mg/m^3 = milligrams per cubic meter; – = not indicated or no information available.

1. California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, suspended particulate matter - PM_{10}, and visibility reducing particles are values that are not to be exceeded. The standards for sulfates, Lake Tahoe carbon monoxide, lead, hydrogen sulfide, and vinyl chloride are not to be equaled or exceeded. If the standard is for a 1-hour, 8-hour or 24-hour average (i.e., all standards except for lead and the PM_{10} annual standard), then some measurements may be excluded. In particular, measurements are excluded that CARB determines would occur less than once per year on the average. The Lake Tahoe CO standard is 6.0 ppm, a level one-half the national standard and two-thirds the state standard.
2. National standards shown are the "primary standards" designed to protect public health. National standards other than for ozone, particulates and those based on annual averages are not to be exceeded more than once a year. The 1-hour ozone standard is attained if, during the most recent three-year period, the average number of days per year with maximum hourly concentrations above the standard is equal to or less than one. The 8-hour ozone standard is attained when the 3-year average of the 4th highest daily concentrations is 0.070 ppm (70 ppb) or less. The 24-hour PM_{10} standard is attained when the 3-year average of the 99th percentile of monitored concentrations is less than 150 µg/m$_3$. The 24-hour $PM_{2.5}$ standard is attained when the 3-year average of 98th percentiles is less than 35 µg/m^3.
   Except for the national particulate standards, annual standards are met if the annual average falls below the standard at every site. The national annual particulate standard for PM_{10} is met if the 3-year average falls below the standard at every site. The annual $PM_{2.5}$ standard is met if the 3-year average of annual averages spatially-averaged across officially designed clusters of sites falls below the standard.
3. National air quality standards are set by the U.S. EPA at levels determined to be protective of public health with an adequate margin of safety.
4. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm. An area will meet the standard if the fourth-highest maximum daily 8-hour ozone concentration per year, averaged over three years, is equal to or less than 0.070 ppm. U.S. EPA will make recommendations on attainment designations by October 1, 2016, and issue final designations October 1, 2017. Nonattainment areas will have until 2020 to late 2037 to meet the health standard, with attainment dates varying based on the ozone level in the area.
5. The national 1-hour ozone standard was revoked by U.S. EPA on June 15, 2005.
6. In April 1998, the Bay Area was redesignated to attainment for the national 8-hour carbon monoxide standard.
7 In June 2002, CARB established new annual standards for $PM_{2.5}$ and PM_{10}.
8 Statewide VRP Standard (except Lake Tahoe Air Basin): Particles in sufficient amount to produce an extinction coefficient of 0.23 per kilometer when the relative humidity is less than 70 percent. This standard is intended to limit the frequency and severity of visibility impairment due to regional haze and is equivalent to a 10-mile nominal visual range.
9. The 8-hour CA ozone standard was approved by the Air Resources Board on April 28, 2005 and became effective on May 17, 2006.
10. On January 9, 2013, the U.S. EPA issued a final rule to determine that the Bay Area attains the 24-hour $PM_{2.5}$ national standard. This U.S. EPA rule suspends key SIP requirements as long as monitoring data continues to show that the Bay Area attains the standard. Despite this U.S. EPA action, the Bay Area will continue to be designated as “nonattainment” for the national 24-hour $PM_{2.5}$ standard until such time as the Air District submits a “redesignation request” and a “maintenance plan” to U.S. EPA, and U.S. EPA approves the proposed redesignation.
11. To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 0.100ppm (effective January 22, 2010). The U.S. EPA expects to make a designation for the Bay Area by the end of 2017.
12. On June 2, 2010, the U.S. EPA established a new 1-hour SO_2 standard, effective August 23, 2010, which is based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. The existing 0.030 ppm annual and 0.14 ppm 24-hour SO_2 NAAQS however must continue to be used until one year following U.S. EPA initial designations of the new 1-hour SO_2 NAAQS.
13. CARB has identified lead and vinyl chloride as ‘toxic air contaminants’ with no threshold level of exposure below which there are no adverse health effects determined.
14. National lead standard, rolling 3-month average: final rule signed October 15, 2008. Final designations effective December 31, 2011.
15. In December 2012, the U.S. EPA strengthened the annual $PM_{2.5}$ NAAQS from 15.0 to 12.0 micrograms per cubic meter (µg/m^3). In December 2014, the U.S. EPA issued final area designations for the 2012 primary annual $PM_{2.5}$ NAAQS. Areas designated “unclassifiable/attainment” must continue to take steps to prevent their air quality from deteriorating to unhealthy levels. The effective date of this standard is April 15, 2015.

Pollutant	Averaging Time	State Standards[1]		Federal Standards[2]	
		Concentration	Attainment Status	Concentration[3]	Attainment Status
Source: Bay Area Air Quality Management District, *Air Quality Standards and Attainment Status*, 2017 http://www.baaqmd.gov/research-and-data/air-quality-standards-and-attainment-status. Accessed October 17, 2024.					

Corporate Average Fuel Economy Standards

In October 2012, the U.S. EPA and the National Highway Traffic Safety Administration (NHSTA), on behalf of the Department of Transportation, issued final rules to further reduce greenhouse gas (GHG) emissions and improve corporate average fuel economy (CAFE) standards for light-duty vehicles for model years 2017 and beyond (77 Federal Register [FR] 62624). NHTSA's CAFE standards have been enacted under the Energy Policy and Conservation Act since 1978. This national program requires automobile manufacturers to build a single light-duty national fleet that meets all requirements under both federal programs and the standards of California and other states. This program would increase fuel economy to the equivalent of 54.5 miles per gallon (mpg) limiting vehicle emissions to 163 grams of carbon dioxide (CO_2) per mile for the fleet of cars and light-duty trucks by model year 2025. In August 2022, NHTSA announced that it intends to prepare an environmental impact statement to analyze the potential environmental impacts of new CAFE standards for model years 2027 and beyond for passenger cars and light trucks, and new fuel efficiency standards for model years 2029 and beyond for heavy-duty pickup trucks and vans. In July 2023, the NHTSA officially proposed the new CAFÉ standards and invited public comments.

Federal Emissions Standards for On-Road Trucks

To reduce emissions from on-road, heavy-duty diesel trucks, the U.S. EPA established a series of increasingly strict emission standards for new engines, starting in 1988. The U.S. EPA promulgated the final and cleanest standards with the 2007 Heavy-Duty Highway Rule (U.S. EPA, 2023). The PM emission standard of 0.01 gram per horsepower-hour (g/hp-hr) is required for new vehicles beginning with model year 2007. Also, the nitrogen oxide (NO_X) and nonmethane hydrocarbon standards of 0.20 g/hp-hr and 0.14 g/hp-hr, respectively, were phased in together between 2007 and 2010 on a percent of sales basis: 50 percent from 2007 to 2009 and 100 percent in 2010. In December 2022, the U.S. EPA final rule set new, more stringent standards to reduce NO_X pollution from heavy-duty vehicles and engines starting in model year 2027. The rule will reduce NO_X emissions from heavy-duty trucks by almost 50 percent by 2045, producing significant health-related benefits (U.S. EPA, 2023).

Emission Standards for Off-Road Diesel Engines

To reduce emissions from off-road diesel equipment, the U.S. EPA established a series of cleaner emission standards for new off-road diesel engines. Tier 1 standards were phased in from 1996 to 2000 (year of manufacture), depending on the engine horsepower category. Tier 2 standards were phased in from 2001 to 2006. Tier 3 standards were phased in from 2006 to 2008. Tier 1 through Tier 3 standards are to be increasingly more stringent, respectively, and vary by pollutant and engine size. Tier 4 standards, which generally require add-on emission control equipment to attain them, were phased in from 2008 to 2015. The Tier 4 standards require that emissions of PM and NO_X be further reduced by about 90% from Tier 3 standards. CARB is currently developing potential amendments to the off-road diesel engine standards,

in a Tier 5 rulemaking. The Tier 5 rulemaking aims to reduce oxides of nitrogen (NO_X) and particulate matter (PM) emissions from new, off-road compression-ignition (CI) engines, by an additional 50% to 90%, compared to what is allowed by today's Tier 4 final emission standards.

Diesel Risk Reduction Plan

The identification of DPM as a TAC in 1998 led CARB to adopt the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles (DRRP) in October 2000. The DRRP's goals include an 85 percent reduction in DPM by 2020 from the 2000 baseline (CARB, 2000). CARB estimates that emissions of DPM in 2035 will be less than half those in 2010, further reducing statewide cancer risk and non-cancer health effects (CARB, n.d.). The DRRP includes regulations to establish cleaner new diesel engines, cleaner in-use diesel engines (retrofits), and cleaner diesel fuel.

Truck and Bus Regulation Reducing Emissions from Existing Diesel Vehicles

On December 12, 2008, CARB approved the Truck and Bus Regulation to significantly reduce PM and NO_X emissions from existing diesel vehicles operating in California. The regulation requires PM retrofits on all diesel trucks and buses that operate in California (i.e., existing vehicles are required to be upgraded to reduce emissions). Heavier trucks must be retrofitted with PM filters beginning January 1, 2012, and older trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses would need to have 2010 model year engines or equivalent.

The regulation applies to most diesel-fueled trucks and buses and to privately and publicly owned school buses with a gross vehicle weight rating greater than 14,000 pounds. Small fleets with three or fewer diesel trucks can delay compliance for heavier trucks and there are several extensions for low-mileage construction trucks, early PM filter retrofits, adding cleaner vehicles, and other situations. Privately and publicly owned school buses have different requirements.

Heavy-Duty Vehicle Idling Emission Reduction Program

The purpose of the CARB Airborne Toxic Control Measures (ATCM) to Limit Diesel-Fueled Commercial Motor Vehicle Idling is to reduce public exposure to DPM and criteria pollutants by limiting the idling of diesel-fueled commercial vehicles including transportation refrigeration units (TRUs). The driver of any vehicle subject to this ATCM is prohibited from idling the vehicle's primary diesel engine for greater than five minutes at any location and is prohibited from idling a diesel-fueled auxiliary power system for more than five minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle if it has a sleeper berth and the truck is located within 100 feet of a restricted area (homes and schools). On February 24, 2022, CARB approved amendments to the TRU ATCM (2022 Amendments) to achieve additional emission and health risk reductions from diesel-powered TRUs and increase the use of zero-emission technology in the off-road sector. The 2022 Amendments will help meet the State's multiple risk reduction, air quality, and climate goals, as well as the directive of Executive Order N-29-20, which set a goal for 100 percent zero-emission off-road vehicles and equipment in the State by 2035.

CARB Final Regulation Order, Requirements to Reduce Idling Emissions from New and In-Use Trucks, beginning in 2008, requires that new 2008 and subsequent model-year heavy-duty diesel engines be equipped with an engine shutdown system that automatically shuts down the engine after 300 seconds

of continuous idling operation once the vehicle is stopped, the transmission is set to “neutral” or “park”, and the parking brake is engaged.

Section 2485 and Section 2449 of Title 13 of the California Code of Regulations limits diesel-fueled motor vehicle idling to no more than five minutes. Section 2485 limits idling for diesel-fueled commercial motor vehicles with gross vehicle weight ratings of greater than 10,000 pounds that are or must be licensed to operate on publicly maintained highways and streets within California. Section 2449 limits idling for off-road diesel-fueled fleets.

CARB Advanced Clean Truck Regulation

CARB adopted the Advanced Clean Truck Regulation in June 2020 requiring truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every new truck sold in California is required to be zero-emission. This rule directly addresses disproportionate risks and health and pollution burdens and puts California on the path for an all zero-emission short-haul drayage fleet in ports and railyards by 2035, and zero-emission “last-mile” delivery trucks and vans by 2040. The Advanced Clean Truck Regulation accelerates the transition of zero-emission medium-and heavy-duty vehicles from Class 2b to Class 8. The regulation has two components including a manufacturer sales requirement, and a reporting requirement:

Zero-Emission Truck Sales: Manufacturers who certify Class 2b through 8 chassis or complete vehicles with combustion engines are required to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. By 2035, zero-emission truck/chassis sales need to be 55 percent of Class 2b – 3 truck sales, 75 percent of Class 4 – 8 straight truck sales, and 40 percent of truck tractor sales.

Company and Fleet Reporting: Large employers including retailers, manufacturers, brokers and others would be required to report information about shipments and shuttle services. Fleet owners, with 50 or more trucks, would be required to report about their existing fleet operations. This information would help identify future strategies to ensure that fleets purchase available zero-emission trucks and place them in service where suitable to meet their needs.

Advanced Clean Cars I and II

Advanced Clean Cars combines several regulations into one package including the Low-Emission Vehicle criteria and greenhouse gas regulations and the zero-emission vehicle (ZEV) regulation. Advanced Clean Cars I was adopted in 2012 and Advanced Clean Cars II was adopted in 2022. These regulations rapidly scale down emissions of light-duty passenger cars, pickup trucks and SUVs and require an increased number of zero-emission vehicles to meet air quality and climate change emissions goals. By 2035 all new passenger cars, trucks and SUVs sold in California will be zero emissions. The Advanced Clean Cars II regulations take the state’s already growing zero-emission vehicle market and robust motor vehicle emission control rules and augments them to meet more aggressive tailpipe emissions standards and ramp up to 100% zero-emission vehicles.

CARB Advanced Clean Fleets Regulation

CARB approved Advanced Clean Fleets Regulation on April 28, 2023, requires fleet owners to begin

transitioning toward ZEVs starting in 2024. Due to the impact that truck traffic has on residents living near heavily trafficked corridors, drayage trucks will need to be zero-emissions by 2035. All other fleet owners have the option to transition a percentage of their vehicles to meet expected zero-emission milestones, which gives owners the flexibility to continue operating combustion-powered vehicles as needed during the move toward cleaner technology.

CalEnviroScreen

California Office of Environmental Health Hazard Assessment (OEHHA) has developed CalEnviroScreen 4.0, which is a mapping tool that helps identify California communities that are most affected by many sources of pollution, and where people are often especially vulnerable to pollution's effects. CalEnviroScreen uses environmental, health, and socioeconomic information to produce scores for every census tract in the State. The scores are mapped so that different communities can be compared. An area with a high score is one that experiences a much higher pollution burden than areas with low scores.

According to CalEnviroScreen, the Project site is located within Census Tract 6085503122, which is within the 69th percentile. It should be noted that the CalEnviroScreen scores are not an expression of health risk, and do not provide quantitative information on increases in cumulative impacts for specific sites or projects. Further, as a comparative screening tool, the results do not provide a basis for determining when differences between scores are significant in relation to public health or the environment.

Senate Bill 535

Senate Bill (SB) 535 directs 25 percent of the proceeds from the Greenhouse Gas Reduction Fund (i.e., funds from the AB 32 cap-and-trade program) to go to projects that provide a benefit to disadvantaged communities (as identified by the OEHHA mapping). These funds must be used for programs that further reduce greenhouse gas emissions. Funding programs that reduce greenhouse gas emissions would also potentially reduce exposure to other emissions including TACs. Based on OEHHA mapping, the closest SB 535 designated disadvantaged community is located approximately six miles northeast of the Project site (Census Tract 6085503122). SB 535 does not include project specific requirements or prohibit developments in proximity to the designated communities.

Senate Bill 32

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

With SB 32, the Legislature passed companion legislation, AB 197, which provides additional direction for developing the Scoping Plan. On December 14, 2017, CARB adopted a second update to the Scoping Plan (CARB, 2017b). The 2017 Scoping Plan details how the State will reduce GHG emissions to meet the 2030 target set by Executive Order B-30-15 and codified by SB 32. Other objectives listed in the 2017 Scoping Plan are to provide direct GHG emissions reductions; support climate investment in disadvantaged communities; and support the Clean Power Plan and other Federal actions. In 2022, CARB published the 2022 Scoping Plan, which is discussed above.

Executive Order N-79-20

Signed in September 2020, Executive Order N-79-20 establishes as a goal that where feasible, all new passenger cars and trucks, as well as all drayage/cargo trucks and off-road vehicles and equipment, sold in California, will be zero-emission by 2035. The executive order sets a similar goal requiring that all medium and heavy-duty vehicles will be zero-emission by 2045 where feasible. It also directs CARB to develop and propose rulemaking for passenger vehicles and trucks, medium-and heavy-duty fleets where feasible, drayage trucks, and off-road vehicles and equipment "requiring increasing volumes" of newZEVs "towards the target of 100 percent." The executive order directs the California Environmental Protection Agency, the California Geologic Energy Management Division, and the California Natural Resources Agency to transition and repurpose oil production facilities with a goal toward meeting carbon neutrality by 2045. Executive Order N-79-20 builds upon the CARB Advanced Clean Trucks regulation, which was adopted by CARB in July 2020.

REGIONAL

Bay Area Air District

The Bay Area Air District is the regional agency with jurisdiction over the nine-county region located in the Basin. The Association of Bay Area Governments (ABAG), Metropolitan Transportation Commission (MTC), county transportation agencies, cities and counties, and various nongovernmental organizations also join in the efforts to improve air quality through a variety of programs. These programs include the adoption of regulations and policies, as well as implementation of extensive education and public outreach programs.

Clean Air Plan

Air quality plans developed to meet federal requirements are referred to as State Implementation Plans. The federal and state Clean Air Acts require plans to be developed for areas designated as nonattainment (with the exception of areas designated as nonattainment for the state PM_{10} standard). The Bay Area Air District is responsible for developing a Clean Air Plan, which guides the region's air quality planning efforts to attain the CAAQS. The Bay Area Air District adopted the 2017 Clean Air Plan: Spare the Air, Cool the Climate on April 19, 2019.

Bay Area Air District periodically develops air quality plans that outline the regional strategy to improve air quality and protect the climate. The most recent plan, 2017 Bay Area Clean Air Plan, includes a wide range of control measures designed to reduce emissions of air pollutants and GHGs, including the following examples that may be relevant to this project: reduce emissions of toxic air contaminants by adopting more stringent limits and methods for evaluating toxic risks; implement pricing measures to reduce travel demand; accelerate the widespread adoption of electric vehicles; promote the use of clean fuels; promote energy efficiency in both new and existing buildings; and promote the switch from natural gas to electricity for space and water heating in Bay Area buildings.

The 2017 Clean Air Plan provides a regional strategy to protect public health and protect the climate. To protect public health, the plan describes how the Bay Area Air District will continue progress toward attaining all state and federal air quality standards and eliminating health risk disparities from exposure

to air pollution among Bay Area communities. To protect the climate, the 2017 Clean Air Plan defines a vision for transitioning the region to a post-carbon economy needed to achieve ambitious GHG reduction targets for 2030 and 2050 and provides a regional climate protection strategy that will put the Bay Area on a pathway to achieve those GHG reduction targets. The 2017 Clean Air Plan contains district-wide control measures to reduce ozone precursor emissions (i.e., ROG and NO_x), particulate matter, TACs, and greenhouse gas emissions. The Bay Area 2017 Clean Air Plan updates the Bay Area 2010 Clean Air Plan in accordance with the requirements of the California Clean Air Act to implement "all feasible measures" to reduce ozone; provides a control strategy to reduce ozone, PM, TACs, and greenhouse gases in a single, integrated plan; reviews progress in improving air quality in recent years; and establishes emission control measures to be adopted or implemented in both the short term and through 2050.

The 2017 Clean Air Plan includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic air contaminants; to reduce emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

The following Bay Area Air District rules would limit emissions of air pollutants from construction and operation of the Project:

- Regulation 8, Rule 3 – Architectural Coatings. This rule governs the manufacture, distribution, and sale of architectural coatings and limits the reactive organic gases content in paints and paint solvents. Although this rule does not directly apply to the project, it does dictate the ROG content of paint available for use during the construction.
- Regulation 8, Rule 15 – Emulsified and Liquid Asphalts. This rule dictates the reactive organic gases content of asphalt available for use during construction through regulating the sale and use of asphalt and limits the ROG content in asphalt. Although this rule does not directly apply to the project, it does dictate the ROG content of asphalt for use during the construction.
- Regulation 9, Rule 8 – Organic Compounds. This rule limits the emissions of nitrogen oxides and carbon monoxide from stationary internal combustion engines with an output rated by the manufacturer at more than 50 brake horsepower.
- Regulation 11, Rule 1 – Asbestos Demolition, Renovation, and Manufacturing. The purpose of this Rule is to control emissions of asbestos to the atmosphere during demolition, renovation, milling, and manufacturing, and establish appropriate waste disposal procedures. Although this rule may not apply to the Project, since the facility was constructed in the 1960s, asbestos may be present.
- Regulation 11, Rule 18 – Reduction of risk from air toxic emissions at existing facilities. The purpose of this rule is to ensure that facilities that emit toxic air contaminants do not pose an unacceptable health risk to nearby residents, workers, or students.

Bay Area Air District prepared an Ozone Attainment Demonstration Plan to satisfy the federal 1-hour ozone planning requirement because of the Air Basin's nonattainment for federal and State ozone standards. The U.S. EPA revoked the 1-hour ozone standard and adopted an 8-hour ozone standard. The

Bay Area Air District will address the new federal 8-hour ozone planning requirements once they are established.

Community Air Risk Evaluation Program

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

Risk reduction activities associated with the CARE program are focused on the most at-risk communities in the Bay Area. Bay Area Air District has identified six communities as impacted as part of the CARE program: Concord, Richmond/San Pablo, Western Alameda County, San José, Redwood City/East Palo Alto, and Eastern San Francisco. Overburdened communities are areas located (i) within a census tract identified by the California Communities Environmental Health Screening Tool (CalEnviroScreen), Version 4.0 implemented by OEHHA, as having an overall score at or above the 70th percentile, or (ii) within 1,000 feet of any such census tract. The Project site is located in the San José CARE area or within an overburdened area as identified by CalEnviroScreen as the Project site is within 1,000 feet of a census tract at or above the 70th percentile (Census Tract #6085503112) (OEHHA, n.d.). It should be noted that the CalEnviroScreen scores are not an expression of health risk, and do not provide quantitative information on increases in cumulative impacts for specific sites or projects. Further, as a comparative screening tool, the results do not provide a basis for determining when differences between scores are significant in relation to public health or the environment.

CEQA Air Quality Guidelines

Bay Area Air District prepared its CEQA Air Quality Guidelines to assist in the evaluation of air quality impacts of projects and plans proposed within the Bay Area. The guidelines provide recommended procedures for evaluating potential air impacts during the environmental review process consistent with CEQA requirements including thresholds of significance, mitigation measures, and background air quality information. They also include assessment methodologies for TACs, odors, and GHG emissions. Bay Area Air District most recently updated its guidelines in April 2023, after revising its climate impact threshold on April 20, 2022.

LOCAL

City of San José Municipal Code

The City's Municipal Code includes the following regulations that addresses air quality standards for future development:

- Transportation Demand Management (Chapter 11.105)
- Green Building Regulations for Private Development (Chapter 17.84)

City of San José General Plan

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

Policy MS-10.1: Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.[3]

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

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

Policy MS – 10.6: Encourage mixed land use development near transit lines and provide retail and other types of service-oriented uses within walking distance to minimize automobile dependent development.

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

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

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

[3] BAAQMD is the acronym for the prior name of the entity that is now named the Bay Area Air District. For consistency with text in documents written prior to the name change, this document still uses BAAQMD. All other references to the agency in the document use the new, preferred Bay Area Air District name.

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

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

Policy MS-12.2: Require new residential development projects and projects categorized as sensitive receptors to be located an adequate distance from facilities that are existing and potential sources of odor. An adequate separation distance will be determined based upon the type, size and operations of the facility

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

Policy MS-13.2: Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

IMPACT ANALYSIS

SIGNIFICANCE CRITERIA AND METHODOLOGY

Thresholds of Significance

For the purposes of this Draft EIR, an air quality impact is considered significant if the Project would:

1. Conflict with or obstruct implementation of the applicable air quality plan?
2. 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?
3. Expose sensitive receptors to substantial pollutant concentrations?
4. Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?

Air Quality Thresholds

Under CEQA, the Bay Area Air District is an expert commenting agency on air quality within its jurisdiction or impacting its jurisdiction. Under the FCAA, the Bay Area Air District has adopted Federal attainment plans for O_3 and $PM_{2.5}$. The Bay Area Air District reviews projects to ensure that they would not: (1) cause or contribute to any new violation of any air quality standard; (2) increase the frequency or severity of any existing violation of any air quality standard; or (3) delay timely attainment of any air quality standard or any required interim emission reductions or other milestones of any Federal attainment plan.

The Bay Area Air District Options and Justification Report (dated October 2009) establishes thresholds based on substantial evidence, and the thresholds are consistent with the thresholds outlined within the 2010/2011 Bay Area Air District CEQA Air Quality Guidelines (and current 2017 CEQA Air Quality Guidelines). The thresholds have been developed by the Bay Area Air District in order to attain State and Federal ambient air quality standards. Therefore, projects below these thresholds would not violate an air quality standard and would not contribute substantially to an existing or projected air quality violation.

The Bay Area Air District's CEQA Air Quality Guidelines provides significance thresholds for both construction and operation of projects. Ultimately the lead agency determines the thresholds of significance for impacts. The City of San José has determined that the Bay Area Air District significance thresholds for air quality are appropriate for use for the analysis of the Project. If a project proposes development in excess of the established thresholds, as outlined in **Table 3.1-5: Bay Area Air Quality Management District Emissions Thresholds**, a significant air quality impact may occur and additional analysis is warranted to fully assess the significance of impacts.

Table 3.1-5: Bay Area Air Quality Management District Emissions Thresholds

Criteria Air Pollutants and Precursors (Regional)	Construction-Related	Operational-Related	
	Average Daily Emissions (pounds/day)	Average Daily Emission (pounds/day)	Annual Average Emission (tons/year)
Reactive Organic Gases (ROG)	54	54	10
Nitrogen Oxides (NO_X)	54	54	10
Coarse Particulates (PM_{10})	82 (exhaust)	82	15
Fine Particulates ($PM_{2.5}$)	54 (exhaust)	54	10
PM_{10} / $PM_{2.5}$ (fugitive dust)	Best Management Practices*	None	
Local CO	None	9.0 ppm (8-hour average) 20.0 ppm (1-hour average)	

* PM_{10} / $PM_{2.5}$ (fugitive dust) is also recognized to impact local communities. The Air District strongly recommends implementing all feasible fugitive dust management practices especially when construction projects are located near sensitive communities, including schools, residential areas, or other sensitive land uses. These measures are detailed in Chapter 5, Section 5.2.2 (Construction-Related Criteria Air Pollutant Emissions.

Source: Bay Area Air Quality Management District, 2022 CEQA Air Quality Guidelines, 2022.

Methodology

The air quality impact analysis considers construction and operational impacts associated with the Project. Where criteria air pollutant quantification was required, emissions were modeled using the California Emissions Estimator Model (CalEEMod). CalEEMod is a statewide land use emissions computer model designed to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. Air quality impacts were assessed according to methodologies recommended by CARB and the Bay Area Air District.

Construction equipment, trucks, worker vehicles, and ground-disturbing activities associated with Project construction would generate emissions of criteria air pollutants and precursors. The anticipated truck routes during construction are shown in **Figure 2.3-7: Project Truck Routes**. Air quality impacts were assessed according to CARB and Bay Area Air District recommended methodologies. Daily regional

construction emissions are estimated by assuming construction occurs at the earliest feasible date (i.e., a conservative estimate of construction activities) and applying off-road, fugitive dust, and on-road emissions factors in CalEEMod.

Project operations would result in emissions of area sources (consumer products), energy sources (off-site electricity generation), stationary sources (emergency generators), off-road sources (yard trucks) and mobile sources (motor vehicles from Project generated vehicle trips). Project-generated increases in operational emissions would be predominantly associated with motor vehicle use. The Project vehicle trip generation was obtained from the *1605 South 7th Street Transportation Analysis* prepared by NV5 (Appendix J2). Based on the *Transportation Analysis* the following assumptions provided in **Table 3.1-6: Trip Generation, Fleet Mix, and Trip Length Assumptions** were modeled in CalEEMod. The anticipated truck routes during operations are shown in **Figure 2.3-7: Project Truck Routes**.

Table 3.1-6: Trip Generation, Fleet Mix, and Trip Length Assumptions

Vehicle Categories[1]	Trip Generation (daily trips)	Fleet Mix	Trip Length (miles one-way)
Associates - Passenger Vehicles	328	CalEEMod Defaults	12.83[1]
DSP Drivers - Passenger Vehicles	530	CalEEMod Defaults	12.83[1]
Independent Contractors - Passenger Vehicles[3]	150	CalEEMod Defaults	17.7
DSP Vans – Sprinter Vans	528	Light Heavy-Duty Trucks (LHD2)	17.7
Line-Haul Trucks - 4+ axle trucks	52	Heavy-Heavy Duty Trucks	43
Total	**1,588**		

Notes:
1. DSP – Delivery Service Provider
2. Vehicle categories and descriptions are detailed in Appendix J.
3. Employee, flex, and van trip length provided by a Vehicle Miles Traveled (VMT) Analysis Report and supporting traffic data (NV5, September 2024).
4. Independent Contractors' trips are only one way.

Additionally, the increase of traffic over existing conditions as a result of the Project was obtained from the Project's *Transportation Analysis* (Appendix J). Other operational emissions from area, energy, and stationary sources were quantified in CalEEMod based on land use activity data.

As discussed in Air Quality Thresholds above, the Bay Area Air District provides significance thresholds for emissions associated with Project construction and operations. The Project's construction and operational emissions are compared to the daily criteria pollutant emissions significance thresholds in order to determine the significance of the Project's impact on regional air quality. Impacts of the Project on sensitive receptors are determined by analyzing Project contributions of toxic air contaminants and construction diesel particulate matter, both of which are evaluated in the Health Risk Assessment (HRA), as well as CO hotspots on nearby receptors. The Project's impacts in other emissions (such as those leading to odors) that adversely affect a substantial number of people are determined by Bay Area Air District

considerations of land uses.

AQ-1 ***Would the Project conflict with or obstruct implementation of the applicable air quality plan?***

Less Than Significant Impact

The Bay Area Air District's most recently adopted plan, the Clean Air Plan (2017), outlines how the San Francisco area will attain air quality standards, reduce population exposure and protect public health, and reduce GHG emissions. The Bay Area Air District has not established a quantitative threshold of significance for project-level consistency with an air quality plan. However, per Bay Area Air District guidelines, if a project is consistent with Criterion 1 through Criterion 3 (see analysis below), the project would not conflict with or obstruct the implementation of the applicable air plan.

Criterion 1: Does the Project support the primary goals of the Air Quality Plan?

The Clean Air Plan has two paramount goals: (1) protect air quality and health at the regional and local scale by (a) attaining all state and national air quality standards and (b) eliminating disparities among Bay Area communities in cancer health risk from toxic air contaminants, and (2) protect the climate by keeping the Bay Area region on track to achieve the statewide greenhouse gas emission reduction targets in Senate Bill 32 and 2050 goal in Executive Order S-3-05.

The Project supports these two primary goals. Regarding Goal 1(a), as described in Threshold AQ-2, construction and operational air quality emissions, with mitigation, generated by the Project would not exceed the Bay Area Air District's emissions thresholds for criteria air pollutants. Since the Project would not exceed these thresholds, the Project would not be considered to be a substantial emitter of criteria air pollutants by the Bay Area Air District, would not contribute to any non-attainment areas in the Basin, and would be consistent with the goal to attain all state and national air quality standards.

Regarding Goal 1(b), as described in Threshold AQ-2 and Threshold AQ-3, construction and operational cancer health risk from toxic air contaminants would be below the Bay Area Air District's project-level and cumulative thresholds. Therefore, the Project would not conflict with the Clean Air Plan's goal to eliminate disparities in Bay Area communities in cancer health risk from toxic air contaminants.

Regarding Goal 2, as discussed in the *1605 South 7th Street Project Greenhouse Gas Emissions Assessment* (Appendix G), the Project would be consistent with the City's Greenhouse Gas Reduction Strategy (GHGRS), which aligns with the targets in SB 32 and is designed to put the City on the path to meet the long-term target of carbon neutrality by 2045. Therefore, the Project would not conflict with the second goal of protecting the climate by being consistent with the SB 32 targets and executive orders related to future greenhouse gas emissions.

Criterion 2: Does the Project include applicable control measures from the Air Quality Plan?

The Project is consistent with the 2017 Clean Air Plan policies that are applicable to the Project site. As shown below, projects are considered consistent with the 2017 Clean Air Plan if they incorporate all applicable and feasible control measures from the 2017 Clean Air Plan and would not disrupt or hinder

implementation of any 2017 Clean Air Plan control measures. As discussed in **Table 3.1-7: Project Consistency with Applicable Clean Air Plan Control Measures***,* the Project would comply with City, State, and regional requirements.

Table 3.1-7: Project Consistency with Applicable Clean Air Plan Control Measures

Control Measure	Project Consistency
Stationary Source Control Measures	
SS21: New Source Review of Toxic Air Contaminants. SS21 addresses air toxics emissions through Bay Area Air District Rule 2-5, New Source Review of Toxic Air Contaminants.	**Consistent**. The project would not include uses that would generate new sources of TAC that would impact nearby sensitive receptors.
SS25: Coatings, Solvents, Lubricants, Sealants and Adhesives. SS25 will reduce emissions of ROG from architectural coatings and other materials by proposing more stringent ROG limits as appropriate.	**Consistent**. The project would comply with Regulation 8, Rule 3: Architectural Coatings, which would dictate the ROG content of paint available for use during construction (also required per City of San José Environmental Standard Conditions).
SS26: Surface Prep and Cleaning Solvent. SS26 aims to lower the ROG limits for surface preparation, cleanup, and equipment cleaning in Bay Area Air District rules 8-24, 8-29, 8-30, 8-35, and 8-38.	
SS29: Asphaltic Concrete. SS29 evaluates the cost effectiveness, and feasibility of limiting solvent content of emulsified asphalt and the availability of substitutes for diesel to clean asphalt related equipment.	**Consistent**. Paving activities associated with the project would be required to utilize asphalt that does not exceed Bay Area Air District emission standards in Regulation 8, Rule 15.
SS31: General Particulate Matter Emissions Limitation. SS31 aims to reduce or revise the Bay Area Air District's allowable weight rate limitations for particulate matter.	**Consistent**. This control measure is implemented by the Bay Area Air District through Regulation 6, Rule 1. This Rule Limits the quantity of particulate matter in the atmosphere by controlling emission rates, concentration, visible emissions, and opacity. The project would be required to comply with applicable Bay Area Air District rules.
SS32: Emergency Back-up Generators. S32 will reduce emissions of DPM, TACs, and criteria pollutants from emergency backup generators by enforcing Rule 11- 18, resulting in reduced health risks to impacted individuals. This measure will also have climate protection benefits through reduced GHG emissions.	**Consistent**. While emergency generators are not currently proposed for the Project, one back up emergency generator was conservatively assumed in this analysis. If emergency generators were to be installed, they would be required to meet the Bay Area Air District's emissions standards for back-up generators.
SS36: Particulate Matter from Trackout. SS36 developed Regulation 6, Particulate Matter; Rule 6: Trackout (Rule 6-6) to address mud and dirt that can be "tracked out" from construction sites, bulk	**Consistent**. Mud and dirt that may be tracked out onto the nearby public roads during construction activities would be removed promptly by the contractor in compliance with

Control Measure	Project Consistency
material storage, and disturbed surfaces onto public paved roads where vehicle traffic will pulverize the mud and dirt into fine particles and entrain them into the air.	the Bay Area Air District's requirements and City Standard Permit Conditions.
SS37: Particulate Matter from Asphalt Operations. SS37 aims to develop a rule to require abatement/control of blue smoke emissions related to asphalt delivery to roadway paving projects.	**Consistent**. Paving and roofing activities associated with the project would be required to utilize best management practices to minimize the particulate matter created from the transport and application of road and roofing asphalt.
SS38: Fugitive Dust. SS38 reduces particulate matter (PM_{10} & $PM_{2.5}$) fugitive dust emissions from traffic and other operations on construction sites, large, disturbed surfaces, and other sources of fugitive PM emissions.	**Consistent**. Material stockpiling and track out during grading activities as well as smoke and fumes from paving and roofing asphalt operations would be required to utilize best management practices, such as watering exposed surfaces twice a day, covering haul trucks, and keeping vehicle speeds on unpaved roads under 15 mph to minimize the creation of fugitive dust. See City of San José Environmental Standard Permit Conditions for a more detailed list.
SS40: Odors. SS40 proposes amendments to Regulation 7 to strengthen odor standards and enhance enforceability.	**Consistent**. The project is an industrial development and is not anticipated to generate odors. The project would comply with Bay Area Air District Regulation 7 to strengthen odor standards and enhance enforceability.
Transportation Control Measures	
TR2: Trip Reduction Programs. TR2 includes a mandatory and voluntary trip reduction program. The regional Commuter Benefits Program, resulting from SB 1339, and similar local programs in jurisdictions with ordinances that require employers to offer pretax transit benefits to their employees are mandatory programs. Voluntary programs include outreach to employers to encourage them to implement strategies that encourage their employees to use alternatives to driving alone.	**Consistent**. The project would include a number of travel demand measures (TDM) such as improving pedestrian and bicycle networks. These TDM Programs would help reduce mobile greenhouse gas emissions.
TR8: Ridesharing and Last-Mile Connections. TR8 promotes ridesharing services and incentives through the implementation of the 511 Regional Rideshare Program, as well as local rideshare programs implemented by Congestion	

Control Measure	Project Consistency
Management Agencies. These activities will include marketing rideshare services, operating a rideshare information call center and website, and providing vanpool support services. In addition, this measure includes provisions for encouraging car sharing programs.	
TR9: Bicycle and Pedestrian Access Facilities. The bicycle component of TR9 strives to expand bicycle facilities serving employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers. Typical improvements include bike lanes, routes, paths, and bicycle parking facilities. The bicycle component also includes a bike share pilot project that was developed to assess the feasibility of bicycle sharing as a first- and last-mile transit option. The pedestrian component of this measure is intended to improve pedestrian facilities and encourage walking by funding projects that improve pedestrian access to transit, employment sites, and major activity centers. Improvements may include sidewalks/paths, benches, reduced street width and intersection turning radii, crosswalks with activated signals, curb extensions/bulbs, buffers between sidewalks and traffic lanes, and street trees.	**Consistent**. Along South 7th Street, there are 5 to 7 feet wide Class II bike lanes in both directions with additional solid green striping. Along Phelan Ave, there are both Class II and Class III bike lanes in both the NB and SB directions. Pedestrian crosswalks are present at every intersection with Americans with Disabilities Act -compliant ramps. Construction of the project will maintain the existing Class II and Class III bike lanes and pedestrian facilities along Phelan Avenue. According to the San Jose Better Bike Plan 2025, protected bike lanes (class IV) are planned along Monterey Road, South 7th Street and East Alma Avenue. Along East Alma Avenue, the Project would replace the existing sidewalk with a 10-foot sidewalk along the entirety of the northern Project site frontage. New landscaping, including street trees, would be installed along the reconstructed sidewalk. The Project would reconstruct the existing Class II bike lane along the South 7th Street Project site frontage to a Class IV protected bike lane from the intersection of South 7th Street and East Alma Avenue to the southern terminus of the Project site. In addition to the Class IV protected bike lane, the Project would install a sidewalk with concrete paving in between the Class IV bike lane and the Project site boundary along South 7th Street frontage. The Project would include 18 bicycle parking spaces as well as bicycle and pedestrian access on the driveway.
TR10: Land Use Strategies. This measure supports land use patterns that reduce VMT and associated emissions and exposure to TACs, especially within infill locations and impacted communities.	**Consistent**. This measure is a Bay Area Air District funding tool to maintain and disseminate information on current climate action plans and other local best practices and collaborate with

Control Measure	Project Consistency
	regional partners to identify innovative funding mechanisms to help local governments address air quality and climate change in their general plans. In addition, the Project site is located within 2,000 feet of transit stops at Montague Expressway / Trimble Road intersection and Brokaw Road / Junction Avenue intersection. Therefore, these employment opportunities would be easily accessible via transit, furthering the City's General Plan goals to support a healthy community, reduce traffic congestion and decrease greenhouse gas emissions and energy consumption. The project would not conflict with implementation of this measure.
TR19: Medium and Heavy-Duty Trucks. TR19 supports the provision and encouragement of organizations to provide incentives for the purchase of new trucks with engines that exceed ARB's NO_X emission standards for heavy-duty engines, new hybrid trucks, and new zero-emission trucks.	**Consistent.** The project includes a warehousing use that would generate truck trips. The transportation analysis prepared for the project indicated there would be approximately 52 daily heavy-duty truck trips. The project would not conflict with the implementation of this measure.
TR22: Construction, Freight and Farming Equipment. TR22 directs the Bay Area Air District to work to reduce emissions from off-road equipment used in the construction, freight handling and farming industries by pursuing the following strategies: (1) offering financial incentives between 2017 and 2030 to retrofit engines with diesel particulate filters or upgrade to equipment with electric or Tier 4 off-road engines; (2) work with the air board, the California Energy Commission and others to develop more fuel-efficient off-road engines and drive trains; and (3) work with local communities to encourage use of renewable electricity and fuels.	**Consistent**. The project would comply through implementation of mitigation measure AQ-1, which requires construction equipment to meet the CARB Tier 4 emissions standards.
Energy and Climate Control Measures	
EN1: Decarbonize Electricity Generation. EN1 focuses on lowering carbon emissions by switching the fuel sources used in electricity generation. The measure would promote and expedite a transition away from fossil fuels used in electricity generation (i.e., natural gas) to a greater reliance on renewable energy sources (e.g., wind, solar). In addition, this measure would promote an increase	**Consistent**. The Project would be subject to energy efficiency standards enforced through the California Building Efficiency Standards (CCR Title 24, Part 6), California Green Building Standards Code (CCR Title 24, Part 11 – CALGreen) and the City of San José's California Green Building Standards Code, which include

Control Measure	Project Consistency
in cogeneration, which results in useful heat in addition to electricity generation from a single fuel source.	requirements that make new buildings more energy efficient than older buildings.
EN2: Decrease Electricity Demand. EN2 would decrease electricity demand through the adoption of additional energy efficiency policies and programs.	
Buildings Control Measures	
BL1: Green Buildings. BL1 seeks to increase energy efficiency and the use of on-site renewable energy for all types of existing and future buildings. The measure includes policy assistance, incentives, diffusion of public information, and targeted engagement and facilitation of partnerships in order to increase energy efficiency and on-site renewable energy in the buildings sector.	**Consistent**. The Project would be constructed in accordance with the latest California Building Efficiency Standards (CCR Title 24, Part 6), California Green Building Standards Code (CCR Title 24, Part 11 – CALGreen), the City's Council Policy 6-32 and the City's Green Building Ordinance.
BL2: Decarbonize Buildings. BL2 seeks to reduce GHG emissions, criteria pollutants and TACs by limiting the installation of space- and water-heating systems and appliances powered by fossil fuels. This measure is to be implemented by developing model policies for local governments that support low- and zero-carbon technologies as well as potentially developing a rule limiting the sale of natural-gas furnaces and water heaters.	
BL4: Urban Heat Island Mitigation. BL4 seeks to reduce GHG emissions, criteria pollutants, and TACs by developing and encouraging the adoption of a model ordinance for "cool parking" that promotes the use of cool surface lots undergoing resurfacing.	**Consistent**. The project would demolish the existing warehouse building and associated asphalt surfaces. The project would include more landscaping and reduce the amount of impervious surface area on the project site.
Natural and Working Lands Control Measures	
NW2: Urban Tree Planting. NW2 seeks to reduce criteria pollutants and GHG emissions by developing or identifying an existing model municipal tree planting ordinance.	**Consistent**. The project site is in an existing warehouse building. The project includes landscaping with native vegetation and trees.
Waste Management Control Measures	
WA3: Green Waste Diversion. WA3 seeks to reduce the total amount of green waste being disposed in landfills by supporting the diversion of green waste to other uses.	**Consistent**. The waste service provider for the Project would be required to meet the AB 341 and SB 939, 1374, and 1383 requirements that require waste service providers to divert and

Control Measure	Project Consistency
WA4: Recycling and Waste Reduction. WA4 seeks to reduce GHG emissions by diverting recyclables and other materials from landfills.	recycle waste. Per CALGreen requirements and the City's Zero Waste strategic plan, which requires diversion of 90 percent of waste away from landfills, the Project would recycle construction waste.
Water Control Measures	
WR2: Support Water Conservation. WR2 seeks to promote water conservation, including reduced water consumption and increased on-site water recycling, in residential, commercial and industrial buildings for the purpose of reducing GHG emissions.	**Consistent**. The project would implement water conservation measures and low flow fixtures as required by Title 24, CalGreen, and the City of San Jose's Municipal Code Section 15-11 Water Efficient Landscaping Ordinance, which includes various specifications for plant types, water features, and irrigation design etc.
Source: Bay Area Air District, Clean Air Plan, 2017 and Kimley-Horn & Associates, 2024.	

