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DRAFT
2334 Lundy Place Project
Initial Study/Mitigated Negative Declaration
City of San José, Santa Clara County, California
H24-057 and ER24-245

Prepared for:

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

City of San José
Department of Planning, Building and Code Enforcement
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Report Date: September 11, 2025

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MITIGATED NEGATIVE DECLARATION

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

PROJECT NAME: 2334 Lundy Place Project

PROJECT FILE NUMBER: H24-057 and ER24-245

PROJECT DESCRIPTION: The proposed project development would include demolition of the existing building and construction of a new concrete industrial building with office space. The proposed building would be approximately 132,419 square feet, with approximately 122,419 square feet of overall industrial space, approximately 5,000 square feet of ancillary office space on the first floor, and approximately 5,000 square feet of ancillary office space on the second floor mezzanine. The proposed project would include 16 loading dock doors for trucks on the northern side of the building and one at-grade drive-in door. An 8-foot-high concrete sound wall would be constructed along the loading area to attenuate on-site noise from project operations. Access to the project site would be provided via two existing driveways: a 40-foot-wide driveway on the northwestern corner of the project site off Lundy Place and a 40-foot-wide driveway on the southeastern corner of the project site off Trade Zone Boulevard.

PROJECT LOCATION AND ASSESSORS PARCEL NO.: The project site is located at 2334 Lundy Place in the City of San José. The approximately 6.49-acre parcel (Assessor's Parcel Number [APN] 244-01-023) is near the northern border of the city limit, near the City of Milpitas.

COUNCIL DISTRICT: 4

APPLICANT CONTACT INFORMATION: Overton Moore Properties (attention: Jennifer Freedman); 19700 South Vermont Avenue, Suite 101, Torrance, CA 90502; JFreedman@omprop.com

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

ENVIRONMENTAL RESOURCE AREAS AND MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

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

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

C. AIR QUALITY – The project would not have a significant impact on this resource; therefore, no mitigation is required. The project shall implement standard permit conditions during all phases of construction to control dust and exhaust emissions.

D. BIOLOGICAL RESOURCES

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

MM BIO-1: Impacts to Nesting Birds.

- **Avoidance:** Tree removal, demolition, or any construction activity (whichever occurs first) shall be scheduled, to the extent feasible, to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31, inclusive.
- **Nesting Bird Surveys:** If tree removal, demolition, or any construction activity cannot be scheduled outside of nesting season, then a qualified ornithologist shall complete pre-construction surveys (February 1 through August 31, inclusive) to identify active nests that may be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of tree removal/demolition/construction activities (whichever occurs first). During this survey, the ornithologist shall inspect all trees and other suitable nesting habitats for active nests on-site and within a 250-foot buffer, where feasible, of the construction areas. If no active nests are located during the survey(s), then no further mitigation for that particular species shall be required. If construction ceases for two days or more and then resumes during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may have relocated and/or present on-site. Construction shall not resume until the surveys are complete and submitted to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee.
- **Buffer Zones:** If an active nest is found within 250 feet of work areas to be disturbed by tree removal/demolition/construction activities (whichever occurs first), the Qualified Ornithologist shall determine an appropriate avoidance buffer on a case-by-case basis, depending on the nesting species present, to define the extent of a construction free buffer zone to be established around the nest within which no work activity would be permitted, to ensure that raptor or migratory bird nests shall not be disturbed during project construction activities. In no case shall the buffer be smaller than 50 feet for non-raptor bird species or smaller than 200 feet for raptor species. Larger buffers may be required depending on the status of the nest and the construction activities occurring near the nest. The buffer area(s) shall be closed to all construction personnel and equipment until juveniles have fledged and until the nest is inactive. The Qualified Ornithologist shall confirm that breeding/nesting is completed and young have fledged the nest

prior to removal of the buffer.

- **Reporting:** The project applicant shall submit the Ornithologist's report indicating the results of the relevant survey(s) and any designated buffer zone(s) to the satisfaction of the Director of PBCE or the Director's designee, prior to issuance of the relevant tree removal, demolition, or grading permits, whichever occurs first.

Additionally, the project would be required to implement standard permit conditions to reduce impacts related to conflict with the provisions of the Santa Clara Valley Habitat Plan (Habitat Plan) and tree replacement.

E. CULTURAL RESOURCES

Impact CUL-1: Construction activities associated with the proposed project could result in potential impacts to significant cultural resources because of potential inadvertent discovery of cultural resources during ground disturbance.

MM CUL-1: Prior to initiation of construction activities involving ground disturbance (e.g., grading, trenching, excavation), all construction personnel conducting ground disturbance at the project site shall be provided Worker Environmental Awareness Program (WEAP) cultural resources "tailgate" training. The training shall include visual aids, a discussion of applicable laws and regulations relating to cultural resources and TCRs, types of resources that may be found within the project site, and procedures to be followed in the event any such resources are encountered. The training shall be conducted by an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology in collaboration with a Native American representative from a tribe that is traditionally and culturally affiliated with the geographic area and listed with the Native American Heritage Commission, in accordance with Public Resources Code Section 21080.3.1(b). Documentation of Cultural Awareness Training shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee. Cultural Awareness Training shall include provision for post-discovery training in the event resources are discovered.

Additionally, the project would be required to implement standard permit conditions to reduce impacts related to inadvertent discovery of subsurface cultural resources and human remains.

F. ENERGY – The project would not have a significant impact on this resource; therefore, no mitigation is required. The project would be required to comply with the City's standard permit conditions, which include proof of enrollment in San Jose Clean Energy.

G. GEOLOGY AND SOILS – The project would not have a significant impact on this resource; therefore, no mitigation is required. A Geotechnical Report shall be submitted to ensure the proposed development is designed to address seismic hazards. Standard Permit Conditions shall be implemented to ensure that construction of the proposed project does not result in substantial erosion or soil loss. The project shall implement standard permit conditions to reduce and avoid impacts to unidentified paleontological resources.

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

I. HAZARDS AND HAZARDOUS MATERIALS.

Impact HAZ-1: Development of the proposed project could result in an impact to future site occupants and visitors from exposure to elevated concentrations of perchloroethylene (PCE) in soil vapor.

MM HAZ-1: Prior to issuance of any building permits, the project applicant shall have either:

1) Received written documentation (i.e., non-case information or equivalent documentation (non-case information)) from either the Regional Water Quality Control Board, Department of Toxic Substances Control, or Santa Clara County Department of Environmental Health (Regulatory Agency) that there are no requirements relative to the PCE found in the soil gas on the project site exceeding commercial and industrial environmental screening levels (ESLs). The non-case information shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building and Code Enforcement and the Environmental Compliance Officer in the City Environmental Services Department; or
2) Filed an application to obtain Regulatory Agency oversight to review the levels of PCE found in the soil gas on the project site exceeding commercial and industrial ESLs to determine what further actions are required. If any such actions are required, prior to the issuance of a building permit for vertical construction, the project applicant shall have designed a vapor intrusion mitigation system (VIMS) by a qualified environmental consultant for installation in the proposed building to protect future site occupants and visitors, to the extent required by the Regulatory Agency.

J. HYDROLOGY AND WATER QUALITY – The project would not have a significant impact on this resource; therefore, no mitigation is required. Standard Permit Conditions have been included in the project to reduce potential construction-related water quality impacts.

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

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

M. NOISE

Impact NOI-1: Construction of the proposed project would result in noise generating activities above the City's noise construction threshold by exceeding 12 months and occurring within 500 feet of residential uses.

MM NOI-1: **Construction Noise Logistics Plan**. A construction noise logistics plan shall be prepared 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. The construction noise logistics plan will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring commercial uses. Project construction operations shall incorporate the City's Standard Permit Conditions, which include the following:

- Pile Driving is prohibited.
- Construction hours shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Any variance from these hours, such as the approval to work on Saturdays, must be approved by the City prior to issuance of building permits.
- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise generating equipment when located near adjoining sensitive land uses.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

In addition to MM NOI-1, the project would be required to comply with the City's standard permit conditions, which include measures to avoid or reduce short-term noise impacts associated with construction of the project.

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

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

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

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

R. TRIBAL CULTURAL RESOURCES

Impact TCR-1: Construction activities associated with the proposed project could result in potential impacts to significant tribal cultural resources because of potential inadvertent

discovery of tribal cultural resources during ground disturbance.

MM CUL-1: Prior to initiation of construction activities involving ground disturbance (e.g., grading, trenching, excavation), all construction personnel conducting ground disturbance at the project site shall be provided Worker Environmental Awareness Program (WEAP) cultural resources "tailgate" training. The training shall include visual aids, a discussion of applicable laws and regulations relating to cultural resources and TCRs, types of resources that may be found within the project site, and procedures to be followed in the event any such resources are encountered. The training shall be conducted by an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology in collaboration with a Native American representative from a tribe that is traditionally and culturally affiliated with the geographic area and listed with the Native American Heritage Commission, in accordance with Public Resources Code Section 21080.3.1(b). Documentation of Cultural Awareness Training shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee. Cultural Awareness Training shall include provision for post-discovery training in the event resources are discovered.

Additionally, the project would be required to implement standard permit conditions to reduce impacts related to inadvertent discovery of subsurface tribal cultural resources.

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

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

U. MANDATORY FINDINGS OF SIGNIFICANCE.

Cumulative impacts would be less than significant. The project would comply with existing regulations and City standard conditions of approval. The proposed project would implement the identified mitigation measures and would either have no impacts or less than significant impacts on riparian habitat or other sensitive natural communities, migration of species, applicable biological resources protection ordinances, cultural resources (including tribal cultural resources), and hazards and hazardous materials. Therefore, the proposed project would not contribute to any cumulative impact for these resources. The project would not cause changes in the environment that have any potential to cause substantial adverse direct or indirect effects on human beings.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on October 1, 2025 any person may:

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

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

September 11, 2025

Date

Deputy

CHRISTOPHER BURTON, Director
Planning, Building and Code Enforcement

Charlotte Yuen
Environmental Project Manager

Circulation period: September 11, 2025, to October 1, 2025

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Acronyms

µg/m^3	micrograms per cubic meter
AAQS	Ambient Air Quality Standards
AASHTO	American Association of State Highway Transportation Officials
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACC	Advanced Clean Air
ACM	asbestos-containing material
ADT	Average Daily Traffic AFY acre-feet per year
AIA	Airport Influence Area
Air Basin	San Francisco Bay Air Basin
ALUC	Airport Land Use Commission
ALUCP	Airport Land Use Compatibility Plan
APN	Assessor's Parcel Number
AQP	Air Quality Plan
ARB	California Air Resources Board
ATCM	Air Toxic Control Measures
BACT	Best Available Control Technology
BART	Bay Area Rapid Transit
BASMAA	Bay Area Stormwater Management Agencies Association
BAU	Business As Usual
Bay Area Air District	Bay Area Air Quality Management District
BERD	Built Environment Resource Directory
bgs	below ground surface
BIOS	Biogeographic Information and Observation System
BMP	Best Management Practice
C&D	Construction and Demolition
CAAQS	California Ambient Air Quality Standards
CAFE	Corporate Average Fuel Economy
CAL FIRE	California Department of Forestry and Fire Protection
CalEEMod	California Emissions Estimator Model
CalGEM	California Geologic Energy Management Division
CALGreen	California Green Building Standards Code
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CAPCOA	California Air Pollution Control Officers Association
CBC	California Building Standards Code
CCR	California Code of Regulations

CCS	Carbon Capture and Storage
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CESA	California Endangered Species Act
CGS	California Geologic Survey
CH_4	methane
CHL	California Historic Landmarks
CI	compression-ignition
CMP	Congestion Management Plan
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNP Inventory	CNPS Inventory of Rare Plants
CNPS	California Native Plant Society
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalent
CPHI	California Points of Historical Interest
CREC	Controlled Recognized Environmental Condition
CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dB	decibel
dBA	A-weighted decibel
DICE	Diesel Internal Combustion Engine
DNL	Day-Night Level
DOE	Department of Energy
DPM	diesel particulate matter
DTSC	California Department of Toxic Substances Control
EIA	Energy Information Administration
EIR	Environmental Impact Report
EMFAC	Emissions Factors mobile source emissions model
EMS	Emergency Medical Services
EOP	Emergency Operation Plan
EPA	United States Environmental Protection Agency
ESA	Environmental Site Assessment
EV	electric vehicle
FAR	floor area ratio