As discussed in **Table 3.1-7: Project Consistency with Applicable Clean Air Plan Control Measures** above, the Project would include applicable control measures from the Clean Air Plan.

Criterion 3: Does the Project hinder or disrupt the implementation of any Air Quality Control Measures?

The Clean Air Plan assumptions for projected air emissions and pollutants in the City of San José are based on the Envision San José 2040 General Plan Land Use Designation Map which designates the Project site use as "Heavy Industrial (HI)". The Project site is zoned "Heavy Industrial (HI)". The HI Zoning District allows for warehouse, light to medium manufacturing, and wholesale establishments. The Project would be consistent with the development assumptions for the land use. Therefore, the Project is consistent with the General Plan assumptions. The Project consists of 106,752 square feet of industrial use building with incidental office space consistent with the Envision San José 2040 General Plan Supplemental Program EIR land use designation and would not increase the regional population growth or cause changes in vehicle traffic that would obstruct implementation of the Clean Air Plan in the San Francisco Bay Area Basin.

Specifically, the Project is anticipated to generate approximately 600 jobs within the City, as noted by the Project Applicant. ABAG predicts that job opportunities in the City of San José will grow from 369,500 in 2019 to 708,980 by 2040. Therefore, the 600 new jobs generated by the Project would be within the ABAG growth projections for the City. As identified in the General Plan Environmental Impact Report (EIR), the City currently has an existing ratio of 0.8 jobs per resident. The General Plan Final EIR identified that at full buildout of the General Plan, the existing ratio of jobs per employed resident would be increased to a job per employed resident ratio of 1.3. Because the Project is consistent with planned land uses for the Project site, the Project would not exceed the level of population or housing in regional planning efforts. Population growth from the Project would be consistent with ABAG's projections for the City and with the City's General Plan and accounted for in the Bay Area Air District's assumptions in its Clean Air Plan. Thus, the jobs associated with the Project would not conflict with the Clean Air Plan.

Therefore, the Project would not hinder or disrupt the implementation of any 2017 Clean Air Plan Control

Measures and impacts would be less than significant.

AQ-2 ***Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?***

Less Than Significant Impact with Mitigation

CONSTRUCTION

Project construction activities would generate short-term emissions of criteria air pollutants. The criteria pollutants of primary concern within the Project area include ozone-precursor pollutants (i.e., ROG and NO_X) and PM_{10} and $PM_{2.5}$. Construction-generated emissions are short term and temporary, lasting only while construction activities occur, but would be considered a significant air quality impact if the volume of pollutants generated exceeds the Bay Area Air District's thresholds of significance.

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

The Project's construction-related emissions were calculated using the Bay Area Air District-approved CalEEMod computer program, which is designed to model emissions for land use development projects, based on typical construction requirements. Project construction was modeled to begin July 2026 with a construction duration of approximately 17 months and would include 39,219 tons of demolition, including the existing building (304,670 sf) and existing pavement (433,000 sf). Additionally, there would be approximately 3,000 cubic yards (cy) of soil export and no soil import during construction. The construction schedules are shown in **Table 2.3-1: Project Construction Schedule**. The exact construction timeline is unknown; however, to be conservative, earlier dates for the commencement of construction were utilized in the modeling. This approach is conservative given that emissions factors decrease in future years due to regulatory and technological improvements and fleet turnover. See Appendix C for additional information regarding the construction assumptions used in this analysis.

The Project's predicted maximum daily construction-related emissions are summarized in **Table 3.1-8: Construction-Related Emissions**.

Table 3.1-8: Construction-Related Emissions

Construction Year	Pollutant (maximum pounds per day)[1]					
	ROG	NO_X	Exhaust		Fugitive Dust	
			PM_{10}	$PM_{2.5}$	PM_{10}	$PM_{2.5}$
Unmitigated Scenario						
2026	7.55	67.59	2.75	2.53	15.85	2.74
2027	14.92	64.21	2.56	2.36	4.61	1.67
Bay Area Air District Significance	*54*	*54*	*82*	*54*	*BMPs*	*BMPs*

Construction Year	Pollutant (maximum pounds per day)[1]					
	ROG	NO_X	Exhaust		Fugitive Dust	
			PM_{10}	$PM_{2.5}$	PM_{10}	$PM_{2.5}$
Unmitigated Scenario						
Threshold [2, 3]						
Exceed Bay Area Air District Threshold?	**No**	**Yes**	**No**	**No**	**N/A**	**N/A**
Mitigated Scenario						
2026	1.83	17.86	0.34	0.33	15.85	2.74
2027	13.55	11.95	0.33	0.33	4.61	1.67
Bay Area Air District Significance Threshold [2, 3]	*54*	*54*	*82*	*54*	*BMPs*	*BMPs*
Exceed Bay Area Air District Threshold?	**No**	**No**	**No**	**No**	**N/A**	**N/A**

ROG = Reactive Organic Gases; NO_X = Nitrogen Oxides; PM_{10} = Particulate Matter 10 microns in diameter or less; $PM_{2.5}$ = Particulate Matter 2.5 microns in diameter or less

1. Emissions were calculated using CalEEMod. Mitigated emissions include compliance with the Bay Area Air District's Basic Construction Mitigation Measures Recommended for All Projects and the City of San José Environmental Standard Conditions. These measures include the following: water exposed surfaces two times daily; cover haul trucks; clean track outs with wet powered vacuum street sweepers; limit speeds on unpaved roads to 15 miles per hour; complete paving as soon as possible after grading; limit idle times to 5 minutes; properly maintain mobile and other construction equipment; and post a publicly visible sign with contact information to register dust complaints and take corrective action within 48 hours. Additionally, the mitigated scenario would implement Mitigation Measure AQ-1, which would require all off-road diesel powered construction equipment meet CARB Tier 4 Final emissions standards.
2. Bay Area Air Quality Management District, California Environmental Quality Act Air Quality Guidelines, updated May 2017.
3. BMPs = Best Management Practices. The Bay Area Air District recommends the implementation of all Basic Construction Mitigation Measures, whether or not construction-related emissions exceed applicable significance thresholds. Implementation of Basic Construction Mitigation measures are considered to mitigate fugitive dust emissions to be less than significant.

Source: Refer to the CalEEMod outputs provided in Appendix A, *Air Quality Modeling Data*.

Fugitive Dust Emissions. Fugitive dust emissions are associated with land clearing, ground excavation, cut-and-fill operations, demolition, and truck travel on unpaved roadways. Dust emissions also vary substantially from day to day, depending on the level of activity, the specific operations, and weather conditions. Fugitive dust emissions may have a substantial, temporary impact on local air quality. In addition, fugitive dust may be a nuisance to those living and working in the Project vicinity. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. The Bay Area Air District does not have quantitative thresholds for fugitive dust. The Bay Area Air District instead recommends the implementation of all Basic Construction Control Measures, whether or not construction-related emissions exceed applicable significance thresholds and the Project would implement the Bay Area Air District Basic Construction Control Measures as a Standard Permit Condition to control dust at the Project site during all phases of construction. These Standard Permit Conditions

would be incorporated in the Site Development Permit. Implementation of the Bay Area Air District's Basic Construction Control Measures ensure that fugitive dust emissions would be less than significant.

Standard Permit Conditions

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

i. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.

ii. Cover all haul trucks transporting soil, sand, or other loose material off-site.

iii. Remove all visible mud or dirt trackout onto adjacent public roads at least once per day using wet power vacuum street sweepers. The use of dry power sweeping is prohibited.

iv. Limit all vehicle speeds on unpaved roads to 15 mph.

v. Pave all new roadways, driveways, and sidewalks as soon as possible.

vi. Lay building pads as soon as possible after grading unless seeding or soil binders are used.

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

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

ix. Treat unpaved roads providing access to sites located 100 feet or further from a paved road with a 6- to 12-inch layer of compacted wood chips, mulch, or gravel.

x. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 2 minutes (A 5-minute limit is required by state Airborne Toxics Control Measures [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at all access points to the site. Maintain and properly tune all construction equipment in accordance with the 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 name and phone number of an on-site construction coordinator to contact regarding dust complaints. The on-site construction coordinator shall respond and take corrective action within 48 hours. The sign shall also provide the City's Code Enforcement Complaints email and number and the Bay Area Air Quality Management District's General Air Pollution Complaints number to ensure compliance with applicable regulations. r

Construction Equipment and Worker Vehicle Exhaust. Exhaust emission factors for typical diesel-powered heavy equipment are based on the CalEEMod program defaults. Variables factored into estimating the total construction emissions include: level of activity, length of construction period, number of pieces/types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported onsite or offsite. Exhaust emissions from construction activities include emissions associated with the transport of machinery and supplies to and from the Project site, emissions produced on site as the equipment is used, and emissions from trucks

transporting materials and workers to and from the site. Emitted pollutants would include ROG, NO_X, PM_{10}, and $PM_{2.5}$. The Bay Area Air District recommends the implementation of all Basic Construction Control Measures, whether or not construction-related emissions exceed applicable significance thresholds. The As detailed in **Table 3.1-8: Construction-Related Emissions**, unmitigated Project construction emissions would exceed the Bay Area Air District thresholds and construction emissions would result in a potentially significant impact for NO_x. However, the Project would be required to use construction equipment that would meet CARB Tier 4 Final emissions standards in order to reduce NO_x construction emissions as noted in Mitigation Measure AQ-1. Implementation of Mitigation Measure AQ-1 would further reduce construction emissions as shown in **Table 3.1-8: Construction-Related Emissions**. Therefore, construction air quality impacts would be less than significant.

ROG Emissions. In addition to gaseous and particulate emissions, the application of asphalt and surface coatings creates ROG emissions, which are O_3 precursors. In accordance with the methodology prescribed by the Bay Area Air District, the ROG emissions associated with paving have been quantified with CalEEMod.

The highest concentration of ROG emissions would be generated from architectural coating beginning in Summer 2027 and lasting approximately three months. This phase includes the interior and exterior painting as well as striping of all paved parking areas and driveways. Paints would be required to comply with Bay Area Air District Regulation 8, Rule 3: Architectural Coating. Regulation 8, Rule 3 provides specifications on painting practices and regulates the ROG content of paint. Compliance with this mandatory regulation will further ensure that Project impacts with respect to ROG emissions remain less-than-significant.

Summary. As shown in **Table 3.1-9: Construction-Related Emissions**, all criteria pollutant emissions would remain below their respective thresholds. The Bay Area Air District considers fugitive dust emissions to be potentially significant without implementation of the Construction Control Measures which help control fugitive dust. NO_X emissions are primarily generated by engine combustion in construction equipment, haul trucks, and employee commuting, requiring the use of newer construction equipment with better emissions controls would reduce construction-related NO_X emissions. With implementation of the Standard Permit Conditions, and Mitigation Measure AQ-1 listed above, the Project's construction would not worsen ambient air quality, create additional violations of federal and state standards, or delay the Basin's goal for meeting attainment standards. Impacts would be less than significant with mitigation incorporated.

Impact AQ-1: During construction, NO_X would exceed the Bay Area Air District 54 lbs/day threshold by 13.59 lbs/day.

Mitigation Measure

AQ-1 Prior to issuance of any demolition, grading permits, and/or building permits (whichever occurs earliest), the project applicant shall prepare and submit a construction operations plan that includes specifications of the equipment to be used during construction to the Director of Planning, Building and Code Enforcement or the Director's Designee. The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth below.

- All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall meet Tier 4 Final U.S. Environmental Protection Agency (U.S. EPA) particulate matter emissions standards.

- If Tier 4 Final equipment are not available, other measures may include the use of added exhaust devices, alternatively fueled equipment, or a combination of measures, provided that these measures demonstrate reduction in community risk impacts to a less than significant level, are verified by an air quality specialist, and approved by the City.

- The construction operations plan prepared by the construction contractor shall outline how the contractor will achieve the measures outlined in this mitigation measure. The plan shall include, but not be limited to the following:

    - List of activities and estimated timing.

    - Equipment that would be used for each activity.

    - Manufacturer's specifications for each equipment that provides the emissions level; or the manufacturer's specifications for devices that would be added to each piece of equipment to ensure the emissions level meet the thresholds in the mitigation measure.

    - How the construction contractor would ensure that the measures listed are monitored.

    - How the construction contractor would remedy any exceedance of the thresholds.

    - How often and the method the construction contractor would use to report compliance with this mitigation measure.

OPERATIONS

Operational emissions for industrial developments are typically generated from mobile sources (burning of fossil fuels in cars); energy sources (cooling and heating); area sources (landscape equipment and household products); stationary sources (i.e., emergency generators) and off-road equipment (i.e., forklifts). **Table 3.1-10: Maximum Daily Project Operational Emissions** shows that the Project's maximum emissions would not exceed the Bay Area Air District operational thresholds.

Table 3.1-9: Maximum Daily Project Operational Emissions

Emissions Source	Pollutant (maximum pounds per day)[1]					
	ROG	NO_X	Exhaust		Fugitive Dust	
			PM_{10}	$PM_{2.5}$	PM_{10}	$PM_{2.5}$
Area	4.59	0.05	0.01	0.01	0.00	0.00
Energy[2]	0.00	0.00	0.00	0.00	0.00	0.00
Mobile	4.65	13.83	0.20	0.19	17.30	4.41
Off-Road – Forklift[3,4]	1.03	8.43	0.32	0.29	0.00	0.00

Emissions Source	Pollutant (maximum pounds per day)[1]					
	ROG	NO_X	Exhaust		Fugitive Dust	
			PM_{10}	$PM_{2.5}$	PM_{10}	$PM_{2.5}$
Emergency Generator[3]	1.69	4.71	0.25	0.25	0.00	0.00
Total Project Emissions	**11.96**	**27.02**	**0.78**	**0.74**	**17.30**	**4.41**
Bay Area Air District Significance Threshold[5]	*54*	*54*	*82*	*54*	*N/A*	*N/A*
Bay Area Air District Threshold Exceeded?	**No**	**No**	**No**	**No**	**N/A**	**N/A**

ROG = Reactive Organic Gases; NO_X = Nitrogen Oxides; PM_{10} = Particulate Matter 10 microns in diameter or less; $PM_{2.5}$ = Particulate Matter 2.5 microns in diameter or less

1. The highest values between summer and winter results were used as a worst-case scenario.
2. The Project would not include natural gas for operations.
3. One emergency back-up generator was conservatively assumed in this analysis. Emissions were calculated with CARB OFFROAD 1.0.2.
4. Emissions were calculated for 2 forklifts operating for 12 hours per day
5. Bay Area Air Quality Management District, *California Environmental Quality Act Air Quality Guidelines*, 2017.

Source: Refer to the CalEEMod outputs provided in Appendix A, *Air Quality and GHG Data*.

Area Source Emissions Area source emissions would be generated due to the use consumer products, architectural coating, and landscaping.

Mobile Sources. Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NO_X, PM_{10}, and $PM_{2.5}$ are all pollutants of regional concern (NO_X and ROG react with sunlight to form O_3 [photochemical smog], and wind currents readily transport PM_{10} and $PM_{2.5}$). However, CO tends to be a localized pollutant, dispersing rapidly at the source.

Project-generated vehicle emissions have been estimated using CalEEMod. Trip generation rates associated with the Project were based on the Project Transportation Analysis prepared by NV5 (2024). Based on the Transportation Analysis, the Project would result in a total of 1,588 daily vehicle trips. This includes 528 delivery van trips, 150 independent contractor trips, 858 employee passenger trips, and 52 heavy-duty truck trips. Refer to **Table 3.1-6: Trip Generation, Fleet Mix, and Trip Length Assumptions** for more information.

Off-Road Equipment Emissions. Operational off-road emissions would be generated by off-road cargo handling equipment used during operational activities. Based on information provided by the Applicant the Project would include two forklifts.

Emergency Generator. While emergency generators are not currently proposed for the Project, one back up emergency generator was conservatively assumed this in analysis. Backup generators would only be used in the event of a power failure and would not be part of the Project's normal daily operations. Nonetheless, emissions associated with this equipment were included to be conservative. Emissions from an emergency backup generator for the warehouse building was calculated separately from CalEEMod; refer to Appendix C. However, CalEEMod default emissions rates were used. The Applicant would be required to obtain Permits to Operate prior to the installation and operation of the emergency generators. Testing and maintenance includes 50 hours per year per generator. If emergency generators are required,

the end user would be required to obtain a permit from the Bay Area Air District and include the Best Available Control Technology (BACT) prior to installation.

Summary. Federal and state ambient air quality standards for criteria air pollutants have been set to protect public health, with an adequate margin of safety, and the climate. The Bay Area Air District thresholds for criteria air pollutants represent the level of emissions a project can have while allowing the air basin to attain federal and state ambient air quality standards. As indicated in **Table 3.1-10: Maximum Daily Project Operational Emissions**, the Project would not have a significant impact related to criterial air pollutants during operation. Therefore, the Project would not violate any air quality standards or contribute substantially to an existing or projected air quality violation and no criteria pollutant health impacts would occur. Project operational emissions would be less than significant.

CUMULATIVE SHORT-TERM EMISSIONS

The Basin is designated nonattainment for O_3, PM_{10}, and $PM_{2.5}$ for State standards and nonattainment for O_3 and $PM_{2.5}$ for Federal standards. The Project's construction-related emissions by themselves would have the potential to exceed the Bay Area Air District significance thresholds for a criteria pollutant, NO_x, without mitigation measure AQ-1. The Bay Area Air District developed construction thresholds of significance based on the level above which a project's individual emissions would result in a cumulatively considerable contribution to the Basin's existing air quality conditions. Therefore, a project that exceeds the Bay Area Air District thresholds would also be a cumulatively considerable contribution to a significant cumulative impact.[4]

In general, the construction emissions of any given project would not be cumulatively considerable if they do not exceed Bay Area Air District project level thresholds. Since Bay Area Air District thresholds indicate whether an individual project's emissions have the potential to affect cumulative regional air quality, an individual project that exceeds these thresholds would result in a cumulative short term impact. Project level cumulative construction emissions would not exceed any thresholds with implementation of Tier 4 Final construction equipment (as discussed in Mitigation Measure AQ-1 above) to reduce impacts to less than significant. Furthermore, the Bay Area Air District recommends Basic Construction Mitigation Measures for all projects whether construction-related emissions exceed the thresholds of significance. Other projects would comply with the recommended measures through individual CEQA review and through compliance with Bay Area Air District Regulations. Compliance with Bay Area Air District construction-related mitigation requirements are considered to reduce cumulative impacts at a Basin-wide level. As a result, construction emissions associated with the Project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts from construction.

CUMULATIVE LONG-TERM IMPACTS

The Bay Area Air District has not established separate significance thresholds for cumulative operational emissions. The nature of air emissions is largely a cumulative impact. As a result, no single project is

[4] In developing thresholds of significance for air pollutants, the Bay Area Air District considered the emission levels for which a project's individual emissions would be cumulatively considerable. 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 (Bay Area Air District, 2022).

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 Bay Area Air District developed the operational thresholds of significance based on the level above which a project's individual emissions would result in a cumulatively considerable contribution to the Basin's existing air quality conditions. Therefore, a project that exceeds the Bay Area Air District operational thresholds would also be a cumulatively considerable contribution to a significant cumulative impact.

As shown in **Table 3.1-10: Maximum Daily Project Operational Emissions**, the Project's operational emissions would not exceed Bay Area Air District thresholds. As a result, operational emissions associated with the Project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts for operations.

AQ-3 ***Would the Project expose sensitive receptors to substantial pollutant concentrations?***

Less Than Significant Impact

Sensitive land uses are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. The closest sensitive receptor is the DCP Charter School approximately 100 feet west of the Project site, refer to **Table 3.1-3: Sensitive Receptors**. The State CEQA Guidelines indicate that a potentially significant impact could occur if a project would expose sensitive receptors to substantial pollutant concentrations. As detailed further below, CO concentrations would be well below the State and federal standards.

CARBON MONOXIDE HOTSPOTS

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

The Basin is designated as in attainment for CO. Emissions and ambient concentrations of CO have decreased dramatically in the Basin with the introduction of the catalytic converter in 1975. CARB monitors ambient air quality at approximately 250 air monitoring stations across the state. In Santa Clara County, there are four CARB monitoring stations. No exceedances of the CAAQS or NAAQS for CO have been recorded at any monitoring stations located in Santa Clara County since 1991. As a result, the Bay

Area Air District screening criteria notes that CO impacts may be determined to be less than significant if a project would not increase traffic volumes at local intersections by more than 44,000 vehicles per hour, or 24,000 vehicles per hour for locations in heavily urban areas, where "urban canyons" formed by buildings tend to reduce air circulation.

According to the Traffic Analysis prepared for the Project (Appendix J), the Project would generate 1,588 daily vehicle trips that would largely travel along Monterey Road, 7th Street, East Alma Avenue, Phelan Avenue, and Curtner Avenue to reach the nearest freeways (see **Figure 2.3-7: Project Truck Routes**). According to the Traffic Analysis, the 7th Street and East Alma Avenue study intersection would have the highest peak hour volume with 1,864 vehicles in the worst case peak hour scenario. Project peak hour volumes at this intersection would be 60 vehicles during the worst case peak hour. Therefore, the total intersection volume would be 1,924 vehicles. As such, the Project would not increase traffic volumes at local intersections by more than 44,000 vehicles per hour, or 24,000 vehicles per hour for locations in heavily urban areas. Therefore, the Project would not have the potential to create a CO hotspot and impacts would be less than significant.

CARCINOGENIC RISK

Construction equipment and associated heavy-duty truck traffic generate diesel exhaust, which is a known TACs. Diesel exhaust from construction equipment operating at the site poses a health risk to nearby sensitive receptors. The closest sensitive receptor to the Project site is the DCP Charter School, which is located 100 feet to the west of the Project site. The Bay Area Air District provides guidance for evaluating impacts from TACs in its CEQA Air Quality Guidelines document. As noted therein, an incremental cancer risk of greater than 10 cases per million at the Maximally Exposed Individual will result in a significant impact. The Bay Area Air District considers exposure to annual $PM_{2.5}$ concentrations that exceed 0.3 $\mu g/m^3$ from a single source to be significant. The Bay Area Air District significance threshold for non-cancer hazards is 1.0.

Stationary sources within a 1,000-foot radius of the Project site were identified using Bay Area Air District's Stationary Source Screening Analysis Tools and consultation with the Bay Area Air District. The Bay Area Air District confirmed five sources exist within 1,000-feet of the Project site in **Table 3.1-3: Sensitive Receptors** and are further evaluated in the HRA prepared by Kimley-Horn 2024 (Appendix D). It is noted that the analysis below summarizes the findings of the HRA prepared by Kimley-Horn, refer to the HRA for detailed modeling and analysis assumptions.

CONSTRUCTION-RELATED DIESEL PARTICULATE MATTER

Project construction would generate DPM emissions from the use of off-road diesel equipment required for grading and excavation, paving, and other construction activities. For construction activity, DPM is the primary TAC of concern. Diesel exhaust from construction equipment operating at the site poses a potential health risk to nearby sensitive receptors. The closest sensitive receptor is the DCP Charter School approximately 100 feet west of the Project site.

The amount to which the receptors are exposed (a function of concentration and duration of exposure) is the primary factor used to determine health risk (i.e., potential exposure to TAC emission levels that exceed applicable standards). On-road diesel-powered haul trucks traveling to and from the construction

area to deliver materials and equipment would not generate substantial on-site emissions because they would not stay on the site for long durations.

Health-related risks associated with diesel-exhaust emissions are primarily linked to long-term exposure and the associated risk of contracting cancer. The use of diesel-powered construction equipment would be episodic and would occur in various phases throughout the Project site. Additionally, construction activities would limit idling to no more than five minutes (per City and State standards, see Standard Permit Condition in Threshold AQ-2 above), which would further reduce nearby sensitive receptors' exposure to temporary and variable DPM emissions. Furthermore, even during the most intense year of construction, emissions of DPM would be generated from different locations on the Project site rather than in a single location because different types of construction activities (e.g., site preparation and building construction) would not occur at the same place at the same time.

$PM_{2.5}$ construction emissions rates in grams per second were calculated from the total annual mitigated on-site exhaust emissions reported in CalEEMod total during construction. Although construction would span over multiple years, the modeling conservatively uses the year with the highest emission for each phase. Annual emissions were converted to grams per second and these emissions rates were input into AERMOD.

Risk levels were calculated with the CARB Hotspots Analysis and Reporting Program Risk Assessment Standalone Tool based on the California OEHHA guidance document, Air Toxics Hot Spots Program Risk Assessment Guidelines (February 2015). Project construction would occur for a period of approximately 17 months. However, the health risk computation was performed to determine the likelihood of developing an excess cancer risk calculated on a 3-year exposure scenario, beginning with the third trimester, as recommended by the Bay Area Air District, and thus is conservative.[5] Further, based on OEHHA *Risk Assessment Guidelines*, the exposure duration for a resident is 30 years, beginning with the third trimester. Operations would commence following completion of the construction period. The analysis calculates risk based on exposure to construction concentrations during the first 3 years of the exposure duration and operational concentrations for the remainder of the 30-year exposure duration. Results of this assessment are summarized in **Table 3.1-11: Particulate Matter Concentration and Carcinogenic Risk**.

The reported annual pollutant concentrations in **Table 3.1-11: Particulate Matter Concentration and Carcinogenic Risk** are reported at the closest maximally exposed individual (MEI) within 1,000 feet. These receptors are the single family residences located 800 feet west of the Project site, DCP Charter School located 100 feet west of the Project site, and commercial worker receptors located 95 feet west of the Project site.

[5] The Bay Area Air District recommends that the cancer risk be evaluated assuming that the average daily dose for short-term exposure lasts a minimum of three years for projects lasting three years or less (Bay Area Air District, 2016)).

Table 3.1-10: Particulate Matter Concentration and Carcinogenic Risk

Exposure Scenario[1]	$PM_{2.5}$ Annual Concentration ($\mu g/m^3$)	$PM_{2.5}$ Threshold ($\mu g/m^3$)	Cancer Risk (Risk per Million)[1]	Significance Threshold (Risk per Million)	Exceeds Risk Significance Threshold?
Unmitigated					
Construction					
Single Family Residential Receptor (800 feet west)	0.042	0.30	0.687	10	**No**
DCP Charter School Receptor (100 feet west)	0.071	0.30	0.323	10	**No**
Commercial Off-Site Worker Receptor (95 feet west)	0.054	0.30	0.329	10	**No**
Operations					
Single Family Residential Receptor (800 feet west)	0.008	0.30	2.620	10	**No**
DCP Charter School Receptor (100 feet west)	0.025	0.30	1.678	10	**No**
Commercial Off-Site Worker Receptor (95 feet west)	0.029	0.30	6.052	10	**No**
Construction and Subsequent Operations					
Single Family Residential Receptor (800 feet west)	0.050	0.30	2.874	10	**No**
DCP Charter School Receptor (100 feet west)	0.095	0.30	2.331	10	**No**
Commercial Off-Site Worker Receptor (95 feet west)	0.082	0.30	6.381	10	**No**
Mitigated[2]					
Construction					
Single Family Residential Receptor (800 feet west)	0.038	0.30	0.242	10	**No**
DCP Charter School Receptor (100 feet west)	0.046	0.30	0.058	10	**No**

Exposure Scenario[1]	$PM_{2.5}$ Annual Concentration ($\mu g/m^3$)	$PM_{2.5}$ Threshold ($\mu g/m^3$)	Cancer Risk (Risk per Million)[1]	Significance Threshold (Risk per Million)	Exceeds Risk Significance Threshold?
Commercial Off-Site Worker Receptor (95 feet west)	0.022	0.30	0.051	10	**No**
Construction and Subsequent Operations					
Single Family Residential Receptor (800 feet west)	0.047	0.30	2.575	10	**No**
DCP Charter School Receptor (100 feet west)	0.071	0.30	2.331	10	**No**
Commercial Off-Site Worker Receptor (95 feet west)	0.051	0.30	6.102	10	**No**

1. The reported annual pollutant concentration is at the closest maximally exposed individual (MEI) to the Project site.
2. The mitigated exposure scenario accounts for implementation of Mitigation Measure AQ-1 which requires all heavy-duty off-road construction equipment to meet CARB Tier 4 Final. This would reduce construction risk levels below Bay Area Air District thresholds. No mitigation is required for operations.

Source: Refer to HRA Report (Appendix D)

As shown in **Table 3.1-11: Particulate Matter Concentration and Carcinogenic Risk**, the unmitigated construction risk at DCP Charter School and single family residential receptors would be 0.68 and 0.32 in one million, respectively. The unmitigated construction risk at the off-site worker receptors would be 0.33 in one million. Additionally, the unmitigated operational cancer risk at DCP Charter School and single family residential receptors would be 1.68 and 2.62 in one million, respectively. The operational risk at the off-site worker receptor would be 6.05 in one million.

The unmitigated construction and subsequent operational cancer risk at the off-site worker receptor would be 6.38 in one million. Further, the unmitigated construction and subsequent operational cancer risk at the DCP Charter School and single family residential receptors would be 2.33 and 2.87 in one million, respectively. Therefore, the maximum unmitigated construction, operational, and combined construction and operational cancer risk would not exceed the Bay Area Air District threshold of 10 in one million. Regardless, the Project would be required to implement Mitigation Measure AQ-1 to reduce NO_X emissions associated with construction of the Project (refer to the Air Quality Assessment). Mitigation Measure AQ-1 requires the use of construction equipment that would meet CARB Tier 4 Final emissions standards in order to reduce diesel exhaust construction emissions. Implementation of Mitigation Measure AQ-1 would further reduce cancer risk from Project construction; refer to **Table 3.1-11: Particulate Matter Concentration and Carcinogenic Risk**.

Additionally, the maximum unmitigated $PM_{2.5}$ concentrations generated during Project construction and operations and combined construction and operations would not exceed the Bay Area Air District threshold of 0.3 $\mu g/m^3$ at any of the receptors.

NON-CARCINOGENIC HAZARD

The significance thresholds for TAC exposure also require an evaluation of non-cancer risk stated in terms of a hazard index. Non-cancer chronic impacts are calculated by dividing the annual average concentration by the Reference Exposure Level (REL) for that substance. The REL is defined as the concentration at which no adverse non-cancer health effects are anticipated. RELs are designed to protect sensitive individuals within the population. According to OEHHA, the REL for DPM is 5 and the target organ is the respiratory system (OEHHA, 2023).

Table 3.1-12: Chronic and Acute Hazard show that the highest calculated non-carcinogenic risk at the Project site would be less than hazard index of 1.0 at off-site receptors. Therefore, impacts from construction and operational non-carcinogenic hazards would be less than significant.

Table 3.1-11: Chronic and Acute Hazard

Exposure Scenario[1]	Chronic Hazard[2]
Unmitigated Construction Scenario	
Single Family Residential Receptor (800 feet west)	0.0004
DCP Charter School Receptor (100 feet west)	0.0021
Off-Site Worker Receptor (95 feet west)	0.0028
Unmitigated Operation Scenario	
Single Family Residential Receptor (800 feet west)	0.0009
DCP Charter School Receptor (100 feet west)	0.0039
Off-Site Worker Receptor (95 feet west)	0.0051
Bay Area Air District Threshold	*1.0*
Threshold Exceeded?	No
1. The reported pollutant concentration is at the closest receptor (maximally exposed individual receptor). 2. DPM is the primary TAC occurring during construction. There is no acute REL for DPM and acute health risk cannot be calculated. Note: MM-AQ-1 would require a construction operations plan that would verify equipment included in the plan meets CARB Tier 4 Final Emissions Standards that would further reduce chronic non-carcinogenic impacts.	
Source: Refer to HRA Report (Appendix D)	

The highest maximum chronic hazard index associated with DPM emissions from unmitigated Project construction would be 0.0004 at the single family residential receptor and 0.002 at the DCP Charter School receptor. The highest maximum chronic hazard index associated with DPM emissions from unmitigated Project construction would be 0.003 at the off-site worker receptors. Additionally, the highest maximum chronic hazard index associated with DPM emissions from unmitigated Project operations would be 0.001 at the single family residential receptor, 0.004 at the DCP Charter School receptor, and 0.005 at the off-site worker receptor. Therefore, unmitigated construction and operational non-carcinogenic hazards would not exceed the acceptable limits of 1.0 and impacts would be less than significant. Additionally, Mitigation Measure AQ-1 would further reduce chronic non-carcinogenic impacts by requiring all construction equipment to meet CARB Tier 4 Final emissions standards.

CUMULATIVE HEALTH RISK ANALYSIS

In addition to mobile sources, stationary sources within a 1,000-foot radius of the Project site were reviewed using Bay Area Air District's Stationary Source Screening Analysis Tools. There were five stationary sources located within a 1,000-foot radius of the Project site, as indicated in **Table 3.1-13: Cumulative Operational Health Risk**.

Table 3.1-13: Cumulative Operational Health Risk shows that cumulative impacts related to cancer risk and hazard would be less than cumulatively considerable and within acceptable limits. Additionally, cumulative $PM_{2.5}$ concentrations at the residential MEI would not exceed the Bay Area Air District's cumulative threshold of 0.8 µg/m^3, the primary contributor to those concentrations is the existing stationary sources near the Project area. The existing stationary have a high $PM_{2.5}$ concentration (0.59 µg/m^3). The highway sources represent approximately 83 percent of the total concentrations and are unrelated to the Project. The Project represents less than one percent of total cumulative $PM_{2.5}$ in the Project area.

Table 3.1-12: Cumulative Operational Health Risk

Emissions Sources	$PM_{2.5}$ (µg/m^3)	Cancer Risk (Risk per Million)	Hazard
Project Emissions	0.03	6.37	0.014
Major Street Sources[1]	0.05	1.48	0.20
Highway Sources[1]	0.03	14.46	1.32
Railway Sources[1]	0.01	3.06	0.04
Stationary Sources			
Lardie & Company	0.00	0.00	0.00
Glencore Recycling	0.59	0.30	0.00
Y2K Auto Body Repair	0.00	0.00	0.00
Skunkworks Performance & Restoration	0.00	0.08	0.00
Sun Garden Chevron	0.00	38.23	0.17
Cumulative Health Risk Values	**0.71**	**63.98**	**1.74**
Bay Area Air District Cumulative Threshold	*0.8*	*100*	*10*
Threshold Exceeded?	**No**	**No**	**No**
1. Bay Area Air District GIS data.			
Source: Bay Area Air District's Stationary Source Data and GIS Mapping Tools, 2024.			

The Project and the cumulative project total $PM_{2.5}$ concentrations and cancer risk would not exceed Bay Area Air District cumulative thresholds. Therefore, the combined effects from both the Project and related projects would not be cumulatively significant. The Project is also below Bay Area Air District's incremental health risk thresholds. Therefore, the incremental effect of the individual Project is also less than

cumulatively considerable.[6] As the related cumulative TAC sources in the Project area do not exceed Bay Area Air District cumulative thresholds for cancer risk and the Project does not exceed Bay Area Air District incremental thresholds, impacts would not be cumulatively considerable. Therefore, the project's cumulative impacts would be less than cumulatively considerable.

AQ-4 ***Would the Project result in other emissions such as those leading to odors adversely affecting a substantial number of people?***

Less Than Significant Impact.

CONSTRUCTION

According to the Bay Area Air District, land uses associated with odor complaints typically include wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. The Project does not include any uses identified by the Bay Area Air District as being associated with odors.

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

OPERATIONS

The Bay Area Air District has established odor screening thresholds for land uses that have the potential to generate substantial odor complaints, including wastewater treatment plants, landfills or transfer stations, composting facilities, confined animal facilities, food manufacturing, and chemical plants. Bay Area Air District's thresholds for odors are qualitative based on Bay Area Air District's Regulation 7, Odorous Substances. This rule places general limitations on odorous substances and specific emission limitations on certain odorous compounds.

The Project includes an 106,752 sf one-story concrete tilt-up warehouse/industrial use building with canopy which is not anticipated to generate odors. None of the above listed odor generating uses are located near the Project site. Impacts would be less than significant.

[6] CEQA case law has held that any additional emissions in an impacted area does not necessarily create a significant cumulative impact, finding that "the 'one [additional] molecule rule' is not the law" (Communities for a Better Environment v. California Resources Agency (2002) 103 Cal. App. 4th 98, 120).

3.2 Biological Resources

An Arborist Report has been prepared by Arborwell, Inc. (September, 2020) to address potential impacts to biological resources, specifically native trees, associated with Project implementation. The following discussion and analysis is based on information in the General Plan EIR, including a Biological Resources Report, and the Arborist Report prepared for the Project and included as Appendix E of this Draft EIR. Additionally, a Landscape plan has been prepared by David Babcock + Associates, see **Figure 2.3-8: Landscape Plan**.

ENVIRONMENTAL SETTING

CITY-WIDE SETTING

The City of San José contains a range of environmental resources across a diverse landscape. The City's natural setting includes hillsides, riparian corridors, lakes, the San Francisco Bay, and adjacent Baylands. As discussed in the Biological Resources Report prepared as part of the General Plan EIR, the City's biological study area is generally defined by the San Francisco Bay to the north, the Diablo Range to the east, and the Santa Cruz Mountains to the west. The City is within the Santa Clara Valley, which is defined by a series of creeks and rivers, waterways, and five watersheds.

PROJECT VICINITY

The Project is located within an urbanized area of the City of San José. The Project site is currently developed with a main multi-unit warehouse building and five smaller buildings that are vacant and unoccupied. To the northeast of the Project site is an outdoor sports complex containing fields for various San José State University sports. The Project site is surrounded by developed-land use types including commercial and industrial to the south, east, and west. There is limited greenery on-site with existing landscaping along the northern and eastern Project site boundaries. To the east of the existing Project site are developed parks such as the Happy Hollow Park & Zoo, Redwood Grove, Japanese Friendship Garden, and the Kelley Park Disc Gold Course. Coyote Creek is the nearest existing waterway located approximately 0.6 mile east of the Project site (USFWS, 2024).

Natural Communities and Habitats

Eight main habitat types are present within the City limits of San José. These include developed, agricultural, grasslands, riparian forest and scrub, chaparral and coastal scrub, oak woodland, wetland, and aquatic/open water. Several habitats found within the City limits are considered to be sensitive habitats by state and federal agencies, such as U.S. Army Corps of Engineers, the Regional Water Quality Control Board, the US Fish and Wildlife Service (USFWS), and the California Department of Fish and Wildlife (CDFW). These include wetland and aquatic habitat, stream and riparian habitat, serpentine habitat, and oak woodland habitat. In addition, sensitive habitats tracked by the CDFW's California Natural Diversity Database (CNDDB) that occur within the City limits include Northern Coastal Salt Marsh, Serpentine Bunchgrass Grassland, and Sycamore Alluvial Woodland.

Approximately 68 percent of the area within the City limits and 80 percent of the area within the City's Urban Growth Boundary are occupied by developed urban and suburban land uses. Developed habitat types differ widely in the amount and types of plant species that they support. Some areas are fully developed areas barren of vegetation, such as portions of industrial or commercial sites, completely

paved, and high-density urban housing. In general, the developed land use type provides low habitat value for regionally occurring species. Developed or landscaped habitats typically support relatively common wildlife species that are tolerant of periodic human disturbance. Some of the most abundant species in developed habitats, such as the European starling, rock pigeon, house sparrow, Virginia opossum, house mouse, eastern gray squirrel, fox squirrel, Norway rat, and black rat are non-native species that are well adapted to the cover, nesting/denning, and foraging conditions provided by developed areas. In addition, a number of native species have adapted to these conditions. Native bird species commonly found in developed habitats in San José include the house finch, northern mockingbird, Anna's hummingbird, and California towhee. Native mammals such as the deer mouse, raccoon, and striped skunk utilize these developed areas as well.

The General Plan classifies the Project site and the immediate vicinity as developed land. The Project area is heavily disturbed and characterized by industrial and commercial development with associated roadways, sidewalks, driveways, outbuildings and mature landscaping. Human-altered landscapes that contain large amounts of paved surfaces and/or landscaped gardens with ornamental and/or weedy species are generally considered "developed." Existing trees and landscaping would be expected to support some of the common species listed above.

Movement Corridors

Movement corridors, or landscape linkages, are usually linear habitats that connect two or more habitat patches, providing assumed benefits to the species by reducing inbreeding depression, and increasing the potential for recolonization of habitat patches. Habitat corridors are vital to terrestrial wildlife for connectivity between core habitat areas (i.e., larger intact habitat areas where species make their living). Connections between two or more core habitat areas help ensure that genetic diversity is maintained, thereby diminishing the probability of inbreeding depression and geographic extinctions. This is especially true in fragmented landscapes and the surrounding urbanized areas as found in the rural/urban matrix along the edges of the City of San José. Movement corridors in California are typically associated with valleys, rivers and creeks supporting riparian vegetation, and ridgelines. With increasing encroachment of humans on wildlife habitats, it has become important to establish and maintain linkages, or movement corridors, for wildlife to be able to access locations containing different biotic resources that are essential to maintaining their life cycles.

The Project site itself is not a movement corridor, and it does not provide the functions and values of a habitat corridor because it is entirely developed with urban uses and is not a linkage between two habitat areas. Further, the Project site is not located adjacent to identified riparian corridors within the City, such as Coyote Creek and the Guadalupe River.

TREES

Typical to an industrial/business park complex development, buildings and hardscape comprise the majority of the total surface area of the site. Landscaping is restricted to landscape strips along Project site boundaries. Undeveloped patches of landscaping along the northeast property line have allowed one volunteer tree to establish, in contrast to the deliberately planted trees found throughout the rest of the property. While all trees are subject to the City of San José Tree Ordinance, only trees meeting the size criteria require a permit for removal. Of the 20 native tree species (58.33% of total tree species on-site),

the species include coast redwood (*Sequoia sempervirens*; 30.56 percent of total), coast live oak (*Quercus agrifolia;* 16.67 percent), California black walnut (*Juglans californica;* 5.56 percent), Monterey pine (*Pinus radiata*; 2.77 percent), and the hackberry (*Celtis reticulata*; 2.77 percent). Of the 16 non-native tree species (41.67 percent of total tree species on-site), include the European white birch (*Betula pendula;* 8.33 percent of total), patula pine (*Pinus patula;* 16.67%), evergreen pine (*Pyrus kawakamii*; 11.11 percent), purple leaf plum (*Prunus cerasifera;* 2.77 percent), and the Hollywood juniper (*Juniperus chinensis;* 2.77 percent). The existing landscape, including trees, appear to be properly maintained and in good health. For the majority of existing trees currently located on the Project site, removal is required for construction required. Horticultural based removal is recommended for four of the existing Patula Pine (*Pinus patula*) trees and one California Black Walnut (*Juglans californica*) tree, all ranging from good to very poor health. The **Table 3.2-1: Existing On-Site Tree Species** below lists all species and their contribution to species diversity.