FCS	FirstCarbon Solutions
FEMA	Federal Emergency Management Agency
FGC	Fish and Game Code
FHSZ	Fire Hazard Severity Zone FIRM Flood Insurance Rate Map
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Administration
GHG	greenhouse gas
GHGRS	Greenhouse Gas Reduction Strategy
GIS	Geographic Information System
GPD	gallons per day
GWP	global warming potential
HARP2	Hotspots Analysis and Reporting Program
HFC	hydrofluorocarbon
HI	Hazard Index
HMUPA	Hazardous Materials Unified Program Agency HRA Health Risk Assessment
HREC	Historical Recognized Environmental Condition
HVAC	heating, ventilation, and air conditioning
I&M	Inspection and Maintenance
in/sec	inches per second
IP	Industrial Park
IPCC	Intergovernmental Panel on Climate Change
IS	Initial Study
IS/MND	Initial Study/Mitigated Negative Declaration
ITE	Institute of Transportation Engineers
kBTU	kilo-British Thermal Unit
kW	kilowatts
kWh	kilowatt hour
LBP	lead-based paint
lbs	pounds
LCFS	Low Carbon Fuel Standard
LCI	California Governor's Office of Land Use and Climate Innovation
L_{dn}	day/night sound level
LEED®	Leadership in Energy and Environmental Design
L_{eq}	equivalent continuous noise level
$L_{eq(h)}$	hourly average noise level
LEV	Low Emission Vehicle
LI	Light Industrial
LID	Low Impact Development
L_{max}	maximum sound level

LOS	Level of Service
LRA	Local Responsibility Area
LSI	large spark ignition
LTA	Local Transportation Analysis
LUST	Leaking Underground Storage Tank
MBTA	Migratory Bird Treaty Act
MEIR	Maximally Exposed Individual Receptor
MEIW	Maximally Exposed Individual Worker
mgd	million gallons per day
MLD	Most Likely Descendant
MM	Mitigation Measure
mph	miles per hour
MRP	Municipal Regional Stormwater NPDES Permit
MS4	Municipal Separate Storm Sewer System
MT CO_2e	metric tons of carbon dioxide equivalent
MTC	Metropolitan Transportation Commission
MWELO	Model Water Efficient Landscape Ordinance
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NCEI	National Centers for Environmental Information
NEPA	National Environmental Policy Act
NFA	No Further Action
NFIP	National Flood Insurance Program
NO_2	nitrogen dioxide
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
NO_X	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NPL	National Priorities List
NRHP	National Register of Historic Places
NWI	National Wetlands Inventory
NWIC	Northwest Information Center
OEF	other environmental features
OEHHA	California Office of Environmental Health Hazard Assessment
OHWM	ordinary high water mark
OSHA	Occupational Safety and Health Administration
Pb	lead
PBCE	Planning, Building and Code Enforcement

PCB	polychlorinated biphenyl
PCE	perchloroethylene
PDO	Park Dedication Ordinance
PFC	perfluorocarbon
PG&E	Pacific Gas and Electric Company
PIO	Park Impact Ordinance
PM	particulate matter
PM_{10}	particulate matter, including dust, 10 micrometers or less in diameter
$PM_{2.5}$	particulate matter, including dust, 2.5 micrometers or less in diameter
ppm	parts per million
PPV	peak particle velocity
PQP	Public/Quasi-Public District
PRC	Public Resources Code
PRNS	Parks, Recreation and Neighborhood Services Department
RCP	Representative Concentration Pathways
RCRA	Resource Conservation and Recovery Act
REC	Recognized Environmental Condition
REL	Reference Exposure Level
RHNA	Regional Housing Needs Allocation
rms	root mean square
ROG	reactive organic gases
RPS	Renewables Portfolio Standard
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCAQMD	South Coast Air Quality Management District
SCCDEH	Santa Clara County Department of Environmental Health
SCS	Sustainable Communities Strategy
SCVHP	Santa Clara Valley Habitat Plan
SDWA	Safe Drinking Water Act
SF_6	sulfur hexafluoride
SFBAAB	San Francisco Bay Area Air Basin
SJCE	San José Clean Electric
SJFD	San José Fire Department
SJPD	San José Police Department
SLF	Sacred Lands File
SMARA	Surface Mining and Reclamation Act
SMP	Site Management Plan
SO_2	sulfur dioxide
SORE	Small Off-Road Engine

SO_X	sulfur oxides
SPC	Standard Permit Condition
SPCC	Spill Prevention, Control, and Countermeasure
SR	State Route
SSMP	Sewer System Management Plan
State Water Board	California State Water Resources Control Board
SVP	Society of Vertebrate Paleontology
SWPPP	Storm Water Pollution Prevention Plan
TA	Transportation Analysis
TAC	toxic air contaminant
TCR	Tribal Cultural Resource
TDM	Transportation Demand Management
TEC	Transit Employment Center
TRU	Transport Refrigeration Unit
UFC	Uniform Fire Code
USACE	United States Army Corps of Engineers
USDOT	United States Department of Transportation
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	underground storage tank
UWMP	Urban Water Management Plan
VdB	vibration in decibels
VHFHSZ	Very High Fire Hazard Severity Zone
VIMS	Vapor Intrusion Mitigation System
VMT	Vehicle Miles Traveled
VOC	volatile organic compound
VTA	Santa Clara Valley Transportation Authority
WEAP	Worker Environmental Awareness Program
WSA	Water Supply Assessment
WUI	Wildland Urban Interface
ZEV	Zero-Emission Vehicle

SECTION 1: INTRODUCTION

1.1 - PURPOSE

In accordance with the California Environmental Quality Act (CEQA) of 1970, as amended (California Public Resources Code [PRC], §§ 21000–21177), and pursuant to the CEQA Guidelines (Title 14, California Code of Regulations [CCR], Chapter 3, § 15063), the City of San José (City), as the Lead Agency pursuant to CEQA Guidelines Section 15367, is responsible for determining whether the proposed 2334 Lundy Place Project (proposed project) may result in significant environmental impacts. The Draft Initial Study/Mitigated Negative Declaration (IS/MND) prepared under CEQA serves as an informational resource to support the City's evaluation and decision-making for subsequent discretionary actions related to the proposed project.

The project applicant proposes to demolish the existing building on the project site in order to construct a new industrial building and related improvements. The proposed building would be approximately 132,419 square feet, with approximately 122,419 square feet of industrial space; approximately 5,000 square feet of first floor ancillary office space; and approximately 5,000 square feet of second floor ancillary mezzanine office space.

1.2 - PUBLIC REVIEW PERIOD

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

Charlotte Yuen, Planner
City of San José
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, Third Floor Tower
San José, CA 95113
Email: charlotte.yuen@sanjoseca.gov

1.3 - CONSIDERATION OF THE INITIAL STUDY

This IS/MND was prepared to evaluate the potential environmental impacts that may result from the proposed project. Following the conclusion of the public review period, the City will consider the adoption of the IS/MND at a regularly scheduled meeting. The City shall consider the IS/MND together with any comments received during the public review process. Upon adoption of the IS/MND, the City may proceed with project approval actions.

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SECTION 2: PROJECT INFORMATION

2.1 - PROJECT TITLE AND FILE NUMBER

2334 Lundy Place Project
City File No. H24-057 and ER24-254

2.2 - LEAD AGENCY CONTACT

Charlotte Yuen, City Planner
City of San José
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, Third Floor Tower
San José, CA 95113
Phone: 408.535.5658
Email: charlotte.yuen@sanjoseca.gov

2.3 - PROJECT LOCATION

The approximately 6.49-acre project site is located at 2334 Lundy Place, approximately 0.65 mile west of Interstate 680 (I-680) in San José. See Figure 1: Regional Location Map and Figure 2: Local Vicinity Map.

2.4 - PROPERTY OWNER/PROJECT APPLICANT

Jennifer Freedman
2334 Lundy Place LLC.
19700 South Vermont Avenue, Suite 101
Torrance, CA 90502
jfreedman@omnprop.com

2.5 - ASSESSOR'S PARCEL NUMBER

244-01-023

2.6 - GENERAL PLAN DESIGNATION AND ZONING DISTRICT

General Plan Designation: Transit Employment Center (TEC)
Zoning District: Light Industrial (LI)

2.7 - HABITAT PLAN DESIGNATION

The project site is within the Santa Clara Valley Habitat Plan (SCVHP) coverage area and is mapped with the following land cover types, fee zones, and survey areas:

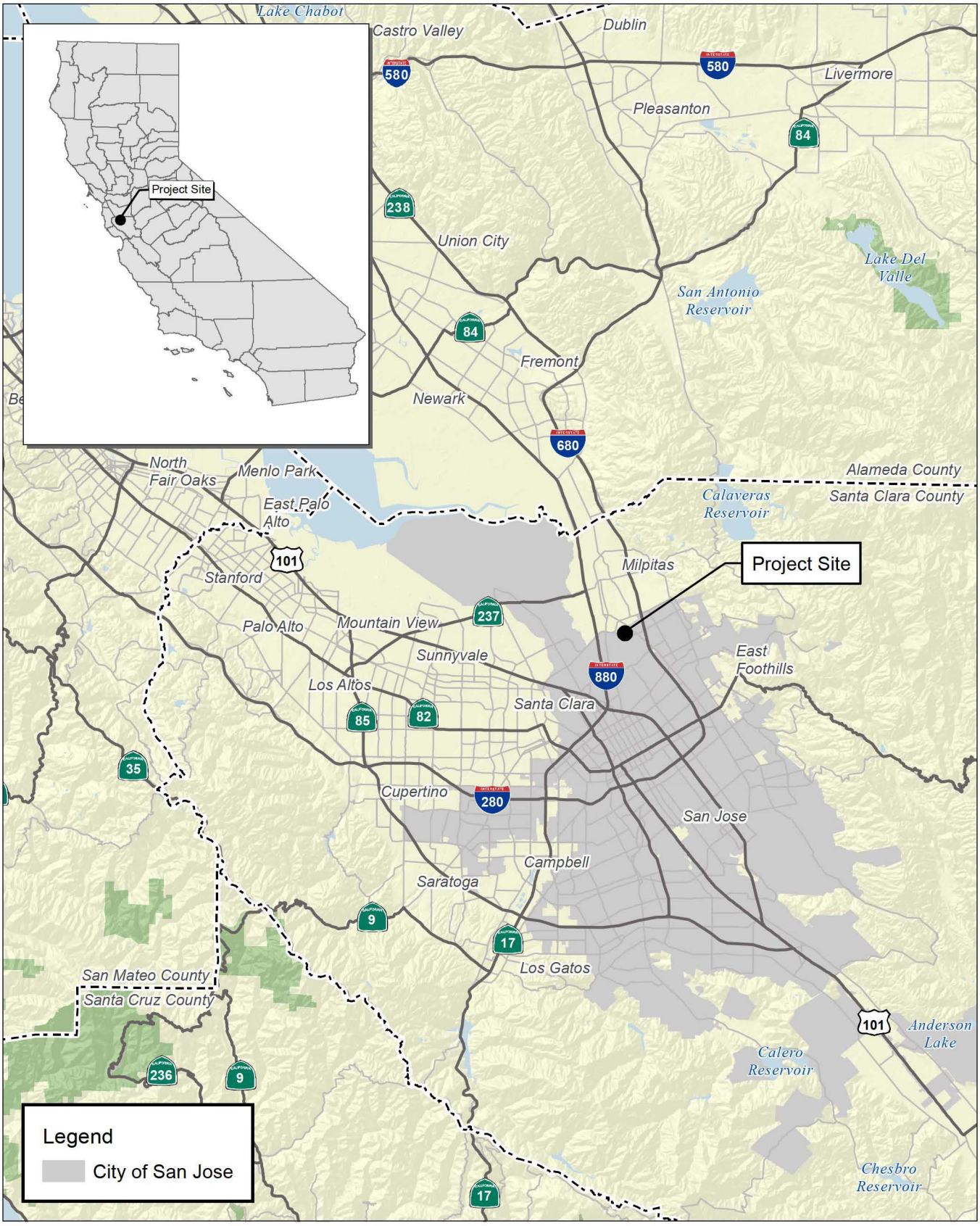
- Land Cover Designation Types: Urban Areas
- Land Cover Fee Zone: Urban Areas (No Land Cover Fee)
- Owl Conservation Zone: N/A–Urban Areas

- Survey Areas: N/A

2.8 - PROJECT-RELATED APPROVALS AND PERMITS FROM CITY[1]

- Site Development Permit
- Tree Removal Permit
- Grading Permit
- Public Street Improvement Permit
- Building and Occupancy Permits
- All other Public Works Clearances

[1] Other public agencies may have permitting authority over aspect(s) of the proposed project that fall within their respective jurisdiction.



Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

Figure 1
Regional Location Map

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Source: ESRI World Imagery. Kier & Wright Civil Engineers and Surveyors, Inc., 02/2025.

2,000 1,000 0 2,000
Feet

Figure 2
Local Vicinity Map

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SECTION 3: PROJECT DESCRIPTION

3.1 - EXISTING PROJECT SITE

3.1.1 - Project Location

The approximately 6.49-acre project site is located at 2334 Lundy Place (Assessor's Parcel Number [APN] 244-01-023) in the City of San José (see Figure 1 and Figure 2). The project site is located near the northern border of the city limit. The City of Milpitas is located northwest of the project site, directly across Lundy Place. The project site is located on the *San José, California* United States Geological Survey (USGS) 7.5-minute Topographic Quadrangle, Township 2 North, Range 6 East (Latitude 37° 24' 14" North; Longitude 121° 53' 22" West).

3.1.2 - Project Site Vicinity

The project site is located in an urban area with a mix of surrounding uses including commercial, office, industrial, and residential uses. The project site is bounded by Trade Zone Boulevard to the south, the Bay Area Rapid Transit (BART) railway corridor to the east, and Lundy Place to the west. There are existing commercial and industrial developments to the north and multi-family residences to the northwest beyond Lundy Place within the City of Milpitas. Similar commercial and industrial developments continue south of Trade Zone Boulevard.

Interstate 680 runs in a north–south orientation and is approximately 0.65 mile east of the project site. Interstate 880, which also runs in a north–south orientation, is approximately 1.10 miles to the west of the project site. The nearest transit stop is the Trade Zone and Lundy bus stop, located 370 feet east of the project site. Additionally, the Milpitas BART station is located 1 mile north of the project site.

3.1.3 - Existing Conditions

The project site is developed with an approximately 130,752-square-foot office/research and development building. The existing building is approximately 40 feet tall. Figure 3 provides photos of the existing project site. The building was developed in 1982 and used as a data center. The building contains server rooms, control rooms, electrical rooms, and office space. Currently, the building is vacant and operations have ceased since 2021.

Access to the project site is provided by two existing driveways, one on Trade Zone Boulevard and one driveway from Lundy Place. Surface parking is provided along the project site boundaries and within a designated parking lot on the northwestern portion of the project site. The project site has existing landscaping along the perimeter of the site and within landscape medians of surface parking areas. There are approximately 155 trees on the project site, with Evergreen ash representing approximately 54 percent of all species. The project site also contains site-lighting fixtures.

The project site is mostly flat, with a gradual slope to the northwest, with primarily impervious surfaces. The project site maintains connections to existing wet and dry utilities within Lundy Place and Trade Zone Boulevard. The project site is surrounded by lands zoned Industrial Park (IP) to the

north, east, south, and southwest. The area to the west is zoned LI and a portion of the land to the south is zoned TEC. Lands zoned by the City of Milpitas as Multi-family Residential are located to the northwest.

3.2 - ENVISION SAN JOSÉ 2040 GENERAL PLAN AND ZONING DESIGNATION

The Envision San José 2040 General Plan (General Plan) designates the project site as TEC (see Figure 4). [3] This designation is applied to areas planned for intensive job growth because of their importance as employment districts to the City and high degree of access to transit and other facilities and services. Allowable uses in this designation include research and development, manufacturing, assembly, testing, and offices, as well as limited residential uses in some areas. This designation permits development with retail and service commercial uses on the first two floors; office, research and development, or industrial use on upper floors; as well as wholly office, research and development, or industrial projects. Development in the TEC designation is to reflect a transit-oriented land use pattern. The TEC designation allows a maximum floor area ratio (FAR) of 12.0. The TEC land use designation also applies to surrounding properties to the east, south, southwest, and west. Lands designated Mixed Use Neighborhood border the project site to the southeast. Additionally, the project site and surrounding area are within the Lundy/Milpitas BART Employment Planned Growth Area.[4]

The City's zoning classifies the project site as LI (see Figure 5). Allowable uses in this zoning district include warehouses, light manufacturing, wholesaling, and construction yards.

[3] City of San José. 2018. Envision San José General Plan 2040. Website: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/citywide-planning/envision-san-jos-2040-general-plan. Accessed February 21, 2025.

[4] City of San José. 2011. Envision San José 2040 General Plan Land Use Map. Website: https://csj.maps.arcgis.com/apps/instant/lookup/index.html?appid=ef685f767b484eb6bcfc70f8fb651ef6. Accessed February 14, 2025.



Photograph 1: View of the western extent of the project site, along Lundy Way



Photograph 2: View of the southern extent of the project site, along Trade Zone Boulevard



Photograph 3: View of surface parking on the eastern portion of the project site



Photograph 4: View from the northwest of the northern extent of the project site (restricted access)

Figure 3
Existing Site Photographs

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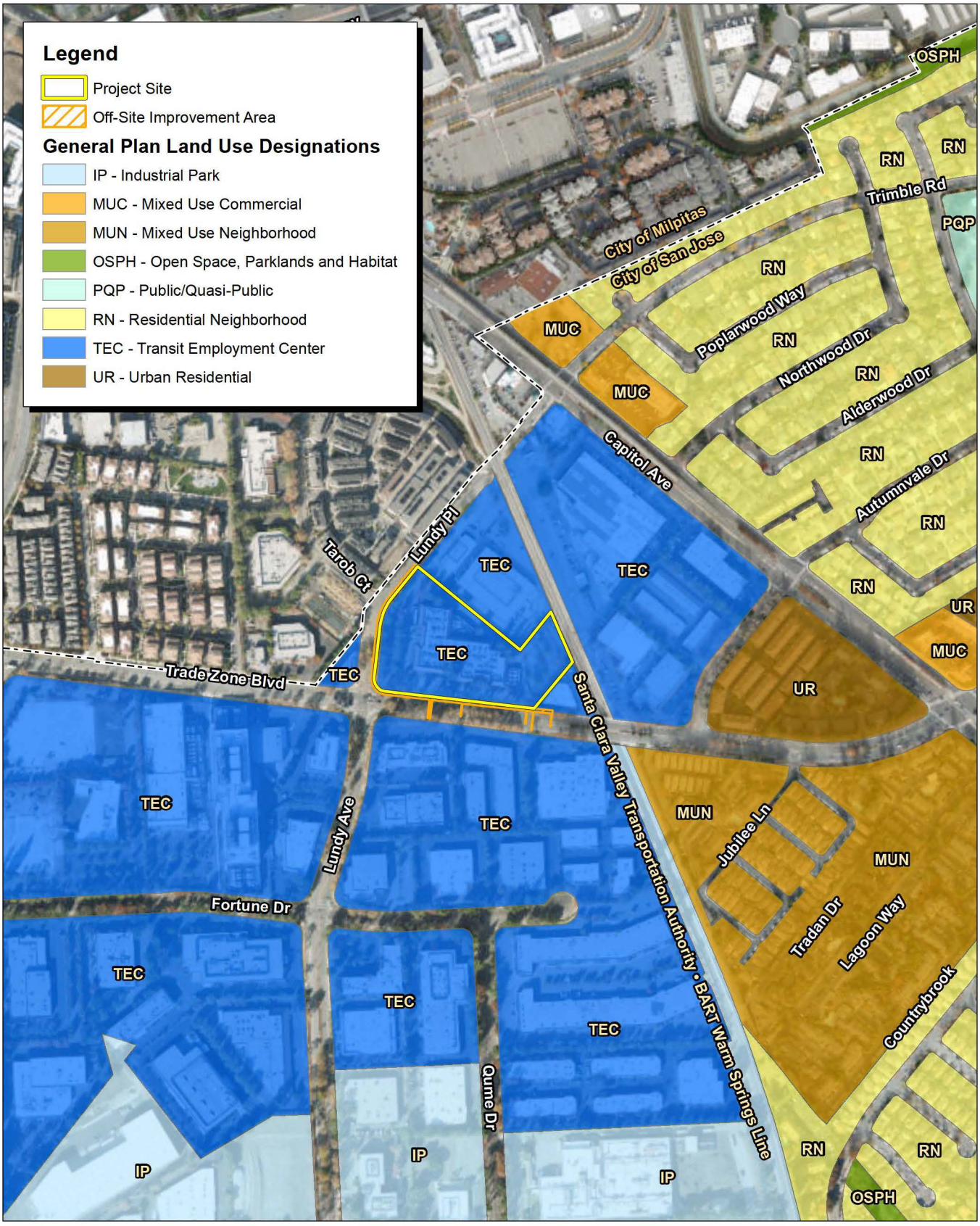

Source: ESRI World Imagery. Kier & Wright Civil Engineers and Surveyors, Inc., 02/2025. City of San Jose GIS Open Data.

Figure 4
General Plan Land Use Designation Map

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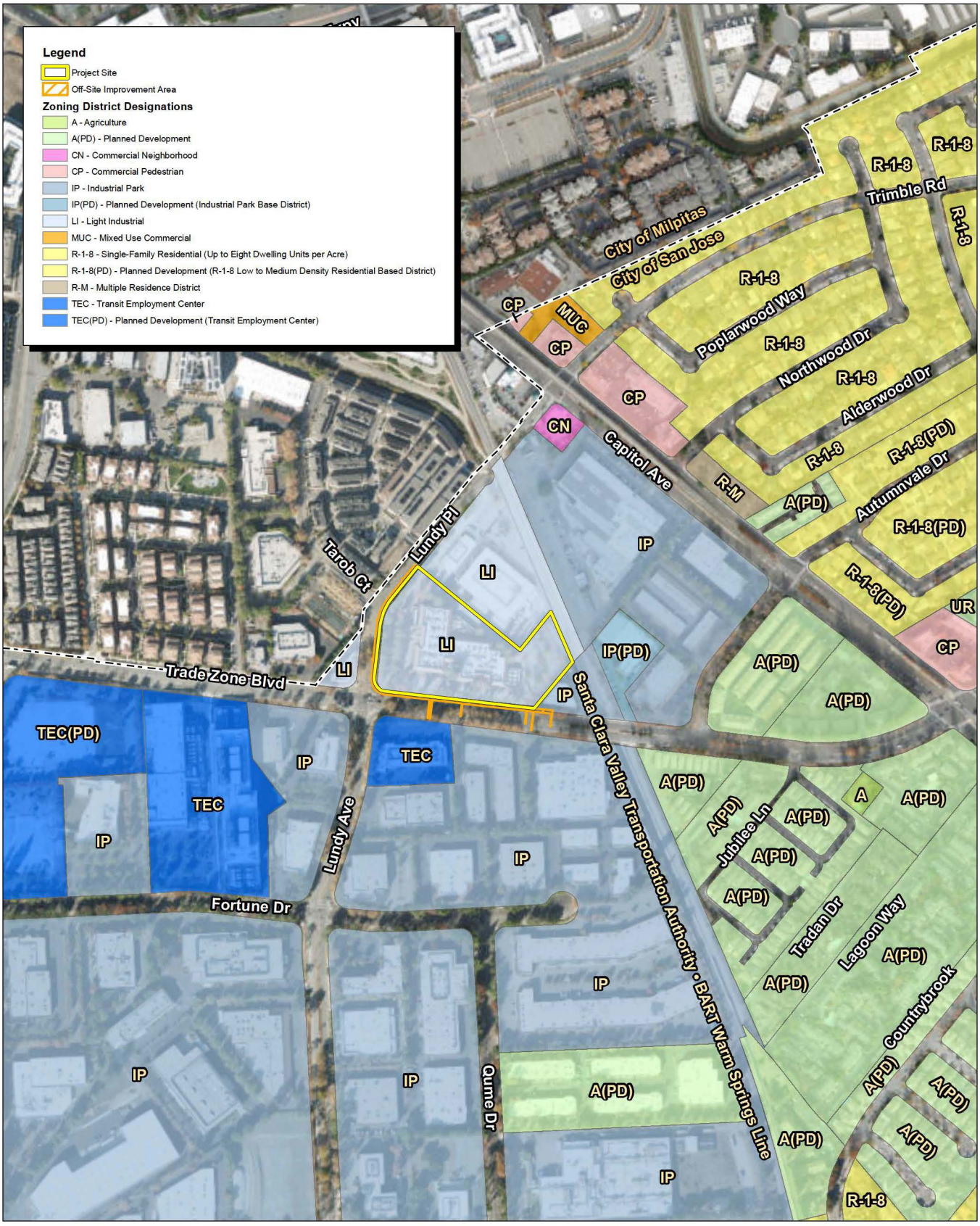

Source: ESRI World Imagery. Kier & Wright Civil Engineers and Surveyors, Inc., 02/2025. City of San Jose GIS Open Data.