Table 3.2-1: Existing On-Site Tree Species

Common Name	Botanical Name	# of Trees	Percent Total	Native?
Coast Redwood	*Sequoia sempervirens*	11	30.56%	Yes
Monterey Pine	*Pinus radiata*	1	2.77%	Yes
European White Birch	*Betula pendula*	3	8.33%	No
Patula Pine	*Pinus patula*	6	16.67%	No
California Black Walnut	*Juglans californica*	2	5.56%	Yes
Evergreen Pear	*Pyrus kawakamii*	4	11.11%	No
Purple Leaf Plum	*Prunus cerasifera*	1	2.77%	No
Hackberry	*Celtis reticulata*	1	2.77%	Yes
Hollywood Juniper	*Juniperus chinensis*	1	2.77%	No
Coast live oak	*Quercus agrifolia*	6	16.67%	Yes
TOTAL		**36**	**100.0%**	**58.33%**
Source: Appendix E, Arborist Report.				

SPECIAL STATUS PLANTS

The Project site is located in an industrial/business park complex that has been graded and developed. No natural plant communities are present within the Project site, including the off-site improvement areas. Of the species of special status plants that occur within the Santa Clara Valley, no special status plant species would occur within the Project site due to low quality habitat and the extent of existing development. According to a search of the CNDDB conducted on January 8, 2022, one special status plant species, robust spineflower (*Chorizanthe robusta*), has the potential to occur in the Project area. However, the CNDDB results indicate that the original occurrence that indicates the species' likelihood to occur was not Project site specific and occurred in 1882 prior to the development of the area. Thus, special status plant species would not be anticipated to occur within the Project site due to the occurrence not being within the Project site boundaries and the extent of Project site development since the occurrence was recorded.

SPECIAL STATUS WILDLIFE

The Biological Resources Report prepared for the General Plan EIR evaluated over 50 special-status wildlife species known to occur or potentially occurring within the City limits. Special-status wildlife known to occur within the City limits were identified based on a review of CNDDB records, work completed by the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan project, and biological resources reports previously prepared for various sites in the City of San José and vicinity. These species and their habitats are listed in General Plan EIR Table 3.5-3. Of these, a majority of species would be absent or unlikely to occur on the Project site due to a lack of suitable habitat types. These species include the California horned lizard, Golden eagle, northern harrier, white-tailed kite, American peregrine falcon, black skimmer, long-eared owl, western burrowing owl, Swainson's hawk, northern harrier, white-tailed kite, western yellow-billed cuckoo, tricolored blackbird, black swift, California yellow warbler, Alameda song sparrow, San Francisco dusky-footed woodrat, American badger, and ringtail.

A search of the CNDDB on January 8, 2022 indicated that five special status wildlife species have the potential to occur within the Project area. These species include: Northern California legless lizard, California tiger salamander, western bumble bee, Crotch's bumble bee, and yellow rail. All occurrences in the Project area were recorded prior to 1980, which predates development of the Project area. No occurrences were recorded as having occurred within the Project site. The two bumble bee species and yellow rail are presumed extant for a range that includes the Project site given their high mobility. However, the highly developed and disturbed nature of the Project site precludes these species from permanently occurring within the Project site due to a lack of habitat and high disturbance. The legless lizard and tiger salamander are unlikely to occur on the Project site due to a lack of specialized habit required for these species and high disturbance. Given the specific habitat needs of these species (e.g., permanent aquatic features and areas for burrowing) they would not occur on the developed and disturbed Project site.

As noted previously, the site consists of a "developed" habitat type with limited resource value supporting common species adaptable to urban environments. Such species include native or nesting bird species commonly found in developed habitats in the region including the house finch, northern mockingbird, Anna's hummingbird, and California towhee.

JURISDICTIONAL WATERS

No jurisdictional waters or wetlands occur on the Project site and the Project is not expected to impact the bed or bank of any jurisdictional waters. The nearest waterbody is Coyote Creek, approximately 0.6 mile east of the Project site.

REGULATORY FRAMEWORK

FEDERAL AND STATE

Threatened and Endangered Species

State and federal "endangered species" legislation has provided the CDFW and the USFWS with a mechanism for conserving and protecting plant and wildlife species of limited distribution and/or low or declining populations. Species listed as threatened or endangered under provisions of the state and federal Endangered Species Acts, candidate species for such listing, state species of special concern, and some plants listed as endangered by the California Native Plant Society are collectively referred to as "species of special status." Permits may be required from both the CDFW and USFWS if activities associated with a proposed project will result in the take of a listed species. To "take" a listed species, as defined by the state of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" said species (California Fish and Game Code, Section 86). "Take" is more broadly defined by the federal Endangered Species Act to include "harm" of a listed species (16 USC, Section 1532(19), 50 CFR, Section 17.3). Furthermore, the CDFW and the USFWS are responding agencies under CEQA. Both agencies review CEQA documents in order to determine the adequacy of their treatment of endangered species issues and to make project-specific recommendations for their conservation.

Migratory Bird Treaty Act

Migratory birds, including raptors (i.e., birds of prey) are protected by the Migratory Bird Treaty Act (MBTA). The MBTA prohibits killing, possessing, or trading in migratory birds, except under the terms of a valid permit issued pursuant to Federal regulations. The MBTA protects whole birds, parts of birds, bird nests, and eggs.

Wetlands and Other "Jurisdictional Waters"

Section 404 of the federal Clean Water Act (CWA) regulates the discharge of dredged or fill material into "navigable waters" (33 U.S.C. §1344), which the CWA defines as "the waters of the United States, including the territorial seas" (33 U.S.C. §1362(7)). The CWA does not provide a definition for waters of the U.S., and that has been the subject of considerable debate since the Act's passage in 1972. A variety of regulatory definitions have been promulgated by the two federal agencies responsible for implementing the CWA, the U.S. EPA and United States Army Corps of Engineers (USACE). These definitions have been interpreted, and in some cases, invalidated, by federal courts.

In 2015, the U.S. EPA and USACE jointly issued the Clean Water Rule (CWR), providing a synthesized definition of waters of the U.S. based on statute, science, and federal court decisions to date. Subsequent litigation delayed implementation of the CWR. However, in August 2018, the CWR was enjoined in 22 states including California.

On September 12, 2019 the U.S. EPA and USACE repealed the 2015 CWR. The repeal became effective 60 days after the September publication of the appeal in the Federal Register on August 28, 2015. As a result, the definition of waters of the U.S. has reverted to the definition established by the CWA and subsequent court cases (*United States* v. *Riverside Bayview Homes*, *Solid Waste Agency of Northern Cook County* v. *U.S. Army Corps of Engineers*, and *Rapanos* v. *United States*).

The current definition of waters of the U.S. includes the following:

> (1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
>
> (2) All interstate waters, including interstate wetlands;
>
> (3) The territorial seas;
>
> (4) All impoundments of waters otherwise identified as waters of the United States under this section;
>
> (5) All tributaries, as defined in paragraph (c)(3) of this section, of waters identified in paragraphs (a)(1) through (3) of this section;
>
> (6) All waters adjacent to a water identified in paragraphs (a)(1) through (5) of this section, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters;
>
> (7) All waters in paragraphs (a)(7)(i) through (v) of this section where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1) through (3) of this section. The waters identified in each of paragraphs (a)(7)(i) through (v) of this section are similarly situated and shall be combined, for purposes of a significant nexus analysis, in the watershed that drains to the nearest water identified in paragraphs (a)(1) paragraph (a)(6) of this section when performing a significant nexus analysis. If waters identified in this paragraph are also an adjacent water under paragraph (a)(6), they are an adjacent water and no case-specific significant nexus analysis is required.
>
> > (i) Prairie potholes. Prairie potholes are a complex of glacially formed wetlands, usually occurring in depressions that lack permanent natural outlets, located in the upper Midwest.
> >
> > (ii) Carolina bays and Delmarva bays. Carolina bays and Delmarva bays are ponded, depressional wetlands that occur along the Atlantic coastal plain.
> >
> > (iii) Pocosins. Pocosins are evergreen shrub and tree dominated wetlands found predominantly along the Central Atlantic coastal plain.
> >
> > (iv) Western vernal pools. Western vernal pools are seasonal wetlands located in parts of California and associated with topographic depression, soils with poor drainage, mild, wet winters and hot, dry summers.
> >
> > (v) Texas coastal prairie wetlands. Texas coastal prairie wetlands are freshwater wetlands that occur as a mosaic of depressions, ridges, intermound flats, and mima mound wetlands located along the Texas Gulf Coast.
>
> (8) All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1) through (3) of this section and all waters located within 4,000 feet of the high tide line or ordinary high water mark of a water identified in paragraphs (a)(1) through (5) of this section where they

are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1) through (3) of this section. For waters determined to have a significant nexus, the entire water is a water of the United States if a portion is located within the 100-year floodplain of a water identified in paragraphs (a)(1) through (3) of this section or within 4,000 feet of the high tide line or ordinary high water mark. Waters identified in this paragraph shall not be combined with waters identified in paragraph (a)(6) of this section when performing a significant nexus analysis. If waters identified in this paragraph are also an adjacent water under paragraph (a)(6), they are an adjacent water and no case-specific significant nexus analysis is required.

The following cannot be classified as waters of the U.S. under the current rule:

(b) The following are not ‘‘waters of the United States’’ even where they otherwise meet the terms of paragraphs (a)(4) through (8) of this section.

(1) Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act.

(2) Prior converted cropland. Notwithstanding the determination of an area’s status as prior converted cropland by any other Federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with U.S. EPA.

(3) The following ditches:

(i) Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.

(ii) Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.

(iii) Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1) through (3) of this section.

(4) The following features:

(i) Artificially irrigated areas that would revert to dry land should application of water to that area cease;

(ii) Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds;

(iii) Artificial reflecting pools or swimming pools created in dry land;

(iv) Small ornamental waters created in dry land;

(v) Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water;

(vi) Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways; and

(vii) Puddles.

(5) Groundwater, including groundwater drained through subsurface drainage systems.

(6) Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.

(7) Wastewater recycling structures constructed in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.

All activities that involve the discharge of dredge or fill material into waters of the U.S. are subject to Section 404 permit requirements of the USACE. Such permits are typically issued on the condition that the applicant agrees to provide mitigation that result in no net loss of wetland functions or values. No permit can be issued until the appropriate Regional Water Quality Control Board (RWQCB) issues a Section 401 Water Quality Certification (or waiver of such certification) verifying that the proposed activity will meet state water quality standards.

Under the Porter-Cologne Water Quality Control Act of 1969, the State Water Resources Control Board has regulatory authority to protect the water quality of all surface water and groundwater in the State of California ("Waters of the State"). Nine RWQCBs oversee water quality at the local and regional level. The RWQCB for a given region regulates discharges of fill or pollutants into Waters of the State through the issuance of various permits and orders. Discharges into Waters of the State that are also Waters of the U.S. require a Section 401 Water Quality Certification from the RWQCB as a prerequisite to obtaining certain federal permits, such as a Section 404 Clean Water Act permit. Discharges into all Waters of the State, even those that are not also Waters of the U.S., require Waste Discharge Requirements (WDRs), or waivers of WDRs, from the RWQCB. The RWQCB also administers the Construction Storm Water Program and the federal National Pollution Discharge Elimination System (NPDES) program. Projects that disturb one or more acres of soil must obtain a Construction General Permit under the Construction Storm Water Program. A prerequisite for this permit is the development of a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer. Projects that discharge wastewater, storm water, or other pollutants into a Water of the U.S. may require a NPDES permit. CDFW has jurisdiction over the bed and bank of natural drainages and lakes according to provisions of Section 1601 and 1602 of the California Fish and Game Code. Activities that may substantially modify such waters through the diversion or obstruction of their natural flow, change or use of any material from their bed or bank, or the deposition of debris require a Notification of Lake or Streambed Alteration. If CDFW determines that the activity may adversely affect fish and wildlife resources, a Lake or Streambed Alteration Agreement will be prepared. Such an agreement typically stipulates that certain measures will be implemented to protect the habitat values of the lake or drainage in question.

REGIONAL

Santa Clara Valley Habitat Plan/ Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill and Gilroy, Santa Clara Valley Water District, Santa Clara 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 approximately 500,000 acres of southern Santa Clara County. The Project site is located

within the boundaries of the SCVHP and is designated Urban- Suburban which comprises of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures.

LOCAL

City of San José Tree Ordinance

The City of San José tree ordinance (Chapter 13.32 of the Municipal Code) regulates the removal of trees. A tree removal permit is required by the City prior to the removal of any trees on commercial and industrial lots with special attention given to ordinance-size trees. An "ordinance-size tree" is:

- a single trunk measuring 38 inches or more in circumference at the height of 54 inches (i.e., 4 ½ feet) above natural grade; or
- a multi-trunk with combined measurements of each trunk circumference at 54 inches (i.e. 4 ½ feet) above natural grade adding up to 38 inches or more.

On private property, tree removal permits are issued by the Department of Planning, Building and Code Enforcement. Tree removal or modifications to all trees on public property (e.g., street trees within a parking strip or the area between the curb and sidewalk) are handled by the City's Department of Transportation (DOT) in consultation with the City Arborist.

The City's Heritage Tree List identifies more than 100 trees with special significance to the community because of their size, history, unusual species, or unique quality. Pursuant to Chapter 13.28 of the San José Municipal Code, it is illegal to prune or remove a heritage tree without first consulting the City Arborist and obtaining a permit.

The City's tree removal permit requires the applicant to maintain the permit, or a copy of the permit, and be able to present upon request to the director of planning, building, and code enforcement, police officers, and their designee. It shall be unlawful for any person to engage in any tree removal activity that is the subject of the permit unless and until: (1) the permit or a copy of the permit is located on the site where the subject tree is located, and (2) the permit or a copy of the permit is readily available for presentation upon request as described in this section (San José Municipal Code 13.32.045). As further noted by the City of San José Community Forest Management Plan, a tree removal permit can be issued for trees that have been found by the City Council to be "uniquely less compatible with the immediate environment because the species is invasive or non-native to the San José region or is susceptible to disease" (San José Municipal Code 13.32.020).

City of San José Community Forest Management Plan

The City of San José Community Forest Management Plan (CMFP) is a long-term strategy to build a strong and resilient landscape. The CFMP is shaped by four guiding principles: equity, diversity, and inclusion; innovation; regional identity; and resilient San José. The CFMP analyzes the City's existing Community Forest Program, outlines goals for a sustainable community forest, and updates the City's Tree Policy and Best Practices Manual. The Tree Policy and Best Practices Manual includes a summary of all existing tree-related ordinances, policies, maintenance practices, landscape practices, and standard details that apply

throughout the City. This section provides clarity for City staff and residents on the expected standards for tree planting, watering, tree staking, pruning, irrigation installation, and other physical actions that impact trees.

City of San José General Plan

The City's General Plan includes the following biological resource policies applicable to the Project:

Policy ER-5.1: Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

Policy ER-5.2: Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

Policy ER-6.5: Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.

Policy ER-6.7: Include barriers to animal movement within new development and, when possible, within existing development, to prevent movement of animals (e.g., pets and wildlife) between developed areas and natural habitat areas where such barriers will help to protect sensitive species.

Policy ER-6.8: Design and construct development to avoid changes in drainage patterns across adjacent natural areas and for adjacent native trees, such as oaks.

Policy MS-21.4: Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.

Policy MS-21.5: As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.

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

Policy MS-21.7: Manage infrastructure to ensure that the placement and maintenance of street trees, streetlights, signs and other infrastructure assets are integrated. Give priority to tree placement in designing or modifying streets.

Policy MS-21.8: For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals:

- Avoid conflicts with nearby power lines.
- Avoid potential conflicts between tree roots and developed areas. • Avoid use of invasive, non-native trees.
- Remove existing invasive, non-native trees.
- Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species.
- Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.

Policy IN-1.11: Locate and design utilities to avoid or minimize impacts to environmentally sensitive areas and habitats.

Policy CD 1.24: Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this Draft EIR, a biological resources impact is considered significant if the Project would:

1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?
3. 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?
4. 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?

5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
6. 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 following impact analysis evaluates the Project's potential to result in biological impacts.

BIO-1 ***Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?***

Less than Significant with Mitigation Incorporated

CONSTRUCTION

The Project site is located in an urban area with a mix of surrounding uses including commercial, office, and industrial uses. The Project site consists of ruderal shrubbery and existing trees along the Project boundary. The one special status plant species (robust spineflower) and the five special status wildlife species (northern California legless lizard, California tiger salamander, western bumble bee, Crotch's bumble bee, yellow rail) indicated as having potential to occur within the Project site by the CNNDB search conducted for the Project require specialized habitat (e.g., water features, dense marshland, flowering plants, suitable soils). Given the existing urban uses on-site and surrounding the Project site and the associated high level of human disturbance and lack of specialized habitat, identified special status plant and wildlife species are unlikely to occur. Similarly, the off-site improvement areas consist of existing road and sidewalk and do not support habitat for identified special status plant or wildlife species. For these reasons, construction of the Project would not have an adverse effect, directly or indirectly, on these species identified as a candidate, sensitive, or special status species as recognized in local, State or federal listings or their habitat.

Nesting migratory birds and raptors could use existing mature trees on or near the Project site. Mortality could occur as a result of tree removals during Project construction should individuals or nests be present when trees are removed. The loss of individuals or nests would be a potentially significant impact. Consistent with the MBTA and General Plan Policy ER-5.2, the Project would implement Mitigation Measure BIO-1 which requires avoidance of work during the nesting season or, should tree removal occur during the nesting season, pre-construction surveys and avoidance of any nests. Construction of the Project, with incorporation of Mitigation Measure BIO-1, would result in a less than significant impact on these special status species.

Impact BIO-1: Project tree removal could result in the loss of migratory birds and raptors or their nests should any be present during removal.

Mitigation Measure

MM BIO-1 Preconstruction Bird Surveys

- **Avoidance:** Prior to the issuance of any demolition, grading, tree removal, or building permits (whichever occurs first), the Project applicant shall schedule tree removal, demolition, and construction activities to avoid the nesting season if feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31 (inclusive).
- **Nesting Bird Surveys:** If construction activities cannot be scheduled to occur 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 shall be disturbed during Project implementation. This survey shall be completed no more than 14 days prior to the initiation of tree removal, demolition, or construction activities during the breeding season. During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within 250 feet of the construction areas for nests.
- **Buffer Zones:** If an active nest is found within 250 feet of the work areas to be disturbed by tree removal, demolition, and construction (whichever occurs first), the qualified ornithologist shall determine the extent of a construction-free buffer zone to be established around the nest, (typically 250 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during Project construction. The no-disturbance buffer shall remain in place until the ornithologist determines the nest is no longer active or the nesting season ends. If construction ceases for one week or more and then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.
- **Reporting:** Prior to any tree removal and construction activities or issuance of any demolition, grading, or building permits (whichever occurs first), the qualified ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee.

OPERATIONS

Normal operational activities of the new structures would not be substantially different from existing industrial park uses in terms of urban activity in an urban setting not on or adjacent to wildlife habitat. Replanted trees and landscaping would provide new opportunities for nesting and foraging once these areas are established but would not be expected to support sensitive or special status species. As such, Project operation would have no impact on sensitive or special status species.

BIO-2 ***Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?***

No Impact

Riparian habitat and sensitive natural communities, including wetlands, are absent from the Project site and immediate vicinity, including the off-site improvement areas. The nearest riparian habitat is Coyote Creek, located approximately 0.6 mile east of the Project site. Given the distance from Coyote Creek to the Project site, Project construction and operation would not result in any direct impacts to the creek or the associated riparian habitat. As such, the project would have no impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW and Game or USFWS.

BIO-3 ***Would the Project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological?***

No Impact

The Project site and off-site improvement areas are located within existing urban environment, developed with industrial park uses, and contains no wetlands or waters that could be considered Waters of the U.S. or Waters of the State. The nearest waterway is not a wetland and would be Coyote Creek located approximately 0.6 mile east of the Project site.[7] Therefore, there would be no impact to wetlands.

BIO-4 ***Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?***

No Impact

There are no established migratory wildlife corridors, habitat suitable for use as a wildlife nursery site, or waterways that could support migratory fish species on or near the Project site and off-site improvement areas. The General Plan EIR found that development within previously developed areas of the City would not impact the movement of wildlife species. The Project site and off-site improvement areas are located within an area of the City that been previously developed. The Project site does not contain suitable habitat for use as a wildlife nursery site as it is developed and located within a developed area with a high level of anthropogenic disturbance. With no waterways on or adjacent to the Project site, the nearest

[7] U.S. Fish and Wildlife Service, 2024. National Wetlands Inventory, Wetlands Mapper. Available at: https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/. Accessed September 9, 2024.

waterway would be Coyote Creek located approximately 0.6 mile east of the Project site. The Project would not impede the movement of any migratory fish in Coyote Creek. The Project would not 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. There would be no impact.

BIO-5 ***Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?***

Less Than Significant Impact

Within the City of San José, the urban forest as a whole is considered an important biological resource because most trees provide some nesting, cover, and foraging habitat for birds and mammals that are tolerant of humans, as well as providing necessary habitat for beneficial insects. While the urban forest is not as favorable an environment for native wildlife as extensive tracts of native vegetation, trees in the urban forest are often the best commonly or locally available habitat within urban areas. The Project is located in an urban area and includes native and non-native trees within the Project site that are considered part of the urban forest. The Project would remove all existing trees and would plant trees on-site compliant with City replacement tree requirements. The planting plans were also developed with consideration for other City and building code requirements such as low impact development, parking requirements, and onsite movement for trucks. There are no trees present within the off-site improvement areas.

Table 3.2-2: Proposed Tree Removals provides a summary of proposed tree removals and associated replacement requirements. Appendix E, Arborist Report provides a full inventory of trees to be removed.

Table 3.2-2: Proposed Tree Removals

Tree Size, Category	Proposed Existing Tree Removals	Ratio[1]	Replacement Trees Required
19 to 38 inches, non-Native	6	2:1	12
19 to 38 inches, Native	3	3:1	9
38 inches or greater, non-Native	10	4:1	40
38 inches or greater, Native	17	5:1	85
Total	**36**		**146**
1. Tree Removal Requirement per Municipal Code Section 13.32 (tree replacement to required tree loss ratios)			
Note: Trees greater than or equal to 38-inch circumference measured at 54 inches above natural grade shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial and Industrial properties, a permit is required for removal of trees of any size. A 38-inch tree equals 12.1 inches in diameter.			

As shown in **Table 3.2-3: City of San José Tree Replacement Ratios** below, the City requires 15-gallon-size replacement trees or allows 24-inch-box trees to count as two 15-gallon-size replacement trees. If there is insufficient area on the Project site to accommodate the required replacement trees, the City allows the payment of off-site tree replacement fees to the City prior to the issuance of building permit(s), in accordance with the City Council approved Fee Resolution in effect at the time of payment. The City will

use the off-site tree replacement fee(s) to plant trees at alternative sites. The Project would plant 146 trees on the Project site to comply with the City's tree replacement requirements.

Further, the Project would not conflict with or impede implementation of the City of San José Community Forest Management Plan. The concept of a community forest allows the City to think holistically about trees and other vegetation found within the City. As noted in the City Of San José Community Forest Management Plan, the human-created community forest was planted in a setting that is distinguished by paved surfaces and compromised soils that do not support the natural growth and regeneration of trees. Trees in the community forest must also be managed to safely interact with people, buildings, and infrastructure. The Project would improve the quality of on-site canopy and the health of on-site trees through planting of native species and improvements to landscaping and maintenance. The Project would also plant 33 street trees that do not count toward the replacement requirement. Therefore, the Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. A less than significant impact would occur.

Standard Permit Condition

Tree Replacement. Trees removed for the Project shall be replaced at ratios required by the City, as stated in **Table 3.2-3: City of San José Tree Replacement Ratios** below, as amended:

Table 3.2-3: City of San José Tree Replacement Ratios

Circumference of Tree to be removed	Replacement Ratios Based on Type of Tree to be Removed		Minimum Size of Each Replacement Tree
	Native	Non-Native	
38 inches or more	5:1	4:1	15-gallon
19 inches to 38 inches	3:1	2:1	15-gallon
Less than 19 inches	1:1	1:1	15-gallon

- 36 trees onsite would be removed. 17 trees would be replaced at a 5:1 ratio, 10 trees would be replaced at a 4:1 ratio, 3 trees would be replaced at a 3:1 ratio, and the remaining 6 trees would be replaced at a 2:1 ratio. The total number and size of replacement trees required to be planted on-site is 146 15-gallon trees.
- If there is insufficient area on the Project site to accommodate the required replacement trees, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee. Changes to an approved landscape plan requires the issuance of a Permit Adjustment or Permit Amendment:
    - The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site.
    - Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of building permit(s), in accordance with the City Council approved Fee Resolution in effect at

the time of payment. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

Refer to **Table 3.2-2: Proposed Tree Removals** for the total number and size of trees being removed. All proposed tree replacements would be planted on-site; therefore, the permittee would not be subject to payment of Off-Site Tree Replacement Fees to the City.

BIO-6 ***Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?***

Less Than Significant Impact

While the Project site is located within the Habitat Plan study area, the Project site is mapped as 'Urban Areas' and is not located within mapped burrowing owl, wetland, or serpentine soil fee zones (SCVHA, 2024). Further, the Project site and the off-site improvement area have been developed since at least the 1970s and do not contain native vegetation communities. None the less, because the Project is located within the Habitat Plan study area, the Project would be required to implement the following Standard Permit Condition. With implementation of the following Standard Permit Condition, the Project would comply with the requirements of the Habitat Plan and impacts would be less than significant.

Standard Permit Condition

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

3.3 Cultural Resources

The cultural resources evaluation is based on Cultural Resources Report prepared by Dudek (April 2021). The study includes analysis for the Project regarding both archaeological and built environment cultural resources. The report is included as Appendix F of this Draft EIR.

The Cultural Resources Study prepared by Dudek includes archival and records searches from:

- *Northwest Information Center (NWIC) of the California Historical Resources Information System* (CHRIS) at Sonoma State University
- *Sacred Land File* (Native American Heritage Commission 2021)
- *California Points of Historical Interest* (California Office of Historic Preservation 1992);
- *California Historical Landmarks* (California Office of Historic Preservation 2021); and
- *Built Environment Resource Directory for Santa Clara County* (California Office of Historic Preservation 2021b).

ENVIRONMENTAL SETTING

The Project site is located within the City's Central San José Planning Area in the General Plan EIR, which is identified as being archaeologically sensitive, with recorded archaeological sites, prehistoric village sites and architectural resources present.

ARCHAEOLOGICAL RESOURCES

A review of the City of San José General Plan EIR revealed no archaeological or cultural resources previously identified on the Project site. According to the General Plan EIR Figure 3.11-1, the Project site is identified as an area of "high sensitivity at depth" for paleontological resources.

Based on the Cultural Resources Study prepared by Dudek in 2021, background research, survey, and subsurface testing found no evidence of potentially significant archaeological resources within the area of potential effect (APE). The APE is defined as the Project site.[8] The Project's also includes a vertical APE of five feet. See Appendix F, Figure 3, for the APE. There is one known archaeological structural resource, CEFCU Stadium, recorded outside of the APE. CEFCU Stadium is a sports arena located approximately 425 feet northeast of the APE. Both a surface survey and subsurface testing were performed and resulted negative for evidence of potentially significant cultural resources associated with CEFCU Stadium or other archaeological resources, within the APE.

HISTORIC RESOURCES

While the 279,030-square foot main industrial building warehouse was in place by 1948, additions and modifications have taken place from the 1950s through the late 2000s. Please see Appendix F, Exhibit 1, for the location of all buildings on the Project site as well as the timeline of construction and modifications.

[8] While the APE does not include the off-site improvement area, the Cultural Resources Study includes a CHRIS search within a quarter mile radius of the APE. The off-site improvements are immediately adjacent to the APE and are included in the quarter mile radius. No previously recorded cultural resources were identified within or immediately adjacent to the APE.

No previously identified historic resources listed in the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR) or in the City of San José Historic Resource Inventory are located on the Project site. The closest historic resources are the Casa Linda Motel and the California Motel, approximately 0.2 and 0.3 mile south of the Project site, respectively (City of San José, n.d.). Further, the Project site is not within a City of San José Landmark District or Conservation area (General Plan EIR, Figure 3.11-3). The Project vicinity is characterized by industrial and warehouse-commercial use buildings.

Dudek evaluated the buildings on site for historic significance and integrity under the NRHP, CRHR and City of San José City Landmark designation criteria requirements in the cultural study. Because of their integrated relationship, all buildings were evaluated together as a single property. The main warehouse is the oldest structure (1948), which was built as a fruit packing warehouse owned by Sunsweet and expanded and modified over time.

Dudek staff documented and evaluated the property on Department of Parks and Recreation (DPR) 523 series forms and provided a detailed narrative evaluation. Refer to Appendix F for a detailed evaluation of the buildings on the Project site. The evaluation concluded that the property did not meet NRHP, CRHR or City significance criteria as a historic resource. While associated with the City's rich agricultural history, the property was not associated with important historic events or persons, did not embody distinctive characteristics of architecture or construction, and would be unlikely to yield important information. This conclusion applies to both the main warehouse structure, as well as the smaller structures. Due to their common/unremarkable building types and materials and/or recent age of construction, these smaller structures were also found to be lacking historic significance and integrity based on local, State and National standards.

None of the structures on-site are listed, or eligible for listing, in the National Register of Historic Places or the California Register of Historical Resources. Further, the structures on-site are not eligible for inclusion in the San José Historic Resources Inventory as individual City Landmark(s), Structure(s) of Merit, or Identified Site/Structure or as Contributing Structure(s) to a potential historic district. Therefore, the Project site and existing development do not qualify as a historic resource for the purposes of CEQA (as defined by Public Resources Code Section 21084.1).

REGULATORY FRAMEWORK

FEDERAL AND STATE

National Register of Historic Places

The National Register of Historic Places (NRHP) is the nation's most comprehensive list of historic resources and includes historic resources significant in American history, architecture, archeology, engineering and culture, at the local, State and National level. The NRHP is administered by the National Park Service and includes buildings, structures, sites, objects, and districts. Historic properties are nominated to the NRHP by the State Historic Preservation Officer (SHPO) of the state in which the property is located. Any person or agency can propose a nomination, but a nomination must be processed through SHPO.

The NRHP identifies four possible context types or criteria, at least one of which must be applicable at the National, State, or local level. These criteria are:

Criterion A: Property is associated with events that have made a significant contribution to the broad patterns of our history.

Criterion B: Property is associated with the lives of persons significant in our past.

Criterion C: Property embodies the 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 and distinguishable entity whose components lack individual distinction.

Criterion D: Property has yielded, or is likely to yield, information important to prehistory or history.

Secretary of the Interior's Standards for the Treatment of Historic Properties

The 1995 Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards) outlines specific standards and guidelines for the preservation, rehabilitation, restoration, and reconstruction of historic properties. Each set of standards provides specific recommendations for the proper treatment of specific building materials, as well as parts of building construction. CEQA references these standards relative to consideration of the significance of project impacts, or lack thereof, on historic resources. The Standards are also referenced in the Envision San José 2040 General Plan and the General Plan EIR.

STATE OF CALIFORNIA

California Register of Historical Resources

The California Register of Historical Resources (CRHR) serves as a guide to identify the State's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change (Pub. Res. Code [PRC] § 5024.1(a)), and it is a guide to cultural resources that must be considered when a government agency undertakes a discretionary action subject to CEQA. A historical resource is any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or which is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural history of California (14 California Code of Regulations [CCR]). The criteria in which to establish significant of a property for listing on the CRHR is like the NRHP but with a greater emphasis on local and state significance.

The context types or criteria to be used when establishing the significance of a property for listing on the CRHR are very similar, with emphasis on local and State significance. They are:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; or
2. It is associated with the lives of persons important to local, California, or national history; or
3. It embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values; or

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

LOCAL

City of San José Historic Resources

The City of San José Historic Resources Inventory classifies a property's status as one or more of the following categories defined in the Historic Resources Inventory itself, the City of San José Historic Preservation Ordinance, and the 2040 General Plan, and the inventory classifications of the local Historic Resources Inventory.

- **City Landmark Site/Structure** (CLS, defined in the City of San José Historic Preservation Ordinance): An individual historic site or structure locally designated by the City Council as a City Landmark under Municipal Code Section 13.48.
- **Candidate City Landmark** (CCL, defined in the City of San José Historic Preservation Ordinance): An individual site or structure found to be eligible for City Landmark status by meeting the criteria under Municipal Code Section 13.48 based on an evaluation or survey work.
- **City Landmark District** (CLD, defined in the City of San José Historic Preservation Ordinance): A historic district locally designated by the City Council as a City Landmark District under Municipal Code Section 13.48.
- **Candidate City Landmark District** A grouping of structures found to be eligible for City Landmark District status by meeting the criteria under Municipal Code Section 13.48 based on an evaluation or survey work.
- **National Register Site/Structure** (NRS, defined in the City of San José Historic Preservation Ordinance): A structure that has been listed on the NRHP by the State HPO.
- **National Register Historic District** (NRD, defined in the City of San José Historic Preservation Ordinance): A grouping of structures that has been listed on the NRHP by the State HPO.
- **Eligible for National Register (Individually)** (ENR, defined in the City of San José Historic Preservation Ordinance): A structure that has been found to be eligible for listing on the NRHP, but has not yet been listed on the NRHP by the State HPO.
- **Eligible for National Register Historic District** (ENRD, defined in the City of San José Historic Preservation Ordinance): A grouping of structures that has been found to be eligible for listing on the NRHP, but has not yet been listed on the NRHP by the State HPO.
- **State Landmark** (SL, defined in the City of San José Historic Preservation Ordinance): Buildings, structures, sites, or places that have been determined to have statewide historical significance by the State Historical Resources Commission and the Director of California State Parks.
- **California Register Site/Structure** (CR, defined in the City of San José Historic Preservation Ordinance): A structure or site that has been listed on the CRHR.

- **Eligible for California Register (Individually)** (ECR, defined in the City of San José Historic Preservation Ordinance): A structure or site that is eligible for listing the CRHR, but has not yet been listed on the CRHR.
- **Eligible for California Register District** (ECRD, defined in the City of San José Historic Preservation Ordinance): A grouping of structures or sites that is eligible for listing on the CRHR, but has not yet been listed on the CRHR.
- **City Conservation Area** (CNS, defined in the City of San José Historic Preservation Ordinance): A historic area designated by the City Council as a Conservation Area under Municipal Code Section 13.48.
- **Contributing Site/Structure** (CS, a Classification of the Historic Resources Inventory): A site or structure that contributes to a theme, a geographical area, a property type, or to the historic fabric of the community and in some cases to a certain neighborhood.
- **Non-Contributing Site/Structure** (NCS, a Classification of the Historic Resources Inventory): A site or structure within a designated or eligible historic area that does not qualify as a Contributing Site/Structure.
- **Structure of Merit** (SM, defined in the San José 2040 General Plan): An important historic property or feature of lesser significance, and that does not qualify as a City Landmark or for the California or National Registers but attempts should be made for preservation to the extent feasible under the 2040 General Plan goals and policies.
- **Identified Site/Structure** (IS, a Classification on the Historic Resources Inventory): A potential historic property that could qualify under one or more of the classifications above pending further evaluation and survey work.

A historic resource defined as a City Landmark Site/Structure, Candidate City Landmark Site/Structure, City Landmark Historic District, and/or Candidate City Landmark Historic District, including Contributing Site/Structure within a City Landmark District or Candidate City Landmark District is considered a historical resource under CEQA. The City of San José considers a Candidate City Landmark or Candidate City Landmark District historical resources under CEQA because if a property or area meets the significance criteria outlined in the Historic Preservation Ordinance. An Identified Site/Structure may also be a historical resource under CEQA if a historic resource evaluation presents a preponderance of evidence that the identified property meets federal, state and/or local designation criteria. Conservation Areas and Structures of Merit are not considered historical resources under CEQA if supported by current documentation and evaluation.

Chapter 13.48 of the San José Municipal Code is designed to promote the public peace, health, safety and welfare through the preservation of landmarks and districts and thereby stabilize neighborhoods and areas of the city; enhance, preserve and increase property values; carry out the goals and policies of the city's general plan, increase cultural, economic and aesthetic benefits to the city and its residents; preserve, continue and encourage the development of the city to reflect its historical, architectural,

cultural, and aesthetic value or tradition; protect and enhance the city's cultural and aesthetic heritage; and promote and encourage continued private ownership and utilization of such structures.

In accordance with the City of San José's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), a resource qualifies as a City Landmark if it has "special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature" and is one of the following resource types:

1. An individual structure or portion thereof;
2. An integrated group of structures on a single lot;
3. A site, or portion thereof; or
4. Any combination thereof (Section 13.48.020 C).

The ordinance defines the term "historical, architectural, cultural, aesthetic, or engineering interest or value of an historic nature' as deriving from, based on, or related to any of the following factors:

1. Identification or association with persons, eras or events that have contributed to local, regional, state or national history, heritage or culture in a distinctive, significant or important way;
2. Identification as, or association with, a distinctive, significant or important work or vestige:
    a. Of an architectural style, design or method of construction;
    b. Of a master architect, builder, artist or craftsman;
    c. Of high artistic merit;
    d. The totality of which comprises a distinctive, significant or important work or vestige whose component parts may lack the same attributes;
    e. That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture or aesthetics, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked; or
    f. That the construction materials or engineering methods used in the proposed landmark are unusual or significant of uniquely effective.
3. The factor of age alone does not necessarily confer a special historical, architectural, cultural, aesthetic, or engineering significance, value or interest upon a structure or site, but it may have such effect if a more distinctive, significant or important example thereof no longer exists (Section 13.48.020 A).

The City of San José's Municipal Code Section 13.48.110 (H) sets forth factors that may be considered to determine whether a property qualifies as a local landmark, as outlined below:

Prior to nominating a potentially historic property for designation as a city landmark and/or recommending approval or modified approval of a proposed designation as a city landmark, the Historic Landmarks Commission shall find that said proposed landmark has special historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature, and that its designation as a landmark conforms with the goals and policies of the general plan. In making such findings, the

Commission may consider the following factors, among other relevant factors, with respect to the proposed landmark:

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

The ordinance also defines a City Landmark District as "a geographically definable area ofurban or rural character, possessing a significant concentration or continuity of site, building, structures or objects unified by past events or aesthetically by plan or physical development (Section 13.48.020 B).

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes policies applicable to all development projects in San José. The following policies are specific to cultural resources and are applicable to the Project.

Vibration

Policy EC-2.3: Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 inches/second (in/sec) PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. For reference, a jackhammer has a PPV of 0.09 in/sec at a distance of 25 feet. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

Landmarks and Districts

Policy LU-13.1: Preserve the integrity and fabric of candidate or designated Historic Districts.

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

Policy LU-13.3: For landmark structures located within new development areas, incorporate the landmark structures within the new development as a means to create a sense of place, contribute to a vibrant economy, provide a connection to the past, and make more attractive employment, shopping, and residential areas.

Policy LU-13.4: Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.

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

Policy LU-13.7: Design new development, alterations, and rehabilitation/remodels within a designated or candidate Historic District to be compatible with the character of the Historic District and conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties, appropriate State of California requirements regarding historic buildings and/or structures (including the California Historic Building Code) and to applicable historic design guidelines adopted by the City Council.

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

Historic Structures of Lesser Significance

Policy LU-14.1: Preserve the integrity and enhance the fabric of areas or neighborhoods with a cohesive historic character as a means to maintain a connection between the various structures in the area.

Policy LU-14.3: Discourage demolition of any building or structure listed on or eligible for the Historic Resources Inventory as a Structure of Merit by pursuing the alternatives of rehabilitation, re-use on the subject site, and/or relocation of the resource.

Policy LU-14.6: Consider preservation of Structures of Merit and Contributing Structures in Conservation Areas as a key consideration in the development review process.

Archaeology and Paleontology

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

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

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

City Council Policy on Preservation of City Landmarks

San José City Council adopted a policy on the preservation of historic landmarks on December 8, 1998 (amended May 23, 2006). The intent of the policy is that candidate or designated landmark structures, sites, or districts be preserved wherever possible. Proposals to alter such resources must include a thorough and comprehensive evaluation of the historic and architectural significance and the economic and structural feasibility of preservation and/or adaptive reuse. Every effort to incorporate candidate or designated landmark structures into future plans for the project should be made.

This policy is included for informational purposes only as it is not applicable to the Project, because there are no historic structures on-site.

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this Draft EIR, a cultural resources impact is considered significant if the Project would:

1. Cause a substantial adverse change in the significance of a historical resource, pursuant to in §15064.5?
2. Cause a substantial adverse change in the significance of an archaeological resource, pursuant to § 15064.5?
3. Disturb any human remains, including those interred outside of formal cemeteries?

The definition of "historical resources" is provided by CEQA Guidelines § 15064.5(a). The following is an abbreviated and excerpted summary of this definition:

1. A resource listed in, or determined eligible by the State Historical Resources Commission, for listing in, the CRHR.
2. A resource included in a local register of historical resources or identified as significant in an historical resource survey shall be presumed historically significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the CRHR.

Under CEQA, a structure need not be listed on a national, state, or local register to qualify as a significant resource. A structure is considered a resource under CEQA if it is found to be *eligible* for inclusion on a national, state, or local register. The following impact analysis evaluates the Project's potential to result in cultural resource impacts.

CUL-1 ***Would the proposed Project, cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?***

No Impact

As demonstrated by the archival research, field survey, and significance evaluation included in Appendix F, the existing buildings on the Project site are not eligible for listing in the NRHP, CRHR, or local inventory, due to a lack of significant historical associations and historic integrity associations. As such, no historic resources have been identified on the Project site. Therefore, the Project would result in no impact to historical resources.

CUL-2 ***Would the proposed Project, cause a substantial adverse change in the significance of an archaeological resource pursuant to in §15064.5?***

Less Than Significant Impact with Mitigation

The Project would include underground utility work to a depth of approximately 3 feet. In addition, the off-site improvements for this project include grinding and overlaying the existing road with asphalt pavement, new landscaping, and sidewalk and bicycle lane improvements. There are no identified potentially significant archaeological resources within the Project site or off-site improvement areas. However, because there is always some chance of finding unanticipated archaeological deposits, the Project will proceed under a plan that accounts for the inadvertent discovery of potentially significant archaeological resources and human remains, as described in the Standard Permit Condition for Subsurface Cultural Resources discussed below. Implementation of Mitigation Measures TCR-1 and TCR-2, listed in Threshold TCR-1 in Section 3.8, Tribal Cultural Resources, would require tribal cultural resource sensitivity training for Project construction personnel and monitoring of ground disturbing activities to mitigate any potential impacts to cultural resources with traditional or cultural significance to the Native American or other descendant communities.

The General Plan EIR concluded that future development and redevelopment allowed under the proposed General Plan, especially construction activities, could result in direct or indirect impacts to both prehistoric and historic archaeological resources. The General Plan includes policies [Policy ER-10.1, Policy ER-10.2, Policy ER-10.3] that require the provision of studies to identify possible archaeological resources on specific development sites and the incorporation of measures to avoid or limit possible disturbance of resources if they are accidentally encountered during construction. In the event that archaeological resources (including human remains) are encountered during excavation and construction, the Project would implement the following Standard Permit Conditions:

Standard Permit Conditions

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

Following implementation of the Standard Permit Conditions and mitigation measures, the Project would result in less than significant impacts to archaeological resources.

CUL-3	***Would the proposed Project, disturb any human remains, including those interred outside of formal cemeteries?***
	Less Than Significant Impact with Mitigation

Based on review of the General Plan EIR and the Cultural Resources Study prepared for the Proejct (Appendix F), there are no known prehistoric or historic-era marked or un-marked human interments are present within or in the immediate vicinity of the Project site, including the off-site improvement areas. The Project would include underground utility work to a depth of approximately 3 feet. In addition, the off-site improvements for this project include grinding and overlaying the existing road with asphalt pavementnew landscaping, and sidewalk and bicycle lane improvements. While there are no recorded human remains on the Project site and off-site improvement area, there is the potential for unmarked, previously unknown Native American or other graves to be present and uncovered during construction activities. California law recognizes the need to protect historic-era and Native American human burials, skeletal remains, and grave-associated items from vandalism and inadvertent destruction and any substantial change to or destruction if these resources would be a significant impact. Therefore the City will require the Project to comply with all applicable regulatory programs pertaining to subsurface cultural resources including the Standard Permit Conditions listed below and Mitigation Measures TCR-1 and TCR-2, listed in Threshold TCR-1 in Section 3.8, Tribal Cultural Resources, for avoiding and reducing impacts if human remains are encountered. With implementation of the Standard Permit Conditions and Mitigation Measures, a less than significant impact would occur.

Standard Permit Conditions

Human Remains. If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Project applicant shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

i. The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.

ii. The MLD identified fails to make a recommendation; or

iii. The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

3.4 Greenhouse Gas Emissions

A Greenhouse Gas Emissions Assessment and Greenhouse Gas Compliance Checklist have been prepared by Kimley-Horn, Inc. (October 2024) to address potential impacts to Greenhouse Gas Emissions (GHG) associated with implementation of the Project. The following discussion is based on the Greenhouse Gas Emissions Assessment and the report is included as Appendix G of this Draft EIR.

ENVIRONMENTAL SETTING

Certain gases in the earth's atmosphere classified as GHGs, play a critical role in determining the earth's surface temperature. Solar radiation enters the earth's atmosphere from space. A portion of the radiation is absorbed by the earth's surface and a smaller portion of this radiation is reflected toward space. This absorbed radiation is then emitted from the earth as low-frequency infrared radiation. The frequencies at which bodies emit radiation are proportional to temperature. Because the earth has a much lower temperature than the sun, it emits lower-frequency radiation. Most solar radiation passes through GHGs; however, infrared radiation is absorbed by these gases. As a result, radiation that otherwise would have escaped back into space is instead "trapped," resulting in a warming of the atmosphere. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate on earth.

The primary GHGs contributing to the greenhouse effect are carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O). Fluorinated gases also make up a small fraction of the GHGs that contribute to climate change. Examples of fluorinated gases include chlorofluorocarbons (CFCs), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF_6), and nitrogen trifluoride (NF_3); however, it is noted that these gases are not associated with typical land use development. Human-caused emissions of GHGs exceeding natural ambient concentrations are believed to be responsible for intensifying the greenhouse effect and leading to a trend of unnatural warming of the Earth's climate, known as global climate change or global warming.

GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants (TACs), which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (approximately one day), GHGs have long atmospheric lifetimes (one to several thousand years). GHGs persist in the atmosphere for long enough time periods to be dispersed around the globe. Although the exact lifetime of a GHG molecule is dependent on multiple variables and cannot be pinpointed, more CO_2 is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, or other forms of carbon sequestration. Of the total annual human-caused CO_2 emissions, approximately 55 percent is sequestered through ocean and land uptakes every year, averaged over the last 50 years, whereas the remaining 45 percent of human-caused CO_2 emissions remains stored in the atmosphere (Intergovernmental Panel on Climate Change,2013).

REGULATORY FRAMEWORK

FEDERAL AND STATE

To date, no national standards have been established for nationwide GHG reduction targets, nor have any regulations or legislation been enacted specifically to address climate change and GHG emissions

reduction at the Project level. Various efforts have been promulgated at the federal level to improve fuel economy and energy efficiency to address climate change and its associated effects.

Clean Air Act

In April 2007, in Massachusetts v. EPA, the U.S. Supreme Court directed the Administrator of the U.S. Environmental Protection Agency (USEPA) to determine whether GHG emissions from new motor vehicles cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. In making these decisions, the USEPA Administrator was directed to follow the language of Section 202(a) of the Clean Air Act (CAA). In December 2009, the Administrator signed a final rule with two distinct findings regarding GHGs under Section 202(a) of the CAA:

- Elevated concentrations of GHGs—CO_2, CH_4, N_2O, HFCs, perfluorocarbons (PFCs), and sulfur hexafluoride (SF6)—in the atmosphere threaten the public health and welfare of current and future generations. This is referred to as the "endangerment finding."
- The combined emissions of GHGs— CO_2, CH_4, N_2O, and HFCs—from new motor vehicles and new motor vehicle engines contribute to the GHG air pollution that endangers public health and welfare. This is referred to as the "cause or contribute finding."

These two findings were necessary to establish the foundation for regulation of GHGs from new motor vehicles as air pollutants under the CAA.

Energy Independence and Security Act

The Energy Independence and Security Act of 2007 (EISA) facilitates the reduction of national GHG emissions by requiring the following:

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

Additional provisions of EISA address energy savings in government and public institutions, promote research for alternative energy, additional research in carbon capture, international energy programs, and the creation of "green jobs."

U.S. Environmental Protection Agency Endangerment Finding

The U.S EPA's authority to regulate GHG emissions stems from the U.S. Supreme Court decision in Massachusetts v. EPA (2007). The Supreme Court ruled that GHGs meet the definition of air pollutants under the existing Clean Air Act and must be regulated if these gases could be reasonably anticipated to

endanger public health or welfare. Responding to the Court's ruling, the U.S. EPA finalized an endangerment finding in December 2009. Based on scientific evidence, it was found that six GHGs (carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) constitute a threat to public health and welfare. Thus, it is the Supreme Court's interpretation of the existing Act and the U.S EPA's assessment of the scientific evidence that form the basis for the U.S. EPA's regulatory actions.

Federal Vehicle Standards

In response to the *Massachusetts v. EPA* decision discussed above, in 2007, President Bush directed the USEPA, the Department of Transportation (USDOT), and the Department of Energy (DOE) to establish regulations that reduce GHG emissions from motor vehicles, non-road vehicles, and non-road engines by 2008. In 2009, the National Highway Traffic Safety Administration (NHTSA) issued a final rule regulating fuel efficiency for and GHG emissions from cars and light-duty trucks for model year 2011; and, in 2010, the USEPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012–2016.

In 2010, President Obama issued a memorandum directing the same federal agencies to establish additional standards regarding fuel efficiency and GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, the USEPA and NHTSA proposed stringent, coordinated federal GHG and fuel economy standards for model year 2017–2025 light-duty vehicles. The proposed standards are projected to achieve 163 grams/mile of CO_2 in model year 2025, on an average industry fleet-wide basis, which is equivalent to 54.5 miles per gallon if this level were achieved solely through fuel efficiency. The final rule was adopted in 2012 for model years 2017–2021.

In August 2017, the USEPA asked for additional information and data relevant to assessing whether the GHG emissions standards for model years 2022-2025 remain appropriate. In early 2018, the USEPA Administrator announced that the midterm evaluation for the GHG emissions standards for cars and light-duty trucks for model years 2022-2025 was completed and stated his determination that the current standards should be revised in light of recent data. Subsequently, in 2018, the USEPA and NHTSA proposed to amend certain existing Corporate Average Fuel Economy (CAFE) standards and tailpipe carbon dioxide emissions standards for passenger cars and light trucks and establish new standards, covering model years 2021-2026. Compared to maintaining the post-2020 standards now in place, the pending proposal would increase U.S. fuel consumption.[9] California and other states have announced their intent to challenge federal actions that would delay or eliminate GHG reductions. In April 2020, NHTSA and U.S. EPA amended the CAFE and GHG emissions standards for passenger cars and light trucks and established new less stringent standards, covering model years 2021 through 2026.

In addition to the regulations applicable to cars and light-duty trucks, in 2011, the U.S. EPA and NHTSA announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014 – 2018. The standards for CO_2 emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to the U.S.

[9] Federal Register. 2023. The Safer Affordable Fuel-Efficient (SAFE) Vehicles Final Rule for Model Years 2021-2026 Passenger Cars and Light Trucks. Available at: https://www.epa.gov/regulations-emissions-vehicles-and-engines/safer-affordable-fuel-efficient-safe-vehicles-final-rule. Accessed: September 17,2024.

EPA, this regulatory program will reduce GHG emissions and fuel consumption for the affected vehicles by 6 to 23 percent over the 2010 baseline.

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

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

In December 2021, the USEPA finalized federal GHG emissions standards for passenger cars and light trucks for Model Years 2023 through 2026. These standards are the strongest vehicle emissions standards ever established for the light-duty vehicle sector and are based on sound science and grounded in a rigorous assessment of current and future technologies. The updated standards will result in avoiding more than 3 billion tons of GHG emissions through 2050 (U.S. EPA, 2023b).

Paris Climate Agreement

The Paris Agreement was negotiated within the United Nations Framework Convention on Climate Change in 2015 to reduce GHG emissions internationally. The goal of the Paris Agreement was to keep the global temperature rise this century to below 2 degrees Celsius above pre-industrial standards, with efforts to limit temperature increase even further to 1.5 degrees Celsius. The Paris Agreement became effective on November 4, 2016. As of October 5, 2016, 155 of 197 parties had ratified the Paris Agreement. On January 20, 2021, President Biden signed an Executive Order formally rejoining the United States to the Paris Agreement (Whitehouse Briefing Room, 2021).

Executive Order 14008

On January 27, 2021, President Biden issued an Executive Order on Tackling the Climate Crisis at Home and Abroad (Executive Order 14008). Part I of the Order highlights putting the climate crisis at the center of United States foreign policy and national security. Addressing the climate crisis will require significant short-term global reductions in GHG emissions and net-zero global emissions by mid-century or sooner. The United States will pursue green recovery efforts and initiatives to advance the clean energy transition.

Part II of the Order relays the government-wide approach to the climate crisis, which involves reducing climate pollution in every sector of the economy, especially through innovation, commercialization, and deployment of clean energy technologies and infrastructure. A National Climate Task Force was established to focus on addressing the climate crisis through key federal actions to reduce climate change

impacts. A 100% carbon pollution-free electricity sector is targeted by no later than 2035 and a net-zero emissions economy is to be achieved by no later than 2050. Offshore wind is aimed to be doubled by 2030. Opportunities for federal funding of clean energy technology and infrastructure shall be identified. Federal permitting decisions need to consider the effects of GHG emissions and climate change.

California Air Resources Board

The California Air Resources Board (CARB) is responsible for the coordination and oversight of State and local air pollution control programs in California. Various statewide and local initiatives to reduce California's contribution to GHG emissions have raised awareness about climate change and its potential for severe long-term adverse environmental, social, and economic effects. California is a significant emitter of carbon dioxide equivalent (CO_2e) in the world and produced 369 million gross metric tons (MMT) of CO_2e in 2020. The transportation sector is the State's largest emitter of GHGs, followed by industrial operations such as manufacturing and oil and gas extraction.

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

Assembly Bill 1493

AB 1493, enacted on July 22, 2002, required CARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light duty trucks. Implementation of the regulation was delayed by lawsuits filed by automakers and by the U.S. EPA's denial of an implementation waiver. The U.S. EPA subsequently granted the requested waiver in 2009, which was upheld by the by the U.S. District Court for the District of Columbia in 2011. The regulations establish one set of emission standards for model years 2009–2016 and a second set of emissions standards for model years 2017 to 2025. By 2025, when all rules will be fully implemented, new automobiles will emit 34 percent fewer CO_2e emissions and 75 percent fewer smog-forming emissions.

Senate Bills 1078, 107, and Senate Bill X1-2

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

Executive Order S-3-05

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

- By 2010, reduce greenhouse gas emissions to 2000 levels.

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

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

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

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

Senate Bill 1368

SB 1368 is the companion bill of AB 32, which directs the California Public Utilities Commission (CPUC) to adopt a performance standard for GHG emissions for the future power purchases of California utilities. SB 1368 limits carbon emissions associated with electrical energy consumed in California by forbidding procurement arrangements for energy longer than 5 years from resources that exceed the emissions of a relatively clean, combined cycle natural gas power plant. The new law effectively prevents California's utilities from investing in, otherwise financially supporting, or purchasing power from new coal plants located in or out of the state. The CPUC adopted the regulations required by SB 1368 on August 29, 2007. The regulations implementing SB 1368 establish a standard for baseload generation owned by, or under long-term contract to publicly owned utilities, for 1,100 pounds of CO_2 per megawatt-hour.

Executive Order S-01-07

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

CARB Scoping Plan

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

The key elements of the 2022 CARB Scoping Plan focus on transportation. Specifically, the 2022 Scoping

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

Included in the 2022 Scoping Plan is a set of Local Actions (2022 Scoping Plan Appendix D) aimed at providing local jurisdictions with recommendations to reduce GHGs and assist the state in meeting the ambitious targets set forth in the 2022 Scoping Plan. Appendix D to the 2022 Scoping Plan is not regulatory, is not exhaustive, and does not include everything local governments can implement to support the State's climate goals. It focuses primarily on climate action plans (CAPs) and local authority over new residential development. It includes a section on evaluating plan-level and project-level alignment with the State's Climate Goals in CEQA GHG analyses. In this section, CARB identifies several recommendations and strategies that should be considered for new development in order to determine consistency with the 2022 Scoping Plan. CARB specifically states that Section 3 of Appendix D, which discusses land use plans and development projects, does not address land uses other than residential and mixed-use residential such as industrial. However, CARB plans to explore new approaches for other land use types in the future.

Senate Bill 375 – Sustainable Communities and Climate Protection Act

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

Senate Bill 32

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

With SB 32, the Legislature passed companion legislation, AB 197, which provides additional direction for developing the Scoping Plan. On December 14, 2017, CARB adopted a second update to the Scoping Plan (CARB, 2017b). The 2017 Scoping Plan details how the State will reduce GHG emissions to meet the 2030 target set by Executive Order B-30-15 and codified by SB 32. Other objectives listed in the 2017 Scoping Plan are to provide direct GHG emissions reductions; support climate investment in disadvantaged communities; and support the Clean Power Plan and other Federal actions. In 2022, CARB published the 2022 Scoping Plan, which is discussed in the CARB Scoping Plan above.

Senate Bill 100 (California Renewables Portfolio Standards Program: Emissions of Greenhouse Gases)

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

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

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

AB 398 (Market-Based Compliance Mechanisms).

The Cap-and-Trade program covers approximately 80 percent of California's GHG emissions (CARB, n.d.b). The statewide cap for GHG emissions from the capped sectors (i.e., electricity generation, industrial sources, petroleum refining, and cement production) commenced in 2013 and would decline approximately three percent each year, achieving GHG emission reductions throughout the program's duration. Signed on July 25, 2017, AB 398 extended the duration of the Cap-and-Trade program from 2020 to 2030. AB 398 required CARB to update the Scoping Plan and for all GHG rules and regulations adopted by the State. It also designated CARB as the statewide regulatory body responsible for ensuring that California meets its statewide carbon pollution reduction targets, while retaining local air districts' responsibility and authority to curb toxic air TACs and criteria pollutants from local sources that severely impact public health. AB 398 also decreased free carbon allowances over 40 percent by 2030 and prioritized Cap-and-Trade spending to various programs including reducing diesel emissions in impacted communities.

SB 150 (Regional Transportation Plans).

Signed on October 10, 2017, SB 150 aligns local and regional GHG reduction targets with State targets (i.e., 40 percent below their 1990 levels by 2030). SB 150 creates a process to include communities in discussions on how to monitor their regions' progress on meeting these goals. The bill also requires the CARB to regularly report on that progress, as well as on the successes and the challenges regions experience associated with achieving their targets. SB 150 provides for accounting of climate change efforts and GHG reductions and identify effective reduction strategies.

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

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

SB 100 and SB 1020 (California Renewables Portfolio Standard Program: 100 Percent Clean Electric Grid).

Signed into Law in September 2018, SB 100 increased California's renewable electricity portfolio from 50 to 60 percent by 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045. SB 1020 provides additional goals for the path to be the 2045 goal of 100 percent clean electricity retail sales. It creates a target of 90 percent clean electricity retail sales by 2035 and 95 percent clean electricity retail sales by 2040.

SB 905 (Carbon Sequestration Program).

Signed on September 16, 2022, SB 905 establishes regulatory framework and policies that involve carbon removal, carbon capture, utilization, and sequestration. It also prohibits the injecting of concentrated CO_2 fluid into a Class II injection well for the purpose of enhanced oil recovery.

AB 1757 (Nature-Based Solutions).

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

Executive Order S-13-08

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

Executive Order S-14-08

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

Executive Order S-21-09

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

Executive Order B-30-15

Issued on April 29, 2015, Executive Order B-30-15 established a California GHG reduction target of 40 percent below 1990 levels by 2030 and directs CARB to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of CO_2e ($MMTCO_2e$). The 2030 target acts as an interim goal on the way to achieving reductions of 80 percent below 1990 levels by 2050, a goal set by Executive Order S-3-05. The executive order also requires the state's climate adaptation plan to be updated every three years and for the state to continue its climate change research program, among other

provisions. With the enactment of SB 32 in 2016, the Legislature codified the goal of reducing GHG emissions by 2030 to 40 percent below 1990 levels.

Executive Order B-55-18

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

Executive Order N-79-20

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

California Regulations and Building Codes

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

Title 20 Appliance Efficiency Regulations

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

Title 24 Building Energy Efficiency Standards

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (CCR Title 24, Part 6) was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The California Energy Commission (CEC) adopted the 2022 Energy Code on August 11, 2021, which was subsequently approved by the California Building Standards Commission for inclusion into the California Building Standards Code. The 2022 Title 24 standards will result in less energy use, thereby reducing air pollutant emissions associated with energy consumption across California. For example, the 2022 Title 24 standards will

require efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, and strengthens ventilation standards.

Title 24 California Green Building Standards Code

The California Green Building Standards Code (CCR Title 24, Part 11 code) commonly referred to as CALGreen, is a statewide mandatory construction code developed and adopted by the California Building Standards Commission and the Department of Housing and Community Development. The CALGreen standards require new residential and nonresidential buildings to comply with mandatory measures under the topics of planning and design, energy efficiency, water efficiency/conservation, material conservation and resource efficiency, and environmental quality. CALGreen also provides voluntary tiers and measures that local governments may adopt that encourage or require additional measures in the five green building topics. The latest CALGreen Code took effect on January 1, 2023 (2022 CALGreen). The 2022 CALGreen standards has improved upon the 2019 standards for new construction of, and additions and alterations to, residential and nonresidential buildings).

California Vehicles Registration (Advanced Clean Cars I and II)

Advanced Clean Cars combines several regulations into one package including the Low-Emission Vehicle criteria and greenhouse gas regulations and the zZEV regulation. Advanced Clean Cars I was adopted in 2012, and Advanced Clean Cars II was adopted in 2022. These regulations rapidly scale down emissions of light-duty passenger cars, pickup trucks and SUVs and require an increased number of zero-emission vehicles to meet air quality and climate change emissions goals. By 2035 all new passenger cars, trucks and SUVs sold in California will be zero emissions. The Advanced Clean Cars II regulations take the state's already growing zero-emission vehicle market and robust motor vehicle emission control rules and augments them to meet more aggressive tailpipe emissions standards and ramp up to 100% zero-emission vehicles.

REGIONAL

Bay Area Air Quality Management District Thresholds

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

- Avoiding wasting electricity and developing fossil fuel infrastructure (i.e., natural gas plumbing or appliances) in new buildings that will be in place for decades and thus conflict with carbon neutrality by 2045.

- Compliance with California Green Building Standards Code (CALGreen) Tier 2 EVrequirements and per capita VMT reductions consistent with SB 743.
- Consistency with a qualified GHG reduction strategy (also known as a Climate Action Plan).

Clean Air Plan

Air quality plans developed to meet federal requirements are referred to as State Implementation Plans. The federal and state Clean Air Acts require plans to be developed for areas designated as nonattainment (with the exception of areas designated as nonattainment for the state PM_{10} standard). The 2017 Clean Air Plan: Spare the Air, Cool the Climate was adopted on April 19, 2019, by the Bay Area Air District.

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

The 2017 Clean Air Plan includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic air contaminants; to reduce emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

LOCAL

City of San José Municipal Code

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

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

City of San José General Plan

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

for "qualified plans" as set forth by State CEQA Guidelines Section 15183.5(b) (Bay Area Air District Threshold B).

The GHGRS was re-adopted by the San José City Council in December 2015. The environmental impacts of the GHGRS were analyzed in the General Plan Final Program Environmental Impact Report (FPEIR) and a 2015 Supplement to the General Plan FPEIR. The City's projected emissions and the GHGRS are consistent with the measures necessary to meet state-wide 2020 goals established by AB 32 and addressed in the Climate Change Scoping Plan. Measures have not been identified that would ensure GHG emissions would be consistent with state-wide 2045 goals; however, the City adopted overriding considerations for identified future impacts associated with buildout of the City's General Plan.

The General Plan includes the following GHG reduction policies, which are applicable to the Project. These policies are also described within the City's GHGRS.

Policy MS – 1.1 Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.

Policy MS – 1.4: Foster awareness of San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.

Policy MS-2.3: Encourage consideration of solar orientation, including building placement, landscaping, design, and construction techniques for new construction to minimize energy consumption.

Policy MS – 2.6: Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.

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

Policy MS – 5.5: Maximize recycling and composting from all residents, businesses, and institutions in the City.

Policy MS – 5.6: Enhance the construction and demolition debris recycling program to increase diversion from the building sector.

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

Policy 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.

Policy CD-5.1: Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.

Policy LU-5.4: Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.

Policy TR – 1.16: Develop a strategy to construct a network of public and private alternative fuel vehicle charging/fueling stations city wide. Revise parking standards to require the installation of electric charging infrastructure at new large employment sites and large, multiple family residential developments.

Policy TR-2.18: Provide bicycle storage facilities as identified in the Bicycle Master Plan.

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

City of San José Greenhouse Gas Reduction Strategy

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

The 2030 GHGRS allows for tiering and streamlining of GHG analyses under CEQA because it serves as a qualified Climate Action Plan for the City of San José. The GHGRS was prepared under the Bay Area Air District CEQA Guidelines, and particularly in conformance with CEQA Guidelines Section 15183.5, which specifically addresses the development of GHG Reduction Plans for tiering and streamlining GHG analysis under CEQA. The 2030 GHGRS identifies major General Plan strategies and policies to be implemented by development project such as green building practices, transportation strategies, energy use, water

conservation, waste reduction and diversion, and other sectors that contribute to GHG reductions and advancements of the City's broad sustainability goals.

The 2030 GHGRS identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion. The 2030 GHGRS includes a compliance checklist (GHGRS Checklist), the purpose of which is to:

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

Compliance with the GHGRS Checklist ensures that an individual project conforms with the GHGRS and would not constitute a cumulatively considerable contribution to significant cumulative global climate change impacts.

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

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

Climate Smart San José

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

Reach Building Code

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

San José Clean Energy

San José Clean Energy (SJCE) is a not-for-profit electricity supplier operated by the City of San José. The utility offers a suite of electricity sourcing options. The GHRS Checklist requires participation in at least SJCE GreenSource program which includes 60 percent renewable energy and up to 95 percent carbon-

free power. There is also the Total Green Level program, which provides 100 percent carbon-free electricity.

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this Draft EIR, a greenhouse gas impact is considered significant if the Project would:

1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
2. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

GHG-1	***Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?***
	Less Than Significant Impact

CONSTRUCTION

Project construction would result in minor increases in GHG emissions from on-site and construction equipment and emissions from construction workers' personal vehicle travelling to and from the Project construction site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of construction workers. Neither the City nor Bay Area Air District have an adopted threshold of significance for construction-related GHG emissions; however, the Bay Area Air District recommends quantifying emissions and disclosing that GHG emissions would occur during construction. The CalEEMod outputs prepared for the Project (refer to Appendix G) calculated emissions with Project construction to be 1,439 $MTCO_2e$ for the total construction period of two years. The first year of construction in 2026 would total 864 $MTCO_2e$ and the second year in 2027, would total 575 $MTCO_2e$. Project construction would be a temporary condition (a total of 17 months) and would not result in a permanent increase in emissions that would interfere with the implementation of the State's GHG reduction goals (established by AB 32, SB 32, AB 1279, etc.).

The 2030 GHGRS is focused on on-going operational GHG emissions and does not address short term, one time, construction emissions. Section 4.1.2 Implementation Actions in the GHGRS requires new construction or additions with more than 10,000 square feet to meet LEED silver with a goal of gold or platinum. This is also included in Municipal Code Chapter 17.84. The Project would comply with LEED silver. General Plan Policy MS-5.6 and Municipal Code Chapter 9.10 Solid Waste Management, Part 15-Construction and Demolition Diversion Program require projects to implement a construction and demolition debris recycling program to divert building material waste. The 2030 GHGRS includes other policies and implementation programs that focus on construction of buildings and projects that meet the City's Green Building Ordinances, City Council Policies, and State or regional policies (i.e. MS-1.1, MS-1.2, MS-2.3, MS-2.11, and MS-14.4). These policies require new construction projects to be built to minimize energy consumption during operations. These policies do not include requirements for actual

construction activities and do not include a numeric GHG construction emissions threshold. As described above, Project construction would not conflict with the 2030 GHGRS.

As stated above, the Bay Area Air District does not have an adopted threshold of significance for construction-related GHG emissions. The Bay Area Air District encourages Lead Agencies to incorporate best management practices to reduce GHG emissions during construction, as feasible and applicable. The Project would implement the City's standard permit conditions, which includes Bay Area Air District Basic Construction Dust Control Measures. Therefore, construction GHG emissions would be less than significant.

OPERATIONS

Operational, or long-term emissions, would occur over the Project's life. GHG emissions would result from direct emissions such as Project generated vehicular traffic and operation of any landscaping equipment. Operational GHG emissions would also result from indirect sources, such as off-site generation of electrical power over the life of the Project, the energy required to convey water to, and wastewater from the Project site, the emissions associated with solid waste generated from the Project site, and any refrigerants from general air conditioning or small kitchen refrigerators. It should be noted that the operational emissions reflect Project energy consumption based on the 2022 Title 24 Part 6 (Building Energy Efficiency Standards). The standards require updated thermal envelope standards (preventing heat transfer from the interior to exterior and vice versa), residential and nonresidential ventilation requirements, and nonresidential lighting requirements that would cut residential energy use by more than 50 percent (with solar) and nonresidential energy use by 30 percent. The standards also encourage demand responsive technologies including battery storage and heat pump water heaters and improve the building's thermal envelope through high performance attics, walls and windows to improve comfort and energy savings.[10] The 2022 Energy Code became effective on January 1, 2023 and strengthens ventilation standards, includes new electric heat pump requirements, promotes electric-ready requirements for new homes (including the addition of circuitry for electric appliances, battery storage panels, and dedicated infrastructure), and expands solar photovoltaic and battery storage standards. The Project would be required to comply with the 2022 Energy Code standards noted above.[11]

The Project would also comply with the appliance energy efficiency standards in Title 20 of the California Code of Regulations. The Title 20 standards include minimum levels of operating efficiency, and other cost-effective measures, to promote the use of energy- and water-efficient appliances. The Project would be constructed according to the 2022 CALGreen standards, which includes water conserving plumbing fixtures and fittings, electric heat pump technology, electric-ready requirements when natural gas is installed, and strengthening ventilation standards. Additionally, consistent with San José Green Building policies, the Project would be required to meet LEED Silver performance standards. Additionally, consistent with San José Green Building policies, the Project would be required to meet LEED Silver performance standards.

[10] California Energy Commission, 2019 Building Energy Efficiency Standards, 2018. Available at: https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency. Accessed on October 30, 2024.

[11] California Energy Commission, 2022 Building Energy Efficiency Standards, 2022. Available at: https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency. Accessed on October 30, 2024.

At the State and global level, improvements in technology, policy, and social behavior would influence and reduce Project operational emissions. The State is currently on a pathway to achieving the Renewable Portfolio Standards goal of 52 percent by December 31, 2027, 60 percent renewables by 2030 per SB 100, and achieve carbon neutrality by 2045 per AB 1279. Energy and mobile sources are targeted by statewide measures such as low carbon fuels, cleaner vehicles, strategies to promote sustainable communities and improved transportation choices that result in reducing VMT. With continued implementation of various statewide measures, the Project's operational energy and mobile source emissions would continue to decline in the future.

As discussed in the analysis below, the Project would be constructed in compliance with the City's Council Policy 6-32 and the City's Green Building Ordinance which would ensure operational emissions reductions consistent with the 2030 GHGRS. As shown in Appendix G, the Project would be consistent with General Plan policies and the 2030 GHGRS Checklist.

GHG-2	***Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?***
	Less Than Significant Impact

CITY OF SAN JOSÉ GREENHOUSE GAS REDUCTION STRATEGY COMPLIANCE CHECKLIST

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

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

The Project would be constructed in accordance with the latest California Building Code, green building regulations/CalGreen, the City's Council Policy 6-32, and the City's Green Building Ordinance. Additionally, Project construction and demolition waste would be diverted to meet City requirements and at least 75 percent of construction and demolition waste. The Project would be served by PG&E. As of 2023, PG&E's electricity mix was entirely carbon-free and greenhouse gas-free (PG&E, 2023). Additionally, the Project would be solar-ready by including building roof space for a "Future PV Array" per California Code. Thus, the Project would be consistent with the 2030 GHGRS.

Further, the proposed Project would be consistent with the 2030 GHGRS through compliance with the State's Model Water Efficient Landscape Ordinance and the City's Water-Efficient Landscape Ordinance (Chapter 15.11 of the San José Municipal Code). The proposed landscaping along street frontages and within the Project site interior would consist predominately of drought-tolerant species adapted to both local and regional climate condition. Further, the Project would install a water efficient low flow, point source system designed to provide adequate watering to support plant growth and ensure deeply rooted plant material while avoiding excess water application. Project would include new shade, accent and street trees to help mitigate urban heat island effect. The proposed shade trees are intended to comply with the new CalGreen regulations, which require trees to provide a minimum 50 percent shade coverage within the parking lot, including a minimum 20 percent shade coverage at abutting landscape and hardscape areas within 15 years. Additionally, the Project would include low-flow fixtures and appliances and would utilize recycled water for the outdoor landscaping.

Pursuant to CEQA Guidelines Sections 15064(h)(3), 15130(d), and 15183(b), a Project's incremental contribution to a cumulative GHG emissions effect may be determined not to be cumulatively considerable if it complies with the requirements of the GHGRS. The Project would comply with the 2030 GHGRS (refer to Appendix G for further detail). Therefore, the Project would be consistent with a qualified local GHG reduction plan under CEQA Guidelines Section 15183.5. Thus, GHG emissions caused by long-term operation of the Project would be less than significant.

2022 CARB SCOPING PLAN

As previously noted, the 2022 Scoping Plan sets a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels by 2045 in accordance with AB 1279. The transportation, electricity, and industrial sectors are the largest GHG contributors in the State. The 2022 Scoping Plan plans to achieve the AB 1279 targets primarily through zero-emission transportation (e.g., electrifying cars, buses, trains, and trucks). Additional GHG reductions are achieved through decarbonizing the electricity, carbon sequestration, and industrial sector emission reductions.

Statewide strategies to reduce GHG emissions in the latest 2022 Scoping Plan include implementing SB 100, which would achieve 100 percent clean electricity by 2045; achieving 100 percent zero emission vehicle sales in 2035 through Advanced Clean Cars II; and implementing the Advanced Clean Fleets regulation to deploy zero-electric vehicle buses and trucks. Additional transportation policies include the Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, In-use Off-Road Diesel-Fueled Fleets Regulation, Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, and Amendments to the In-use Off-Road Diesel-Fueled Fleets Regulation. The 2022 Scoping Plan would continue to implement SB 375. GHGs would be further reduced through the Cap-and-Trade Program carbon pricing and SB 905. SB 905 requires CARB to create the Carbon Capture, Removal, Utilization, and Storage Program to evaluate, demonstrate, and regulate CO_2 removal projects and technology.

The Project would implement the City's Standard Permit Conditions for Construction-related Air Quality included in Section 3.1 Air Quality . For example, the construction measures include enforcing idling time restrictions on construction vehicles, use of added exhaust muffling and filtering devices, which also reduce GHG emissions.

The 2022 Scoping Plan states that local CAPs that address the State's largest sources of emissions and prioritize transportation electrification, VMT reduction, and building decarbonization, contribute to the alignment between local climate action and the State's climate goals. The City GHGRS Checklist addresses alignment between local climate action and the State's climate goals through implementation of measures promoting green building practices, harmonious pedestrian, bicycle and transit designs, water conservation, renewable energy development, and zero waste goals. As indicated above, the Project would be consistent with the 2030 GHGRS and would also be constructed in accordance with the latest California Building Code, green building regulations/CalGreen, the City's Council Policy 6-32 and the City's Green Building Ordinance. The Project would be solar-ready by including building roof space for a "Future PV Array" per California Code. Further, Project's GHG emissions associated with energy and mobile sources would be reduced by the 2022 Scoping Plan measures described above. It shall be noted that the City has no control over vehicle emissions; however, these emissions would decline in the future due to Statewide measures discussed above, as well as cleaner technology and fleet turnover.

As shown in **Table 3.4-1: Project Consistency with Applicable CARB Scoping Plan Measures**, the Project is consistent with the applicable strategies; as noted, some are not applicable to the Project.

Table 3.4-1: Project Consistency with Applicable CARB Scoping Plan Measures

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
Transportation	California Cap-and-Trade Program Linked to Western Climate Initiative	Regulation for the California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanism April 1, 2019 (CCR 95800)	**Consistent.** The Cap-and-Trade Program applies to large industrial sources such as power plants, refineries, and cement manufacturers. However, the regulation indirectly affects people who use the products and services produced by these industrial sources when increased cost of products or services (such as electricity and fuel) are transferred to the consumers. The Cap-and-Trade Program covers the GHG emissions associated with electricity consumed in California, whether generated in-state or imported. Accordingly, GHG emissions associated with CEQA projects' electricity usage are covered by the Cap-and-Trade Program. The Cap-and-Trade Program also covers fuel suppliers (natural

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
			gas and propane fuel providers and transportation fuel providers) to address emissions from such fuels and from combustion of other fossil fuels not directly covered at large sources in the Program's first compliance period.
	California Light-Duty Vehicle Greenhouse Gas Standards	Advanced Clean Cars II Regulations	**Consistent**. The Advanced Clean Cars II Regulations provide reductions from new vehicles sold in California between 2026 and 2035. Passenger vehicles associated with the site would comply with the Advanced Clean Cars II Standards. It is noted that CARB withdrew its FCAA waiver request to the U.S. EPA for this regulation. Regardless of the status of this regulation, vehicles accessing the Project site would be required to comply with the current regulations.
	Low Carbon Fuel Standard	2009 readopted in 2015 and updated in 2018. Regulations to Achieve Greenhouse Gas Emission Reductions Sub article 7. Low Carbon Fuel Standard CCR 95480	**Consistent.** This measure applies to transportation fuels utilized by vehicles in California. The Project would not conflict with implementation of this measure. Motor vehicles associated with construction and operation of the Project would utilize low carbon transportation fuels as required under this measure.
	Regional Transportation-Related Greenhouse Gas Targets	SB 375. Cal. Public Resources Code §§ 21155, 21155.1, 21155.2, 21159.28	**Consistent**. The Project would provide development in the region that is consistent with the growth projections in the Regional Transportation

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
			Plan/Sustainable Communities Strategy (SCS) (Plan Bay Area 2040).
	Medium/Heavy-Duty Vehicle	The Advanced Clean Trucks Regulation, the Heavy-Duty Omnibus Regulation and the California Phase 2 Regulation	**Consistent**. This measure applies to medium and heavy-duty vehicles that operate in the state. The Project would not conflict with implementation of this measure. Medium and heavy-duty vehicles associated with construction and operation of the Project would be required to comply with the requirements of this regulation.
Electricity and Natural Gas	Energy Efficiency	Title 20 Appliance Efficiency Regulation	**Consistent.** The Project would not conflict with implementation of this measure. The Project would comply with the latest energy efficiency standards.
		Title 24 Part 6 Energy Efficiency Standards for Residential and Non-Residential Building	
		Title 24 Part 11 California Green Building Code Standards	
	Renewable Portfolio Standard/Renewable Electricity Standard.	SB 100 The 100 Percent Clean Energy Act of 2018 (65% 2030) and Affordability Act of 2022 and SB 100 The 100 Percent Clean Energy Act of 2018 (60% 2030)	**Consistent.** The Project would obtain electricity from the local electricity supplier, PG&E. PG&E currently provides 100% greenhouse gas free electricity.
		SB 350 Clean Energy and Pollution Reduction Act of 2015	

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
	California Solar Initiative	Tac Incentive program	**Consistent.** This measure is to increase solar throughout California, which is being done by various electricity providers and existing solar programs. The Project would be serviced by PG&E which provides 100% greenhouse gas free electricity.
Water	Water	Title 24 Part 11 California Green Building Code Standard	**Consistent.** The Project would comply with the indoor water use requirements listed in the 2022 California Green Building Standards Code. The Project would also comply with the actions listed in the Conserve Water Section (Chapter 4) of the Bay-Friendly Landscape Guidelines.
		SBX 7-7 – The Water Conservation Act of 2009	
		Model Water Efficient Landscape Ordinance	
Green Buildings	Green Building Strategy	Title 24 Part 11 California Green Building Code Standards	**Consistent.** The State goal is to increase the use of green building practices. The Project would implement required green building strategies through existing regulation that requires the Project to comply with various CalGreen requirements.
Industry	Industrial Emissions	CARB Mandatory Reporting of Greenhouse Gas Emissions (MRR) Regulation	**Consistent.** This measure is to ensure industrial sources must report their annual GHG emissions to CARB. The Project would comply with mandatory GHG reporting annually.
Recycling and Waste Management	Recycling and Waste	Title 24 Part 11 California Green Building Code Standards	**Consistent:** The Project would not conflict with implementation of these measures. The Project is required to achieve the waste reduction and recycling
		AB 1383 Statewide 75 Percent Diversion	

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
		Goal by 2025 and waste reduction requirements listed in AB 1826 and AB 241	mandates via compliance with the CALGreen code.
Forests	Sustainable Forests	Cap and Trade Offset Projects	**Not applicable.** The Project site is an existing disturbed site located in an urban area. No forested lands exist on-site.
High Global Warming Potential	High Global Warming Potential Gases	CARB Refrigerant Management Program CCR 95380	**Not applicable.** The regulations are applicable to refrigerants used by large air conditioning systems and large commercial and industrial refrigerators and cold storage systems. The Project is not expected to use large systems subject to the refrigerant management regulations adopted by CARB.
		2022 Amendment to the Airborne Toxic Control Measure for In-Use Diesel Fueled Transport Refrigeration Units (TRUs) and TRUs Generator sets and Facilities where TRUs operate	
Agriculture	Agriculture	Cap and Trade Offset Projects for Livestock and Rice Cultivation	**Not applicable.** The Project site is an infill site. No grazing, feedlot or other agricultural activities that generate manure currently exist on-site or are proposed to be implemented by the Project.
		SB 1383 Methane Reductions for Dairy and Livestock Operations	

Source: California Air Resources Board (CARB), *California's 2022 Climate Change Scoping Plan*, 2022 and CARB, *Climate Change Scoping Plan*, December 2017

The Project would not impede the State's progress towards carbon neutrality by 2045 under the 2022 Scoping Plan. The Project would not impede or conflict with applicable current and future regulatory requirements promulgated through the 2022 Scoping Plan.

PLAN BAY AREA

The Project would not conflict with the overall goals of Plan Bay Area 2050 to provide housing, healthy and safe communities, and climate protection with an overall goal to reduce adverse health impacts. Plan Bay Area 2050 is based on the land uses in the City's General Plan. The Project would demolish and clear

the existing on-site structures and construct a new one-story concrete tilt-up warehouse/industrial use building. The Project would add employment and vehicle trips related to new employees that work directly at the Project site but such trips are anticipated by Plan Bay Area. Further, the Plan Bay Area seeks to decrease vehicle per capita emissions to 20 percent below 2005 levels by 2035. Achievement of the decrease in vehicle per capita emissions is conducted by regional planning efforts through the MTC and other agencies with regard to land use and transportation decision making; for which the Project's land use remains unchanged. The Project would not impede the region from reaching its GHG reductions required under Plan Bay Area.

Based on the above analysis, the Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment nor would the Project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Therefore, impacts would be less than significant.

3.5 Hazards and Hazardous Materials

A Phase I Environmental Site Assessment (Phase I ESA) and Phase II Environmental Site Investigation (Phase II ESI) were prepared for the Project by Langan Engineering and Environmental Services, Inc. (Langan) in 2020. Langan updated and combined these documents in June 2021. The combined ESA/ESI was prepared to review historical site usage information including aerial photographs and maps, search environmental databases, obtain previous environmental investigation records and documents, identify Recognized Environmental Conditions (RECs) and collect current samples of soil and groundwater quality for detailed analysis. The following discussion is based on the Phase I ESA and Phase II ESI, and the full reports are included (Appendix H).

ENVIRONMENTAL SETTING

HISTORICAL USE OF PROJECT SITE AND ADJACENT PROPERTIES

Based on a review of historic aerial imagery, the site and surrounding area were primarily occupied by fields and roads between 1880 and 1930. By the 1940s, the Project site and surrounding vicinity were urbanizing. From 1940 until the 1990s site development continued with the addition and expansion of warehouse buildings, the addition of gasoline and oil pumps and tanks, and the addition of a railroad spur along the southern Project site boundary connected to the adjoining railroad along the western Project site boundary. By 1990 the Project site was like its current layout.

The area around the Project site included the railroad spurs to the west of the property belonging to Southern Pacific Railroad. By 1939, Spartan Stadium (now CEFCU Stadium) was constructed. By the late 1940s, the area surrounding the Project site was transforming into an industrial area. According to historic aerials, by 1948, three abutting industrial structures were constructed on the subject parcel. By 1956, three more structures were constructed to the north and one to the south were constructed. Additionally, three auxiliary buildings were constructed on the southeast corner of the parcel. Neighboring parcels were also being developed with industrial buildings at this time. By 1960, there was an addition to the north and west of the structure. According to the 1963 Sanborn map, the complex was used by Sunsweet Growers as a dried fruit warehouse, and it can be assumed that Sunsweet Growers was the original owner of the Project site. In 1965, more auxiliary buildings were constructed on the southeast corner of the lot. More industrial developments were constructed around the Project site. 1980 aerial photographs show that a new auxiliary building was constructed east of the main structure and in 1982, two additions were added to the southern part of the building.

CURRENT USE OF PROJECT SITE

The Project site has been developed since at least 1948. All existing structures are currently vacant and unoccupied.

Langan observed one motor oil above ground storage tank (AST) in Piedmont Moving System's truck maintenance area, located in Unit A of the western warehouse. The AST was observed to be in good condition; however, staining at least one square foot in size and spill absorbent material was observed in the immediate vicinity of the AST and adjoining drums of waste oil.

CURRENT USE OF ADJACENT PROPERTIES

The Project area is generally comprised of commercial and industrial properties. The off-site improvement area is comprised of a paved roadway. Directly northeast of the Project site across East Alma Avenue is CEFCU Stadium and a variety of San José State University sporting fields. To the west of the Project site is the Sun Garden Shopping Center that includes developed commercial land uses. The San José Police Department Property and Evidence Facility is also to the west of the Project site. To the south of the Project site and directly adjacent to the Project site is Valley Services/Valley Recycling (waste management service). To the east of the Project site is an industrial complex that include a variety of different industrial services.

No ASTs, evidence of underground storage tanks (USTs), or large quantities of possible hazardous materials or wastes were noted being stored by offsite facilities along the site property line.