600 300 0 600 Feet

Figure 5
Zoning District Map

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3.3 - PROJECT DESCRIPTION

The proposed project development would include demolition of the existing building and construction of a new concrete industrial building with office space. The proposed building would be approximately 132,419 square feet, with approximately 122,419 square feet of overall industrial space, approximately 5,000 square feet of ancillary office space on the first floor, and approximately 5,000 square feet of ancillary office space on the second floor mezzanine. The overall site plan is provided as Figure 6. The proposed building footprint would cover approximately 45 percent of the project site and the maximum height of the proposed project would be 41 feet to the top of the parapet.

The proposed project would include 16 loading dock doors for trucks on the northern side of the building and one at-grade drive-in door. An 8-foot-high concrete sound wall would be constructed along the loading area to attenuate on-site noise from project operations.

The proposed building would be constructed primarily out of concrete tilt-up panels and would include glass windows and skylights; see Figure 7 for architectural elevations. The proposed building would include a minimum of one percent skylights to provide natural light in the interior area. In addition, the proposed project would incorporate design features, such as framed windows, to break down the scale of the concrete tilt-up panels.

3.3.1 - Access, Circulation, and Parking

Access to the project site would be provided via two existing driveways: a 40-foot-wide driveway on the northwestern corner of the project site off Lundy Place and a 40-foot-wide driveway on the southeastern corner of the project site off Trade Zone Boulevard. The Lundy Place driveway would be solely for use by trucks entering and exiting the project site and would include an 8-foot-high swing gate to restrict other vehicular access to the loading dock area located on the northern side of the building. The Trade Zone Boulevard driveway would provide access to surface parking areas on the eastern side of the industrial building and on the northeastern portion of the project site. Access to the loading area would similarly be restricted by an 8-foot-high swing gate. Drive aisles would be 40 feet wide.

Emergency vehicle access would be provided by both proposed project driveways, and a fire access lane (aerial apparatus road) would extend through the project site, connecting both driveways. The fire access lane would be required to meet the applicable City of San José Fire Department requirements and would have a minimum width of 26 feet. Swing gates restricting access to loading docks would include Knox Boxes, pursuant to Fire Department standards.

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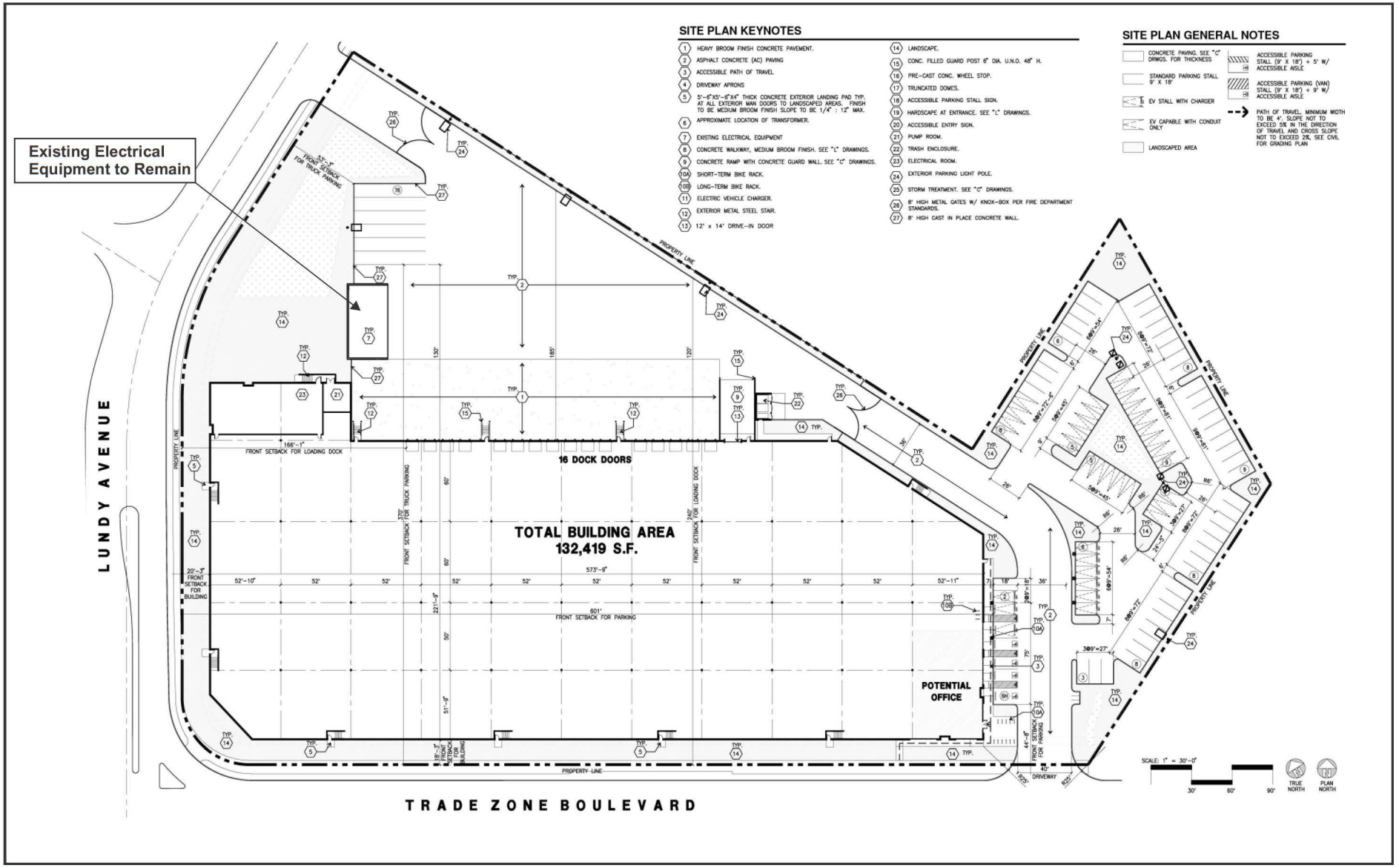

Source: HPA Architecture, June 3, 2025.

Figure 6
Overall Site Plan

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Source: HPA Architecture, June 3, 2025.

Figure 7
Architectural Elevations

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The proposed project would include 86 automobile parking stalls, including 6 Americans with Disabilities Act accessible stalls, 7 electric vehicle (EV) charging stalls, and 26 EV capable stalls. Additionally, six 53-foot trailer parking stalls and five motorcycle parking stalls would be provided. All vehicular parking is situated at the northeast/east portion of the site.

The proposed project would include 28 bicycle parking spaces, including 6 long-term spaces inside the building and 22 short-term spaces at the building entrance, accessible from Trade Zone Boulevard. For access to the proposed building, bicycle and pedestrian improvements would be provided via sidewalks located immediately west of the Trade Zone Boulevard driveway.

The proposed project includes removal of existing frontage sidewalks, where present, and construction of new sidewalks along the entire frontage: 5 feet wide along Lundy Place and 10 feet wide along Trade Zone Boulevard. A 4.5-foot landscape buffer would separate sidewalks from the roadway.

As shown in Figure 6, Overall Site Plan, the proposed project would also provide Americans with Disabilities Act (ADA) compliant pedestrian walkways connecting each building entrance to the new sidewalk along Trade Zone Boulevard. Sidewalks are currently absent along the west side of Lundy Avenue, south of Trade Zone Boulevard, where a southbound bus stop is located.

3.3.2 - Transportation Demand Management

The proposed project would incorporate the following parking attributes and Transportation Demand Management (TDM) measures:

- Provide Pedestrian Network Improvement
- Provide Alternative Transportation Benefit
- Provide Ride-Share Program

3.3.3 - Sustainability Features

As stated in 3.3.1–Access, Circulation, and Parking, the proposed project would include 7 EV charging stalls and 26 EV capable stalls that include necessary electrical infrastructure for future installation of EV charging stations, as defined by the Green Building Standards Code (CALGreen). Additional sustainability measure includes a solar “ready” roof to accommodate future solar arrays on the roof as desired by tenant.

3.3.4 - Off-Site Improvements

The pork-chop islands on the northeast and northwest corners of the Lundy Place/Trade Zone Boulevard intersection would be removed along with signal modification work. The applicant would provide a monetary contribution of $144 per linear foot in lieu fee of to construct the Class IV 7-foot protected bike lanes along the project site frontages on Trade Zone Boulevard per the City of San José Better Bike Plan 2025. Alternatively, the proposed project would construct the Class IV

protected bike lane along the project site frontage as part of the required Lundy Place/Trade Zone Boulevard intersection improvements.[7]

3.3.5 - Landscaping

There are approximately 155 trees within the project site boundaries and 8 additional off-site street trees along the roadway and sidewalk of the project site. Proposed project implementation would require the removal of approximately 152 trees, including 82 Ordinance-size and 8 street trees. Two existing trees would remain on-site. Trees proposed for removal would be replaced in accordance with tree replacement ratios required by the City.

As shown in Figure 8, the proposed project would include the installation of approximately 52,216 square feet of landscaping throughout the project site. The landscaping plan includes planting approximately 197, 24-inch box trees (equivalent to 394 15-gallon box trees) and 21 street trees, resulting in approximately 218 total proposed trees. Pursuant to applicable provisions in the City's Municipal Code, the approximately 45 remaining trees required to be mitigated would be covered by "in lieu fees." Proposed tree species would include Chinese pistache, bay laurel, crepe myrtle, and incense and deodar cedars. Additional landscaping throughout the project site would include grasses, shrubs, and ground cover. The proposed landscape plan would include low water use or drought-tolerant species

3.3.6 - Utilities

Water

Water service would be provided by San José Water Company. The proposed project would include construction of a new 8-inch domestic water line that would connect to an existing 12-inch water line located in Trade Zone Boulevard. The proposed project would include connections to existing water facilities within Lundy Place and Trade Zone Boulevard. Refer to Figure 9 for the proposed Utility Plan.

Wastewater

The City is responsible for managing wastewater. Construction of a new 6-inch sanitary sewer line is proposed to connect to the existing sewer line on Trade Zone Boulevard. The proposed project would include connections to existing wastewater facilities within Lundy Place and Trade Zone Boulevard.

Stormwater

Stormwater runoff from the project site is captured by an existing storm drain system in the area that is owned and operated by the City. The proposed project would include connections to existing stormwater drainage facilities within Lundy Place and Trade Zone Boulevard. Specifically, the proposed project would include the installation of new 12-inch storm drain lines within the project site, connecting to an existing 15-inch storm drain line within Trade Zone Boulevard. On-site stormwater management features would include nine drainage management areas and approximately 7,747 square feet of bioretention areas, in the northwest, southern, and southeastern

[7] Ibid.

portion of the project site, in accordance with proposed landscape plan. Off-site stormwater management features include two additional drainage management areas: a bioretention area along Trade Zone Boulevard and an untreated area on Lundy Place. Refer to Figure 10 for the proposed Stormwater Control Plan.

Electricity

Electricity at the project site would be provided by Pacific Gas & Electric Company (PG&E), which is available at the project site. There is an existing electrical equipment enclosure on the northwest exterior of the existing building that would be retained. The proposed project would also include electrical service lines along Trade Zone Boulevard. The proposed project would also include underground telecommunications service lines along the southern edge of the project site along the project site's frontage with Trade Zone Boulevard. The proposed project would not involve the use of natural gas. The proposed project would include a solar panel array on the rooftop to generate renewable energy on-site.

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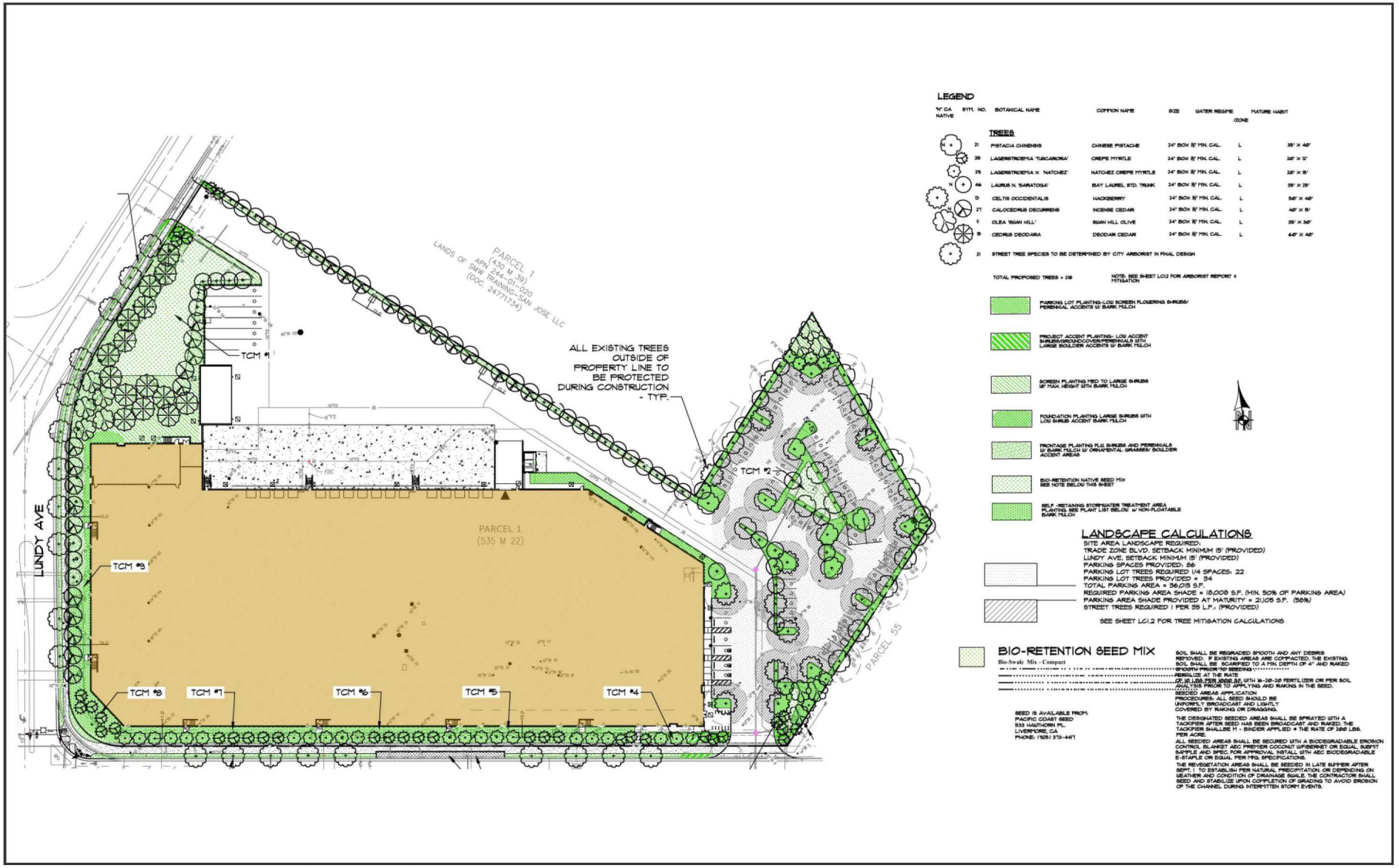

Source: HPA Architecture. Green Design Landscape Architects, Inc. June 3, 2025

Figure 8
Proposed Landscape Plan

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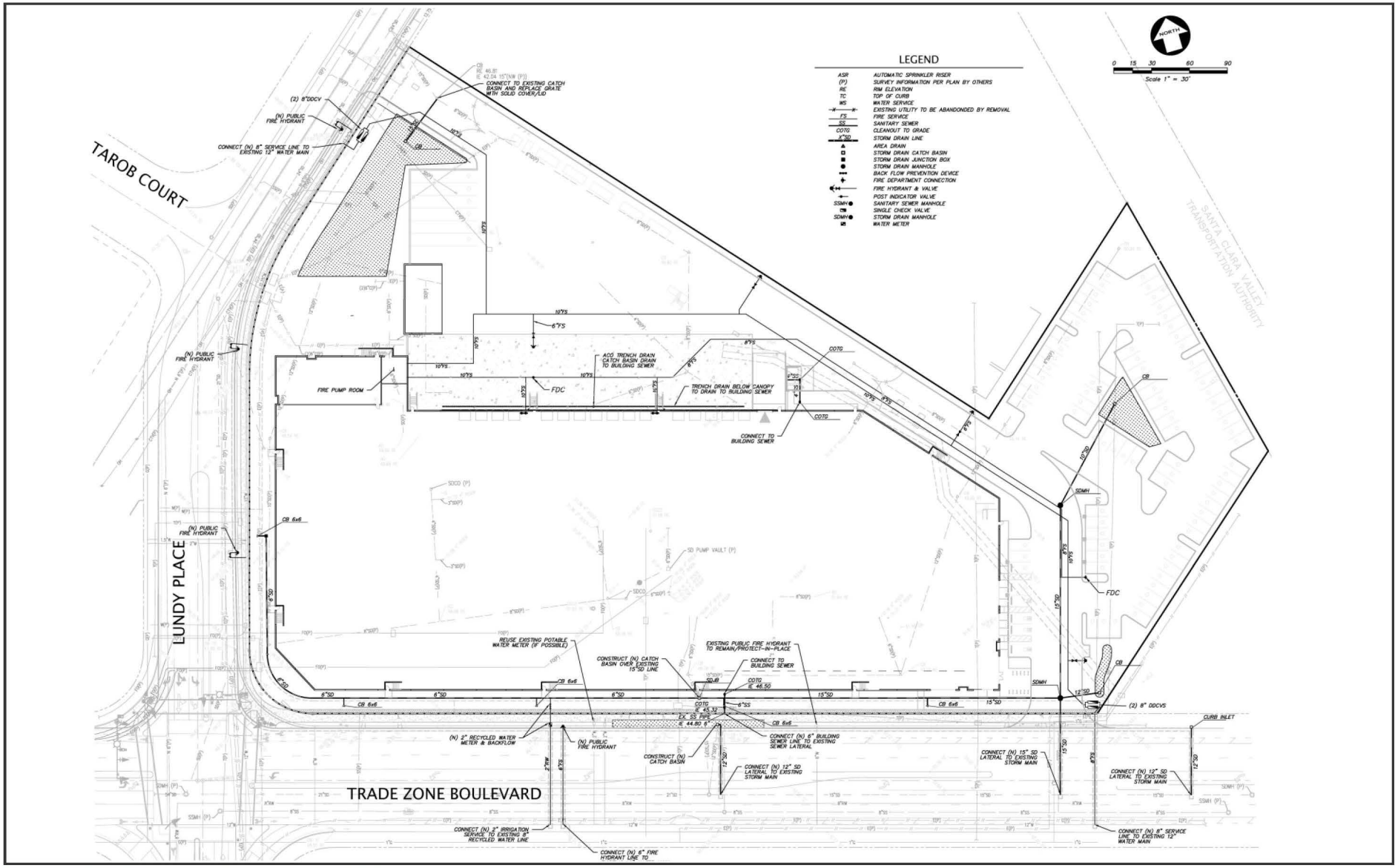

Source: Kier & Wright Civil Engineers and Surveyors, Inc., July 15, 2025.

Figure 9
Proposed Utility Plan

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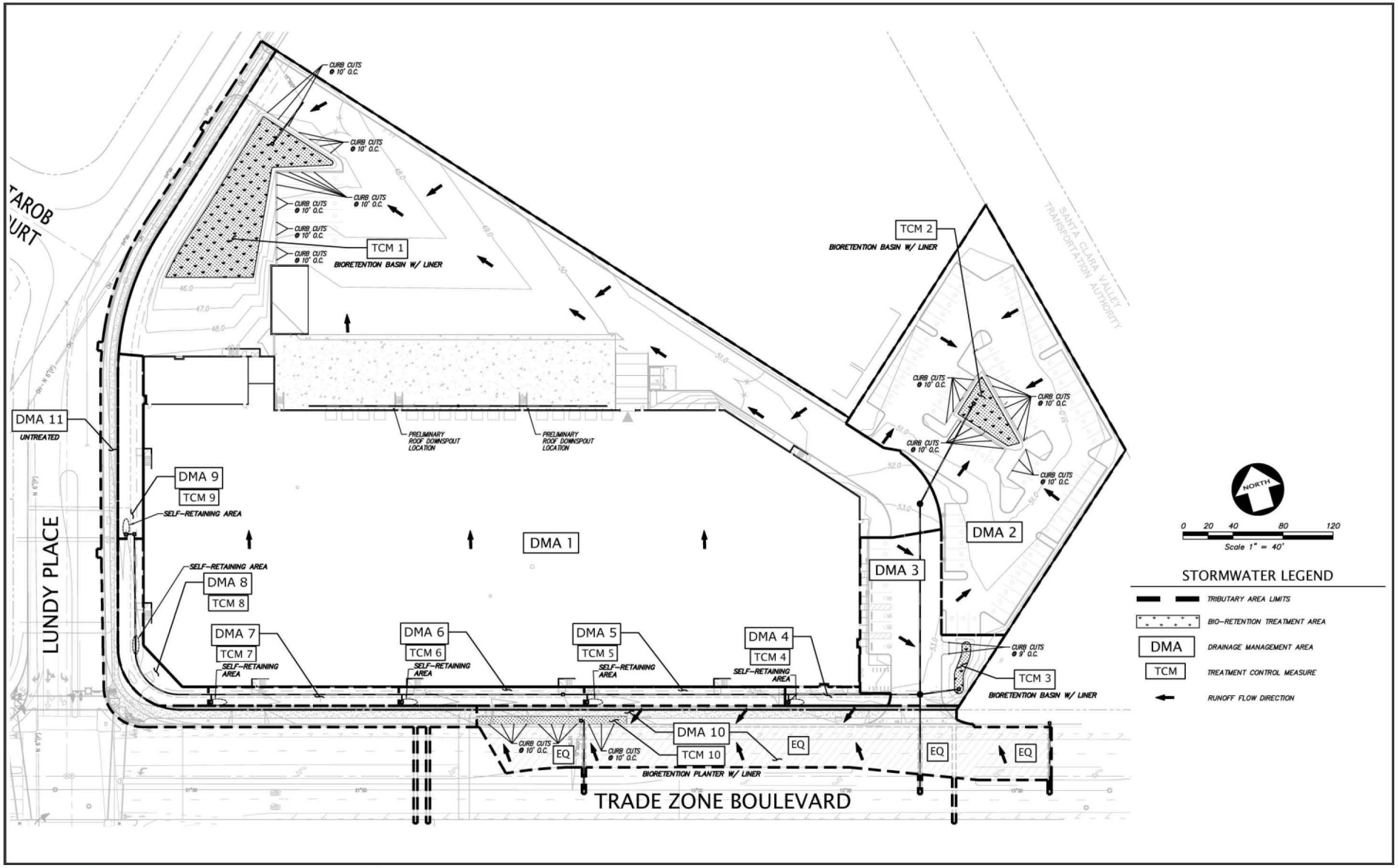

Source: Kier & Wright Civil Engineers and Surveyors, Inc., July 15, 2025.

Figure 10
Proposed Stormwater Control Plan

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3.3.7 - Operations

While no end users have been identified, the proposed building would be programmed and designed to attract users with high electricity needs. As a former data center site, the proposed project can provide up to 21kVa of power. The proposed project would be suitable for advanced manufacturing use and could also support logistics and warehouse/distribution. For purposes of most conservative analysis, it is assumed that the end use would be a warehouse/distribution center. The proposed project would include late night use, and hours of operation are anticipated to be 24 hours per day, 7 days per week. The proposed project is estimated to result in up to 113 employees.

Outdoor activity at the project site would typically involve the arrival and departure of trucks and employees. Loading operations would involve trucks pulling up and parking at the loading dock roll-up doors. Unloading and re-loading of materials and product would occur inside the building. All storage would occur inside the building space; no materials or products would be stored outdoors. Operations would include dry storage only, with no option for the conversion to cold storage in the future.

3.3.8 - Construction

Construction of the proposed project is anticipated to start in June 2026 and be completed by July 2027, approximately 13 months. Construction activities are expected to take place Monday through Friday between the hours of 7:00 a.m. and 7:00 p.m. and potentially on Saturdays from 7:00 a.m. to 7:00 p.m. depending on approval by the City prior to issuance of building permits. Construction would occur in five phases, beginning with demolition, site preparation, grading, construction, paving and finishing with architectural coating. The construction staging area would be located entirely on-site, within the proposed truck parking area. Construction workers would park on-site at the southern project site boundary. Approximately 3,000 cubic yards of existing asphalt and concrete would be reused on the project site as baserock, and an additional 6,700 cubic yards of soil material would be imported.