ON-SITE SOURCES OF CONTAMINATION

A records search of the Santa Clara County Department of Environmental Health (SCCDEH), Regional Water Quality Control Board's Geotracker database, and Department of Toxic Substances Control's (DTSC) Envirostor database found one record of the Project site pertaining to open cases of a leaking underground storage tanks (LUSTs), toxic releases, or site cleanup requirements (Orchard Supply Hardware, Santa Clara Valley Water District Case #07S1E16P01f) located at 1555 South 7th Street. This LUST cleanup site's substance or contaminant of concern was gasoline with remedial action being excavation of soil. This has been listed as "Completed" or "Case Closed" status since 1993 (SWRCB, 2024). Additional detail is available on the California State Water Resources Control Board GeoTracker database which indicates four underground tanks were removed in March and April 1989, three of which were used for gasoline, and one for methanol. During removal, it was noted that Tank B, a 1,000-gallon gasoline storage tank, had four small holes at one end. The tank pit was over-excavated until soil samples from the excavation showed non-detectable levels of petroleum constituents. In August 1990, an investigation was performed that consisted of two boreholes to 15 and 16 feet deep near the former Tanks A and B, and collection of soil samples from multiple depths for chemical analyses for petroleum constituents. A groundwater monitoring well (MW-1) was also installed to 25 feet for shallow groundwater sampling. This well is documented as being destroyed.[12] No petroleum constituents were detected in soil from the boring near Tank A, and trace levels of petroleum constituents were detected in the boring near Tank B. Soil samples were also analyzed for lead, and results were similar to expected naturally-occurring concentrations. Groundwater samples were collected from the monitoring well during six sampling events in 1990-1992, and all analytical results showed non-detectable amounts of petroleum constituents in groundwater.

According to the Envirostor database, there are no records related to 1605 South 7th Street. However, there are two sites in close proximity to the Project site that will be discussed below in Off-Site Sources of Contamination.

[12] Groundwater quality monitoring well MW-1 (Well #07S01E21C009) is identified as destroyed by Valley Water's Well Information App, and there are three total destroyed groundwater monitoring wells identified on the Project site, including MW-1. The other two wells (Well # 07S01E16P001 and Well#07S01E16P003) are documented in the Valley Water Well Information App as being destroyed.

Based on the age of existing buildings at 1605 South 7th Street, asbestos-containing materials (ACM) and lead based paint (LBP) are likely present. However, due to its date of development, the Phase I ESA and Phase II ESI conclude that all observed painted surfaces were in good condition and are not expected to pose a health and safety concern to the occupants of the Project site at this time. Local regulations may apply to LBP in association with building demolition/renovations and worker/occupant protection. All observed suspect ACMs at the Project site were in good condition at the time of the site reconnaissance and are not expected to pose a health and safety concern to the occupants of the Project site.

Soil Vapor Investigation

To assess whether vapor intrusion may be a concern, sub slab soil vapor collected at 1605 South 7th Street was analyzed and screened against the USEPA Sub-Slab Vapor Intrusion Levels (VISLs) for residential and commercial/industrial use (TCR=1E-06 and THQ=1). No exceedances were identified during this screening. However, one location in the middle of the existing two-story, 279,030-square foot main industrial building on the Project site, had a leaking summa canister. Benzene was detected in three soil gas samples, which slightly exceed the State RWQCB ESLs, but are well below the U.S. EPA concentrations for commercial industrial uses.

Soil Investigations

The ESA/ESI prepared by Langan in June 2020 (revised June 2021) did not detect field indications of environmental impacts in site soils. No VOCs, semi volatile organic compounds (SVOCs), total petroleum hydrocarbons (TPH), or PCBs were detected in excess of the State RWQCB environmental screening levels (ESLs). In addition, no dissolved metals were detected at concentrations in excess of State RWQCB ESLs in groundwater samples collected. Arsenic identified in site soils were found to be consistent with background concentrations for San Francisco Bay Area. Total mercury was detected in one groundwater sample GW-1 (2.49 µg/L), slightly above U.S. EPA concentrations for drinking water of 2.0 µg/L, however the site is not planned for drinking water uses. As such, the offsite former Lorentz Barrel & Drum Co. facility, further detailed below, does not represent a significant hazard to future occupants at the Project site.

OFF-SITE SOURCES OF CONTAMINATION

The nearest off-site LUST cleanup site located at 1620 South 7th Street, approximately 100 feet southeast of the Project site (Santa Clara Valley Water District Case # 07S1E21B08f) (SWRCB, 2024). The former operator was W.H. Ebert Corporation and the potential contaminant of concern on this site was gasoline. The case opened in February 2000, and was closed in October 2002.

Additionally, Envirostor includes two records for adjacent sites. The first record involves a closure certification approval for the American Can Company (ID # CAD990768871) (DTSC, 2024). The former hazardous waste facility is labeled as a “School Cleanup” site within Envirostor, the DCP Charter School currently occupies the site. The closure certification approval was approved in July 1996. DCP Charter School is directly adjacent to the west of the Project site.

The second record is Lorentz Barrel & Drum Company (ID# 43300026) (DTSC, 2024), approximately 850 feet east of the Project site, which is an active DTSC site cleanup program designated as a “Federal Superfund” site. The facility is a former waste drum reconditioning and recycling facility which operated from 1947 to 1987. Processed liquid wastes generated from operation activities were discharged into sumps and basins which leached into soil and groundwater. The facility was added to Superfund National

Priority List on October 4, 1989, and subsurface investigations and remediation began. Remedial investigations identified volatile organic compounds (VOCs), pesticides, herbicides, polychlorinated biphenyls (PCBs), heavy metals, dioxins, and furans in soils at the facility. In addition, heavy metals were found in the shallow groundwater originating at the facility and migrating approximately 2,000 feet to the northwest, away from the Project site. The U.S. EPA summary states that all contaminated soils are located beneath an asphalt cap surrounded by fencing, and groundwater contamination is limited to a zone that is not used for drinking water in the South Bay area. The U.S. EPA summary indicates that a risk of vapor intrusion exists if the contaminated groundwater were to bypass the extraction network and migrate to the northwest; however, all groundwater sampling provided indicates that this has not occurred and the Project site is upgradient of the contamination (U.S. EPA, n.d.).

REGULATORY FRAMEWORK

FEDERAL AND STATE

Government Code Section 65962.5 (Cortese List)

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

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) is a framework established by the U.S. EPA for the management of hazardous waste materials including generation, transportation, treatment, storage, and disposal. Any facility associated with hazardous material is required to follow the applicable regulations.

Comprehensive Environmental Response, Compensation, and Liability Act/ Superfund Amendments and Reauthorization Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law (U.S. Code Title 42, Chapter 103) provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites; provides for liability of persons responsible for releases of hazardous waste at these sites; and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA also enables the revision of the National Contingency Plan (NCP). The NCP (Title 40, CFR, Part 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.

Hazardous Materials Transportation Act

The U.S. Department of Transportation (DOT) receives authority to regulate the transportation of hazardous materials from the Hazardous Materials Transportation Act, as amended and codified

(49 USC 5101 et seq.). The DOT is the primary regulatory authority for the interstate transport of hazardous materials and establishes regulations for safe handling procedures (i.e., packaging, marking, labeling and routing).

In California, Section 31303 of the California Vehicle Code states that any hazardous material being moved from one location to another must use the route with the least travel time. This, in practice, means major roads and highways, although secondary roads are permitted to be used for local delivery. These policies are enforced by both the California Highway Patrol and the California Department of Transportation (Caltrans).

Federal Aviation Regulations, Part 77

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

California Environmental Protection Agency

CalEPA has jurisdiction over hazardous materials and wastes at the State level. CalEPA and the SWRCB establish rules governing the use of hazardous materials and the management of hazardous waste. DTSC is the department of CalEPA responsible for implementing and enforcing California's own hazardous waste laws, which are known collectively as the Hazardous Waste Control Law. DTSC regulates hazardous waste in California primarily under the authority of the federal and the California HSC (primarily Division 20, Chapters 6.5 through 10.6, and Title 22, Division 4.5). Although similar to RCRA, the California Hazardous Waste Control Law and its associated regulations define hazardous waste more broadly and regulate a larger number of chemicals. Hazardous wastes regulated by California but not by the USEPA are called "non-RCRA hazardous wastes." Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning.

Government Code Section 65962.5 (Cortese List)

Government Code Section 65962.5, amended in 1992, requires the CalEPA to develop and update annually the Hazardous Waste and Substances Sites (Cortese) List, which is a list of DTSC-listed hazardous waste facilities and sites, Department of Health Services lists of contaminated drinking water wells, sites listed by the SWRCB as having UST leaks and have had a discharge of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material. The Cortese List is a planning document used by the State, local agencies, and developers to comply with the CEQA requirements in providing information about the location of hazardous materials release site. Enforcement of directives from DTSC is handled at the local level, in this case the SCCDEH. The SFRWQCB also has the authority to implement regulations regarding the management of soil and groundwater investigation.

CalFire Strategic Fire Plan 2019

CalFire uses this plan to direct and guide its fire management activities for the State Responsibility Area (SRA) throughout California. CalFire's mission is to serve and safeguard the people and protect the property and resources of California. CalFire responds to emergencies such as fires of all types, vehicle accidents, floods, earthquakes, hazardous material spills, and others within the SRA. CalFire provides direction for fire prevention using fire resource assessments, a variety of available data, mapping and other tools. The plan emphasizes "pre-fire" management, which is a process to assess alternatives to protect assets from unacceptable risk of wildland fire damage and focus on those actions that can be taken in advance of a wildland fire to potentially reduce the severity of the fire and ensure safety. Pre-fire management activities include prescribed burning, fuel breaks, forest health treatments and removal of hazardous vegetation.

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

California Fire Code

Title 24 of the CCR, also known as the California Building Standards Code, contains the CFC, included as Title 24, Part 9. The CFC includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution.

Hazardous Materials Release Response Plans and Inventory Act of 1985

The California HSC, Division 20, Chapter 6.95, known as the Hazardous Materials Release Response Plans and Inventory Act or the Business Plan Act, requires businesses using hazardous materials to prepare a plan that describes their facilities, inventories, emergency response plans, and training programs. Businesses must submit this information to the County DEH. The DEH verifies the information and provides it to agencies responsible for protection of public health and safety and the environment. Business Plans are required to include emergency response plans and procedures in the event of a reportable release or threatened release of a hazardous material, including, but not limited to, all of the following:

- Immediate notification to the administering agency and to the appropriate local emergency rescue personnel.
- Procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property, or the environment.
- Evacuation plans and procedures, including immediate notice, for the business site.

Business Plans are also required to include training for all new employees, and annual training, including refresher courses, for all employees in safety procedures in the event of a release or threatened release of a hazardous material.

Hazardous Waste Control Act

The Hazardous Waste Control Act created the State hazardous waste management program, which is similar to but more stringent than the federal RCRA program. The act is implemented by regulations contained in Title 26 of the CCR, which describes the following required aspects for the proper management of hazardous waste:

- identification and classification;
- generation and transportation;
- design and permitting of recycling, treatment, storage, and disposal facilities;
- treatment standards;
- operation of facilities and staff training; and
- closure of facilities and liability requirements.

These regulations list more than 800 materials that may be hazardous and establish criteria for identifying, packaging, and disposing of such waste. Under the Hazardous Waste Control Act and Title 26, the generator of hazardous waste must complete a manifest that accompanies the waste from generator to transporter to the ultimate disposal location. Copies of the manifest must be filed with the DTSC.

Unified Hazardous Waste and Hazardous Materials Management Regulatory Program

The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) required the administrative consolidation of six hazardous materials and waste programs (Program Elements) under one agency, a Certified Unified Program Agency (CUPA). The Program Elements consolidated under the Unified Program are Hazardous Waste Generator and On-site Hazardous Waste Treatment Programs ("Tiered Permitting"); Aboveground Petroleum Storage Tank SPCC; Hazardous Materials Release Response Plans and Inventory Program (a.k.a. Hazardous Materials Disclosure or "Community-Right-To-Know"); California Accidental Release Prevention Program (Cal ARP); Underground Storage Tank (UST) Program; and Uniform Fire Code Plans and Inventory Requirements.

The Unified Program is intended to provide relief to businesses complying with the overlapping and sometimes conflicting requirements of formerly independently managed programs. The Unified Program is implemented at the local government level by CUPAs. Most CUPAs have been established as a function of a local environmental health or fire department. Some CUPAs have contractual agreements with another local agency, a participating agency, which implements one or more Program Elements in coordination with the CUPA. The Project Site is in San Bernardino County. The CUPA designated for San Bernardino County is the Hazardous Materials Division of the San Bernardino County Fire Department.

Department of Toxic Substance Control

DTSC is a department of CalEPA and is the primary agency in California that regulates hazardous waste, cleans up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of the federal RCRA and the California HSC (primarily Division 20, Chapters 6.5 through 10.6, and Title 22, Division 4.5). Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. Government Code Section 65962.5 (commonly referred to

as the Cortese List) includes DTSC-listed hazardous waste facilities and sites; Department of Health Services lists of contaminated drinking water wells; sites listed by the SWRCB as having UST leaks and have had a discharge of hazardous wastes or materials into the water or groundwater; and lists from local regulatory agencies of sites that have had a known migration of hazardous wastes and/or materials.

California Office of Emergency Services

To protect the public health and safety and the environment, the California Office of Emergency Services is responsible for establishing and managing statewide standards for business and area plans relating to the handling and release or threatened release of hazardous materials. Basic information on hazardous materials handled, used, stored, or disposed of (including location, type, quantity, and health risks) needs to be available to firefighters, public safety officers, and regulatory agencies. The information must be included in these institutions' business plans to prevent or mitigate the damage to the health and safety of persons and the environment from the release or threatened release of these materials into the workplace and environment.

These regulations are covered under Chapter 6.95 of the California HSC Article 1 – Hazardous Materials Release Response and Inventory Program (§§25500 to 25520) and Article 2 – Hazardous Materials Management (§§25531 to 25543.3). CCR Title 19, Public Safety, Division 2, Office of Emergency Services, Chapter 4 – Hazardous Material Release Reporting, Inventory, and Response Plans, Article 4 (Minimum Standards for Business Plans) establishes minimum statewide standards for Hazardous Materials Business Plans (HMBP). These plans shall include the following: (1) a hazardous material inventory in accordance with Sections 2729.2 to 2729.7; (2) emergency response plans and procedures in accordance with Section 2731; and (3) training program information in accordance with Section 2732. Business plans contain basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of in the State. Each business shall prepare a HMBP if that business uses, handles, or stores a hazardous material or an extremely hazardous material in quantities greater than or equal to the following: 500 pounds of a solid substance, 55 gallons of a liquid, 200 cubic feet of compressed gas, a hazardous compressed gas in any amount, or hazardous waste in any quantity.

California Occupational Safety and Health Administration

Cal/OSHA is the primary agency responsible for worker safety in the handling and use of chemicals in the workplace. Cal/OSHA standards are generally more stringent than federal regulations. The employer is required to monitor worker exposure to listed hazardous substances and notify workers of exposure (8 CCR Sections 337-340). The regulations specify requirements for employee training, availability of safety equipment, accident-prevention programs, and hazardous substance exposure warnings.

Asbestos-Containing Materials (ACM).

Asbestos, a natural fiber used in the manufacturing of different building materials, has been identified as a human carcinogen. Most friable (i.e., easily broken or crushed) ACMs were banned in building materials by 1978. By 1989, most major manufacturers had voluntarily removed non-friable ACM (i.e., flooring, roofing, and mastics/sealants) from the market. These materials were not banned completely. In California, any facility known to contain ACMs is required to have a written Asbestos Operations and Maintenance (O&M) Program. Removal of ACMs must be conducted in accordance with the requirements of the Mohave Desert Air Quality Management District (MDAQMD), which enforces the Asbestos National

Emission Standard for Hazardous Air Pollutants, as it applies to asbestos removal and demolitions.

Lead-Based Paint

Lead-based paint has been identified by OSHA, the USEPA, and the Department of Housing and Urban Development as a potential health risk to humans, particularly children, based on its effects to the central nervous system, kidneys, and bloodstream. The Department of Housing and Urban Development classifies the risk of lead-based paint based upon the painted surface's age and condition. Cal/OSHA has established limits of exposure to lead contained in dusts and fumes. Specifically, 8 CCR Section 1532.1 establishes the rules and procedures for conducting demolition and construction activities and establishes exposure limits, exposure monitoring, and respiratory protection for workers exposed to lead.

LOCAL

City of San José General Plan

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

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

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

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

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

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

in conformance with regional, State and federal laws, regulations, guidelines and standards.

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

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

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

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

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

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

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this Draft EIR, a hazards and hazardous materials impact is considered significant if the Project would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
2. 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?

3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
4. 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?
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

HAZ-1	***Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?***
	Less Than Significant Impact

Construction

Project construction would be temporary in nature and involve the limited transport, storage, use, and disposal of hazardous materials. Such hazardous materials may include onsite fueling or servicing of construction equipment and the transport of fuels, lubricating fluids, and solvents. The use, handling, and storage of these materials could potentially increase the opportunity for hazardous materials releases and subsequently, the exposure of the public and environment to hazardous materials. However, these materials are commonly used at construction sites and construction contractors would be required to comply with regulations that address the safe storage, handling, and disposal of these materials, including regulations by the USEPA, OSHA, and DTSC. As a result, construction activities would not create a significant hazard to the public or the environment. Therefore, short-term construction impacts regarding hazards and hazardous materials would be less than significant.

Operations

The Project would construct a new delivery facility that would include limited use and storage of hazardous materials and substances such as cleaners, paints, solvents, fertilizers, and pesticides for Project site landscaping. Operation of the Project would include the use and storage of cleaning supplies and maintenance chemicals in small quantities, similar to other businesses nearby and would not generate substantial hazardous emissions or chemical releases that would affect surrounding uses. All materials and substances would be subject to applicable health and safety requirements by U.S. EPA and OSHA related to storage and use.

Operation of the Project would involve the transport, storage, use, and disposal of limited quantities of hazardous materials related to parcel delivery facility operations, such as parcel arrival and dispatch, truck

circulation, and landscape maintenance. Hazardous materials may include solvents and commercial cleansers for building maintenance and the limited use of pesticides and herbicides for landscape maintenance. Trucks accessing the facility would contain engine fuels and lubricants. However, these types of hazardous materials and the level of hazardous materials usage would be typical of other commercial, light warehousing, and storage uses. All materials being delivered to and from the Project site would be subject to the Hazardous Materials Transportation Act and Section 31303 of the California Vehicle Code, and any applicable local regulations.

Additionally, operation of the Project would include the transport and storage of limited quantities of hazardous materials related to delivery facility operations, such as parcel arrival and dispatch. The Hazardous Materials Transportation Act establishes regulations for the appropriate packaging and labeling of hazardous materials, such as acetone and batteries. Section 31303 of the California Vehicle Code establishes regulations for routing when transporting hazardous materials that require display placards or markings. Operation of the Project would only handle materials allowed by these laws and would adhere to the applicable packaging and labelling regulations. It is not anticipated that the Project operations would involve the routine transport, use, or disposal of hazardous materials at volumes or concentrations that are not allowed or would require special provisions, permits, or approvals, such as those required for heavy industrial land uses under Title 49 CFR Part 173. Thus, the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials and impacts would be less than significant.

HAZ-2	***Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?***
	Less Than Significant Impact

Construction

The construction of the Project is not anticipated to result in a release of hazardous materials into the environment. Project development would require demolition of the existing structures on the Project site. Due to the age of the existing buildings, there could be ACM and/or LBP, which were common in buildings of this era. However, all observed painted surfaces were in good condition and are not expected to pose a health and safety concern to the occupants of the Project site. As part of the demolition permit, the Project applicant would be required visually inspect/conduct a pre-demolition survey, and possible sampling, prior to the demolition of on-site building(s) to determine the presence of ACMs and/or LBP, and comply with State and local regulations. Therefore, impacts from removal of any potential ACMs or LBP would be less than significant.

Based on results of the soil vapor investigation and screening the analytical results of the subslab soil vapor collected on site against the U.S. EPA Sub-Slab Vapor VISLs for residential and commercial/industrial use, no exceedances were identified. However, one location in the middle of the existing two-story, 279,030-square foot main industrial building on the Project site, has a leaking summa canister. Based on the absence of detectable benzene in groundwater or soil at the site, the low level detections of benzene

in soil vapor are expected to be attributable to de minimis staining on the overlying concrete surface. Benzene gas samples at the site were detected at concentrations between (15 µg/m3 and 17 µg/m3), slightly above the State RWQCB ESL, but far below the U.S. EPA VISLs 52.4 µg/m3 threshold for commercial or industrial sites. Site preparation activities would include demolition of existing structures and pavement, scarification and re-compaction of site soils, and import/placement of clean fill soil to support the installation of a commercial slab-on-grade foundation. These activities may result in the release and volatilization of the minor concentrations of benzene detected in soil vapor. The level of benzene gas released or volatilized is anticipated to be minor and not at levels requiring further investigation. Development of the Project would include the construction of a one-story concrete tilt-up warehouse/industrial use building equipped with high ceilings, heavy duty slab, and ventilation. As the Project includes high ceilings, heavy duty slab, and ventilation, potential indoor air impacts for the operational Project from vapor intrusion would be less than significant. The high ceilings allow for more air flow and mixing to dilute the already minor benzene gas concentrations. Therefore, implementation of the Standard Permit Condition regarding asbestos and lead paint, and development of the Project as designed would reduce impacts related to upset and accident conditions involving the release of hazardous materials into the environment to a less than significant level during construction.

Operations

As discussed in Threshold HAZ-1, the Project would include limited use and storage of hazardous materials and substances such as cleaners, paints, solvents, and fertilizers and pesticides for Project site landscaping. The use and storage of these supplies would be similar to other businesses nearby and would not generate substantial hazardous emissions or chemical releases due to accident or upset conditions that would affect surrounding uses. Project operation would also include the transport and storage of limited quantities of hazardous materials related to delivery facility operations, such as parcel arrival and dispatch. These materials would be allowed by the Hazardous Materials transportation Act and Section 31303 of the California Vehicle Code and would adhere to the applicable packaging and labelling regulations. It is not anticipated that Project operations would involve the routine transport, use, or disposal of hazardous materials at volumes or concentrations that would create significant hazards as a result of upset or accident conditions. Thus, Project operation impacts would be less than significant.

HAZ-3	***Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?***
	Less Than Significant Impact

DCP Charter School, located at 1402 Monterey Road, is approximately 100 feet west of the Project site. The Project would include limited use and storage of hazardous materials and substances such as cleaners, paints, solvents, fertilizers, and pesticides for site landscaping. Operation of the proposed delivery facility would include the use and storage of cleaning supplies and maintenance chemicals in small quantities, like other businesses nearby and would not generate substantial hazardous emissions or chemical releases that would affect surrounding uses. Additionally, operation of the Project would include the transport and storage of limited quantities of hazardous materials related to delivery facility operations. These activities would only include materials allowed by the laws discussed in Threshold HAZ-1 and would

adhere to the applicable packaging and labelling regulations. These activities are not anticipated to involve the routine transport, use, or disposal of hazardous materials at volumes or concentrations that are not allowed under the applicable laws or would require special provisions, permits, or approvals. Therefore, although the Project is within 0.25 mile of a school, the nature of the Project activities and operations would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste in a manner that could impact schools in the Project area. Thus, impacts would be less than significant.

HAZ-4	***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?*** ***Less Than Significant Impact***

The Project site is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. There is one historical case of hazardous release on the Project site, described as follows. The LUST case for the site is associated with historical operations by Orchard Supply Hardware, Amberwood Products, Inc., and Miller Recycling, but all refer to the same underground gasoline tanks originally operated by Orchard Supply Hardware. Orchard Supply Hardware's (#07S1E16P01f) case was first reported and opened in November 1989 and has been classified as "Completed or Case Closed" since May 1993, meaning a closure letter or other formal closure decision document has been issued for the site. The substance or contaminant of concern for this case was gasoline. The combined ESA/ESI (Appendix H) included soil sampling and the soil, groundwater and soil gas conditions at the site were generally shown to be below U.S. EPA Risk Screening Levels (RSLs) for commercial/industrial sites. Thus, impacts would be less than significant.

HAZ-5	***Would the Project be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?*** ***No Impact***

The Project site is not located within two miles of a public airport or private airstrip. The Project site is located approximately 3.4 miles southeast of Mineta San José International Airport, the closest major airport. The Project site is located approximately 2.7 miles southwest of the Reid-Hillview County Airport, the closest minor airport. The Project site is not located within the "Airport Influence Area" or "Airport Safety Zones" defined by the Santa Clara County Airport Land Use Commission's Comprehensive Land Use Plan (CLUP). In addition, as the proposed structure's maximum height is below the FAR Part 77 notification surface elevation over the site (e.g., approximately 75 feet above ground), the Project does not require FAA airspace safety review. The Project site would not be located within an airport land use plan or within two miles of a public airport. Thus, no impacts would occur.

HAZ-6 ***Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?***

Less Than Significant Impact

Implementation of the Project would not impair or physically interfere with an adopted emergency response or evacuation plan. The City of San José Emergency Operations Plan (EOP) was prepared by the City describing the City's preparation, recovery, and mitigation against impacts of natural and human-caused disasters and emergencies. Specifically, the EOP identifies how City departments coordinate emergency management related actions, resources, and activities with other local, state, regional, and federal governments; private sector and nongovernmental organizations; and the broader community. The Project operations would include utilization of the truck routes identified in **Figure 2.3-7: Project Truck Routes**, following the Primary Truck Routes identified in the General Plan. As such, the Project trucks using City truck routes would not impede local emergency management. The Project would also cooperate with the emergency response protocols established by the City's EOP, as needed, during construction and operation.

No revisions to the EOP would be required as a result of the Project. Primary access to all major roads would be maintained during construction of the Project. Additionally, prior to issuance of any building permits, the Project would be reviewed for conformance with all applicable Fire Code and Building Code requirements to ensure that Project development does not interfere with the provision of local emergency services (e.g., adequate access roads for emergency response vehicles, adequate numbers/locations of fire hydrants, etc.).

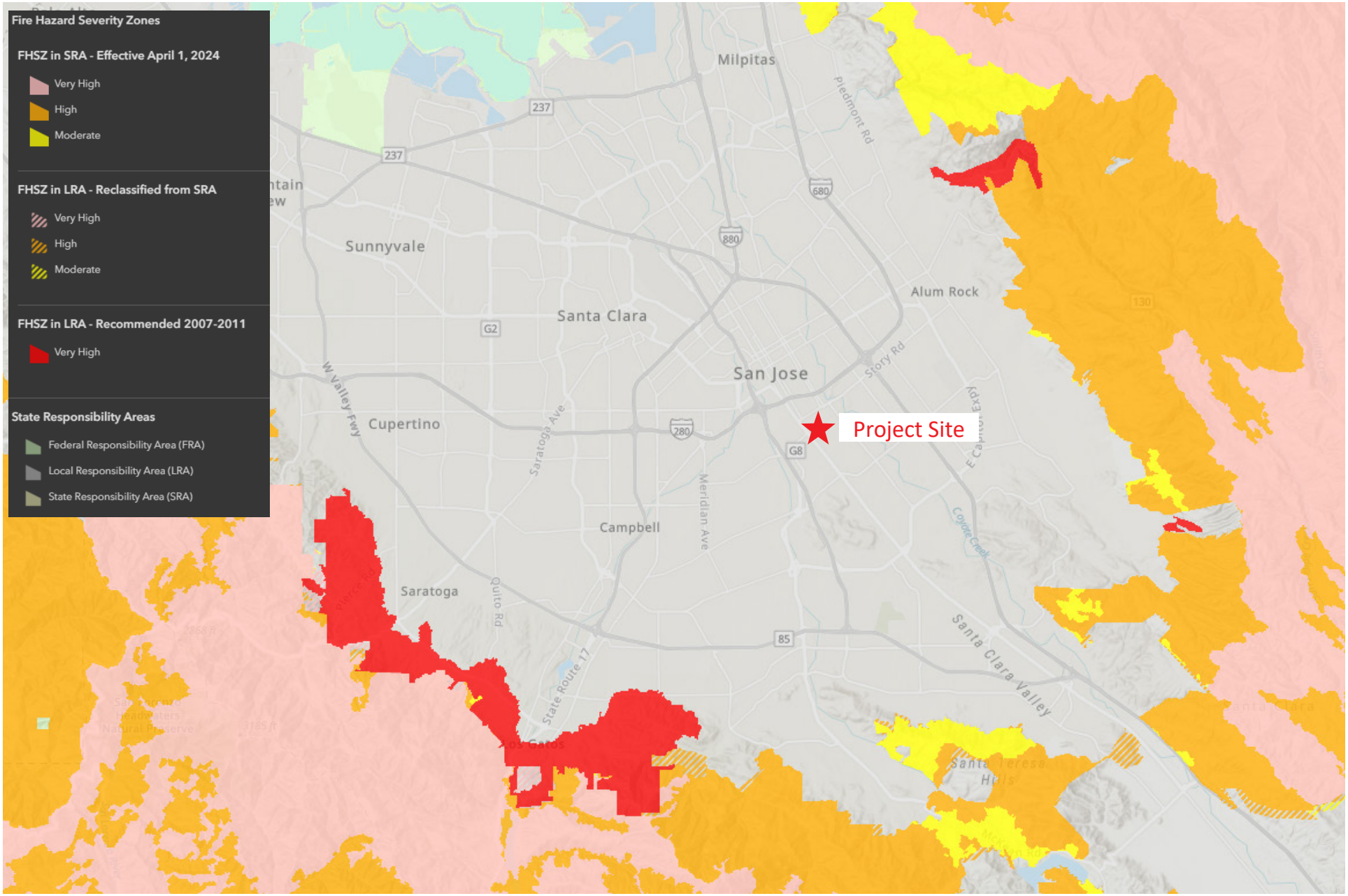
The Project would include a variance application related to the City's design requirements for fire apparatus access roads. The City requires that all exterior walls of the first story of a building are within 150 feet from the access road measured along the path of travel, which is measured from the building overhang to the property line. A section of northeastern corner of the proposed building would exceed the 150 feet maximum travel distance. As such, a variance application would be included as part of the Project to propose alternate means and methods related to the fire sprinkler design which would offset any additional risk by exceeding the 150 feet maximum distance. Thus, with a variance granted, impacts would be less than significant.

HAZ-7 ***Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?***

No Impact

CAL FIRE identifies Fire Hazard Severity Zones (FHSZ) and designates State or Local Responsibility Areas within the State of California. New developments located in 'Very High' Fire Hazard Severity Zones are required to comply with exterior wildfire design and construction codes as well as vegetation clearance and other wildland fire safety practices for structures. The Project is within a Local Responsibility Are (LRA) not located within a Very High Fire Hazard Severity Zone (VHFHSZ), within a State Responsibility Area (SRA) (CalFire, n.d.). The Project is also outside of the Santa Clara County Wildland Urban Interface Fire Area

(Santa Clara County Fire Safe Council, n.d.). The nearest VHFHSZ is Alum Rock Park, approximately 5.5 miles northeast of the Project site. See **Figure 3.5-1: Fire Hazard Severity Zones,** and **Figure 3.5-2: Santa Clara County Wildland Urban Interface Fire Area.** The Project site is in a developed urban area, is not within a VHFHSZ, and is not within or directly adjacent to a wildland interface area. Thus, no impacts would occur.



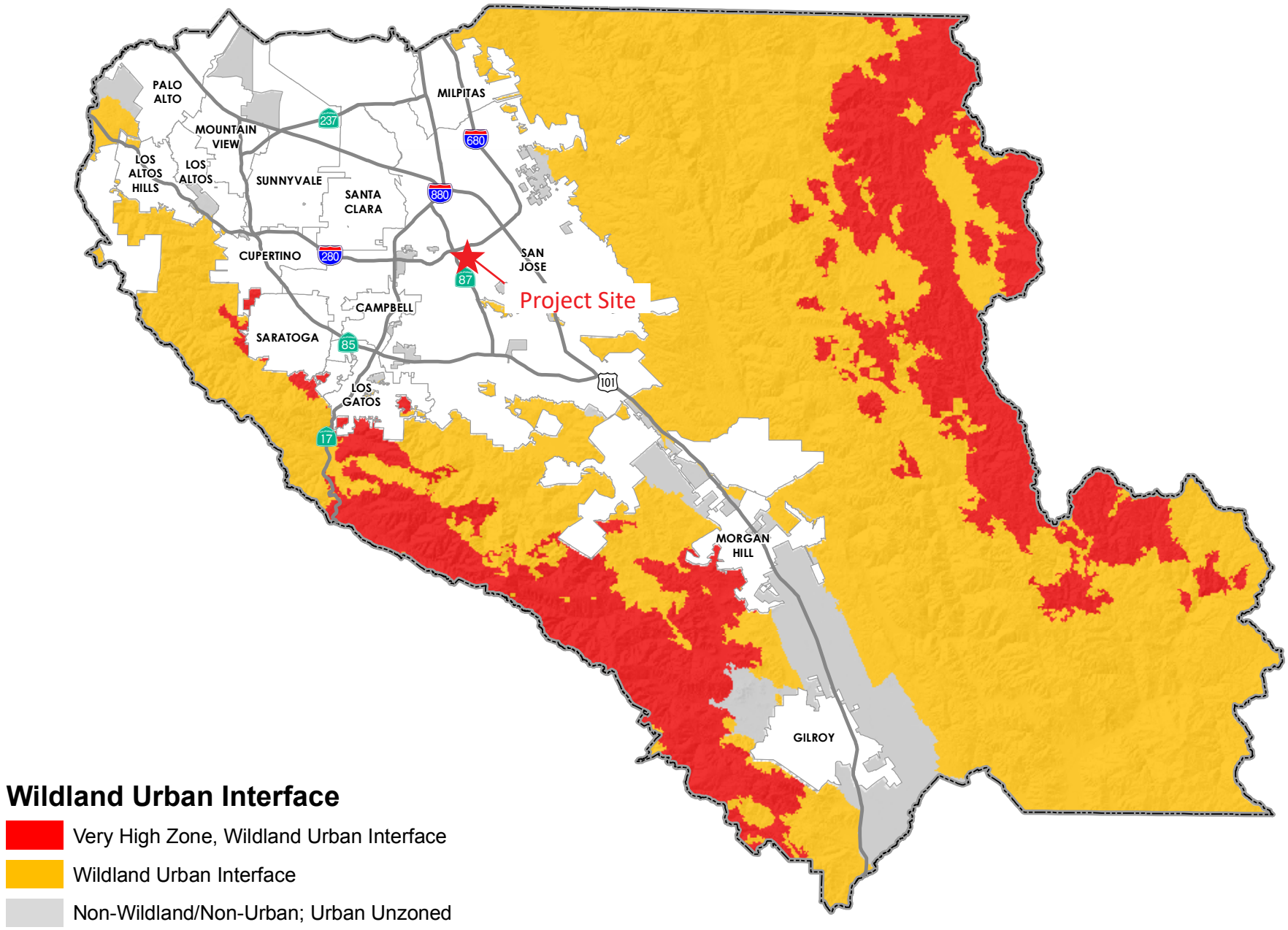
Source: CALFIRE, 2024

Figure 3.5-1: Fire Hazard Severity Zones

1605 South 7th Street Project
Draft Environmental Impact Report

Not to scale

Kimley»Horn



Source: Santa Clara County, 2009

Figure 3.5-2: Santa Clara County Wildland Urban Interface Fire Area
1605 South 7th Street Project
Draft Environmental Impact Report

Not to scale

Kimley»Horn

3.6 Noise and Vibration

The noise and vibration evaluation is based upon an Acoustical Assessment prepared by Kimley-Horn in October 2024. A copy of this report is attached in Appendix I of this Draft EIR.

ENVIRONMENTAL SETTING

ACOUSTIC FUNDAMENTALS

Sound and Environmental Noise

Acoustics is the science of sound. Sound can be described as the mechanical energy of a vibrating object transmitted by pressure waves through a medium (e.g. air) to human (or animal) ear. If the pressure variations occur frequently enough (at least 20 times per second), they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound and is expressed as cycles per second, or hertz (Hz).

Noise is defined as loud, unexpected, or annoying sound. The fundamental acoustics model consists of a noise source, receptor, and the propagation path between the two. The loudness of the noise source, obstructions, or atmospheric factors affecting the propagation path, determine the perceived sound level and noise characteristics at the receptor. Acoustics deal primarily with the propagation and control of sound. A typical noise environment consists of ambient noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this ambient noise is the sound from individual local sources. These sources can vary from an occasional aircraft or train passing by to continuous noise from traffic on a major highway. Perceptions of sound and noise are highly subjective from person to person.

Measuring sound directly in terms of pressure would require a large range of numbers. To avoid this, the decibel (dB) scale was devised. The dB scale uses the hearing threshold of 20 micropascals (µPa) as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The dB scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels correspond closely to human perception of relative loudness. **Table 3.6-1: Typical Noise Levels** provides typical noise levels.

Table 3.6-1: Typical Noise Levels

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	– 110 –	Rock Band
Jet fly-over at 1,000 feet		
	– 100 –	
Gas lawnmower at 3 feet		
	– 90 –	
Diesel truck at 50 feet at 50 miles per hour		Food blender at 3 feet
	– 80 –	Garbage disposal at 3 feet
Noisy urban area, daytime		
Gas lawnmower, 100 feet	**– 70 –**	Vacuum cleaner at 10 feet
Commercial area		Normal Speech at 3 feet
Heavy traffic at 300 feet	**– 60 –**	
		Large business office
Quiet urban daytime	**– 50 –**	Dishwasher in next room
Quiet urban nighttime	**– 40 –**	Theater, large conference room (background)
Quiet suburban nighttime		
	– 30 –	Library
Quiet rural nighttime		Bedroom at night, concert hall (background)
	– 20 –	
		Broadcast/recording studio
	– 10 –	
Lowest threshold of human hearing	**– 0 –**	Lowest threshold of human hearing

Source: California Department of Transportation, *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, September 2013.

Noise Descriptors

The dB scale alone does not adequately characterize how humans perceive noise. The dominant frequencies of a sound have a substantial effect on the human response to that sound. Several rating scales have been developed to analyze the adverse effect of community noise on people. Because environmental noise fluctuates over time, these scales consider that the effect of noise on people is largely dependent on the total acoustical energy content of the noise, as well as the time of day when the noise occurs. The equivalent noise level (L_{eq}) represents the continuous sound pressure level over the measurement period, while the day-night noise level (L_{dn}) and Community Equivalent Noise Level (CNEL) are measures of energy average during a 24-hour period, with dB weighted sound levels from 7:00 p.m. to 7:00 a.m. Most commonly, environmental sounds are described in terms of L_{eq} that has the same acoustical energy as the summation of all the time-varying events. Each is applicable to this analysis and defined in **Table 3.6-2: Definitions of Acoustical Terms.**

Table 3.6-2: Definitions of Acoustical Terms

Term	Definitions
Decibel (dB)	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure for air is 20.
Sound Pressure Level	Sound pressure is the sound force per unit area, usually expressed in µPa (or 20 micronewtons per square meter), where 1 pascals is the pressure resulting from a force of 1 newton exerted over an area of 1 square meter. The sound pressure level is expressed in dB as 20 times the logarithm to the base 10 of the ratio between the pressures exerted by the sound to a reference sound pressure (e.g., 20 µPa). Sound pressure level is the quantity that is directly measured by a sound level meter.
Frequency (Hz)	The number of complete pressure fluctuations per second above and below atmospheric pressure. Normal human hearing is between 20 Hz and 20,000 Hz. Infrasonic sound are below 20 Hz and ultrasonic sounds are above 20,000 Hz.
A-Weighted Sound Level (dBA)	The sound pressure level in dB as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
Equivalent Noise Level (L_{eq})	The average acoustic energy content of noise for a stated period of time. Thus, the L_{eq} of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. For evaluating community impacts, this rating scale does not vary, regardless of whether the noise occurs during the day or the night.
Maximum Noise Level (L_{max}) Minimum Noise Level (L_{min})	The maximum and minimum dBA during the measurement period.
Exceeded Noise Levels (L_{01}, L_{10}, L_{50}, L_{90})	The dBA values that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
Day-Night Noise Level (DNL)	A 24-hour average L_{eq} with a 10 dBA weighting added to noise during the hours of 10:00 PM to 7:00 AM to account for noise sensitivity at nighttime. The logarithmic effect of these additions is that a 60 dBA 24-hour L_{eq} would result in a measurement of 66.4 dBA DNL.

Term	Definitions
Community Noise Equivalent Level (CNEL)	A 24-hour average L_{eq} with a 5 dBA weighting during the hours of 7:00 AM to 10:00 AM and a 10 dBA weighting added to noise during the hours of 10:00 PM to 7:00 AM to account for noise sensitivity in the evening and nighttime, respectively. The logarithmic effect of these additions is that a 60 dBA 24-hour L_{eq} would result in a measurement of 66.7 dBA CNEL.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends on its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.

The A-weighted decibel (dBA) sound level scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be used. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events.

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

A-Weighted Decibels

The perceived loudness of sounds is dependent on many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable and can be approximated by dBA values. There is a strong correlation between dBA and the way the human ear perceives sound. For this reason, the dBA has become the standard tool of environmental noise assessment. All noise levels reported in this document are in terms of dBA, but are expressed as dB, unless otherwise noted.

Addition of Decibels

The dB scale is logarithmic, not linear, and therefore sound levels cannot be added or subtracted through ordinary arithmetic. Two sound levels 10 dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic dB is A-weighted, an increase of 10 dBA is generally perceived as a doubling in loudness. For example, a 70-dBA sound is half as loud as an 80-dBA sound and twice as loud as a 60-dBA sound. When two identical sources are each producing sound of the same loudness, the resulting sound level at a given distance would be 3 dBA higher than one source under the same conditions. Under the dB scale, three sources of equal loudness together would produce an increase of approximately 5 dBA.

Sound Propagation and Attenuation

Sound spreads (propagates uniformly outward in a spherical pattern, and the sound level decreases

(attenuates) at a rate of approximately 6 dB for each doubling of distance from a stationary or point source. Sound from a line source, such as a highway, propagates outward in a cylindrical pattern. Sound levels attenuate at a rate of approximately 3 dB for each doubling of distance from a line source, such as a roadway, depending on ground surface characteristics. No excess attenuation is assumed for hard surfaces like a parking lot or a body of water. Soft surfaces, such as soft dirt or grass, can absorb sound, so an excess ground-attenuation value of 1.5 dB per doubling of distance is normally assumed. For line sources, an overall attenuation rate of 3 dB per doubling of distance is assumed.

Noise levels may also be reduced by intervening structures; generally, a single row of buildings between the receptor and the noise source reduces the noise level by about 5 dBA, while a solid wall or berm reduces noise levels by 5 to 10 dBA. The way older homes in California were constructed generally provides a reduction of exterior-to-interior noise levels of about 20 to 25 dBA with closed windows. The exterior-to-interior reduction of newer residential units is generally 30 dBA or more.

Human Response to Noise

The human response to environmental noise is subjective and varies considerably from individual to individual. Noise in the community has often been cited as a health problem, not in terms of actual physiological damage, such as hearing impairment, but in terms of inhibiting general well-being and contributing to undue stress and annoyance. The health effects of noise in the community arise from interference with human activities, including sleep, speech, recreation, and tasks that demand concentration or coordination. Hearing loss can occur at the highest noise intensity levels.