Table 1: Estimated Construction Schedule

Phase Name	Phase Type	Approximate Start Date	Approximate End Date	Days Per Week	Workdays per Phase
Demolition	**Demolition**	6/1/2026	6/23/2026	6	20
Site Preparation	**Site Preparation**	6/24/2026	7/4/2026	6	10
Grading	**Grading**	7/6/2026	7/28/2026	6	20
Building Construction	**Building Construction**	7/29/2026	4/22/2027	6	230
Paving	**Paving**	4/23/2027	5/15/2027	6	20
Architectural Coating	**Architectural Coating**	5/17/2027	6/8/2027	6	20

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SECTION 4: SETTING, ENVIRONMENTAL CHECKLIST, AND IMPACT ANALYSIS

This section describes the existing environmental conditions in and near the project area and analyzes environmental impacts associated with the proposed project. The environmental checklist, as recommended in the CEQA Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The sources utilized to answer each threshold question are identified in the footnotes of their respective section. Mitigation measures are identified for all potentially significant project impacts. "Mitigation Measures" are measures that minimize, avoid, or eliminate a significant impact (CEQA Guidelines § 15370).

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

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

Therefore, although not required by CEQA, this chapter will also discuss "planning considerations" that relate to City policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances. This additional discussion is provided for informational purposes only.

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4.1 - AESTHETICS

4.1.1 - Environmental Setting

Chapter 4 of the General Plan, Quality of Life, defines scenic vistas in the City of San José as views of and from the Santa Clara Valley, surrounding hillsides, and urban skyline. Scenic corridors that afford aesthetic views have been designated to help preserve thoroughfares that provide vistas of City's scenic resources. Additionally, the General Plan identifies gateways, urban corridors, and rural scenic corridors as important scenic resources. Gateways announce to a visitor or resident that they are entering the City or a unique neighborhood. Urban Corridors designated in the General Plan are all State and Interstate Highways within the City's municipal boundaries and/or Sphere of Influence. Together, Gateways and Urban Corridors contribute greatly to the overall image of the City and the image of its individual communities. Views may be generally described as panoramic views of a large geographic area for which the field of view can be wide and extend into the distance. Associated vantage points provide an orientation from publicly accessible locations. Examples of distinctive views include urban skylines, valleys, mountain ranges, or large bodies of water.

The project site is currently occupied by a former data center approximately 40 feet high. The building has an associated parking lot, loading area, and intermittent trees dispersed in and around the parking areas, and ornamental landscaping. As shown in Figure 6, Overall Site Plan, there is an existing electrical equipment enclosure on the northwest exterior of the existing building that would be retained. The project site is mostly flat, with a gradual slope to the northwest.

Existing sources of light and glare include streetlights, lighting on the interiors and exteriors of existing and surrounding buildings, as well as vehicle headlights and traffic signals.

Applicable Plans, Policies, and Regulations

State

California Scenic Highway Program

The State Legislature created the California Scenic Highway Program, maintained by the California Department of Transportation (Caltrans), in 1963. The purpose of the State Scenic Highway Program is to protect and enhance the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. The California Scenic Highway Program is intended to preserve and protect scenic highway corridors from change that would diminish aesthetic value of highway lands. A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, scenic quality of the landscape, and the extent to which development intrudes upon travelers' enjoyment of the view. The State laws governing the Scenic Highway Program are found in the Streets and Highways Code, Sections 260 through 263. A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. The State Scenic Highway System includes a list of highways that are either eligible for designation as scenic highways or have been officially designated. The status of a proposed State Scenic Highway changes from eligible to officially designated when the local governing body applies to Caltrans for Scenic Highway approval, adopts a Corridor Protection Program, and receives notification that the highway has been officially designated a Scenic Highway.

Title 24 of the California Code of Regulations Building Energy Efficiency Standards

California Building Standards Code (CCR Title 24)—including Title 24, Part 6—includes Section 132 of the Building Energy Efficiency Standards, which regulates lighting characteristics, such as maximum power and brightness, shielding, and sensor controls to turn lighting on and off. Different lighting standards are set by classifying areas by lighting zone. The classification is based on population figures of the 2010 Census. Areas can be designated as LZ1 (dark), LZ2 (rural), or LZ3 (urban). Lighting requirements for dark and rural areas are stricter, to protect the areas from the introduction of new sources of light pollution and light trespass.

Local

City of San José Outdoor Lighting Policy (City Council Policy 4-3)

City Council Policy 4-3, last revised in June 2000, promotes energy-efficient outdoor lighting on private development that provides adequate light for nighttime activities while minimizing off-site impacts and reducing light pollution and sky glow. Requirements include, but are not limited to:

- No light source shall be directed skyward;
- All light sources that produce more than 4,050 lumens shall be fully shielded (full cutoff) to prevent light aimed skyward; and
- All outdoor lighting fixtures, including display lighting, shall be turned off within one hour of the close of business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following policies are specific to aesthetic resources and are relevant to this analysis.

Envision San José 2040 General Plan Relevant Aesthetic Policies

Policies	Description
Policy CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.7	Require developers to provide pedestrian amenities, such as trees, lighting, recycling and refuse containers, seating, awnings, art, or other amenities, in pedestrian areas along project frontages. When funding is available, install pedestrian amenities in public rights-of-ways.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City.
Policy CD-1.11	To create a more pleasing pedestrian-oriented environment, for new building frontages, include design elements with a human scale, varied and articulated façades using a variety of materials, and entries oriented to public sidewalks or pedestrian pathways.

Envision San José 2040 General Plan Relevant Aesthetic Policies

Policies	Description
	Provide windows or entries along sidewalks and pathways; avoid blank walls that do not enhance the pedestrian experience.
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-1.13	Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.
Policy CD-1.17	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
Policy CD-1.18	Encourage the placement of loading docks and other utility uses within parking structures or at other locations that minimize their visibility and reduce their potential to detract from pedestrian activity.
Policy CD-1.19	Encourage the location of new and relocation of existing utility structures into underground vaults or within structures to minimize their visibility and reduce their potential to detract from pedestrian activity. When aboveground or outside placement is necessary, screen utilities with art or landscaping.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-1.24	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.

4.1.2 - Environmental Checklist and Impact Discussion

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?	☐	☐	☐	☒
3. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Impact Discussion

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

Less than significant impact. The City's General Plan defines scenic vistas in the City of San José as views of and from the Santa Clara Valley, surrounding hillsides, and urban skyline. The proposed project site is relatively flat and would be located on the Santa Clara Valley floor. Due to the flat nature of the project site and the urban development within the project area, the identified scenic vistas are not visible from the project site.

The proposed project involves the redevelopment of an urban infill location that is currently developed with vacant light industrial uses. The proposed building would be a maximum height of approximately 41 feet, similar to the existing building height of approximately 40 feet. Because of the intervening development surrounding the project site, and absence of scenic views under the existing conditions, the proposed project would not obstruct any public views of the distant scenic vistas. Therefore, no impacts would occur.

2) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway?

No impact. The nearest route eligible for the State Scenic Highway Program is a segment of I-680, located approximately 4 miles north of the project site.[9] The nearest officially State-designated Scenic Highway is a portion of I-680 approximately 10 miles north of the project site. Therefore, the

[9] California Department of Transportation (Caltrans). 2025. California State Scenic Highway System Map. Website: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa. Accessed February 19, 2025.

proposed project would not damage scenic resources, such as rock outcroppings or historic buildings within a State Scenic Highway, and no impact would occur.

3) In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less than significant impact. The project site is located in an urbanized area. As such, this discussion focuses on the proposed project's consistency with applicable zoning and other regulations governing scenic quality. The proposed project involves the redevelopment of an urban infill site that is currently developed with a vacant two-story light industrial building and related improvements. The General Plan and Zoning Ordinance define the permitted land uses and the corresponding development standards within the City. The project site is zoned as LI. The City of San José Municipal Code Title 20 (Zoning Code) Chapter 20.50, Part 3, Section 200, includes other development standards for the LI zoning district to assist in ensuring scenic quality such as minimum lot area, minimum setbacks, and minimum street frontage (see Table 20-120 of the Zoning Code). Pursuant to the Zoning Code, the maximum height for the LI zoning district is 50 feet. The proposed building would have a maximum height of approximately 41 feet (to the top of the parapet) and would not exceed the maximum allowed building height. This height would also be consistent and thus compatible with adjacent existing industrial and commercial uses. The project site currently has a General Plan Land Use Designation of TEC, which allows for the development of up to 25 stories, a FAR of up to 12.0, and industrial uses. The proposed project would develop a two-story industrial building. The proposed project FAR would be approximately 0.47, which does not exceed the maximum allowable FAR. As such, the proposed project would also be consistent with the General Plan's allowable intensity and land use pattern of the project vicinity related to scenic quality.

Additionally, the Citywide Design Standards and Guidelines outline minimum design standards to be applied to various developments and land uses. These design standards for industrial uses include screening parking from adjacent development, minimizing utility visibility, articulating building façade, facilitating pedestrian access, and placing driveways on the side or rear of a site. The proposed project would be consistent with these design standards by planting of trees along the entire project site boundaries to screen parking and utilities, articulating the building façade with windows, providing accessible pedestrian walkways within the project site and improving existing sidewalks along Trade Zone Boulevard, and placing driveways on the side and rear portion of the project site. Moreover, adherence to local lighting requirements as well as standards and measures under the City's Tree Protection provisions would further ensure that the proposed project would not conflict with regulations protecting scenic quality. The City would confirm consistency with all aforementioned requirements as part of the development review process.[11] Thus, implementation of the proposed project in conformance with existing policies, regulations, and adopted plans would not result in a substantial degradation of the visual character of the area and would not conflict with regulations governing scenic quality. Impacts would be less than significant.

[11] City of San José. 2025. Municipal Code. Website: https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT20ZO_CH20.100ADPE_PT3PECO_20.100.450HOCOWI500FEREUN. Accessed February 20, 2025.

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

Less than significant impact. The project site is currently developed with urban uses. Existing on-site sources of light and glare include streetlights and lighting on the interiors and exteriors of existing, as well as vehicle headlights and traffic signals. Existing off-site sources of light and glare also include infrequent vehicle headlights and traffic signals from vehicles entering and exiting the project site.

Construction-related impacts would include a certain amount of light and glare from construction equipment and machinery and nighttime security lighting. Light and glare during the construction phase would be temporary and cease upon development of the proposed project.

The proposed project would include a new industrial building and related improvements. From an operational standpoint, the proposed project would have a significant impact if substantial light or glare would adversely affect nighttime or daytime views, respectively, in the area. Sources of daytime glare include direct beam sunlight and reflections from windows, architectural coatings, glass, and other reflective surfaces. Nighttime illumination and associated glare are generally divided into two sources: stationary and mobile. Stationary sources include structure lighting and decorative landscaping, lighted signs, solar panels, and streetlights. Mobile sources are primarily headlights from motor vehicles. The proposed project would be required to conform to all applicable lighting standards including City Council Policy 4-3 "Outdoor Lighting on Private Developments," pertaining to how lights are directed and shielded and the hours they should be used. In addition, the proposed project would comply with Zoning Code Section 20.40.530, which states that light fixture heights should not exceed 8 feet in height when adjacent to residential uses unless the setback of the fixture from property line is twice the height of the fixture. The applicant does not propose use of materials known to cause glare, such as mirrored/reflective glass; instead, the building exteriors would be painted with a non-reflective coating and limited use of blue glazing on windows along the east elevation. Additionally, the proposed loading dock area would be sited and designed to minimize light spillover onto residential properties to the northwest, including landscaping to help shield residential areas from sources of light and glare. Considering existing light sources already exist both on-site and off-site, the proposed project would not substantially increase the amount of light and glare compared to existing conditions and impacts would be less than significant.

4.1.3 - Conclusion

Impacts related to aesthetics, light, and glare would be less than significant.

4.2 - AGRICULTURAL AND FORESTRY RESOURCES

This section describes the existing agricultural and forestry resource setting and the potential impacts from project implementation on the project site and its surrounding area. Descriptions and analyses in this section are based, in part, on information contained in the General Plan and California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) maps.

4.2.1 - Environmental Setting

Based on a review of historical sources, the project site was developed for agricultural use (orchards) from approximately 1939 until 1980. In the 1980s, the project site was redeveloped with commercial/industrial uses. The project site is located on a developed parcel currently occupied by a former data center comprised of numerous server rooms, control rooms, electrical rooms, office space, and a loading area. The project site is mostly flat, with a gradual slope to the northwest. The project site is identified as urban and built-up land on the State of California Important Farmland Map. Urban and built-up land is defined as land occupied by structures with a building density of at least one unit to a 1.5-acre parcel. Common examples of urban and built-up land are residential, institutional, industrial, commercial, landfill, golf course, airport, and other utility uses. There is no designated farmland on or adjacent to the project site, which is located in an urban area. There is no forest land located on or adjacent to the project site, and the project site is not subject to a Williamson Act Contract.

Applicable Plans, Policies, and Regulations

California Land Conservation Act (Williamson Act)

The Williamson Act, classified in 1965 as the California Land Conservation Act, allows local governments to enter into contracts with private landowners, offering tax incentives in exchange for an agreement that the land will remain undeveloped or related open space use only for a period of 10 years.

California Department of Conservation Classification: Farmland Mapping and Monitoring Program

The California Natural Resources Agency's FMMP provides maps and data to decision-makers to assist them in making informed decisions regarding the planning of the present and future use of California's agricultural land resources. In the FMMP, land ratings are based on a land capability classification system, and land use.

California Public Resources Code: Forest Land and Timberland

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

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

board on a district basis. As mapped by the United States Department of Agriculture Forest Service, there are no National Forest lands within the City's municipal boundaries.

4.2.2 - Environmental Checklist and Impact Discussion

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

Impact Discussion

FCS evaluated potential impacts on agricultural resources through review of FMMP and Williamson Act maps, site plans, and applicable plans and policies.

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

No impact. The project site is designated as Urban and Built-Up Land on the Santa Clara County Important Farmland Map and is not considered Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. For this reason, the proposed project would not convert considered Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural use. No impact would occur.

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

No impact. The project site is zoned LI, where advanced manufacturing, warehouse and distributional and other light industrial uses are permitted. The Envision San José 2040 General Plan classifies the project site as a TEC, and the project site is not subject to a Williamson Act Contract, as indicted by the Santa Clara GIS Property Assessment interactive mapping tool.[13] Therefore, the proposed project would not conflict with agricultural zoning or with a Williamson Act Contract. No impact would occur.

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

No impact. The project site is zoned LI, which is a non-forest zoning designation. It is not zoned as forest land, timberland, or timberland zoned Timberland Production. Therefore, the proposed project would not conflict with existing zoning or cause rezoning of forest land, timberland, or timberland zoned Timberland Production. No impact would occur.

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

No impact. The project site does not contain, nor is it adjacent to, forest land. Therefore, it would not result in a loss of forest land or a conversion of forest land to non-forest uses. No impact would occur.

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

No impact. The project site is not located within an area zoned for agriculture or forestry-related uses. There is no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance in the City. Furthermore, the project site is not forested. For these reasons, the proposed project would not result in the conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use. No impact would occur.

4.2.3 - Conclusion

There would be no impacts to agricultural or forestry resources.

[13] County of Santa Clara. 2025. Williamson Act Properties. Website: https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce. Accessed January 31, 2025.

4.3 - AIR QUALITY

The following analysis evaluates whether the estimated criteria air pollutant, ozone precursor, and/or toxic air contaminant (TAC) emissions generated from construction and/or operation of the proposed project would cause significant impacts to air resources on the project site and vicinity. The respective analyses were conducted in accordance with the requirement of California Public Resources Code Section 21000, *et seq*., and CEQA Guidelines (CCR Title 14, Div. 6, Ch. 3) (collectively, "CEQA"). The analysis methodology follows the Bay Area Air District's (Bay Area Air District) recommendations for the evaluation of potential impacts to air quality and Appendix G of the CEQA Guidelines.

4.3.1 - Environmental Setting

The proposed project is located in the City of San José and within the jurisdiction of the Bay Area Air District, which regulates air quality in the San Francisco Bay Area Air Basin (SFBAAB). Ambient Air Quality Standards (AAQS) for ozone, carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), particulate matter less than 2.5 microns in diameter ($PM_{2.5}$) and particulate matter less than 10 microns in diameter (PM_{10}), and lead (Pb) have been established by both the California Environmental Protection Agency and the United States Environmental Protection Agency (EPA).[14] The State has also set standards for sulfate concentrations and atmospheric visibility.

The EPA and the California Air Resources Board (ARB) designate air basins, or specific areas within an air basin, as "nonattainment" where AAQS (both State and federal) are exceeded. If standards are met, the area is designated as "attainment." If there is inadequate or inconclusive data to make a definitive attainment designation, they are considered "unclassified." National nonattainment areas are further designated as marginal, moderate, serious, severe, or extreme as a function of deviation from standards.

The SFBAAB is classified as a nonattainment area for the State ozone and particulate matter (both PM_{10}, and $PM_{2.5}$) standards and as nonattainment for federal ozone 8-hour and $PM_{2.5}$ 24-hour.[15] This indicates that the Bay Area Air District has not achieved compliance with these State and federal standards for these pollutants in the Air Basin. The air monitoring station nearest to the proposed project site is located at 158 E. Jackson Street, in San Jose. This monitoring station gathers data on a variety of pollutants including ozone and PM.[16]

Applicable Plans, Policies, and Regulations

The following section describes federal, State, regional, and local laws, regulations and policies that are relevant to air quality, and this analysis.

[14] The United States Environmental Protection Agency (EPA) has established National Ambient Air Quality Standards (NAAQS) for six of the most common air pollutants—carbon monoxide, lead, ground level ozone, particulate matter, nitrogen dioxide, and sulfur dioxide—known as "criteria" air pollutants (or simply "criteria pollutants").

[15] Bay Area Air Quality Management District (Bay Area Air District). 2017. Website: https://www.baaqmd.gov/en/about-air-quality/research-and-data/air-quality-standards-and-attainment-status. Accessed September 16, 2024.

[16] California Air Resources Board. Air Monitoring Sites, Interactive Map. Website: https://ww2.arb.ca.gov/applications/air-monitoring-sites-interactive-map. Accessed August 15, 2025.

Federal Laws and Regulations on Air Quality

The following is a discussion of federal actions and initiatives to reduce air pollutant emissions that are relevant to the proposed project and this analysis.

Federal Clean Air Act

Air quality is regulated at the federal level by the US EPA's Clean Air Act which establishes pollutant thresholds for air quality in the United States. As stated, the EPA is responsible for establishing the National Ambient Air Quality Standards (NAAQS), which are required under the federal Clean Air Act and have been established for six major air pollutants: CO, nitrogen dioxide (NO_2), ozone, PM_{10}, $PM_{2.5}$, SO_2, and lead.

State Laws and Regulations on Air Quality

The following is a discussion of State actions and initiatives to reduce air pollutant emissions that are relevant to the proposed project and this analysis.

California Clean Air Act

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

The ARB also regulates and controls emissions of TACs to further protect human health. TACs are a class of pollutants that includes hundreds of chemicals hazardous to human health. Long-term exposure to TACs may cause severe health effects such as neurological damage, hormone disruption, developmental defects, and cancer. Other adverse health effects can include damage to the immune system, as well as reproductive (reduced fertility) and respiratory problems. TAC emissions are emitted from mobile sources such as cars, trucks, and marine and rail sources as well as stationary and area sources. Diesel particulate matter (DPM) is the primary TAC contributor to health risk in the Bay Area. DPM differs from other TACs in that it is not a single substance, but a complex mixture of hundreds of substances. Although DPM is emitted by diesel-fueled, internal combustion engines, the composition of the emissions varies, depending on engine type, operating conditions, fuel composition, lubricating oil, and whether an emission control system is present. Unlike the other TACs, however, no ambient monitoring data are available for DPM because no routine measurement method currently exists.

California has a robust and multifaceted regulatory framework to reduce air pollutant emissions and improve public health. The Low Emission Vehicle (LEV) Program, administered by ARB, sets stringent fleetwide standards for light- and medium-duty vehicles, progressively tightening criteria pollutant and greenhouse gas limits through LEV III regulations. Complementing this, the On-Road Heavy-Duty Vehicle Program targets diesel trucks and buses, mandating cleaner engine technologies and incentivizing zero-emission replacements through initiatives like the Heavy-Duty Voucher Incentive

Program.[17,18,19] To reduce emissions from construction and industrial equipment, ARB's Regulation for In-Use Off-Road Diesel Vehicles phases out older, high-emitting engines, enforces renewable diesel usage, and requires annual compliance reporting to ensure sustained emission reductions. Underpinning these efforts is the Diesel Risk Reduction Plan, a long-term strategy adopted in 2000 that aims to cut DPM emissions by 85 percent by 2020 through retrofits, fuel improvements, and stricter standards for both new and existing engines. Even beyond 2020, the Diesel Risk Reduction Plan remains a cornerstone of California's air quality strategy, guiding ongoing efforts to retrofit legacy diesel engines, enforce in-use compliance, and accelerate the transition to zero-emission technologies in sectors where diesel use persists.[20]

Regional Laws and Regulations on Air Quality

The following is a discussion of regional actions and initiatives to reduce air pollutant emissions that are relevant to the proposed project and this analysis.

Bay Area Air Quality Management DistrictThe Bay Area Air District is the regional agency primarily responsible for assuring that the NAAQS and CAAQS are attained and maintained in the SFBAAB. Santa Clara County, and the Bay Area as a whole, is classified as a nonattainment area for the 8-hour ozone and $PM_{2.5}$ NAAQS and nonattainment for the ozone, PM_{10}, and $PM_{2.5}$ CAAQS. The following is a discussion of the regulatory framework established by the Bay Area Air District to regulate and control air pollutant emissions within the SFBAAB through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues.

Regional air quality management districts, such as the Bay Area Air District, must prepare Air Quality Plans (AQPs) specifying how State air quality standards would be met. The Bay Area Air District's most recently adopted AQP is the 2017 Clean Air Plan: Spare the Air, Cool the Climate. The 2017 Clean Air Plan focuses on two closely related Bay Area Air District goals, protecting public health and protecting the climate. To protect public health, the 2017 Clean Air Plan describes how the Bay Area Air District will continue its progress toward attaining State and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To that end, 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 PM, ozone, and TACs. To protect the climate, the 2017 Clean Air Plan includes control measures intended to reduce GHG emissions by reducing fossil fuel combustion.

The Bay Area Air District also has permit authority over stationary sources, acts as the primary reviewing agency for purposes of providing comments on environmental documents for projects (or aspect(s) thereof) that fall within their jurisdictional authority, and develops and enforces plans, regulations, and other guidance that must be consistent with, or more stringent than, federal and

[17] California Air Resources Board (ARB).2025. Low Emission Vehicle Program. Website: https://ww2.arb.ca.gov/our-work/programs/low-emission-vehicle-program. Accessed July 14, 2025.
[18] California Air Resources Board (ARB). 2025. On-Road Heavy-Duty Voucher Incentive Program. Website: https://ww2.arb.ca.gov/our-work/programs/road-heavy-duty-voucher-incentive-program. Accessed July 14, 2025.
[19] California Air Resources Board (ARB) 2025. On-Road Heavy-Duty Vehicle Programs. Website: https://ww2.arb.ca.gov/road-heavy-duty-vehicle-programs. Accessed July 14, 2025.
[20] California Air Resources Board (ARB). 2025. Diesel Risk Reduction Plan. Website: https://ww2.arb.ca.gov/our-work/programs/diesel-risk-reduction-plan. Accessed July 14, 2025.

State air quality laws and regulations. The Bay Area Air District also implements numerous rules and regulations within the Air Basin to address air quality. For example, Regulation 11, Rule governs asbestos during demolition or renovation in structures throughout the Bay Area, and ensures the identification of, and safe handling of, asbestos materials during building demolition to minimize exposure risks to workers, nearby residents, and the local environment.[21] Other relevant Bay Area Air District regulations will serve to reduce air pollutant emissions related to land-use development, including:

- Regulation 2, Rule 2–New Source Review: Requires new or modified sources of emissions to implement Best Available Control Technology (BACT) and offset increases in emissions to maintain regional air quality standards.
- Regulation 2, Rule 5–New Source Review of Toxic Air Contaminants: Applies to facilities that may emit toxic air contaminants, mandating health risk assessments and use of Toxics BACT to minimize exposure risks.
- Regulation 9–Inorganic Gaseous Pollutants: Includes rules that limit emissions of nitrogen oxides (NO_x) from combustion sources, such as diesel engines used in warehouse operations.
- Regulation 11–Hazardous Pollutants: As discussed in the paragraph above, this regulation addresses emissions of substances like asbestos and benzene.