Noise environments and consequences of human activities are usually well represented by median noise levels during the day or night or over a 24-hour period. Environmental noise levels are generally considered low when the CNEL is below 60 dBA, moderate in the 60 to 70 dBA range, and high above 70 dBA. Examples of low daytime levels are isolated, natural settings with noise levels as low as 20 dBA and quiet, suburban, residential streets with noise levels around 40 dBA. Noise levels above 45 dBA at night can disrupt sleep. Examples of moderate-level noise environments are urban residential or semi-commercial areas (typically 55 to 60 dBA) and commercial locations (typically 60 dBA). People may consider louder environments adverse, but most will accept the higher levels associated with noisier urban residential or residential-commercial areas (60 to 75 dBA) or dense urban or industrial areas (65 to 80 dBA). Regarding increases in dBA, the following relationships should be noted:

- Except in carefully controlled laboratory experiments, a 1-dBA change cannot be perceived by humans.
- Outside of the laboratory, a 3-dBA change is considered a just-perceivable difference.
- A minimum 5-dBA change is required before any noticeable change in community response would be expected. A 5-dBA increase is typically considered substantial.
- A 10-dBA change is subjectively heard as an approximate doubling in loudness and would almost certainly cause an adverse change in community response.

Effects of Noise on People

Hearing Loss. While physical damage to the ear from an intense noise impulse is rare, a degradation of auditory acuity can occur even within a community noise environment. Hearing loss occurs mainly due to

chronic exposure to excessive noise but may be due to a single event such as an explosion. Natural hearing loss associated with aging may also be accelerated from chronic exposure to loud noise. The Occupational Safety and Health Administration (OSHA) has a noise exposure standard that is set at the noise threshold where hearing loss may occur from long-term exposures. The maximum allowable level is 90 dBA averaged over 8 hours. If the noise is above 90 dBA, the allowable exposure time is correspondingly shorter.

Annoyance. Causes for annoyance generally include interference with speech, radio and television, house vibrations, and interference with sleep and rest. The L_{dn} as a measure of noise has been found to provide a valid correlation of noise level and the percentage of people annoyed. A noise level of about 55 dBA L_{dn} is the threshold at which a substantial percentage of people begin to report annoyance (Federal Interagency Committee on Noise, 1992).

Groundborne Vibration

Sources of groundborne vibrations include natural phenomena (earthquakes, volcanic eruptions, sea waves, landslides, etc.) or man-made causes (explosions, machinery, traffic, trains, construction equipment, etc.). Vibration sources may be continuous (e.g. factory machinery) or transient (e.g. explosions). Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude, including Vibration Decibels (VdB), peak particle velocity (PPV), and the root mean square (RMS) velocity. VdB is the vibration velocity level in the decibel scale. PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is defined as the average of the squared amplitude of the signal. The PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration.

Table 3.6-3: Human Reaction and Damage to Buildings for Continuous or Frequent Intermittent Vibrations, displays the reactions of people and the effects on buildings produced by continuous vibration levels. The annoyance levels shown **Table 3.6-3: Human Reaction and Damage to Buildings for Continuous or Frequent Intermittent Vibrations** should be interpreted with care since vibration may be found to be annoying at much lower levels than those listed, depending on the level of activity or the sensitivity of the individual. To sensitive individuals, vibrations approaching the threshold of perception can be annoying. Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual structural damage. In high noise environments, which are more prevalent where groundborne vibration approaches perceptible levels, this rattling phenomenon may also be produced by loud airborne environmental noise causing induced vibration in exterior doors and windows.

Table 3.6-3: Human Reaction and Damage to Buildings for Continuous or Frequent Intermittent Vibrations

Peak Particle Velocity (in/sec)	Approximate Vibration Velocity Level (VdB)	Human Reaction	Effect on Buildings
0.006-0.019	64-74	Range of threshold of perception	Vibrations unlikely to cause damage of any type
0.08	87	Vibrations readily perceptible	Recommended upper level to which ruins and ancient monuments should be subjected
0.1	92	Level at which continuous vibrations may begin to annoy people, particularly those involved in vibration sensitive activities	Virtually no risk of architectural damage to normal buildings
0.2	94	Vibrations may begin to annoy people in buildings	Threshold at which there is a risk of architectural damage to normal dwellings
0.4-0.6	98-104	Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges	Architectural damage and possibly minor structural damage

Source: California Department of Transportation, Transportation and Construction Vibration Guidance Manual, 2013.

Ground vibration can be a concern in instances where buildings shake, and substantial rumblings occur. However, it is unusual for vibration from typical urban sources such as buses and heavy trucks to be perceptible. Common sources for groundborne vibration are planes, trains, and construction activities such as earth-moving which requires the use of heavy-duty earth moving equipment. For the purposes of this analysis, a PPV descriptor with units of inches per second (in/sec) is used to evaluate construction-generated vibration for building damage and human complaints.

EXISTING NOISE SOURCES

The City of San José is impacted by various noise sources. Mobile sources of noise, especially cars and trucks, are the most common and significant sources of noise in most communities. Other sources of noise are the various land uses (i.e., residential, commercial, institutional, and recreational and parks activities) throughout the City that generate stationary-source noise. The Project site is currently vacant and does not include noise generating sources.

NOISE MEASUREMENTS

To determine ambient noise levels in the Project area, three short-term (10-minute) noise measurements and one long-term (24-hour) noise measurements were taken using a Larson Davis SoundExpert LxT Type I integrating sound level meter on May 22 and May 23, 2024; refer to Appendix I for existing noise measurement data and **Figure 3.6-1: Noise Measurement Locations** for locations of noise measurements taken.

Short-Term measurement 1 (ST-1) was taken to represent the ambient noise level southeast of the Project site along South 7th Street; ST-2 was taken to represent existing noise levels at the San José State University CEFCU Stadium; and ST-3 was taken to represent existing noise levels at the nearby uses southwest of the Project site. Long-Term measurement 1 (LT-1) was taken to represent existing noise levels along East Alma Avenue by the DCP Charter School. The primary noise sources during the noise measurements were traffic along East Alma Avenue, South 7th Street, and stationary noise at commercial and industrial operations nearby. **Table 3.6-4: Noise Measurements** provides the ambient noise levels measured in these locations.

Table 3.6-4: Noise Measurements

Site No.	Location	L_{eq} (dBA)	L_{min} (dBA)	L_{max} (dBA)	L_{dn} (dBA)	Time	Date
ST-1	Southeast corner of the Project site along South 7th Street	69.0	58.8	81.6	-	3:18 p.m. to 3:28 p.m.	5/22/2024
ST-2	Intersection of South 7th Street and East Alma Avenue	74.4	58.4	85.5	-	3:37 p.m. to 3:47 p.m.	5/22/2024
ST-3	At commercial uses southwest of the Project site	58.5	49.3	72.3	-	3:57 p.m. to 4:07 p.m.	5/22/2024
LT-1	Northwest corner of the Project site along East Alma Avenue	63.4	46.2	101.7	66.6	4:25 p.m. to 4:25 p.m.	5/22/2024 - 5/23/2024

Source: Noise Measurements taken by Kimley-Horn on May 22-23, 2024.

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Source: Google Earth, 2024

Figure 3.6-1: Noise Measurement Locations

1605 South 7th Street Project
Draft Environmental Impact Report

Not to scale

Kimley»Horn

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EXISTING MOBILE-SOURCE NOISE

Existing roadway noise levels were calculated for the roadway segments in the Project vicinity. This task was accomplished using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA-RD-77-108) and existing traffic volumes from the Project Transportation Analysis (NV5, 2024). The noise prediction model calculates the average noise level at specific locations based on traffic volumes, average speeds, roadway geometry, and site environmental conditions. The average vehicle noise rates (also referred to as energy rates) used in the FHWA model have been modified to reflect average vehicle noise rates identified for California by Caltrans. The Caltrans data indicates that California automobile noise is 0.8 to 1.0 dBA higher than national levels and that medium and heavy truck noise is 0.3 to 3.0 dBA lower than national levels. The average daily noise levels along roadway segments in proximity to the Project site are included in **Table 3.6-5: Existing Traffic Noise**. The table shows the existing average daily trips (ADT) on the nearby roadway segments and the resulting day-night noise level (dBA DNL).

Table 3.6-5: Existing Traffic Noise

Roadway Segment	Daily Trips (ADT)	Noise Level (dBA L_{dn})[1]
Monterey Road		
East Alma Avenue and Phelan Avenue	24,560	64.3
South 7th Street		
East Alma Avenue and Phelan Avenue	10,604	60.4
East Alma Avenue		
Monterey Road to South 7th Street	10,594	60.5
ADT = average daily trips; dBA = A-weighted decibels; Ldn = day-night noise level		
1. Traffic noise levels are at 100 feet from the roadway centerline. The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures, barriers, and topography. 2. These are the three roadway intersections required by the City for the Project. Other nearby intersections are not expected to add a measurable number of vehicle trips and therefore are not needed in the intersection operational analysis.		
Source: Based on data from the Transportation Analysis (Appendix J). Refer to Appendix I for traffic noise modeling assumptions and results.		

The Project site is primarily surrounded by industrial and commercial uses with an existing school use west of the Project site. The existing mobile noise in the Project area are generated along East Alma Avenue, which is north of the Project site, and 7th Street which is east of the Project site.

EXISTING STATIONARY-SOURCE NOISE

The primary sources of stationary noise in the Project vicinity are those associated with the operations of nearby Spartan Stadium northeast of the site and existing mixed-used commercial and industrial uses surrounding of the Project site. The noise associated with these sources may represent a single-event noise occurrence (e.g. aircraft flyover, car horn, etc.), short-term noise (e.g., construction equipment, landscape equipment), or long-term/continuous noise (e.g., mechanical noise that runs without interruption).

RECEPTORS

Noise exposure standards and guidelines for various types of land uses reflect the varying noise sensitivities associated with each of these uses. Residences, hospitals, schools, guest lodging, libraries, and churches are treated as the most sensitive to noise intrusion and therefore have more stringent noise exposure targets than do other uses, such as manufacturing or agricultural uses that are not subject to impacts such as sleep disturbance. As shown in **Table 3.1-3** , sensitive receptors near the Project site include a school, a park, and single-family residences. Surrounding the Project site to the north, east, and west, are large commercial and industrial areas. The nearest sensitive receptor is DCP Charter School, located 100 feet to the west of the Project site. These distances shown in **Table 3.1-3** are measured from the Project site property line to the closest sensitive receptor property line, as this provides the closest possible distance between the Project and the receptor. **Figure 3.1-1: Sensitive Receptor Location Map** shows the sensitive receptors surrounding the Project site.

REGULATORY FRAMEWORK

To limit population exposure to physically or psychologically damaging as well as intrusive noise levels, the Federal government, the State of California, various county governments, and most municipalities in the state have established standards and ordinances to control noise.

STATE

California Government Code

California Government Code Section 65302(f) mandates that the legislative body of each county and city adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines established by the State Department of Health Services. The guidelines rank noise land use compatibility in terms of “normally acceptable”, “conditionally acceptable”, “normally unacceptable”, and “clearly unacceptable” noise levels for various land use types. Single-family homes are “normally acceptable” in exterior noise environments up to 60 CNEL and “conditionally acceptable” up to 70 CNEL. Multiple-family residential uses are “normally acceptable” up to 65 CNEL and “conditionally acceptable” up to 70 CNEL. Schools, libraries, and churches are “normally acceptable” up to 70 CNEL, as are office buildings and business, commercial, and professional uses.

Title 24 – Building Code

The State’s noise insulation standards are codified in the California Code of Regulations, Title 24: Part 1, Building Standards Administrative Code, and Part 2, California Building Code. These noise standards are applied to new construction in California for interior noise compatibility from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, or hospitals, are located near major transportation noise sources, and where such noise sources create an exterior noise level of 65 dBA CNEL or higher. Acoustical studies that accompany building plans must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new multi-family residential buildings, the acceptable interior noise limit for new construction is 45 dBA CNEL.

LOCAL

City of San José General Plan

The San José General Plan identifies goals, policies, and implementations in the Noise Element. The Noise Element provides a basis for comprehensive local programs to regulate environmental noise and protect citizens from excessive exposure**. Table 3.6-7: Land-Use Compatibility Guidelines for Community Noise in San José***,* highlights five land-use categories and the outdoor noise compatibility guidelines.

Table 3.6-6: Land-Use Compatibility Guidelines for Community Noise in San José

Land-Use Category	Exterior Noise Exposure (DNL), in dBA		
	Normally Acceptable[1]	Conditionally Acceptable[2]	Normally Unacceptable[3]
Residential, Hotels and Motels, Hospitals, and Residential Care	**Up to 60**	**>60 to 75**	**>75**
Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds	**Up to 65**	**>65 to 80**	**>80**
Schools, Libraries, Museums, Meeting Halls, Churches	**Up to 60**	**>60 to 75**	**>75**
Office Buildings, Business Commercial, and Professional Offices	**Up to 70**	**>70 to 80**	**>75**
Sports Area, Outdoor Spectator Sports	**Up to 70**	**>70 to 80**	**>65**
Public and Quasi-Public Auditoriums, Concert Halls, Amphitheaters	**N/A**	**>55 to 70**	**>70**
Normally Acceptable – Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction. There are no special noise insulation requirements. **Conditionally Acceptable – New construction should be undertaken only after a detailed analysis of the noise reduction requirement is conducted and needed noise insulation features included in the design.** **Normally Unacceptable – New construction should be discouraged and may be denied as inconsistent with the General Plan and City Code. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.**			
Notes: **Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.**			
Source: City of San José General Plan, 2014.			

The following lists applicable noise goals and targets that apply to the Project obtained from the Envision San José 2040 General Plan:

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

Interior Noise Levels

The City's standard for interior noise Levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA Day/Night Average Sound Level (DNL). Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision San José 2040 General Plan traffic volumes to ensure land use compatibility and consistency over the life of this plan.

Exterior Noise Levels

The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses. The acceptable exterior noise level objective is established for the City, except in the environs of the Norman Y. Mineta San José International Airport and the Downtown, as described below:

For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standards for noise from sources other than aircraft and elevated roadway segments.

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

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

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

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

Policy EC – 1.7: Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses

per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

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

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

Policy EC – 1.13: Update noise limits and acoustical descriptors in the Zoning Code to clarify noise standards that apply to land uses throughout the City.

Policy EC – 1.14 Require acoustical analyses for proposed sensitive land uses in areas with exterior noise levels exceeding the City's noise and land use compatibility standards to base noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency.

Policy EC – 2.3: Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or building that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Equipment or activities typical of generating continuous vibration include but are not limited to: excavation equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

City of San José Municipal Code

According to San José Municipal Code, Section 20.100.450, construction hours within 500 feet of a residential unit are limited to the hours of 7:00 AM to 7:00 PM on Monday through Friday, unless

otherwise allowed in a Development Permit or other planning approval. The Municipal Code does not establish quantitative noise limits for construction activities in the City. **Table 3.6-8: City of San José Zoning Ordinance Noise Standards** shows the San José standards for maximum noise level at the property line.

Table 3.6-7: City of San José Zoning Ordinance Noise Standards

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

IMPACT ANALYSIS

SIGNIFICANCE CRITERIA AND METHODOLOGY

CEQA Thresholds of Significance

Appendix G of the CEQA Guidelines contains analysis guidelines related to noise impacts. These guidelines have been used by the City to develop thresholds of significance for this analysis. A project would create a significant environmental impact if it would:

1. Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
2. Generate excessive groundborne vibration or groundborne noise levels?
3. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels?

Evaluation Methodology

Construction

Construction noise estimates are based on typical noise levels generated by construction equipment published by the Federal Transit Administration (FTA) and FHWA. Construction noise is assessed in dBA L_{eq}. This unit is appropriate because L_{eq} can be used to describe noise level from operation of each piece of equipment separately, and levels can be combined to represent the noise level from all equipment operating during a given period. The FTA's *Transit Noise and Vibration Impact Assessment Manual* (2018) (FTA Noise and Vibration Manual) identifies a maximum 8-hour noise level standard of 80 dBA L_{eq} at residential uses, 85 dBA L_{eq} at commercial uses and 90 dBA L_{eq} at industrial uses for construction activities.

Reference noise levels are used to estimate noise levels at nearby noise-sensitive receptors based on a standard noise attenuation rate of 6 dB per doubling of distance (line-of-sight method of sound attenuation for point sources of noise). Construction noise is analyzed at a distance from the property line of the nearest receptor to the main construction activity at the Project site to provide an average, representative construction noise level for the various phases. Construction noise level estimates do not account for the presence of intervening structures or topography, which may reduce noise levels at receptor locations. Therefore, the noise levels presented herein represent a conservative, reasonable worst-case estimate of actual temporary construction noise.

Operations

The analysis of the existing and future noise environments is based on noise prediction modeling and empirical observations. Reference noise level data are used to estimate the Project operational noise impacts from stationary sources. Noise levels are collected from field noise measurements and other published sources from similar types of activities are used to estimate noise levels expected with the Project's stationary sources. The reference noise levels are used to represent a worst-case noise environment as noise level from stationary sources can vary throughout the day. Stationary source operational noise is evaluated based on the standards within the City's Municipal Code. The traffic noise levels in the Project vicinity were calculated using the FHWA Highway Noise Prediction Model (FHWA-RD-77-108).

Vibration

Groundborne vibration levels associated with construction-related activities for the Project were evaluated utilizing typical groundborne vibration levels associated with construction equipment, obtained from FTA published data for construction equipment. Potential groundborne vibration impacts related to structural damage and human annoyance were evaluated, considering the distance from construction activities to nearby land uses and typically applied criteria for structural damage and human annoyance.

SIGNIFICANCE CRITERIA

This report relies on the following standards and significance criteria to evaluate potential noise and vibration impacts from the Project in accordance with the CEQA thresholds of significance outlined above.

Construction Noise

Per General Plan Policy EC-1.7, the City of San José considers projects involving 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 within 500 feet of residential land uses or within 200 feet of commercial land uses or offices to be significant and require the mitigation stated in Policy EC-1.7. The construction noise analysis also quantifies construction noise and compares the construction-related noise levels to the FTA's 8-hour average construction noise standards of 80 dBA L_{eq} at residential uses, 85 dBA L_{eq} at commercial uses, and 90 dBA L_{eq} at industrial uses. The construction analysis compares construction noise to FTA thresholds for informational purposes.

Operational Noise

Per General Plan Policy EC-1.2, a significant permanent noise level increase would occur if the Project would result in: a) a noise level increase of 5 dBA L_{dn} or greater, with a future noise level of less than 60

dBA L_{dn}, or b) a noise level increase of 3 dBA L_{dn} or greater, with a future noise level of 60 dBA L_{dn} or greater. Additionally, a significant noise impact would be identified if the Project would expose persons to or generate noise levels that would exceed applicable noise standards presented in the General Plan.

Section 20.30.500 of the City's Municipal Code establishes a limit of 55 dB for industrial areas adjacent to residential areas, 60 dB for industrial uses adjacent to commercial areas, when measured at the property line, and 70 dB for industrial uses adjacent to other industrial uses or use other than commercial or residential purposes. The analysis below compares generated noise levels to the Municipal Code standards, however, the Municipal Code is not used as a criterion to determine the significance of project impacts under CEQA.

Vibration

The FTA has published standard vibration velocities for construction equipment operations. In general, depending on the building category of the nearest buildings adjacent to the potential pile driving area, the potential construction vibration damage criteria vary. For example, for a building constructed with reinforced concrete with no plaster, the FTA guidelines show that a vibration level of up to 0.50 inch per second (in/sec) PPV is considered safe and would not result in any construction vibration damage. In general, the FTA architectural damage criterion for continuous vibrations (i.e. 0.2 in/sec) appears to be conservative. The types of construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience cosmetic damage (e.g. plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on soil composition and underground geological layer between vibration source and receiver.

General Plan Policy EC-2.3 relies on guidance developed by Caltrans and FTA to address vibration impacts from development projects in San José. A vibration limit of 12.7 millimeters per second (mm/sec; 0.5 inch/sec) PPV is used for buildings that are structurally sound and designed to modern engineering standards. A conservative vibration limit of five mm/sec (0.2 inches/sec) PPV has been used for buildings that are found to be structurally sound but where structural damage is a major concern. For historic buildings or buildings that are documented to be structurally weakened, a conservative limit of two mm/sec (0.08 inches/sec) PPV is used to provide the highest level of protection.

NOI-1	***Would the Project result in generation of substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?***
	Less Than Significant Impact

CONSTRUCTION

Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g. land clearing, grading, excavation, paving). Noise generated by construction equipment

varies depending on the equipment specifications, manner of use, and distance to receptor, but can be substantial.

Construction activities associated with development of the Project would include some demolition, site preparation, grading, paving, building construction, and architectural coating. Such activities would require dozers, excavators, and concrete saws during demolition; dozers and tractors during site preparation; graders, excavators, dozers, scrapers, and tractors during grading; cranes, forklifts, generators, tractors, and welders during building construction; pavers, rollers, and paving equipment during paving; and air compressors during architectural coating. Additionally, the Project would include off-site improvements which would require minimal construction equipment for the grind and overlay of the existing roads, replacement of the existing sidewalks and bike lanes, and installation of street lights. Since the off-site improvements are primarily roadway and sidewalk alterations, equipment would move in a linear fashion or would operate for short periods of time in separate locations as opposed to operating adjacent to any one receptor for an extended period of time. The off-site construction activity would be anticipated to use a paver, roller, mobile crane, and air compressor. Construction equipment for the off-site improvements would be the same equipment used for on-site construction.

Grading and excavation phases of Project construction tend to be the shortest in duration and create the highest construction noise levels due to the operation of heavy equipment required to complete these activities. For example, equipment typically used during this stage includes heavy-duty trucks, backhoes, bulldozers, excavators, front-end loaders, and scrapers which are typically noisier. It should be noted that only a limited amount of equipment can operate near a given location at a particular time due to factors like visibility, maneuverability, and potential interference with each other's operations within the space of the Project site. Operating cycles for these types of construction equipment may involve one or two minutes of full-power operation followed by three to four minutes at lower power settings. Other primary sources of noise would be shorter-duration incidents, such as dropping large pieces of equipment or the hydraulic movement of machinery lifts, which would last less than one minute. According to the applicant, no pile-driving would be required during construction, consistent with the City’s Standard Permit Conditions (incorporated into **Mitigation Measure NOI-1)**.

Typical noise levels associated with individual construction equipment are listed in **Table 3.6-9: Typical Construction Noise Levels.**

Table 3.6-8: Typical Construction Noise Levels

Equipment	Typical Noise Level (dBA) from Source
	50 feet
Air Compressor	80
Backhoe	80
Compactor	82
Concrete Mixer	85
Concrete Pump	82
Concrete Vibrator	76
Crane, Derrick	88
Crane, Mobile	83
Dozer	85

Equipment	Typical Noise Level (dBA) from Source
	50 feet
Generator	82
Grader	85
Impact Wrench	85
Jack Hammer	88
Loader	80
Paver	85
Pump	77
Roller	85
Saw	76
Scraper	85
Shovel	82
Truck	84
Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.	

During construction, exterior noise levels could affect the DCP Charter School and residential neighborhoods surrounding the construction site. However, as noted in the Evaluation Methodology above, the FTA has construction noise standards for residential, commercial, and industrial uses. Therefore, this analysis evaluates construction noise at each of the nearest uses.

The DCP Charter School, the nearest sensitive receptor located 100 feet to the west of the Project site would experience the most construction noise. Construction activities would occur throughout the Project site and would not be concentrated at a single point nearest the DCP Charter School property line. Noise levels typically attenuate (or drop off) at a rate of 6 dB per doubling of distance from point sources, such as industrial machinery. Noise impacts for mobile construction equipment are typically assessed as emanating from the main construction activity area of the Project site.[13] For the Project, this area would be the center point of the Project site, which is approximately 550 feet for the DCP Charter School, 1,300 feet for the nearest residential noise receptor to the west, 500 feet for the nearest office commercial noise receptor (located at 1450 Monterey Road, west of the site), and 400 feet for the nearest industrial noise receptor (east of the site).[14] The off-site improvements could occur at distances as close as 50 feet from receptor. See **Table 3.6-10: Project Construction Noise Levels** below which shows the noise receptors analyzed with land use, direction, and distance used for the purposes of modeling. These receptors may be exposed to elevated noise levels during Project construction. The FHWA Roadway Construction Noise Model (RCNM) was used to calculate noise levels during construction activities; refer

[13] For the purposes of this analysis, the construction area is defined as the center of the Project site per the methodology in the FTA Transit Noise and Vibration Impact Assessment Manual (September 2018). Although some construction activities may occur at distances closer than 120 feet from the nearest property lines, construction equipment would be dispersed throughout the Project site during various construction activities. Therefore, the center of the Project site represents the most appropriate distance based on the sporadic nature of construction activities.

[14] These distances may vary from other analyses because they the distance is measures from the on-site construction area to the sensitive receptor property line and not from the Project site property line to the nearest sensitive receptor property line. This methodology for noise analysis is consistent with FTA Transit Noise and Vibration Impact Assessment Manual (September 2018).

to Appendix I. RCNM is a computer program used to assess construction noise impacts and allows for user-defined construction equipment and user-defined noise limit criteria. Noise levels were calculated for each construction phase and are based on the equipment used, distance to the nearest property/receptor, and acoustical use factor for equipment.

The noise levels calculated show estimated exterior construction noise at the DCP Charter School, the closest residential, commercial, and industrial receptors. Based on the calculations using the RCNM as shown in **Table 3.6-10: Project Construction Noise Levels**, construction noise levels would range from construction noise levels would range from approximately 52.9 dBA L_{eq} to 67.4 dBA L_{eq} at the DCP Charter School, 45.4 dBA L_{eq} to 59.9 dBA L_{eq} at the nearest residential receptors, 53.7 dBA L_{eq} to 68.2 dBA L_{eq} at the nearest commercial receptors, and 55.7 dBA L_{eq} to 70.2 dBA L_{eq} at the nearest industrial receptors.

The off-site improvements include resurfacing the Project frontage at East Alma Avenue and South 7th Street and reconstructed sidewalk. The construction activity associated with the off-site improvements typically include one piece of large demolition or paving equipment operating at the nearest point to the receptor. Majority of the improvements would be performed with smaller machines or handheld equipment. Restriping, new street trees, associated irrigation, and new street lights would not generate construction noise levels above the on-site building levels. As shown in **Table 3.6-9: Typical Construction Noise Levels** above, even the loudest piece of equipment at its loudest (jack hammer at 88 dBA L_{max}) would not exceed the FTA standard for industrial receptors.

Table 3.6-9: Project Construction Noise Levels

Construction Phase	Receptor Location			Modeled Exterior Noise Level (dBA L_{eq}) [2,3]	Noise Threshold (dBA L_{eq}) [4]	Exceeded ?
	Land Use	Direction	Distance (feet) [1]			
Demolition	DCP Charter School	West	550	65.6	85	No
	Residential	West	1,300	56.8	80	No
	Commercial	West	500	66.5	85	No
	Industrial	East	400	68.4	90	No
Site Preparation	DCP Charter School	West	550	66.8	85	No
	Residential	West	1,300	59.3	80	No
	Commercial	West	500	67.6	85	No
	Industrial	East	400	69.6	90	No
Grading	DCP Charter School	West	550	67.4	85	No
	Residential	West	1,300	59.9	80	No
	Commercial	West	500	68.2	85	No
	Industrial	East	400	70.2	90	No
Building Construction	DCP Charter School	West	550	65.8	85	No

Construction Phase	Receptor Location			Modeled Exterior Noise Level (dBA L_{eq}) [2,3]	Noise Threshold (dBA L_{eq}) [4]	Exceeded ?
	Land Use	Direction	Distance (feet) [1]			
	Residential	West	1,300	58.3	80	No
	Commercial	West	500	66.6	85	No
	Industrial	East	400	68.5	90	No
Paving	DCP Charter School	West	550	65.7	85	No
	Residential	West	1,300	58.2	80	No
	Commercial	West	500	66.5	85	No
	Industrial	East	400	68.5	90	No
Architectural Coating	DCP Charter School	West	550	52.9	85	No
	Residential	West	1,300	45.4	80	No
	Commercial	West	500	53.7	85	No
	Industrial	East	400	55.7	90	No
Overlapping 1 (Site Preparation + Grading)	DCP Charter School	West	550	70.1	85	No
	Residential	West	1,300	62.9	80	No
	Commercial	West	500	70.9	85	No
	Industrial	East	400	72.9	90	No
Overlapping 2 (Site Preparation + Grading + Building)	DCP Charter School	West	550	71.1	85	No
	Residential	West	1,300	63.6	80	No
	Commercial	West	500	71.9	85	No
	Industrial	East	400	73.5	90	No
Overlapping 3 (Building + Paving)	DCP Charter School	West	550	68.7	85	No
	Residential	West	1,300	61.3	80	No
	Commercial	West	500	69.9	85	No
	Industrial	East	400	71.5	90	No

Notes:
1. Distance is from the nearest receptor to the main construction activity area on the Project site. Not all equipment would operate at the closest distance to the receptor.
2. Modeled noise levels conservatively assume the simultaneous operation of all pieces of equipment.
3. The FTA Noise and Vibration Manual establishes construction noise standards of 80 dBA $L_{eq(8\text{-}hour)}$ for residential uses and 90 dBA $L_{eq(8\text{-}hour)}$ for commercial and industrial uses. It is noted that construction noise is evaluated with 8-hour noise averages (L_{eq}) to capture the noise energy throughout the workday. The 8-hour L_{eq} represents the variable nature of construction noise as equipment moves around to different locations on the site. For example, from the perspective of a sensitive receptor, graders make multiple passes along a single point to spread soil and level a building pad or foundation. The reference noise levels used in the analysis represent individual pass-by event, which only lasts a brief period. The 8-hour L_{eq} and average distances are used to represent the total noise level as the equipment moves closer and further away from a receptor.

Source: Federal Highway Administration, *Roadway Construction Noise Model,* 2006. Refer to Appendix I for noise modeling results.

As shown in **Table 3.6-10: Project Construction Noise Levels**, the loudest noise levels would be 67.4 dBA

L_{eq} at the DCP Charter School, 59.9 dBA L_{eq} at the nearest residential uses, 68.2 dBA L_{eq} at the nearest commercial uses, and 70.2 dBA L_{eq} at the nearest industrial uses, which are below the FTA's 80 dBA L_{eq} standard at residential receptors, 85 dBA L_{eq} standard at commercial receptors, and 90 dBA L_{eq} at industrial receptors respectively. As mentioned previously, the Project would include off-site improvements on nearby roadways and sidewalks. However, due to the extremely short duration, minimal equipment, and varying locations, construction noise from the off-site improvements would not be anticipated to contribute to the construction noise generated on-site and would not cause an exceedance in the FTA's construction standards at any of the nearby receptors.

General Plan Policy EC-1.7 requires construction within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses. 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.

The Project site is not located within 500 feet of residential uses; however, it is located 100 feet from commercial uses west of the site (located at 1450 Monterey Road). The Project would result in more than 12 months of substantial noise generating activities. However, construction activities would be limited to daytime hours when people would be out of their houses and would conform to the applicable time-of-day restrictions of the City's Municipal Code. Construction noise is temporary and would terminate once construction is complete. Further, the Project would not include pile-driving. The Project would be required to adhere to the **Mitigation Measure NOI-1 (MM NOI-1)**, listed below, which would ensure that all construction equipment is equipped with properly operating and maintained mufflers and other state required noise attenuation devices, helping to reduce noise at the source. **MM NOI-1** is required to ensure that construction noise levels do not exceed the City's standards and that applicable time-of-day restrictions are adhered to. With implementation of this mitigation measure, construction noise impacts to nearby receptors would be less than significant.

Impact NOI-1: Construction of the Project would last longer than 12 months and would result in a temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the City's General Plan and Zoning Ordinance.

Mitigation Measure

MM NOI-1 Construction Noise Logistics Plan

Prior to the issuance of any grading or building demolition permits, the project applicant shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The noise logistic plan shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee prior to the issuance of any grading or

demolition permits. As a part of the construction noise logistics plan, construction activities for the project shall include, at a minimum, the following best management practices:

i. Prohibit pile driving.

ii. Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence (San José Municipal Code Section 20.100.450). Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of PBCE that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

iii. Construct solid plywood fences or similar along the northwest boundary of the site adjacent to residences to shield adjacent residential land uses from ground-level construction equipment and activities. The temporary 8-foot noise barrier shall be solid over the face and at the base of the barrier in order to provide a 5 dBA noise reduction.

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

v. Unnecessary idling of internal combustion engines shall be strictly prohibited.

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

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

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

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

x. 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 require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Construction Traffic Noise

Construction noise may be generated by large trucks moving materials to and from the Project site. Large trucks would be necessary to deliver building materials as well as remove dump materials. Excavation, cut and fill would be required. Soil hauling would be required as approximately 3,000 cubic yards (cy) of soil would be exported. Based on the *1605 South 7th Street Air Quality Assessment* (Kimley-Horn, 2024), the Project would generate the highest number of daily trips during the building construction phase. The

model estimates that the Project would generate up to 38 worker trips and 15 daily vendor trips for a total of approximately 53 daily vehicle trips during building construction. Because of the logarithmic nature of noise levels, a doubling of the traffic volume (assuming that the speed and vehicle mix do not also change) would not result in a noise level increase of 3 dBA.[15] East Alma Avenue between 7th Street to Monterey Road has an average daily trip volume of 10,594 vehicles (**Table 3.6-5: Existing Traffic Noise**). Therefore, a maximum of 53 daily Project construction trips would not double the existing traffic volume per day. Construction related traffic noise would not be readily noticeable and would not create a significant noise impact.

California establishes noise limits for vehicles licensed to operate on public roads using a pass-by test procedure. Pass-by noise refers to the noise level produced by an individual vehicle as it travels past a fixed location. The pass-by procedure measures the total noise emissions of a moving vehicle with a microphone. When the vehicle reaches the microphone, the vehicle is at full throttle acceleration at an engine speed calculated for its displacement.

For heavy trucks, the State pass-by standard is consistent with the federal limit of 80 dB. The State pass-by standard for light trucks and passenger cars (less than 4.5 tons gross vehicle rating) is also 80 dB at 15 meters from the centerline. According to the FHWA, dump trucks typically generate noise levels of 77 dBA and flatbed trucks typically generate noise levels of 74 dBA, at a distance of 50 feet from the truck (FHWA, Roadway Construction Noise Model, 2006). Furthermore, while construction would be temporary, the Project is subject to the following standard permit conditions to limit construction noise and impacts.

OPERATIONS

Implementation of the Project would create new sources of noise in the Project vicinity. The major noise sources associated with the Project that would potentially impact existing and future nearby residences, schools, and other receptors, include the following:

- Off-site traffic noise;
- Mechanical equipment (i.e., trash compactors, air conditioners, etc.);
- Delivery trucks on the Project site, and approaching and leaving the loading areas;
- Activities at the loading areas (i.e., maneuvering and idling trucks, loading/unloading, and equipment noise);
- Parking areas (i.e., car door slamming, car radios, engine start-up, and car pass-by); and
- Landscape maintenance activities.

The closest sensitive receptor is the DCP Charter School located approximately 100 feet to the west of the Project site. The City of San José stationary source exterior Zoning Ordinance Noise Standards is 70 dBA L_{eq} for industrial areas adjacent to a property zoned as industrial and 60 dBA L_{eq} for industrial uses adjacent to property zoned as commercial. Per General Plan Policy EC-1.1, land use compatibility standard for schools is up to 60 dBA L_{dn} and business commercial areas is up to 70 dBA L_{dn}. The Project's operational

[15] California Department of Transportation, *Traffic Noise Analysis Protocol*, 2011.

noise would comply with the noise limits set by the Zoning Ordinance Noise Standards and the General Plan.

Traffic Noise

Implementation of the Project would generate increased traffic volumes along study roadway segments. The Project is expected to generate a total of 1,588 average daily trips, which would result in noise increases on Project area roadways (i.e. Monterey Road, 7th Street, and East Alma Avenue). In general, a traffic noise increase of less than 3 dBA is barely perceptible to people, while a 5-dBA increase is readily noticeable (Caltrans, 2013). Generally, traffic volumes on Project area roadways would have to approximately double for the resulting traffic noise levels to increase by 3 dBA. Therefore, permanent increases in ambient noise levels of less than 3 dBA are considered to be less than significant.

As shown in **Table 3.6-11: Existing and Project Traffic Noise**, the existing (2024) traffic-generated noise level on Project area roadways is between 60.4 dBA L_{dn} and 64.3 dBA L_{dn} at 100 feet from the centerline. As previously described, L_{dn} is 24-hour average noise level with a 10 dBA "weighting" added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime, respectively.

Traffic noise levels for roadways primarily affected by the Project were calculated using the FHWA's Highway Noise Prediction Model (FHWA-RD-77-108). Traffic noise modeling was conducted for conditions with and without the Project, based on traffic volumes (Appendix J). As noted in **Table 3.6-11: Existing and Project Traffic Noise**, Project noise levels 100 feet from the centerline would range from 60.9 dBA L_{dn} to 64.5 dBA L_{dn}. The Project would have the highest increase of 0.6 dBA L_{dn} on South 7th Street between East Alma Avenue and Phelan Avenue. However, the 0.6 dBA L_{dn} increase is under the perceptible 3.0 dBA noise level increase per GP Policy EC-1.2 and Caltrans standards. Therefore, the Project would not have a significant impact on existing traffic noise levels.

Table 3.6-10: Existing and Project Traffic Noise

Roadway Segment[2]	2024 Existing Conditions		2024 With Project		Change from No Project Conditions	Significant Impact?
	ADT	dBA L_{dn}[1]	ADT	dBA L_{dn}[1]		
Monterey Road						
East Alma Avenue and Phelan Avenue	24,560	64.3	24,735	64.5	0.2	**No**
South 7th Street						
East Alma Avenue and Phelan Avenue	10,604	60.4	11,587	61.0	0.6	**No**
East Alma Avenue						
Monterey Road to South 7th Street	10,594	60.5	11,305	60.9	0.4	**No**
ADT = average daily trips; dBA = A-weighted decibels; L_{dn} = day night noise level						
1.Traffic noise levels are at 100 feet from the roadway centerline. The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures, barriers, and topography. 2. These are the three roadway intersections required by the City for the Project. Other nearby intersections are not expected to add a measurable number of vehicle trips and therefore are not needed in the intersection operational analysis.						
Source: Based on data from the Transportation Analysis (NV5, 2024). Refer to Appendix I for traffic noise modeling assumptions and results.						

Table 3.6-12: Opening Year and Opening Year Plus Project Traffic Noise shows the background conditions or Opening Year (2028) traffic. As shown in **Table 3.6-12: Opening Year and Opening Year Plus Project Traffic Noise**, Opening Year roadway noise levels with the Project would range from 61.0 dBA L_{dn} to 64.5 dBA L_{dn}. Project traffic would traverse and disperse over Project area roadways, where existing ambient noise levels already exist. Future development associated with the Project would result in additional traffic on adjacent roadways, thereby increasing vehicular noise near existing and proposed land uses. However, the Project would not result in a significant increase in noise levels. Therefore, impacts are less than significant.

Table 3.6-11: Opening Year and Opening Year Plus Project Traffic Noise

Roadway Segment[2]	2028 Opening Year		2028 With Project		Change from No Project Conditions	Significant Impact?
	ADT	dBA L_{dn}[1]	ADT	dBA L_{dn}[1]		
Monterey Road						
East Alma Avenue and Phelan Avenue	24,711	64.4	24,886	64.5	0.1	**No**
South 7th Street						
East Alma Avenue and Phelan Avenue	10,610	60.4	11,593	61.0	0.6	**No**
East Alma Avenue						
Monterey Road to 7th Street	10,717	60.5	11,428	61.1	0.6	**No**

ADT = average daily trips; dBA = A-weighted decibels; L_{dn} = day night noise level

1. Traffic noise levels are at 100 feet from the roadway centerline. The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures, barriers, and topography.
2. These are the three roadway intersections required by the City for the Project. Other nearby intersections are not expected to add a measurable number of vehicle trips and therefore are not needed in the intersection operational analysis.

Source: Based on data from the Transportation Analysis (NV5, 2024). Refer to Appendix I for traffic noise modeling assumptions and results.

Nighttime Traffic Noise

Table 3.6-11: Existing and Project Traffic Noise and **Table 3.6-12: Opening Year and Opening Year Plus Project Traffic Noise** show that Project generated traffic (including trucks) would not significantly increase roadway noise levels and would not exceed the City's noise and land use compatibility standards. It is noted that the City's noise standards are measured in DNL, which is a 24-hour noise energy metric that includes a 10-dB weighting for nighttime noise to account for increased noise sensitivity at night (i.e., 10 dB is added to noise levels that occur between 10:00 p.m. and 7:00 a.m.).

Although the traffic noise analysis above includes the Project truck trips, the following discussion conservatively addresses what would be the worst-case nighttime truck noise effects related to the residential area along 7th Street. Trucks are not anticipated to disregard the posted nighttime restriction on 7th Street, but should they, the following analysis describes potential noise impacts. Per the Project Traffic Study, the Project would generate 52 truck trips and, at most, 60 percent of those trips (i.e., 31 truck trips) would occur along 7th Street.

Per U.S. Department of Housing and Urban Development (HUD) DNL calculator[16], 31 trucks at night would be 60 dBA. **Table 3.6-12: Opening Year and Opening Year Plus Project Traffic Noise** shows that Opening Year No Project traffic noise would be 60.4 dBA along 7th Street. Adding 60 percent of the Project's trucks (conservatively assumed to all occur at night) would combine to result in 63.2 dBA, which is a 2.8 dBA increase over no project conditions. This is a greater noise increase than the 61.0 dBA Project noise shown in **Table 3.6-12** as the calculations summarized in the table assume trucks adhere to the posted restriction and there would be no overnight truck trips. The 2.8 dBA increase is still below the perceptible 3.0 dBA noise level increase per GP Policy EC-1.2 and Caltrans standards. Therefore, under worst-case conditions, the Project related roadway noise increase would be barely perceptible to the human ear (i.e., less than 3 dBA).

Stationary Noise Sources

Implementation of the Project would create new sources of noise in the Project vicinity from mechanical equipment, truck loading areas, parking lot noise, backup beepers, and landscape maintenance. **Table 3.6-13: Stationary Source Noise Levels** shows the noise levels generated by various stationary noise sources and the resulting noise level at the nearest receiver. **Table 3.6-13: Stationary Source Noise Levels** also show the Project's compliance with GP Policy EC-1.1 and EC-1.2 as well as the Municipal Code, which establishes industrial use noise standards of 60 dBA when adjacent to commercial zones and 70 dBA when adjacent to industrial zones. Each stationary source is discussed below.

Mechanical Equipment

Regarding mechanical equipment, the Project would generate stationary-source noise associated with heating, ventilation, and air conditioning (HVAC) units. HVAC units typically generate noise levels of approximately 55.4 dBA L_{dn} at 50 feet.[17] It should be noted that the proposed HVAC units would be roof-top mounted. As such, mechanical equipment noise level would attenuate to 49.4 dBA at the closest sensitive receptor (DCP Charter School located 100 feet to the west). **Table 3.6-13: Stationary Source Noise Levels** shows that mechanical equipment would not exceed the City's General Plan standards in Policy EC-1.1 and Policy EC-1.2.

Loading Area Noise

The Project is an industrial development that would include deliveries and loading of heavy-duty trucks. The primary noise associated with deliveries is the arrival and departure of trucks. Operations of Project would potentially require a mixture of deliveries from vans, light trucks, and heavy-duty trucks. Normal deliveries associated with vans and light trucks would typically occur during daytime hours. The Project would result in 528 daily van trips. Deliveries associated with heavy-duty trucks would occur during the nighttime hours. The Project would result in 52 daily heavy-duty truck trips (refer to Appendix J2 for a detailed breakdown of project trip generation).

During loading and unloading activities, noise would be generated by the trucks' diesel engines, exhaust systems, backup beepers, and brakes during low gear shifting' braking activities; backing up toward the

[16] U.S. Department of Housing and Urban Development, *Day/Night Noise Level (DNL) Calculator*, https://www.hudexchange.info/environmental-review/dnl-calculator/, accessed March 2025.

[17] Elliott H. Berger, Rick Neitzel, and Cynthia A. Kladden, *Noise Navigator Sound Level Database with Over 1700 Measurement Values*, July 6, 2010.

docks/loading areas; dropping down the dock ramps; and maneuvering away from the docks. Based on the Project building orientation, the loading areas would be located on the eastern boundary of the warehouse building approximately 200 feet from the closest sensitive receptors (DCP Charter School) and commercial receptors (located at 1450 Monterey Road). The closest industrial receptors would be approximately 80 feet east (located at 1404 S. 7th Street). While there would be temporary noise increases during truck maneuvering and engine idling, these impacts would be of short duration and infrequent. Typically, heavy truck operations generate a noise level of 67.8 dBA L_{dn} at a distance of 50 feet.[18] Loading area noise would attenuate to 55.8 dBA at the closest sensitive receptor, the DCP Charter School located 200 feet to the west. However, the DCP Charter School would be unoccupied during the nighttime loading and unloading activities and would therefore be unaffected by the increased noise levels. The nearest residence that could potentially be affected by the nighttime loading and unloading activities are located approximately 800 feet from the Project site. At this distance, nighttime loading area noise would attenuate to 43.7 dBA. **Table 3.6-13: Stationary Source Noise Levels** shows that truck and loading area noise would not exceed the City's General Plan standards in Policy EC-1.1 and Policy EC-1.2.

Parking Areas

Traffic associated with parking areas is typically not of sufficient volume to exceed community noise standards, which are based on a time-averaged scale such as the CNEL scale. However, the instantaneous maximum sound levels generated by a car door slamming, engine starting up and car pass-bys may be an annoyance to adjacent noise-sensitive receptors. Parking lot noise can also be considered a "stationary" noise source. The instantaneous maximum sound levels generated by a car door slamming, engine starting up, and car pass-bys range from 53 to 61 dBA at 50 feet[19] and may be an annoyance to noise-sensitive receptors. Conversations in parking areas may also be an annoyance to sensitive receptors. Sound levels of speech typically range from 33 dBA at 48 feet for normal speech to 50 dBA at 50 feet for very loud speech.[20] It should be noted that parking lot noise are instantaneous noise levels compared to noise standards in the L_{dn} scale, which are averaged over time. As a result, actual noise levels over time resulting from parking lot activities would be far lower. **Table 3.6-13: Stationary Source Noise Levels** shows that parking area noise would not exceed the City's General Plan standards in Policy EC-1.1 and Policy EC-1.2.

Landscape Maintenance Activities

Development and operation of the Project includes new landscaping that would require periodic maintenance. Noise generated by a gasoline-powered landscape equipment is estimated to be approximately 42.6 dBA L_{dn} at a distance of 50 feet. Landscape Maintenance activities could occur approximately 80 feet east from the nearest industrial use and approximately 100 feet west from the nearest commercial use and the DCP Charter School. Maintenance activities would operate during daytime hours for brief periods of time as allowed by the City Municipal Code and would not permanently increase ambient noise levels in the Project vicinity and would be consistent with activities that currently occur at the surrounding uses. **Table 3.6-13: Stationary Source Noise Levels** shows that landscape maintenance noise would not exceed the City's General Plan standards in Policy EC-1.1 and Policy EC-1.2.

[18] Ibid.

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

[20] Elliott H. Berger, Rick Neitzel, and Cynthia A. Kladden. *Noise Navigator Sound Level Database with Over 1700 Measurement Values*, July 6, 2010.

Combined Noise Levels

Project operations could potentially result in simultaneous noise generating activities associated with the mechanical equipment, loading area, parking lot area, and landscape maintenance. The combined noise level associated with the simultaneous operation of all on-site noise sources at the nearest industrial, school and commercial in the City of San Jose are shown in **Table 3.6-13: Stationary Source Noise Levels**.

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Table 3.6-12: Stationary Source Noise Levels

Nearest Land Use	Distance (feet)	Reference Level at 50 ft (dBA L_{dn})	Policy EC-1.1 and Municipal Code Section 20.50.300			Policy EC-1.2			
			Noise Level at Receiver (L_{dn})	Exterior Noise Standard	Exceed Threshold	Ambient Noise Level	Combined Noise at Receiver	Incremental Increase (dBA)[8]	Exceed Threshold
Mechanical Equipment									
Industrial	80	55.4 dBA[1]	51.3 dBA	70 dBA[4]	No	69.0 dBA[6]	69.1 dBA	0.1	No
DCP Charter School	100		49.4 dBA	60 dBA[5]	No	63.4 dBA[7]	63.6 dBA	0.2	No
Commercial	100		49.4 dBA	60 dBA[4]	No	58.5 dBA[8]	59.0 dBA	0.5	No
Loading Area									
Industrial	80	67.8 dBA[1]	63.7 dBA	70 dBA[4]	No	69.0 dBA[6]	70.1 dBA	1.1	No
DCP Charter School	200		55.8 dBA	60 dBA[5]	No	63.4 dBA[7]	64.1 dBA	0.7	No
Commercial	200		55.8 dBA	60 dBA[4]	No	58.5 dBA[8]	60.4 dBA	1.9	No
Parking Area									
Industrial	80	62.2 dBA[2]	58.1 dBA	70 dBA[4]	No	69.0 dBA[6]	69.3 dBA	0.3	No
DCP Charter School	100		56.2 dBA	60 dBA[5]	No	63.4 dBA[7]	64.2 dBA	0.8	No
Commercial	100		56.2 dBA	60 dBA[4]	No	58.5 dBA[8]	60.5 dBA	2.0	No
Landscape Maintenance									
Industrial	80	42.6 dBA[3]	38.5 dBA	70 dBA[4]	No	69.0 dBA[6]	69.0 dBA	0.0	No
School DCP Charter School	100		36.6 dBA	60 dBA[5]	No	63.4 dBA[7]	63.4 dBA	0.0	No
Commercial	100		36.6 dBA	60 dBA[4]	No	58.5 dBA[8]	58.5 dBA	0.0	No
Combined Noise									
Industrial	80	69.1 dBA	65.0	70 dBA[4]	No	69.0 dBA[6]	70.5 dBA	0.5	No
School DCP Charter School	100-200		58.2	60 dBA[5]	No	63.4 dBA[7]	64.5 dBA	1.1	No
Commercial	100-200		58.2	60 dBA[4]	No	58.5 dBA[8]	61.4 dBA	2.9	No

1. Elliott H. Berger, Rick Neitzel, and Cynthia A. Kladden, *Noise Navigator Sound Level Database with Over 1700 Measurement Values*, July 6, 2010.
2. Kariel, H. G., *Noise in Rural Recreational Environments*, Canadian Acoustics 19(5), 3-10, 1991.
3. U.S. EPA, *Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances*, 1971.

4. City of San José Municipal Code section 20.50.300 (Table 20-135), which establishes industrial use noise standards of 60 dBA when adjacent to commercial zones and 70 dBA when adjacent to industrial zones.
5. City of San José General Plan Policy EC-1.1 establishes Normally acceptable noise standards of 60 dBA for school uses.
6. Noise Measurement ST-1, which is representative of ambient noise levels at the land uses east of the Project site.
7. Noise Measurement LT-1, which is representative of ambient noise levels at the school use west of the Project site.
8. Noise Measurement ST-3, which is representative of ambient noise levels at the commercial uses west of the Project site.
9. Incremental noise threshold per City of San José General Plan Policy EC-1.2, which establishes incremental noise standards of 5 dBA where noise levels would remain "Normally Acceptable" and 3 dBA where noise levels would equal or exceed the "Normally Acceptable" level for land uses sensitive to increased noise levels. Normally acceptable levels are 60 dBA for residential uses. Although the normally acceptable standard for industrial and commercial office uses is 70 dBA, it is not considered a land use sensitive to increased noise levels per Policy EC-1.2.

As shown in **Table 3.6-13: Stationary Source Noise Levels**, stationary sources would not exceed the noise standards included in Municipal Code Section 20.50.300, Land Use Compatibility Standards from GP Policy EC-1.1, or the incremental noise increases per GP Policy EC-1.2. The Project would not place mechanical equipment near sensitive uses, and noise from this equipment would not be perceptible at the closest sensitive receptor. Noise levels associated with truck loading would not exceed the City's 70 dBA L_{dn} industrial noise standard and 60 dBA L_{dn} commercial and school noise standards, per GP Policy EC-1.1 and Municipal Code section 20.50.300. Additionally, the incremental increase over existing ambient noise levels would be 1.1 dBA at DCP Charter School and would, therefore, not result in increased noise levels exceeding 3 dBA L_{dn} per GP Policy EC-1.2.

Noise associated with parking lot activities is not anticipated to exceed the 60 or 70 dBA L_{dn} threshold per GP Policy EC-1.1 and Municipal Code section 20.50.300. Additionally, the incremental increase would be 0.8 dBA L_{dn} at the school; this would not result in exceeding 3 dBA L_{dn} per GP Policy EC-1.2. Therefore, noise impacts from parking lots would be less than significant. With adherence to the City's Municipal Code, impacts associated with landscape maintenance would be less than significant.

Additionally, noise levels would be further attenuated by intervening terrain and structures such as existing walls and fences. Impacts from mechanical equipment, loading area, parking area, and landscape maintenance would be less than significant. Further the combined noise impacts associated with simultaneous operations of all on-site noise sources would be below perceptible levels. Therefore, the Project would not result in a significant impact to operational noise.

Overall, with implementation of Standard Permit Conditions and adherence to Municipal Code requirements, noise impacts associated with traffic, mechanical equipment, loading/unloading activities, parking lot noise, and landscape equipment would be less than significant.

NOI-2	***Would the project result in generation of excessive groundborne vibration or groundborne noise levels?***
	Less than Significant Impact

CONSTRUCTION

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

Table 3.6-14: Typical Construction Equipment Vibration Levels*,* lists vibration levels at 25 feet and 80 feet for typical construction equipment. Groundborne vibration generated by construction equipment spreads

through the ground and diminishes in magnitude with increases in distance. As indicated in **Table 3.6-14: Typical Construction Equipment Vibration Levels**, based on FTA data, vibration velocities from typical heavy construction equipment operations that would be used during Project construction range from 0.001 to 0.016 in/sec PPV at 80 feet from the source of activity. The nearest receptor is approximately 80 feet from the active construction zone and would not experience significant vibration levels.

Table 3.6-13: Typical Construction Equipment Vibration Levels

Equipment	Peak Particle Velocity At 25 feet (in/sec)	Peak Particle Velocity At 80 feet (in/sec)
Large Bulldozer	0.089	0.016
Loaded Trucks	0.076	0.013
Rock Breaker	0.059	0.010
Small Bulldozer/Tractors	0.003	0.001
1. Calculated using the following formula: PPVequip = PPVref x (25/D)1.5, where: PPVequip = the peak particle velocity in in/sec of the equipment adjusted for the distance; PPVref = the reference vibration level in in/sec from Table 7-4 of the Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, 2018; D = the distance from the equipment to the receiver.		
Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, September 2018.		

As shown in **Table 3.6-14: Typical Construction Equipment Vibration Levels**, the highest vibration levels are achieved with the large bulldozer operations. This construction activity is expected to take place during grading. Project construction would be approximately 80 feet from the closest structure. However, construction equipment vibration velocities would not exceed the FTA's and City's General Policy EC-2.3's 0.20 in/sec PPV threshold. In general, other construction activities would occur throughout the Project site and would not be concentrated at the point closest to the nearest structure. The closest historic resources to the Project site are the Casa Linda Motel and the California Motel, approximately 0.2 mile (1,050 feet) and 0.3 mile (1,600 feet) south of the Project site, respectively.[21] At these distances, vibrations levels at the nearest historic resources would not exceed the 0.08 in/sec PPV threshold. Therefore, vibration impacts associated with the Project construction would be less than significant.

OPERATIONS

The Project would include approximately 52 daily line-haul truck trips. Loaded trucks have a PPV of 0.076 in/sec at 25 feet. Sensitive receptors are located along 7th Street where trucks may travel. Sensitive receptors along 7th Street are located more than 25 feet away from the closest travel lane.[22] Therefore, Project related delivery truck traffic vibration levels would be 0.076 in/sec PPV or less and would not exceed the City's General Policy EC-2.3's 0.20 in/sec PPV threshold. The Project would not generate groundborne vibration that could be felt at surrounding uses. Project operations would also not involve railroads and therefore would not result in vibration impacts at surrounding uses. As a result, impacts from vibration associated with Project operation would be less than significant.

[21] City of San José. Historic Resources Inventory. Available at: https://experience.arcgis.com/experience/4ef3418d9e58451c9c45086ac9a90d6e#data_s=id%3Awidget_22_output_config_0%3A0. Accessed on October 30, 2024.

[22] Distances measured from the edge of the road to the property line.

NOI-3 ***For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?***

Less Than Significant Impact

The nearest airport to the Project site is the Reid-Hillview County Airport located approximately 2.7 miles northeast of the Project site. The Project site lies outside of the 60 dBA CNEL noise contours shown in the Reid-Hillview Airport Master Plan published in July 2006.[23] Although aircraft-related noise would occasionally be audible at the Project site, general noise from aircrafts was captured in the measured ambient noise levels. Therefore, the Project would not expose people residing or working in the Project area to excessive airport- or airstrip-related noise levels and no mitigation is required. Therefore, impacts would be less than significant.

[23] County of Santa Clara, *Reid Hillview Airport Master Plan,* July 2006.

3.7 Transportation

The transportation impact analysis is based upon a Transportation Analysis and Local Transportation Analysis prepared by NV5 in September 2024. A copy of these reports is attached in Appendix J1 and J2 of this Draft EIR.

ENVIRONMENTAL SETTING

REGIONAL AND LOCAL ACCESS

The following local and regional roadways provide access to the Project site:

Freeways

Interstate 280 (I-280) is primarily a six-lane freeway that is aligned in a north-south orientation between San Francisco and Highway 101 in San José at which it transitions into Interstate-680 to Fairfield. In the Project vicinity I-280 is aligned in the general west-east orientation. Access to the Project site to and from I-280 is provided by nearby ramps at 7th Street and 10th Street.

State Route 87 is a 6-lane freeway that connects between State Route 85 and Highway 101 in the north-south direction in the City of San José. Access to and from the Project site is provided by ramp terminals at Lelong Street and Almaden Expressway.

Major Roadways

Monterey Road / South 1st Street is a major arterial road in the north-south direction, extending from Highway 101 in Gilroy to Alma Avenue where it becomes South 1st Street in Downtown San José. Per the San José General Plan, Monterey Road / South 1st Street is designated as a Grand Boulevard which serve as major transportation corridors that connect City neighborhoods. South of Alma Avenue, Monterey Road is a six-lane divided road that provides direct access to residential neighborhoods, commercial businesses, and industrial sites, while South 1st Street is a four-lane road that serves an access route into Downtown. Near the Project site, Monterey Road provides sidewalk and Class II bike lanes in both directions.

Almaden Expressway is county route G8 that operates in the north-south direction, extending from McKean Road in South San José to Alma Avenue where it becomes Almaden Avenue in south of Downtown. South of Alma Avenue, Almaden Expressway is a six-lane divided road that provides direct access to major regional facilities including State Route 85, State Route 87, as well as regional destinations such as the Oakridge Mall. North of Alma Avenue, Almaden Avenue becomes a one-way northbound two-lane facility with Class II bike lanes, and sidewalks that serves as an access corridor for residential neighborhoods into Downtown.

Keyes Street is a four-lane, east-west city connector street that provides access to residential neighborhoods and commercial businesses between South 1st Street and Senter Road. Per the San José General Plan, Keyes Street is designated as a Grand Boulevard which is intended to promote the ongoing development of Main Streets to foster community identity and walkability. The roadway links up with Story Road and provides Class II bike lanes and sidewalk facilities in both directions.

Alma Avenue is a minor collector road in the east-west direction, extending from Lelong Street to Senter Road in San José. Per the San José General Plan, Alma Avenue is designated as an On-Street Primary Bicycle Facility which provides continuous access and connections to the local and regional bicycle network. Near

the Project site, Alma Avenue is a four-lane road with a center turn lane that provides direct access to commercial and industrial businesses. On-street parking is restricted along Alma Avenue and sidewalk facilities are provided for pedestrians. The Project is located in the southwest corner of the Alma Avenue/7th Street signalized intersection and proposes one driveway access point along Alma Avenue.

Local Roadways

South 7th Street is a minor collector road in the north-south direction, extending from Tully Road to Commercial Street in San José. Per the San José General Plan, 7th Street is designated as a Local Connector Street where automobiles, bicycles, pedestrians, and trucks are prioritized equally in the roadway. The facility provides direct access to Downtown, residential neighborhoods, commercial and industrial businesses. Along the Project frontage, 7th Street is a two-lane road with Class II bike lanes, on-street parking permitted on the extended shoulder, and a continuous sidewalk facility on the east side of the street. The Project is located in the southwest corner of the Alma Avenue / 7th Street signalized intersection and proposes three driveway access points along 7th Street.

South 10th Street is a minor collector road in the north-south direction, extending from Tully Road to Old Bayshore Highway in San José. Per the San José General Plan, 10th Street is designated as a City Connector Street where automobiles, bicycles, pedestrians, and trucks are prioritized equally in the roadway. The facility runs parallel to 7th Street and provides direct access to Downtown, residential neighborhoods, commercial and industrial businesses. Near the Project site, 10th Street is a four-lane road with Class II bike lanes and sidewalks on both sides.

Phelan Avenue is a minor connector road in the east-west direction, extending from Bevin Brook Drive to Monterey Road. Per the San José General Plan, 7th Street is designated as a Local Connector Street where automobiles, bicycles, pedestrians, and trucks are prioritized equally in the roadway. Phelan Avenue is a two-lane road southeast to the Project site, connecting Monterey Road and South 7th Street.

PEDESTRIAN AND BICYCLE FACILITIES

The Project site's land use designation is Heavy Industrial, with pedestrian activity in the Project site being sparse. Connected sidewalks at least six feet wide are available along most of the major roadways in the study area with adequate lighting and signing. At signalized intersections, marked crosswalks, Americans with Disabilities Act standard curb ramps, and count down pedestrian signals provide improved pedestrian visibility and safety. It should be noted that the existing Project frontage along Alma Avenue and 7th Street does not provide a continuous sidewalk.

In California, bikeway types are defined as Class I, II, III, or IV. In San José Better Bike Plan 2025, these are defined as:

Multi Use Path (Class I). Multi-use paths, also known as trails, are off-street two-way bikeways physically separated from motor vehicle traffic and used by people bicycling, people walking, and other non-motorized users. Popular examples in San José include the Guadalupe River Trail and the Coyote Creek Trail. They may cross roadways at grade or at under- or over-crossings. Multi-use paths are often located along creeks, utility corridors, and former rail corridors but may also be constructed along roadways with car traffic.

Bike Lane (Class II). Bike lanes provide dedicated on-street space for bicyclists in the roadway, delineated with painted pavement stripes and symbols on the roadway surface. Bicycle lanes are usually provided in

each direction on two-way streets and on one side of one-way streets. Bike lanes may also have a striped buffer area between bicycle and general-purpose travel lanes. In San José, bike lane approaches to and departures from signalized intersections are generally painted green to draw attention to these conflict zones.

Bike Route (Class III). Bike routes are on-street bikeways where bicyclists must share the travel lane with motor vehicles because the lane is not wide enough to fi t a bike lane. They may be marked with signs and/or a shared lane marking ("sharrow") pavement marking, which is a bike symbol with two chevrons on top

Bike Boulevard (Class III). Bike Boulevards are basic bike routes on calmer streets that are enhanced with additional elements to increase comfort for people bicycling. These elements include crossing enhancements and traffic calming features such as speed humps, bulb outs, or traffic diverters.

Separated Bike Laned (Class IV). Separated bike lanes, also known as cycle tracks or protected bike lanes, are a dedicated bikeway that combines the user experience of a multi-use path but are located on a street. They are physically distinct from the sidewalk and separated from motor vehicle traffic by a physical object such as parking, a curb , or posts.

Bicycle facilities in the area include South 7th Street, South 10th Street, Phelan Avenue, Keyes Street, and Monterey Road/South 1st Street. South 7th Street, Phelan Avenue, and Keyes Street both have Class II bike lanes with buffered striping to separate the vehicle and bike travel way. South 10th Street has a combination of Class II buffered bike lanes with a Class IV separated bikeway in between East Humboldt Street and East Alma Avenue. Monterey Road/South 1st Street and Phelan Avenue has a combination of Class II bike lanes as well as Class III sharrow bike lanes. Bicycle parking in the surrounding area is limited to private commercial and industrial lots.

In addition, The Guadalupe River multi-use trail provides north-south access for bicyclists and pedestrians and runs through the City of San José along the Guadalupe River between Curtner Avenue and the Alviso neighborhood north of SR 237. It is an 11-mile continuous Class I pathway that can be accessed to and from the Project site at the VTA/Caltrain Tamien Station.

Alma Avenue currently does not provide bicycle facilities. Bicyclists on Alma Avenue either share the lane with traffic or ride on the sidewalk; however, near the Project site, the existing bicycle facilities have good connectivity and provide bicyclists with routes to the surrounding land uses.

The San José Better Bike Plan 2025 indicates that a variety of bicycle facilities are planned in the Project study area and the following facility improvements would benefit the Project.

- Class I Bike Path :
    - Through Kyva park from Keyes Street to Guadelupe Trail
- Class II Buffered Bike Lanes:
    - Phelan Avenue from South 7th Street to Senter Road
- Class IV Protected Bike Lanes:
    - Monterey Road from East Alma Avenue to Tully Road
    - South 7th Street from East Alma Avenue to Tully Road
    - West Alma Avenue from Highway 87 Bike Path to Senter Road

- South 10th Street from Keyes Street to Tully Road

TRANSIT SERVICE

VTA Bus and Light Rail Service

Transit services in the study area include light rail and buses provided by the VTA. The nearest active bus stops within a half-mile from the Project site is located on First Street/Monterey Road and East Alma Avenue. Per the updated October 8, 2024[24] service schedule, the Project study area is served by the following major transit routes.

- Frequent Bus Route 56
  - Lockheed Martin– Old Tully
  - Local service every 25-30 minutes on weekdays and every 30-40 minutes on weekends
  - Nearest transit stop– Monterey Road / Alma Avenue intersection (approximately 915 feet from Project site)
- Frequent Bus Route 66
  - North Milpitas – Santa Teresa Station
  - Local service every 12-15 minutes on weekdays and every 15-30 minutes on weekends
  - Nearest transit stop– Monterey Road / Alma Avenue intersection (approximately 915 feet from Project site)
- Frequent Bus Route 68
  - San José Diridon Station – Santa Teresa Station
  - Local service 25-30 minutes on weekdays, no weekend schedule
  - Nearest transit stop – Monterey Road and Cottage Grove (approximately 720 feet from Project site)
- Rapid Bus Route 256
  - School Bus Route (1st & Keyes – Willow Glen Education Park)
  - Nearest transit stop– 1st Street / Alma Avenue intersection (approximately 900 feet from Project site)

Most regular bus routes operate on weekdays from early in the morning (5:00 AM to 6:00 AM) until late in the evening (10:00 PM to midnight) and on weekends from early morning (5:00 AM to 6:00 AM) until mid-evening (8:00 PM to 10:00 PM). Bus headways during peak commute periods vary between 12 to 30 minutes. The study area is served by bus routes 56, 66, 68, and 256 in the VTA system which provide local and regional bus service for commuters between San José downtown and major transit destinations in Santa Clara County. These bus routes also provide transit connections to the Valley Fair Transit Center, San José Diridon Station (Caltrain, ACE, Amtrak), Santa Clara Transit Center, VTA Light Rail stations, and Berryessa Transit Center (BART).

Bus stops with benches, shelters, and bus pullout amenities are provided within a half-mile walking distance from the project site at the Monterey Road / Alma Avenue intersection.

Caltrain Service

Commuter rail service between San Francisco and Gilroy is provided by Caltrain. The San José Tamien

[24] Note that the routes and service schedules described above are based on February 8, 2021 schedules and are subject to change due to the current COVID 19 situation. The affected routes and service schedules is not reflective of typical operations.

Station at 135 Lick Avenue provides access to the project site. Trains currently stop on a reduced schedule at the Tamien Station between 4:00 AM and 12:00 AM in the northbound direction, and between 7:00 AM and 2:00 AM in the southbound direction. Caltrain provides passenger train service seven days a week and provides extended service to Morgan Hill and Gilroy during commute hours. The Tamien Station is approximately 0.8 mile from the Project site.

REGULATORY FRAMEWORK

REGIONAL

Metropolitan Transportation Commission

MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted the final Plan Bay Area in July 2013 which includes the region's Sustainable Communities Strategy and the most recently adopted Regional Transportation Plan (2040).

Santa Clara Valley Transportation Agency Congestion Management Program

In accordance with California Statute, Government Code 65088, Santa Clara County has established a CMP. The intent of the CMP legislation is to develop a comprehensive transportation improvement program among local jurisdictions that will reduce traffic congestion and improve land use decision-making and air quality. VTA serves as the Congestion Management Agency (CMA) for Santa Clara County and maintains the County's CMP. The CMP requires review of substantial individual projects, which might on their own impact the CMP transportation system. Specifically, the CMP Traffic Impact Analysis measures impacts of a project on the CMP Highway System. Compliance with the CMP requirements ensures a city's eligibility to compete for State gas tax funds for local transportation projects.

LOCAL

San José Transportation Impact Policy 5-1

As established in City Council Policy 5-1 "Transportation Analysis Policy" (2022), the City of San José uses VMT as the metric to assess transportation impacts from new development under CEQA, as required by SB 743. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional per employee VMT. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible.

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

City of San José Envision San José 2040 General Plan

Envision San José 2040 was adopted as the General Plan by City Council in November 2011 and most

recently updated/amended in December 2021. The General Plan focuses on a set of strategies that reflect the community's desire to grow into a more prominent great city and represents the City's assessment of the amount, type, and phasing of development needed to achieve its goals.

The General Plan outlines key goals, policies, and actions concerning transportation. Relevant goals are listed below.

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

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

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

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

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

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

Goal TR-2 Walking and Bicycling – Improve walking and bicycling facilities to be more convenient, comfortable and safe, so that they become primary transportation modes in San José.

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

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

Policy TR-5.3: Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements.

Goal TR-6 Goods Movement – Provide for safe and efficient movement of goods to support commerce and industry.

Policy TR-6.1: Minimize potential conflicts between trucks and pedestrian, bicycle, transit, and vehicle access and circulation on streets with truck travel.

Policy TR-6.5: Design freight loading and unloading for new or rehabilitated industrial and commercial developments to occur off of public streets. In Downtown and urban areas, particularly on small commercial properties, more flexibility may be needed.

Policy TR-6.7: As part of the project development review process, ensure that adequate off-street loading areas in new large commercial, industrial, and residential developments are provided, and that they do not conflict with adjacent uses, or with vehicle, pedestrian, bicycle, or transit access and circulation.

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

Policy TR-8.4: Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.

Policy TR-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.

Goal TR-9 Tier I Reduction of Vehicle Miles Traveled - Reduce Vehicle Miles Traveled (VMT) by 10% per service population, from 2009 levels, as an interim goal.

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

Goal TR-10 Tier II Vehicle Miles Traveled Reduction - Reduce vehicle miles traveled by an additional 10% per service population above Goal TR-9 (a 20% reduction as measured from 2009), at a later date to be determined by the City Council, based on staff analysis of the City's achieved and anticipated success in reducing VMT

Action TR-10.4: In Tier II, require that a portion of adjacent on-street and City owned off-street parking spaces be counted towards meeting the zoning code's parking space requirements.

Goal TR-11 Regional and State VMT Reduction Efforts - Reduce VMT an additional 20% per service population above Goals TR-9 and TR-10 (a total reduction of 40% as measured from 2009) by participating and taking a leadership role in on-going regional and statewide efforts to reduce VMT.

Goal TR-12 Intelligent Transportation System - Develop a sustainable ITS system to effectively manage, operate, and maintain the current and future transportation network for all modes of travel. A robust and efficient ITS system will provide added opportunities for reducing congestion and greenhouse gas emissions and increasing safety and the quality of life for all users.

Policy CD-2.3: Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.

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

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

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this Draft EIR, a transportation impact is considered significant if the Project would:

1. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
2. Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?
3. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
4. Result in inadequate emergency access?

The following impact analysis evaluates the Project's potential to result in transportation impacts.

TRANS-1 ***Would the Project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?***

Less Than Significant Impact

In accordance with General Plan policies, the Project will maintain and improve pedestrian and bicycle access and safety. Along South 7th Street, there are Class II bike lanes in both directions with additional green striping. Along Phelan Avenue, there are both Class II and Class III bike lanes in both northbound and southbound directions. As described in Appendix J, construction of the Project would maintain existing Class II and Class III bike lanes and pedestrian facilities along South 7th Street and Phelan Avenue. The San José Better Bike Plan 2025 has planned to incorporate protected bike lanes (Class IV) along Monterey Road, South 7th Street, and East Alma Avenue. Consistent with the plan, the Project would construct a new 7-foot-wide Class IV protected bike lane along the South 7th Street frontage. The bike lane would be separated from the roadway by raised concrete, new planted trees, and landscaped planters. Bicycle marking striping would be installed along the entirety of the improved bicycle lane and bicycle crossings would be striped where the bicycle lane intersects with the Project driveways on South 7th Street.

Existing pedestrian crosswalks are present at every intersection near the Project site with Americans with Disabilities Act -compliant ramps. Along East Alma Avenue, the Project would replace the existing sidewalk with a 10-foot sidewalk along the entirety of the northern Project site frontage. On South 7th Street, the

Project would replace the existing sidewalk with a 10-foot sidewalk along the Project frontage. In addition, the nearest active transit stops are within a half-mile from the Project site along First Street/Monterey Road and East Alma Avenue.

Due to the function and operational characteristics of the Project site , and due to the fact that the Project would redevelop an existing industrial/business park complex with a new industrial warehouse building, the Project is not anticipated to add substantial Project trips to the existing pedestrian, bicycle, or transit facilities in the area. Additionally, peak hour truck and van trips associated with the Project occurs mostly outside of the commuting peak hours to minimize conflicts with users on the local roadway network. While standard community peak hours in San José are 7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 6:00 p.m., Project site peak hour period operates from 10:00 a.m. – 11:00 a.m. and 8:30 p.m. – 9:30 p.m. Therefore, the Project would not create an adverse effect to the existing circulation system, including pedestrian, bicycle, or transit facility operations.

For these reasons, the Project is consistent with goals, policies, and programs adopted by the City and VTA and would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Therefore, there would be a less than significant impact.

TRANS-2 ***Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?***

Less than Significant Impact

The City of San José's Transportation Analysis Policy, Council Policy 5-1, establishes the threshold for transportation impacts under CEQA based on VMT in accordance with California Senate Bill 743 (SB 743) (Appendix J).

To determine whether a project would result in CEQA transportation impacts related to VMT, the City has developed the San José VMT Evaluation Tool to streamline the analysis for residential, office, and industrial projects. The Project was evaluated in the VMT tool assuming development of approximately 86,500 sf of industrial use. This land use total includes the portion of the proposed building dedicated to office space which is typical of a warehouse land use. The office space portion would account for less than approximately ten percent of the total Project square footage. The number of delivery vehicle trips and associated parking stalls, compared to those for employees, reflects intensive use of the warehouse space over the office area. Given the predominance of operation warehouse space, it is reasonable to classify the entire site use as "Industrial Use."

Per Council Policy 5-1, the applicable threshold for determination of whether an industrial use would have a significant transportation impact is whether project VMT per employee would be greater than existing regional average VMT per employee which is 16.5. For projects located in areas where Existing Area VMT is already greater than the City's VMT threshold (i.e., regional average VMT per employee which is 16.5), projects are required to implement VMT reduction measures. As shown in **Table 3.7-1: Project VMT Analysis**, the Project site is not located in an area with an Existing Area VMT that exceeds the City's VMT threshold. Therefore, no VMT reduction measures would be required of the Project for that reason.

Table 3.7-1: Project VMT Analysis

Scenario	VMT per Employee	Exceeds City Threshold and VMT Impact?
City VMT Threshold	16.5	N/A
Existing Area VMT[1]	13.11	No
Project VMT	13.10	No

Notes:
[1] According to the *San José Transportation Analysis Handbook*, Existing Area VMT is the current VMT generation for existing buildings in the area and is a base point for calculating Project VMT. The City's VMT model draws on geographic data to identify representative per-capita VMT and per-employee VMT within each Transportation Analysis Zone (TAZ) for residents and employees to establish the Existing Area VMT. The Existing Area VMT of 13.11 was obtained from the City's VMT model.

Table 3.7-1: Project VMT Analysis shows the Project VMT does not exceed the City's VMT threshold. Therefore, the Project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b) and impacts would be less than significant.

TRANS-3 ***Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?***

Less than Significant Impact

The Project site is located within an existing industrial area. The proposed industrial use is consistent with the General Plan land use designation and zoning for the Project site. Thus, the Project would not construct incompatible uses in the Project area. As previously discussed, sidewalks are limited along the existing Project site frontage and surrounding area. The Project would improve accessibility and safety by reconstructing the existing bike lane along South 7th Street as a buffer-separated bikeway. Where the bike lane would cross Project driveways, striping compliant with State Detail 39 for bike crossings at unsignalized driveways would be installed. This would result in an improved safety condition for bicyclists traveling along South 7th Street, and would not substantially increase hazards due to a geometric design feature.

If lane closures are required during Project construction, the Project would be required to submit a traffic control plan and encroachment permit application to the City's Public Works Department to ensure roadway safety during construction. In addition, the Project's internal circulation would be required to comply with the applicable City and State standards, which would ensure that the Project would not result in sharp curves, dangerous intersections, or other hazardous design features.

A queuing analysis is provided in the Local Transportation Analysis (Appendix J2) for the South 7th Street & East Alma Avenue and South 7th Street & Phelan Avenue signalized intersections. The queuing analysis found that the South 7th Street & East Alma Avenue already exceeds the provided storage length while all queues for South 7th Street & Phelan Avenue do not exceed the provided storage length. The South 7th Street & East Alma Avenue storage deficiency is considered an existing issue unrelated to the Project, and the addition of Project trips to this intersection would not substantially increase the existing hazard. The Project would not cause queues to exceed the existing capacity at South 7th Street & Phelan Avenue.

The Project would not substantially increase hazards due to geometric design feature or incompatible use and impacts would be less than significant.

TRANS-4	*Would the Project result in inadequate emergency access?* *Less than Significant Impact*

In the event of an emergency, emergency access vehicles would enter and exit through the driveway provided along East alma Avenue, or the driveway provided along South 7th Street closest to the southeast corner of the Project site boundary. The San José Fire Department has approved the proposed access road for compliance with their requirements. For these reasons, impacts related to emergency access to the Project site would be less than significant.

The Project would utilize the truck routes identified in **Figure 2.3-7: Project Truck Routes**, which utilize the City's Primary Truck Routes identified in the General Plan. Project construction and operation would not impede local emergency management authorities from adjusting local evacuation routes, if necessary, during an emergency. The Project would also cooperate with the emergency response protocols established by the City's EOP, as needed, during construction and operation.

OPERATIONAL TRANSPORTATION ISSUES NOT REQUIRED UNDER CEQA

The following information is not required under CEQA but is provided here for informational purposes to help the decision makers in their consideration of the Project.

TRIP GENERATION

While the typical procedure for determining future trips for a development is to use trip generation rates from the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11th Edition*, the Transportation analysis for the Project utilized site-specific trip generation that is more accurate to the type of facility that would be built and operated compared to utilizing ITE trip generation. Site specific trip generation includes passenger cars, cans, and truck trips. The site-specific trip generation does not rely on standard community peak hours (7:00 A.M – 9:00 A.M., 4:00 PM – 6:00 P.M.), as the Project site operates with the most traffic occurring outside of standard peak hours (10:00 A.M. – 11:00 A.M., 8:30 P.M. – 9:30 P.M.). The Project is expected to generate a baseline total of approximately 1,588 trips per day. Refer to Appendix J for additional information related to site-specific trip generation used to analyze Project-related transportation impacts.

The following intersections were studied based on the City of San José *Transportation Analysis Handbook* (2023) parameters:

- South 7th Street and East Alma Avenue
- South 7th Street and Phelan Avenue
- Monterey Road/First Street and East Alma Avenue

As shown in Appendix J, the addition of project traffic to the study intersections would cause minimal increase in delay at the Project site driveway intersections. Overall traffic operations at the study intersections would maintain the same Level of Service (LOS) compared to the Existing and Background

Scenarios further discussed in Appendix J. Furthermore, the Project driveways on South 7th Street and East Alma Avenue do not adversely affect the functionality of traffic operations around the study area.

Given that the intersection of Monterey Road/First Street and E Alma Avenue is operating at LOS F under the background conditions, an adverse effect is defined as an increase in average critical delay by 4.0 seconds or more and an increase of the critical V/C ratio of 0.010 or more. With implementation of the Project, Monterey Road/First Street and E Alma Avenue has an increase in average critical delay greater than 4.0 seconds and an increase of the critical V/C ratio of more than 0.010 for both the AM and PM peak periods. While this effect is not a CEQA issue, the Project response to this effect is included here for informational purposes. To address the critical delay adverse effect and adhere to the City's TDM ordinance, the Project would construct or contribute towards offsetting multimodal improvements planned along South 7th Street and along East Alma Avenue.

3.8 Tribal Cultural Resources

The tribal cultural resources evaluation is based on Cultural Resources Report prepared by Dudek (April 2021). The study includes analysis for the Project regarding archaeological, including tribal archeological, resources. The report is included as Appendix F of this Draft EIR. Information provided by the Tamien Nation during consultation is also used to inform this evaluation.

ENVIRONMENTAL SETTING

Per the General Plan EIR, the Project site is located in the City's Central Planning Area. The Central Planning Area is identified as being archaeologically sensitive, with recorded prehistoric and historic archaeological sites present. Native American resources in Santa Clara County have been found near areas populated by oak, buckeye, laurel, and hazelnut, as well as near a variety of plant and animal resources. Typically, these sites are also found near watercourses and bodies of water. The General Plan EIR does not identify any previously identified archaeological or paleontological resources as present within the Project site. The Project site is located on a flat terrace in an open area and approximately 0.6 mile east of Coyote Creek, indicating that the likelihood for Native American resources to occur on-site is low. There is a known prehistoric archeological site adjacent to the Project site at the northeast corner of South 7th Street and East Alma Avenue where San José State football Stadium is currently located. There are no known prehistoric archeological sites within the Project site which has been previously developed.

REGULATORY FRAMEWORK

FEDERAL

No federal plans, policies, regulations, or laws related to tribal cultural resources are applicable to the Project.

STATE

AB 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. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or until it is concluded that mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
  - Included or determined to be eligible for inclusion in the California Register of Historic Resources, 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.

LOCAL

The City's General Plan includes policies applicable to all development projects in San José. The following policies are specific to tribal cultural resources and are applicable to the Project.

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

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

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

Policy IP-12.3: Use the Environmental Clearance process to identify potential impacts and to develop and incorporate environmentally beneficial actions, particularly those dealing with the avoidance of natural and human-made hazards and the preservation of natural, historical, archaeological and cultural resources.

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this Draft EIR, a tribal cultural resources impact is considered significant if the Project would:

1. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
    i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
    ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Would the proposed Project, cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 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:

TCR-1

i. listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

ii. a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Less than Significant Impact with Mitigation

The Project's Cultural Resources Report (Appendix F) did not identify any tribal cultural resources that are also listed historical resources or resources determined by the lead agency to be significant recorded within the Project site. The records search of the Native American Heritage Commission (NAHC) Sacred Lands File conducted for the Cultural Resources Report also did not return any results for the Project site. Previously recorded resources were identified by the Cultural Resources Report in the 0.25 mile search buffer around the Project site. Unknown, unrecorded resources could be discovered during ground disturbing Project construction activities.

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

On November 5, 2024, City staff sent notification letters to representatives of Tamien Nation, Indian Canyon Mutsun Band of Costanoan, and Muwekma Ohlone Tribe. No response was received from Indian Canyon Mutsun Band of Costanoan and Muwekma Ohlone Tribe.

On November 6, 2025, Tamien Nation requested consultation. The consultation meeting between City staff and Tamien Nation representatives was held on November 21, 2024. During consultation, Tamien Nation representatives expressed specific concern related to three previously recorded archeological resources in the area around the Project site. Tamien Nation requested tribal resources training for construction personnel, monitoring during ground disturbing activities, notification of any cultural resources discoveries during construction, and consultation during the development of the monitoring and treatment plan.

Two of the recorded resources of concern to Tamien Nation were identified by the CHRIS Records Search

conducted for the Project's Cultural Resources Report (Appendix F) in the buffer around the Project site. As the third recorded resource of concern to Tamien Nation is located beyond the buffer used by the CHRIS Records Search, the resource was not identified by the search. While the Cultural Resources Report found that the Project would likely have no impact on recorded archeological resources, it does recognize that a lack of recorded resources does not preclude the potential for previously unrecorded resources to occur.

Should unrecorded resources occur on-site and be encountered during ground disturbing activities, the ability of the resources to convey their significance, either as containing information about prehistory or history, as possessing traditional or cultural significance to the Native American or other descendant communities, would be materially impaired. This impediment would be a potentially significant impact as it would cause a substantial adverse change in the significance of a tribal cultural resource.

The Subsurface Cultural Resources and Human Standard Permit Conditions included in Section 3.3, Cultural Resources, require that, should any resources or human remains be encountered during Project ground disturbing activities, Project activities in the vicinity shall be stopped, the find examined by appropriate experts, and the recommendations for handling the find from the experts and applicable legal processes be complied with. These Standard Permit Conditions would lessen the potentially significant Project impact on tribal cultural resources. Given the concern expressed by Tamien Nation, however, the impact would remain potentially significant, requiring mitigation.

Measures TCR1 and TCR-2 require tribal cultural resource sensitivity training for Project construction personnel and monitoring of ground disturbing activities. With implementation of Mitigation Measures TCR-1 and TCR-2, the Project's potentially significant impacts related to causing a substantial adverse change in the significance of a tribal cultural resource would be reduced to less than significant.

Impact TCR-1: The Project could cause a substantial adverse change in the significance of a tribal cultural resource should a previously unknown resource be encountered during ground disturbance activities.

Mitigation Measures

TCR-1 **Tribal Cultural Resource Sensitivity Training.** Prior to issuance of the Grading Permit, the Project Applicant shall submit to the Director of Planning, Building and Code Enforcement or the Director's designee the proposed Cultural Resources Awareness Training materials and a plan to deliver the training to Project construction personnel prior to the start ground disturbance. The training material shall be coordinated with a tribe 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. The training shall be facilitated by the project archaeologist in collaboration with the Native American representative .

TCR-2 **Monitoring.** A qualified Native American monitor, registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, and a qualified archeologist shall be present during Project ground disturbing activities. The Native American monitor and/or qualified archaeologist shall have authority to halt construction activities temporarily in the immediate vicinity of an unanticipated find consistent with the Subsurface Cultural Resources and Human Remains Standard Permit Conditions.

SECTION 4.0 CUMULATIVE IMPACTS

Cumulative impacts, as defined by CEQA, refer to two or more individual effects, which when reviewed together, are considerable or which compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant effects taking place over a period of time. CEQA Guideline Section 15130 states that an EIR should discuss cumulative impacts "when the project's incremental effect is cumulatively considerable." The discussion does not need to be in as great of detail as is necessary for project impacts but is to be "guided by the standards of practicality and reasonableness." The purpose of the cumulative analysis is to allow decision-makers to better understand the impacts that might result from approval of past, present, and reasonably foreseeable future projects, in conjunction with the Project addressed in this Draft EIR.

The CEQA Guidelines advise that a discussion of cumulative impacts should reflect both their severity and the likelihood of their occurrence. To accomplish these two objectives, the analysis should include either a list of past, present, and probable future projects or a summary of projections from an adopted general plan or similar document. The analysis must then determine whether the Project's contribution to any cumulatively significant impact is cumulatively considerable, as defined by CEQA Guideline Section 15065(a)(3).

4.1 Thresholds of Significance

The cumulative discussion for each environmental issue addresses two aspects of cumulative impacts:

1) Would the effects of all of the pending development listed result in a cumulatively significant impact on the resources in question?

2) And, if that cumulative impact is likely to be significant, would the contributions to that impact from the Project make a cumulatively considerable contribution to those cumulative impacts?

4.2 Cumulative Setting

For each resource area, cumulative impacts may occur over different geographic areas. For example, the Project effects on air quality would combine with the effects of projects in the entire air basin, whereas noise impacts would primarily be localized to the surrounding area. The geographic area that could be affected by a proposed project varies depending upon the type of environmental issue being considered. Section 15130(b)(3) of the CEQA Guidelines states that lead agencies should define the geographic scope of the area affected by the cumulative effect. Refer to **Table 4.2-1: Geographic Considerations in Cumulative Analysis** below for the geographic scope of the cumulative effect defined by topic area analyzed for the Project.

Table 4.2-1: Geographic Considerations in Cumulative Analysis

Resource Area	Geographic Area
Air Quality	San Francisco Bay Area Air Basin
Biological Resources	Project site and projects within 1 mile
Cultural Resources	Project site and projects within 1 mile
Greenhouse Gas Emissions	Global
Hazards and Hazardous Materials	Project site and projects within 1 mile

Resource Area	Geographic Area
Noise and Vibration	Project site and projects within 1 mile
Transportation	City of San José
Tribal Cultural Resources	Project site and projects within 1 mile

The cumulative impacts for air quality, greenhouse gas emissions, and transportation defined in **Table 4.2-1: Geographic Considerations in Cumulative Analysis** are based on regional plans and growth projections, for example General Plan and CARB Scoping Plan. This cumulative setting is appropriate for these resource areas given that these effects are regional in nature and associated with broader growth patterns projected in these regional plans. For biological resources, cultural resources, hazards and hazardous materials, noise and vibration, and tribal cultural resources, the cumulative impacts are based on the list of projects in **Table 4.2-2: Cumulative Projects within 1.0 mile of Project Site**. This cumulative setting is appropriate for these resource areas given that effects are localized to where construction and operation would occur**.**

Table 4.2-2: Cumulative Projects within 1.0 mile of Project Site

Project	Location	Description	Impacts	Status
Tamien Station Transit-Oriented Development (PD20-003)	1197 Lick Avenue	Demolition of a 11,400 square foot building and construction of a mixed-use development consisting of 569 residential units (Option A) or 555 residential units (Option B) within three buildings, up to 3,000 square feet.	New less than significant impacts with mitigation incorporated to Air Quality, Biological Resources, Cultural Resources, Hazards and Hazardous materials, Noise and Vibration, and Tribal Cultural Resources. No new impacts to Greenhouse Gas Emissions and Transportation.	Approved but not yet fully constructed/occupied
1675 Monterey Road Off-Site Parking Project (CP21-018)	1675 Monterey Road	Demolish an existing warehouse building and construct an approximately 277,000 square foot, 361 stall off-site parking lot for overnight storage for cans that are utilized by a nearby package sorting and	New less than significant impacts with mitigation incorporated to Biological Resources and Hazards and Hazardous Materials. No new impacts to Air Quality, Cultural Resources, Greenhouse Gas Emissions, Noise and	Approved. Under construction, but not yet fully constructed/occupied

Project	Location	Description	Impacts	Status
		loading facility. The project will include Electric Vehicle charging stalls, a Hydrogen fuel cell generator area, a guard booth, and the removal of 35 trees.	Vibration, Transportation, and Tribal Cultural Resources.	
Fairfield Inn and Suites at 1669 Monterey Road (PDC22-005, PD22-010, and ER21-007)	1669 Monterey Road	Demolish five existing commercial structures and construct a new five story 124,345 square foot hotel.	New less than significant impacts with mitigation incorporated to Biological Resources, Cultural Resources, and Noise and Vibration. No new impacts to Air Quality, Greenhouse Gas Emissions, Transportation, and Tribal Cultural Resources.	Approved but not yet fully constructed/occupied
Affordable Housing at 802 South First Street (PD21-011 and PT21-031)	802 1ST Street	Planned Development Permit and a Tentative Map to allow the demolition of 31,152-square feet of commercial buildings and construction of a mixed-use multifamily housing project consisting of a six-story building	New less than significant impacts with mitigation incorporated to Air Quality, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, and Noise and Vibration. No new impacts to Greenhouse Gas Emissions, Transportation, and Tribal Cultural Resources.	Approved but not yet fully constructed/occupied

Based on the analysis in the Initial Study (Appendix B), the Project would result in a less than significant impacts, or no impacts, to aesthetics, agricultural and forestry resources, energy, geology and soils,

hydrology and water quality, land use, mineral resources, population and housing, public services, recreation, utilities and service systems, and wildfire. The degree to which the Project would add to existing or probable future impacts related to these topics would be negligible and would therefore not considerably contribute to any cumulative impacts associated with these topic areas. The Project's potential to contribute to any cumulatively significant air quality, biological resources, cultural resources, greenhouse gas emissions, hazards and hazardous materials, noise, transportation, and tribal cultural resources impacts are discussed below.

4.3 Air Quality

The cumulative setting for air quality includes the City and the Air Basin. The Air Basin is designated as a nonattainment area for state standards of ozone, PM_{10}, and $PM_{2.5}$ and federal standards of ozone and $PM_{2.5,}$ attainment and serious maintenance for federal PM_{10} standards, and is designated as unclassified or attainment for all other pollutants. Cumulative growth in population and vehicle use could inhibit efforts to improve regional air quality and attain the ambient air quality standards.

The Bay Area Air District CEQA Air Quality Guidelines do not include separate significance thresholds for cumulative operational or construction emissions that result in criteria air pollutants. However, with respect to regional air pollution, the development of the Project would result in population growth that is consistent with ABAG projections and the City General Plan. Therefore, the Project would be consistent with the 2017 Clean Air Plan that uses ABAG population forecasts.

As described in threshold Bay Area Air District construction BMPs in Section 3.1, Air Quality, the Project would also be consistent with the appropriate 2017 Clean Air Plan control measures, which are provided to reduce air quality emissions for the entire Bay Area region. Additionally, the discussion in threshold AQ-2 addresses cumulative impacts and demonstrates that the Project would not exceed the applicable Bay Area Air District thresholds for construction, with implementation of the proposed mitigation measure, or operations. The Bay Area Air District CEQA Air Quality Guidelines note that the nature of air emissions is largely a cumulative impact. As a result, no single project is sufficient in size by itself to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. As mentioned on pages 2-10, 2-12, and 2-14 of the Bay Area Air District CEQA Guidelines (2022), if the project emissions of criteria air pollutants or its precursors are below the Bay Area Air District Thresholds of Significance, then the project would result in a less than significant cumulative impact.

Consistency with the 2017 Clean Air Plan control measures would ensure that the Project would not make a cumulatively considerable contribution to air quality impacts in the Basin. Additionally, as mentioned in the Threshold AQ-3 and Threshold AQ-4 discussion above, the Project would not exceed the applicable Bay Area Air District thresholds for exposure of sensitive receptors to substantial pollutant concentrations after mitigation nor for other emissions (such as those leading to odors) adversely affecting a substantial number of people. Therefore, the Project's impacts would be less than significant and less than cumulatively considerable.

4.4 Biological Impacts

Similar to the Project, cumulative projects were found to have less than significant impacts to biological resources with mitigation incorporated. Additionally, cumulative projects are subject to existing

regulations that protect special status species and nesting or migratory birds. Given the less than significant impacts to biological resources from cumulative projects, there is no cumulatively significant impact on biological resources.

Given the developed state of the Project site and its urban surroundings, the Project site does not contain riparian habitat, wetlands, wildlife corridors, or other sensitive natural communities. The Project site is not designated as critical habitat for any special status species, though some special status species could utilize the site. Migratory birds and nesting raptors could use mature trees and isolated stands of vegetation on or near the site for foraging and buildings in the area for nesting. Similarly, other nesting migratory birds adapted to urban settings could also utilize Project site trees and nearby residential yards for breeding and foraging habitat. Therefore, based on the analysis in this EIR, the Project would have potentially significant impacts to special status bird species. However, with compliance with existing regulations (e.g., the MBTA, Fish and Game Code) and implementation of Mitigation Measure BIO-1 identified in this EIR, the Project would not significantly impact special status species. The Project would not make a cumulatively considerable contribution to cumulative impacts on biological resources. Cumulative impacts on biological resources are less than significant. Therefore, the Project's impacts would be less than significant and less than cumulatively considerable.

4.5 Cultural Resources

Development of the cumulative projects would be subject to compliance with the existing local, state, and federal regulatory framework concerning the protection of historical and archaeological cultural resources. As such, impacts to cultural resources would be mitigated on a project-by-project basis in accordance with the established regulatory framework through the established regulatory review process. Thus, there is no cumulatively significant impact on cultural resources.

The Project has no historical resources on site. The existing buildings located on the Project site do not appear to be eligible for listing in the NRHP, CRHR or as a San José Landmark due to their lack of historical and architectural significance. There are no known archaeological resources or human remains on the Project site. Compliance with Standard Permit Conditions should previously unrecorded archeological resources or human remains would lessen potential Project impacts to less than significant. Therefore, the Project would not make a cumulatively considerable contribution to cumulative impacts on cultural resources. Cumulative impacts on cultural resources are less than significant. Therefore, the Project's impacts would be less than significant and less than cumulatively considerable.

4.6 Greenhouse Gas Emissions

Climate change is a global consideration. GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (approximately one day), GHGs have much longer atmospheric lifetimes of one year to several thousand years that allow them to be dispersed around the globe. GHG impacts are recognized as inherently cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective.

It is generally the case that an individual project of the Project's size and nature is of insufficient magnitude by itself to influence climate change or result in a substantial contribution to the global GHG inventory. The additive effect of Project-related GHG emissions would not result in a reasonably

foreseeable cumulatively considerable contribution to global climate change. In addition, the Project as well as other cumulative related projects, would be subject to all applicable regulatory requirements, which would further reduce GHG emissions. The Project would be consistent with the General Plan, Bay Area Air District CEQA Guidelines, City of San José 2030 GHGRS, Plan Bay Area, and CARB's Scoping Plan. As a result, the Project would not conflict with any GHG reduction plan. The Project would not have a cumulatively considerable contribution to cumulative GHG impacts. Cumulative impacts on greenhouse gas emissions are less than significant. Therefore, the Project's impacts would be less than significant and less than cumulatively considerable.

4.7 Hazards and Hazardous Materials

Many of the properties in the City were used for agricultural purposes prior to their urban development, and agricultural chemicals such as pesticides and fertilizers may have been used on these sites. The use of these chemicals can result in residual soil contamination, sometimes in concentrations that exceed regulatory thresholds. Further, development and redevelopment of some of the cumulative project sites would require demolition of existing buildings that may contain lead-based paint and/or ACMs. Demolition of these structures could expose construction workers to harmful levels of lead and/or ACMs. Based on these conditions, which are present on many sites in the City, significant cumulative environmental impacts could occur as a result of cumulative projects because such conditions can lead to the exposure of people and the environment to hazardous materials. However, the potential impacts related to hazardous materials of each of the cumulative projects related to hazardous materials is less than significant after mitigation. Therefore, there is no cumulatively significant impact related to hazardous materials.

The Project includes standard permit conditions to reduce potential impacts associated with known and unknown hazardous materials exposure and contamination. The Project would also comply with the requirements of applicable existing local, state, and federal laws, regulations, and agencies such as the SCCDEH, DTSC, and Cal/OSHA, during development. The Project would not make a cumulatively considerable contribution to cumulative impacts related to hazardous materials. Cumulative impacts related to hazardous materials are less than significant. Therefore, the Project's impacts would be less than significant and less than cumulatively considerable.

4.8 Noise and Vibration

Construction Noise and Vibration

The cumulative projects would result in less than significant noise and vibration impacts with mitigation incorporated. The cumulative projects would also be required to comply with General Plan Policy EC-1.7, as applicable, related to construction noise. Given the less than significant impacts related to noise and vibration from the cumulative projects, there is no cumulatively significant impact related to noise and vibration.

The Project could contribute to other proximate construction noise and vibration impacts if construction activities were close enough to one another and conducted concurrently. Construction activities of the cumulative projects could potentially overlap with the Project. However, 1,000 feet is generally considered to be the distance in which cumulative noise effects could occur and groundborne vibration diminishes in magnitude with increases in distance. The nearest cumulative project is over 1,200 feet away

from the Project site. Even if the construction of cumulative projects did overlap with Project construction, the distance between project sites would prevent them contributing to a cumulative noise and vibration impact. As such, the Project would not considerably contribute to a cumulatively considerable construction noise and vibration impact. Cumulative impacts related to construction noise and vibration would be less than significant. Therefore, the Project's impacts would be less than significant and less than cumulatively considerable.

Operational Noise and Vibration

The cumulative projects would result in less than significant noise and vibration impacts with mitigation incorporated. The cumulative projects would also be required to comply with General Plan Policy EC-1.1 and Policy EC-1.2, as applicable. Given the less than significant impacts related to noise and vibration from the cumulative projects, there is no cumulatively significant impact related to noise and vibration.

Once operational, the noise impacts resulting from the Project would be below the City's thresholds of significance. The Project would not considerably contribute to a cumulative operational noise impact. There would be a less than significant cumulative operational noise impact. Therefore, the Project's impacts would be less than significant and less than cumulatively considerable.

4.9 Transportation

The City's Transportation Analysis Manual established VMT thresholds to ensure development in the City does not result in a significant increase in VMT. Projects that do not exceed the applicable City VMT threshold would not considerably contribute to a cumulative Transportation impact. The VMT generated by the Project would be 13.10 per employee, which is lower than the City's industrial threshold of 16.53 per employee. Moreover, the Project would be consistent with the General Plan designation and associated goals and policies for the site, including those associated with transportation. As a result, the Project would not considerably contribute to, a cumulative VMT impact. Thus, there would be a less than significant cumulative impact related to transportation. Therefore, the Project's impacts would be less than significant and less than cumulatively considerable.

4.10 Tribal Cultural Resources

Similar to the Project, cumulative projects are located in an area where archeological resources have been previously recorded. The cumulative projects would be required to undergo environmental review and comply with AB 52 consultation requirements to determine and mitigate any potential impacts to tribal cultural resources. Cumulative projects were found to have less than significant impacts on tribal cultural resources. There is no cumulatively significant impact on tribal cultural resources.

There are no known tribal cultural resources on the Project Site. However, the Project Site was determined to be potentially sensitive for archaeological resources and would be required to implement Mitigation Measures TCR-1 and TCR-2 to reduce Project specific impacts to unknown tribal cultural resources or cultural resources to less than significant. These mitigation measures were identified and developed during the City's consultation with the Tamien Nation, which was conducted in accordance with the requirements of AB 52.

Cumulative impacts would occur if the Project and related projects affect the same tribal cultural resources. However, since impacts to tribal cultural resources tend to be site specific, the project would not considerably contribute to a cumulative impact on tribal cultural resources. Cumulative impacts to

tribal cultural resources would be less than significant. Therefore, the Project's impacts would be less than significant and less than cumulatively considerable.

SECTION 5.0 GROWTH-INDUCING IMPACTS

For the purposes of this Project, a growth-inducing impact is considered significant if the Project would:

a. Cumulatively exceed official regional or local population projections;

b. Directly induce substantial growth or concentration of population. The determination of significance shall consider the following factors: the degree to which the project would cause growth (i.e., new housing or employment generators) or accelerate development in an undeveloped area that exceeds planned levels in local land use plans; or

c. Indirectly induce substantial growth or concentration of population (i.e., introduction of an unplanned infrastructure project or expansion of a critical public facility (road or sewer line) necessitated by new development, either of which could result in the potential for new development not accounted for in local general plans.

Would the Project cumulatively exceed official regional or local population projections?

The Project is located on a site developed with an existing industrial/business park complex. As proposed, the Project would demolish all existing buildings on-site and develop the Project site with a new one-story concrete tilt-up warehouse/industrial use building. The Project would be compatible with the surrounding land uses which include commercial, office, and industrial uses. As such, the Project would not induce adjacent properties to redevelop with new or different land uses. Because the Project does not include residential uses, there would be no direct increase in the City's population. The Project would include a total of approximately 600 employees, with approximately 400 total daily workers anticipated on-site. Accordingly, Project implementation is not anticipated to induce indirect population growth within the City, as employees during both construction and operational phases of the Project are expected to come from the surrounding area. Any potential population increase would be minor and the Project is consistent with the General Plan designation for the site. Thus, there would be no unplanned population increase as a result of the Project as the jobs associated with the Project are not of the scale to cause population growth unanticipated by the City in the General Plan. Therefore, the Project would not cumulatively exceed official regional or local population projections.

Since the Project is consistent with the planned growth identified in the Envision San José 2040 General Plan Supplemental Program EIR, the Project would not have a significant growth inducing impact.

Would the Project directly induce substantial growth or concentration of population? The determination of significance shall consider the following factors: the degree to which the project would cause growth (i.e., new housing or employment generators) or accelerate development in an undeveloped area that exceeds planned levels in local land use plans?

The Project does not propose any residential uses, nor does it propose development in a previously undeveloped area. As such, it would not directly induce substantial population growth or accelerate development in an undeveloped area.

Would the Project indirectly induce substantial growth or concentration of population (i.e., introduction of an unplanned infrastructure project or expansion of a critical public facility (road or sewer line) necessitated by new development, either of which could result in the potential for new development not accounted for in local general plans?

The Project is consistent with the planned growth identified in the Envision San José 2040 General Plan Supplemental Program EIR and would not result in substantial unplanned population growth or accelerated development. Further, the Project would occur on an infill site in an urbanized area of the City with connections to roads, transit, utilities and public services. The Project would not require the expansion of utilities because these services are provided to the site given its infill nature. As noted Section 2.3, Proposed Project Development, the Project would construct a Class IV protected bike lane along the South 7th Street frontage. Further, the Project would not require the expansion of roads because of its proximity to transit and the Project does not propose the expansion of transit services. Additional public services would not be required because the Project site is currently served by existing utilities and the Project would connect these services. The Project site is currently served by public safety providers and the Project would continue to be adequately served by the providers. While the Project could potentially increase population indirectly by adding jobs, this growth was anticipated in the General Plan and the Project would promote the City General Plan's goals for planned growth because it supports the intensification of development in an urbanized area that is currently served by existing roads, transit, utilities, and public service. As such, the Project does not include expansion of infrastructure that would facilitate growth in the Project area or other areas of the City.

SECTION 6.0 SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES

CEQA and the CEQA Guidelines require that an EIR address "significant irreversible environmental changes which would be involved in the Project, should it be implemented." [Section 15126(c)]. As described in State CEQA Guidelines § 15126.2(d), significant irreversible changes may include a large commitment of nonrenewable resources that makes removal or nonuse thereafter unlikely, the commitment of future generations to similar use, or irreversible damage resulting from environmental accidents associated with a project, and irretrievable commitments of resources.

COMMITMENT OF NONRENEWABLE RESOURCES

Development of this site would involve the use of non-renewable resources during the construction phase. Construction would include the use of building materials, including materials such as petroleum-based products and metals that cannot reasonably be re-created. Construction also involves significant consumption of energy, usually petroleum-based fuels that deplete supplies of non- renewable resources. Once the new development is complete, occupants would use some non- renewable fuels to heat and light the buildings. However, the Project would utilize nearly carbon free energy from PG&E. The Project would not result in substantial increase in water demand, as proposed warehouse buildings would meet LEED Silver standards through use of water-efficient landscaping, efficient water fixtures within buildings, and water conservation measures. The City encourages the use of building materials that include recycled materials and requires new development to meet minimum green building design standards. The Project would be built to current codes, which require insulation and design to minimize wasteful energy consumption. In addition, the Project site is an infill location currently served by public transportation networks and within walking distance of jobs and services. The Project would, therefore, facilitate more efficient use of resources over the lifetime of the Project.

COMMITMENT OF FUTURE GENERATIONS TO SIMILAR USE

Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. The Project site is located within an existing developed area. Road and utility connections already exist in the Project area. While the offsite improvements would improve existing roads and bikeways, new connections or additional capacity would not be created that would provide access to new areas. The Project would require connections to the existing water, sewer, stormwater, electric, and natural gas infrastructure surrounding the Project site, including a sewer connection and two irrigation water connections on Surveyor Avenue and a domestic water connection on Valencia Avenue. None of the required utility infrastructure connections would result in new or expanded utility infrastructure facilities. The Project would not commit future generations to similar use.

IRREVERSIBLE CHANGES FROM ENVIRONMENTAL ACCIDENTS

The Project's potential use of hazardous materials is addressed in Section 3.5, Hazards and Hazardous Materials, of this Draft EIR. As evaluated therein, operation of the Project would involve the limited transport, storage, use, and disposal of hazardous materials related to parcel delivery facility operations, such as parcel arrival and dispatch, truck circulation, and landscape maintenance. Hazardous materials

may include solvents and commercial cleansers for building maintenance and the limited use of pesticides and herbicides for landscape maintenance, and trucks accessing the facility would contain engine fuels and lubricants. However, these types of hazardous materials and the level of hazardous materials usage would be typical of other commercial, light warehousing, and storage uses. The Project would not present a significant threat to the environment because the Project would not include the routine transport, use, or disposal of hazardous materials at volumes or concentrations that require special provisions, permits, or approvals, such as those required for heavy industrial land uses. Furthermore, the storage, handling, use, transport, and disposal of operation-related hazardous materials would occur in accordance with applicable federal, state, and local regulations governing such activities. Construction of the Project would also involve the temporary use of potentially hazardous materials, including fuel and oils associated with construction equipment, as well as coatings, paints, adhesives, and caustic or acidic cleaners. However, all potentially hazardous materials used during construction and operation would be used and stored in accordance with manufacturers' instructions and handled in compliance with applicable federal, state, and local regulations. Any associated risk would be reduced to a less than significant level through compliance with these standards and regulations. As such, compliance with regulations and standards would serve to protect against significant and irreversible environmental change that could result from the accidental release of hazardous materials.

IRRETRIEVABLE COMMITMENT OF RESOURCES

The Project would require an investment of both renewable and nonrenewable resources. The amount of resources that would be committed to buildout of the Project would be typical of similar industrial developments of this size and scale. However, the Project would not involve wasteful or inefficient energy consumption during construction or long-term operation. Furthermore, none of the building materials anticipated for buildout of the Project would be unique, rare, in short supply, or require creation of new resource extraction sites or new manufacturing and delivery channels. The Project would also satisfy the Project Objectives, which include objectives that are beneficial to the growth and prosperity of the City. Based on these considerations, the irretrievable commitment of renewable and nonrenewable resources is justified.

SECTION 7.0 SIGNIFICANT ENVIRONMENTAL IMPACTS

A significant unavoidable impact is an impact that cannot be mitigated to a less than significant level if the Project is implemented as it is proposed. No significant and unavoidable impacts have been identified as a result of the Project. The Project's environmental effects are addressed in Sections 3.0 through 7.0 of this Draft EIR. Project implementation would result in potentially significant impacts for the following topical issues: air quality, biological resources, noise, and tribal cultural resources. Implementation of mitigation measures (MMs) provided in Section 3.0 would reduce these impacts to levels considered less than significant.

SECTION 8.0 ALTERNATIVES

Section 15126.6 of the State CEQA Guidelines requires that an EIR describe a reasonable range of alternatives to the Project that could feasibly attain most of the Project Objectives, while avoiding or considerably reducing any of the significant impacts of the Project. In addition, the No Project Alternative must be analyzed in the document.

In order to comply with the purposes of CEQA, it is necessary to identify alternatives that reduce the significant impacts that are anticipated to occur if the Project is implemented, while trying to meet most of the basic objectives of the Project. The Guidelines emphasize a common-sense approach.

The alternatives shall be reasonable, shall "foster informed decision making and public participation," and shall focus on alternatives that avoid or substantially lessen the significant impacts. As stated in the State CEQA Guidelines:

"An EIR shall describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project and evaluate the comparative merits of the alternatives." (CEQA Guidelines, Section 15126.6, subd. (a)) As this implies, "an agency may evaluate on-site alternatives, off-site alternatives, or both." (Mira Mar, supra, 119 Cal.App.4th at p. 491.) The Guidelines thus do not require analysis of off-site alternatives in every case. Nor does any statutory provision in CEQA "expressly require a discussion of alternative Project locations." (119 Cal.App.4th at p. 491 citing §§ 21001, subd. (g), 21002.1, subd. (a), 21061. The Project would not result in any significant impacts, and all Project effects would be mitigated to a less than significant level. Notwithstanding, the following analysis evaluates a range of alternatives to the Project that may further reduce or avoid the already less than significant impacts. In selecting project alternatives for analysis, potential alternatives must pass a test of feasibility. State CEQA Guidelines § 15126.6(f)(1) states that:

Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.

8.1 Project Objectives

The objectives of the Project are to:

1. Contribute to the economy of the region and the City of San José by creating employment opportunities through the productive reuse of a vacated parcel.
2. Provide a productive industrial use of currently underutilized industrial land to help meet the unmet regional demand for goods delivery services consistent with Envision San José 2040 General Plan Policy LU-6.4.
3. Redevelop an existing industrial site in close proximity to designated primary truck routes and the State highway system that is serviced by adequate existing infrastructure (e.g., roadways and utilities).
4. Reduce the vehicle miles traveled for goods delivery to the City of San José and surrounding

communities.

5. Attract new businesses to the City of San José and thereby improve the jobs-housing balance in the area.
6. Construct a new building that complies with updated State and City sustainability and green building standards, achieving greater on-site operational energy efficiency than the existing building built under earlier, less rigorous standards.
7. Provide a warehouse and parking lot that is large enough to accommodate the needs of the last mile delivery supply chain in the greater San José area in a location that is convenient for employees and located near delivery customers.
8. Facilitate multimodal transportation opportunities within the Project area through the improvement of existing bike lanes.

8.2 Project Impacts

SIGNIFICANT AND UNAVOIDABLE IMPACTS

Per State CEQA Guidelines, only those impacts found significant and unavoidable are relevant in making the final determination of whether an alternative is environmentally superior or inferior to the proposed Project. As discussed throughout **Section 4.0: Environmental Impact Analysis**, with mitigation incorporated, the Project would not result in any significant and unavoidable impacts.

IMPACTS LESS THAN SIGNIFICANT WITH MITIGATION

Impacts that would be significant and for which the Project includes mitigation to reduce them to less than significant levels include:

- **Impact AQ-1:** During construction, NO_X would exceed the Bay Area Air District 54 lbs/day threshold by, at most, 13.59 lbs/day.
- **Impact BIO-1:** Project tree removal could result in the loss of migratory birds and raptors or their nests should any be present during removal.
- **Impact NOI-1**: Project construction would exceed the City's General Plan Policy EC-1.7 construction noise standards and would temporarily result in substantial noise-generating activities for more than 12 months.
- **Impact TCR -1:** The Project could cause a substantial adverse change in the significance of a tribal cultural resource should a previously unknown resource be encountered during ground disturbance activities.

Alternatives were considered with the objective of trying to avoid or further reduce the already less than significant impacts. The alternatives that were considered and the reasons that certain alternatives were rejected from further detailed analysis are discussed below.

8.3 Alternatives Considered But Rejected

ALTERNATIVE SITE ALTERNATIVE

In considering an alternative location in an EIR, the CEQA Guidelines advise that the key question is "whether any of the significant effects of the Project would be avoided or substantially lessened by putting the Project in another location." The Project is an industrial warehouse/industrial use building within an area of the City primarily developed with similar commercial and industrial land use types.

The Project's effects concerning air quality and noise are related to the type of Project construction associated with the proposed land use and are not site-specific. Development of the Project on an alternative site would not change the construction requirements of the Project. As such, an alternative site does not have the potential to reduce the Project's significant impacts related to construction period air quality and noise.

The Project's potentially significant impact to biological resources is related to the potential to interfere substantially with native or migratory bird species via building demolition and tree removal at the Project site. Similarly, the Project's potential to impact cultural resources is related to development on the Project site. An alternative location may locate the Project on a site with fewer or no existing trees and a lower likelihood of previously undiscovered cultural resources being on-site, necessitating less tree removal and having allow chance of impacting cultural resources than Project implementation.

Furthermore, viable alternative locations for the Project are limited to those that would feasibly attain most of the Project Objectives. Several Project Objectives seek to introduce benefits to urban areas through revitalization and convenience for residents, employees, and customers within the City based on existing developments and infrastructure. An alternative site further from existing General Plan designated Primary Truck Routes, multi-modal transportation opportunities, and developed sites may not be able to achieve these Project Objectives and would potentially increase VMT impacts as vehicles would travel further to access necessary truck routes for Project operations. Moreover, while it is possible that an alternative site could be selected for the Project, the Project applicant does not control other sites in the City of similar size and General Plan designation. Therefore, an alternative site would likely fail to achieve the underlying purpose and objectives of the Project.

ALTERNATE TRUCK ROUTE ALTERNATIVE

Comments were received during the scoping period for this EIR concerned with potential air quality and noise impacts from trucks accessing the Project site via residential roads. In response to those comments, this alternate truck route alternative considers if Project trucks traveled along different routes than are currently anticipated by the Project, with the goal of routing trucks to avoid roads with residences and other sensitive land uses along them. Under this alternative, the development on the Project site and use of the development would be identical to the Project.

Under the proposed Project, trucks accessing the Project site from I-280 are anticipated to use 7th Street (approximately 4 miles, one-way, between the Project site and the I-280 ramps) between the hours of 6 A.M. and 8 P.M. Trucks accessing the Project site from SR 87 are anticipated to use Curtner Avenue, Monterey Road, Phelan Avenue, and 7th Street. All of these streets are identified in the General Plan as primary truck routes. However, residences exist along 7th Street north of the Project site between the site

and I-280 and along Curtner Avenue south of the Project site between the site and SR 87.

The alternate truck route alternative would require that Project trucks accessing the Project site from I-280 use McLaughlin Avenue, Story Road, Senter Road, East Alma Avenue, and 7th Street (approximately 10 miles, one-way, between the Project site and the I-280 ramps) to avoid residences as much as possible and still travel along Primary Truck routes as identified in the General Plan. Under this alternative, trucks accessing the Project site from SR 87 would still use the same routes as the Project because there is not a feasible route between the Project site and SR 87 that would avoid residences.[25] As the truck route from I-280 would be longer and the truck route from SR87 would remain the same distance, the truck VMT would increase for this alternative compared to the Project. While the City's VMT tool does not consider heavy-duty truck VMT as part of the VMT impact calculations, per LCI guidance, the emissions associated with the additional truck VMT are discussed below.

The Project does not result in noise and vibration impacts related to truck routes. This alternative would route trucks accessing the Project site from I-280 further from residences, but this would reduce an already less than significant impact related to operational noise and vibration. The Project's effects concerning air quality are related to emissions during construction, including motor vehicle exhaust. Because the building would be the same as the Project under this alternative, the emissions from construction would not be reduced under this alternative. However, the increase in truck VMT for this alternative would increase air quality emissions, resulting in an increased impact compared to the Project. As the Project's potentially significant impacts related to biological resources and cultural resources are related to the tree removal and ground disturbance required for development on the Project site, and these are mitigated to less than significant levels, the alternative truck route alternative would not reduce those impacts compared to the Project.

This alternative would not meet Project Objective 3. The longer truck route required by the alternative for trucks coming from I-280 would not meet the objective to reduce the distances traveled for goods delivery. As the alternative would still develop the Project site with the warehouse/industrial use building, the other Project Objectives would be met.

Since the alternative truck route alternative would not decrease any impacts compared to the Project, would increase impacts related to air quality compared to the Project, and would not achieve all Project Objectives, this alternative is not further considered by this EIR.

RECREATIONAL USE ALTERNATIVE

A comment received during the scoping period for this EIR requested that development of a recreational use on the Project site in place of the proposed Project be considered. This recreational use alternative considers the development of the Project site with a public park in response to these comments.

The Project's effects concerning air quality and noise are related to construction (e.g., demolition, site preparation, site grading, road paving, motor vehicle exhaust associated with construction equipment and worker trips, and the movement of construction equipment, especially on unpaved surfaces).

[25] An alternate route via Curtner Avenue, Almaden Expressway, East Alma Avenue, and 7th Street was considered, but would pass more residences than the Project truck route.

Development of the Project site as a park would require demolition of existing on-site buildings and associated improvements. This demolition would be similar to the demolition required for the proposed Project, air quality and noise impacts of the recreational use alternative as a result of demolition would likely be similar to the proposed Project. However, as less building development and paving would be required for park development, construction equipment emissions and the duration of substantial noise generation activities during construction of the recreational use alternative could be less than the proposed Project.

The Project's effects on biological resources are related to on-site building and tree removal. Similarly, the Project's potential to impact cultural resources is related to development on the Project site. Development of a park on site could preserve more on-site trees than the proposed Project and construction could occur over less of the Project site, though demolition would be similar for both the proposed Project and the recreational use alternative. As such, the recreational use alternative impacts on biological resources and cultural resources could be less than the proposed Project.

While the recreational use alternative could reduce the already less than significant air quality, noise, biological resource, and cultural resource impacts associated with the Project, a recreational use is not permitted on the Project site according to the existing zoning and land use designation, and would not meet Project Objectives. The Project site is designated by the General Plan as a Heavy Industrial (HI) land use and is zoned Heavy Industrial (HI). Neither the zoning nor the land use designation allow park or recreational uses.

Development of a public park would not meet Project Objectives. Development of a park would not redevelop an existing industrial site with another industrial use or provide a warehouse near employees or customers. At large, development of a park on the Project site would not introduce benefits to urban areas through revitalization and convenience for residents, employees, and customers within the City based on existing developments and infrastructure.

As development of a park on the Project site is not permitted by the General Plan land use designation or zoning of the site and would not achieve the objectives of the Project, this recreational use alternative is not further considered by this EIR.

8.4 Alternatives Considered

An analysis of Project alternatives that might reduce or avoid the already less than significant impacts of the Project are evaluated below. Anticipated impacts for each resource topic for each alternative are summarized in **Table 8.4-1: Summary of Project and Alternative Impacts**.

NO PROJECT ALTERNATIVE

The CEQA Guidelines [Section 15126(d)4] require that an EIR specifically discuss a "No Project" alternative, which shall address both the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the Project is not approved, based on current plans and consistent with available infrastructure and community services.

The No Project Alternative would maintain existing buildings. No development of the Project would occur. Should the existing vacant buildings on-site be reoccupied, their energy use and related emissions could be greater than that of a new building of a similar size with the same use considering the more stringent

energy efficiency regulations applicable to new buildings. If the Project site were to remain as is, there would be no new construction impacts but operational impacts related to energy could occur compared to the Project should the existing buildings be re-occupied.

Conclusion: Implementation of the No Project Alternative would avoid the already less than significant impacts to air quality, biological resources, cultural resources, and noise identified in this Draft EIR since no construction would be needed. However, the No Project Alternative could result in an increase in operational energy related impacts and would not meet any of the Project Objectives listed above.

REDUCED SIZE ALTERNATIVE

The Reduced Size Alternative was considered to lessen the Project construction period impacts to air quality and noise. The Reduced Size Alternative considers the development of a warehouse/industrial use building 30 percent smaller than the warehouse/industrial use building proposed to be developed by the Project, an approximately 62,000-square-foot building. The smaller building would require a construction timeline shorter than that of the Project and a construction intensity such that Project construction would not result in an impact related to NO_X emissions, construction noise, and tree removal. As such, the reduced building size on-site would shorten the construction timeline and could require fewer trees to be removed.

A reduction in grading, the amount of paving, and building size could shorten construction timelines and potentially reduce Project air quality and noise impacts related to construction. The reduction in square footage of warehouse development would also have reduced operational emissions related to employee trips. Thus, this alternative would decrease construction air quality and noise impacts as compared to the Project.

The Reduced Size Alternative may necessitate less tree removal than Project implementation as the development footprint on-site would be smaller. However, the potential to interfere substantially with the movement of native resident species or movement of a migratory wildlife species via building demolition and tree removal at the Project site is not unique to the size of the Project, but rather to the nature of development. Similarly, the reduced size alternative would lessen the area of the Project site where ground disturbance for building construction is required, potentially lessening impacts to any cultural resources on-site. However, ground disturbance on the Project site is still required and the potential to encounter cultural resources remains. Accordingly, a reduced size project would still have the potential to impact nesting and migratory birds and cultural resources as buildings would still be demolished. Construction would still generate noise near existing trees too. A reduced size development would not avoid or substantially lessen the potential impacts to biological or cultural resources associated with Project construction.

Reducing the warehouse/industrial use building size would limit the amount of storage space available for products. Reduced storage would require an increase in operational truck trips to bring products to the site more frequently. This increase in trips would increase the VMT and associated emissions for the Reduced Size Alternative. Transportation and operational air quality impacts would increase as compared to the Project.

Additionally, the Project delivery facility would need to be large enough to accommodate the business uses included as part of the Project and maximize underutilized land on the Project site to achieve the

Project Objectives. A reduction in the building footprint may not accommodate the physical needs for Project operations or fully utilize the land designated for industrial uses. As such, the Reduced Size Alternative would not meet the Project Objectives

Conclusion: The Reduced Size Alternative would not have the potential to avoid or further reduce the Project's potentially significant effects to biological and cultural resources. This alternative may decrease impacts related to construction-period air quality and noise due to the reduction in warehouse square footage. The alternative could increase transportation and air quality impacts compared to the Project. Further, this alternative would not meet Project Objective 7 to "Provide a warehouse and parking lot that is large enough to accommodate the needs of the last mile delivery supply chain in the greater San José area in a location that is convenient for employees and located near delivery customers" and Project Objective 2 to "Provide a productive industrial use of currently underutilized industrial land to help meet the unmet regional demand for goods delivery services consistent with Envision San José 2040 General Plan Policy LU-6.4."

MANUFACTURING USE ALTERNATIVE

The Project site has a land use designation of HI. Under the General Plan, this designation is intended for industrial users with nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or welfare are best segregated from other uses. Extractive and primary processing industries are typical of this designation. Office and research and development uses are discouraged under this designation in order to reserve development sites for traditional industrial activities, such as heavy and light manufacturing and warehousing. Thus, an alternative manufacturing use, as promoted by the General Plan, was considered for the Project site. This alternative would include the construction of a structure with a similar footprint of 106,752 square feet, but would involve the operation of a manufacturing facility. The Manufacturing Use Alternative would also include development of associated employee parking and loading areas for trucks to load and unload materials for manufacturing.

The Project's potentially significant impacts to air quality and noise are related to construction-period emissions and operations. The Manufacturing Use Alternative would comprise the same building footprint as the Project and include similar associated employee parking and material loading areas. As such, the length of construction and required type of construction equipment is anticipated to be similar to that of the Project. Therefore, construction-period emissions and noise would be similar to the Project. Manufacturing uses could include facilities that build or assemble equipment or products. Operations would require transport of materials to the Project site, assembly activities, and transport of finished products from the Project site. Operation period emissions for the Manufacturing Use Alternative could be greater than the Project should the manufacturing use generate more or longer employee trips or use more energy than the Project. Additionally, operation of the Manufacturing Use Alternative may contribute to increased odors in the Project area should the manufacturing use involve odiferous processes. Thus, the Manufacturing Use Alternative would not reduce the noise impact and would have the potential for an increased impact to air quality compared to the Project.

The Project's potentially significant impact to biological and cultural resources is related to the building footprint on the specific site. Since the Manufacturing Use Alternative would maintain the same structural footprint, impacts to biological and cultural resources would be the same as the Project.

Further, the Project site is located within one quarter-mile of the DCP Charter School. Manufacturing Use Alternative could be associated with hazardous characteristics as noted in the General Plan. As such, this alternative could increase impacts related to hazardous emissions or handling hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, which would result in an increased impact to hazards compared to the Project.

The Manufacturing Use Alternative would develop a manufacturing facility. Since a delivery facility is not being constructed, this alternative would not meet Project Objectives 2, 4, and 7, which aim to accommodate the specific need for a delivery facility within the Project area.

Conclusion: Implementation of the Manufacturing Use Alternative would not have the potential to avoid or further reduce the Project's potentially significant impacts to air quality, biological resources, noise, and cultural resources. Additionally, this alternative could result in greater impacts to hazards and hazardous materials due to intensive manufacturing processes. Further, this alternative would not meet Project Objective 2 to "Provide a productive industrial use of currently underutilized industrial land to help meet the unmet regional demand for goods delivery services consistent with Envision San José 2040 General Plan Policy LU-6.4." Project Objective 4 to "Reduce the vehicle miles traveled for goods delivery to the City of San José and surrounding communities" and Project Objective 7 to "Provide a warehouse and parking lot that is large enough to accommodate the needs of the last mile delivery supply chain in the greater San José area in a location that is convenient for employees and located near delivery customers."

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The CEQA Guidelines state that an EIR shall identify an environmentally superior alternative. The environmentally superior alternative is the No Project Alternative. However, CEQA Guidelines state that if the environmentally superior alternative is the No Project Alternative, then the EIR shall identify an environmentally superior alternative among the other alternatives. The environmentally superior alternative is the Reduced Size Alternative as it would reduce impacts to construction period air quality and noise due to the reduction in warehouse square footage. However, this alternative would not achieve Project Objective 7 to "Provide a warehouse and parking lot that is large enough to accommodate the needs of the last mile delivery supply chain in the greater San José area in a location that is convenient for employees and located near delivery customers." and Project Objective 2 to "Provide a productive industrial use of currently underutilized industrial land to help meet the unmet regional demand for goods delivery services consistent with Envision San José 2040 General Plan Policy LU-6.4." As discussed throughout this Draft EIR, the Project would not result in significant impacts and the Reduced Size Alternative would therefore not avoid significant impacts of the Project.

Table 8.4-1: Summary of Project and Alternative Impacts

Impact	Project Impact	Impact Relative to Project		
		No Project Alternative	Reduced Size Alternative	Manufacturing Use Alternative
Aesthetics	Less than Significant	Decrease	No Change	No Change
Agricultural Resources	No Impact	No Change	No Change	No Change
Air Quality	Less than Significant with Mitigation	Decrease	Increase	Increase
Biological Resources	Less than Significant with Mitigation	Decrease	No Change	No Change
Cultural Resources	Less than Significant with Mitigation	Decrease	No Change	No Change
Energy	Less than Significant	Increase	No Change	No Change
Geology and Soils	Less than Significant	Decrease	No Change	No Change
Greenhouse Gas Emissions	Less than Significant	Decrease	No Change	No Change
Hazardous Materials	Less than Significant	Decrease	No Change	Increase
Hydrology and Water Quality	Less than Significant	Decrease	No Change	No Change
Land Use and Planning	Less than Significant	No Change	No Change	No Change
Mineral Resources	No Impact	No Change	No Change	No Change
Noise and Vibration	Less than Significant	Decrease	Decrease	No Change
Population and Housing	Less than Significant	Decrease	No Change	No Change
Public Services	No Impact	No Change	No Change	No Change
Recreation	Less than Significant	No Change	No Change	No Change
Transportation	Less than Significant	Increase	Increase	Increase
Tribal Cultural Resources	Less than Significant with Mitigation	Decrease	No Change	No Change
Utilities and Service Systems	Less than Significant	Decrease	No Change	No Change
Wildfire	Less than Significant	Decrease	No Change	No Change

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