These existing rules ensure that land development projects comply with rigorous permitting and emissions control processes, helping to mitigate air pollution.[22]

In addition, the Bay Area Air District complements ARB efforts to reduce TAC and DPM emissions through a variety of regulations including those listed above, as well as incentive-based programs. The Bay Area Air District's Diesel Free by '33 Technology Assessment confirms that DPM emissions in the Bay Area have declined by over 85 percent since 2000 due to aggressive regulatory and incentive-based programs. This reduction aligns with the goals of the ARB Diesel Risk Reduction Plan and reflects the impact of programs like the Carl Moyer Program and Goods Movement Program, which target high-emitting diesel sources across freight, construction, and stationary sectors.[23]

The following is a discussion of local actions and initiatives to reduce air pollutant emissions that are relevant to the proposed project and this analysis.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes goals and policies applicable to all development projects in San José. Various policies in the Envision San José 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to air quality and are relevant to this

[21] Bay Area Air Quality Management District (Bay Area Air District). 2025. Regulation 11, Hazardous Pollutants Rule 2, Asbestos Demolition, Renovation and Manufacturing. Website: https://www.baaqmd.gov/~/media/dotgov/files/rules/reg-11-rule-2-asbestos-demolition-renovation-and-manufacturing/documents/rg1102.pdf?rev=bac2a923da314dc893aa7e5bd61366b7&sc_lang=en. Accessed July 14, 2025.

[22] Bay Area Air Quality Management District (Bay Area Air District) Current Rules. Website: https://www.baaqmd.gov/rules-and-compliance/current-rules. Accessed July 14, 2025.

[23] Bay Area Air Quality Management District (Bay Area Air District). Technology Assessment, Status of Zero-Emission Technologies. Website: https://dieselfree33.baaqmd.gov/resources/technology-assessment. Accessed July 14, 2025.

analysis, which are listed below. In addition, the proposed project would be required to adhere to the applicable TDM measures contained in the City's TDM program which is a set of regulations, requirements, processes and implementation strategies set forth in Chapter 20.90 and the related Transportation Analysis Handbook.

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

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

Policy MS-11.1 Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.

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

Policy MS-11.3 Review projects generating significant heavy-duty truck traffic to designate truck routes that minimize exposure of sensitive receptors to TACs and particulate matter.

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

Policy MS-11.5 Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.

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 separate 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 a minimum, conditions shall conform to construction mitigation measures recommended in the current Bay Area Air District 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.

City of San José Reach Codes

The City's Reach Code Ordinance, updated in 2023, sets stricter building standards than the State requirements to reduce greenhouse gas emissions and improve air quality.[27] These codes support the City's Climate Smart San José plan and its goal of achieving carbon neutrality by 2030. Key provisions include:

- All-electric construction for new buildings, with a moratorium on natural gas infrastructure enforcement pending further updates.
- Solar readiness for nonresidential buildings and high-rise multi-family developments.
- EV infrastructure requirements, including EV readiness and installation of EV charging equipment in new multi-family buildings.
- Electric-readiness for water heating and HVAC systems, ensuring future compatibility with clean technologies.

City of San José Municipal Code

The City's Municipal Code includes several chapters that reinforce air pollution reduction.

- Chapter 17.845: Prohibits natural gas infrastructure in newly constructed buildings, promoting safer, cleaner electric alternatives.
- Title 21–Environmental Clearance Ordinance: Requires environmental review of development projects to identify and mitigate air quality impacts.
- Greenhouse Gas Reduction Strategy: Embedded in the City's planning process to ensure land use decisions align with AB 32 and reduce emissions from transportation and buildings.

[27] City of San José. San José Reach Code. Website: https://www.sanjoseca.gov/your-government/departments-offices/energy/climate-smart-san-jose/san-jos-reach-code. Accessed July 14, 2025.

4.3.2 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 nonattainment 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 or) adversely affecting a substantial number of people?	☐	☐	☒	☐

Thresholds of Significance

The Bay Area Air District has adopted thresholds of significance for construction and operation. The thresholds of significance are shown in Table 2. 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.

Table 2: Bay Area Air District Thresholds of Significance

Pollutant	Construction Thresholds Average Daily Emissions (pounds/day)	Operational Thresholds	
		Average Daily Emissions (pounds/day)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG	54	54	10
NO_X	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Construction Dust Ordinance, other Best Management Practices (Bay Area Air District Basic Construction Mitigation Measures)	Not Applicable	

Pollutant	Construction Thresholds Average Daily Emissions (pounds/day)	Operational Thresholds	
		Average Daily Emissions (pounds/day)	Annual Average Emissions (tons/year)
Health Risks and Hazards for New Sources[1]			
Excess Cancer Risk	10 per one million	10 per one million	
Chronic or 1-hour Acute Hazard Index	1.0	1.0	
Incremental annual average $PM_{2.5}$	0.3 µg/m^3	0.3 µg/m^3	
Health Risks and Hazards for Sensitive Receptors (Cumulative from All Sources within 1,000-foot Zone of Influence) and Cumulative Thresholds for New Sources			
Excess Cancer Risk	100 per 1 million		
Chronic Hazard Index	10.0		
Annual Average $PM_{2.5}$	0.8 µg/m^3		

Notes:
µg/m^3 = micrograms per cubic meter
Bay Area Air District = Bay Area Air Quality Management District
PM_{10} = course particulate matter or particulates with an aerodynamic diameter of 10 µm or less
$PM_{2.5}$ = fine particulate matter or particulates with an aerodynamic diameter of 2.5 µm or less
ppm = parts per million
ROG = reactive organic gases, NO_X = nitrogen oxides, CO= carbon monoxide
[1] As the Bay Area Air District noted in its updated 2022 CEQA Guidelines, the "thresholds of significance for risks and hazards were designed to ensure that no individual project (or source) creates a significant adverse impact and that no sensitive receptor endures a significant adverse impact from any individual project. Additionally, the thresholds of significance recognize that some areas are already near or at levels of significant impact." 2022 CEQA Guidelines, pg. 3-3.
Source: Bay Area Air Quality Management District (Bay Area Air District). 2022. California Environmental Quality Act Air Quality Guidelines. May.

Impact Discussion

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

Less than significant impact The most recent Bay Area Air District plan is the 2017 Clean Air Plan, adopted in April 2017. The 2017 Clean Air Plan primarily aims to protect both public health and the climate and serves as the regional AQP for the Air Basin for attaining federal AAQS. In addition, the 2017 Clean Air Plan identifies a wide range of control measures intended to decrease both criteria air pollutants and greenhouse gas (GHG) emissions. The 2017 Clean Air Plan also accounts for population and employment growth projections provided by the Association of Bay Area Governments (ABAG) that reflect local jurisdictions' general plan assumptions, and Vehicle Miles Traveled (VMT) projections provided by the Metropolitan Transportation Commission (MTC) and identifies strategies to bring regional emissions into compliance with State and federal air quality standards. A project would be determined, to conflict with or obstruct the 2017 Clean Air Plan implementation if it would result in substantial new regional emissions not foreseen in the air quality planning process, as explained further below.

The Bay Area Air District, outlines the following criteria to determine the proposed project's consistency with the AQP.

a. Does the project support the primary goals of the AQP?
b. Does the project include applicable control measures from the AQP?
c. Does the project disrupt or hinder implementation of any AQP control measures?

a. Primary Goals of the AQP

The primary goals of the 2017 Clean Air Plan are to attain air quality standards, reduce population exposure to unhealthy air and protect the public health in the Bay Area, and reduce GHG emissions and protect the climate. A measure for determining whether the proposed project supports the primary goals of the AQP is if the proposed project would result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQPs.

The Bay Area Air District emissions thresholds were established to identify projects that have the potential to generate a substantial amount of criteria air pollutants. The net increase in regional emissions generated by the proposed project would be less than the Air District's emissions thresholds as shown in Tables 2 and 3 (see Impact 4.3(2), below). Because the proposed project would not exceed these thresholds, it would not impede the long-term air quality planning and implementation of the AQP in the SFBAAB, increase the frequency or severity of existing air quality violations, cause new air quality violations, or delay timely attainment of air quality standards Therefore, the proposed project supports the primary goals of the 2017 Clean Air Plan and is consistent with the first criterion set forth by Bay Area Air District.

b. Applicable Control Measures

The 2017 Clean Air Plan contains 85 control measures (that apply to development projects and plans to varying degrees) that describe specific actions to reduce air pollutants and GHGs at the local, regional, and global levels. Stationary source control measures are implemented via Bay Area Air District's permitting program and enforcement of the Bay Area Air District Rules and Regulations. Along with the traditional stationary, area, mobile source, and transportation control measures, the 2017 Clean Air Plan contains several control measures designed to protect the climate and promote mixed-use and compact development to reduce vehicle emissions and exposure to pollutants from stationary and mobile sources. The 2017 Clean Air Plan also includes an account of the implementation status of control measures identified in the 2010 Clean Air Plan.

To establish compliance with the Clean Air Plan, the proposed project would be required to comply with applicable Clean Air Plan control measures via enforceable conditions of approval and adherence to other applicable statutory mandates, listed below and as further described in the Regulatory Setting (above).[28]

[28] Bay Area Air Quality Management District (Bay Area Air District). 2017. Final 2017 Clean Air Plan. Website: https://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans#:~:text=The%202017%20Plan%20includes%20a,climate%20pollutants%20in%20the%20near%2D. Accessed March 3, 2025.

The proposed project would be required to comply with the above control measures as specified below. Table 2 demonstrates that the proposed project is consistent with the relevant and applicable control measures in the 2017 Clean Air Plan.

Table 3: Bay Area Air District Thresholds of Significance

Control Measures	Measures Description	Project Consistency
BL1: Green Buildings	Collaborate with partners to identify energy improvements and renewable energy opportunities in school districts, while exploring funding strategies for implementation. Address barriers to local enforcement of the CalGreen (Title 24) building energy code and develop solutions to improve compliance. Work with ABAG's BayREN program and other partners to expand funding and reduce emissions from targeted building types.	**Consistent**. The proposed project would be required to comply with the current energy efficiency standards (with the current standards set forth in the 2022 California Title 24 Energy Code), which governs critical design elements including heating, ventilation, and air conditioning (HVAC) system efficiency and control, lighting design and automated systems, water heating and distribution, building envelope insulation and air sealing, and renewable energy integration. The proposed project would also need to comply with the then-current CALGreen (with the current standards being 2022 CALGreen), which governs elements related to planning and design, energy efficiency, water efficiency, material conservation and environmental quality (pollutant control and indoor air quality). Accordingly, the proposed project would incorporate applicable energy efficiency and other green building features designed to reduce project energy consumption, including, among others, a flat, solar ready roof and new state-of-the-art construction incorporating energy-efficient and renewable elements into the building's HVAC system efficiency and control, lighting design and automated systems, water heating and distribution, building envelope insulation and air sealing, and renewable energy integration, which would replace the old, less

Control Measures	Measures Description	Project Consistency
		efficient and functionally obsolete building. Also, the proposed project will include skylights to enhance natural lighting, thereby reducing energy needs. In addition, the proposed project will be built as all-electric, which exceeds current energy efficiency and renewable energy standards in the building code. Furthermore, the proposed project would also provide seven electric charging stalls, 26 EV capable stalls, and would include a solar "ready" roof to accommodate future solar arrays on the roof as desired by tenant.
BL4: Urban Heat Island Mitigation	Develop and urge adoption of model ordinances and building code updates that promote cool surface treatments for parking areas and roofing upgrades in new and existing buildings.	**Consistent**. The proposed project would incorporate ample landscaping around the perimeter of the project site and throughout the parking areas, including a mix of trees, shrubs, and bioretention native grasses, which would help to mitigate the urban heat island effect. The proposed landscape would include low water use or drought-tolerant species. The proposed landscape plan would be required to meet the City's landscape, tree protection, and irrigation (including water conservation) requirements as set forth in Ordinance 15.11 and other relevant provisions in the City's Municipal Code.
EN1: Decarbonize Electricity Generation	Engage with PG&E, municipal utilities, and CCAs to increase the share of renewable energy used in electricity generation within and imported into the Bay Area. Collaborate with local governments and stakeholders—including dairy farms, forest managers, and waste facilities—to expand local renewable energy programs and boost biomass use in electricity production.	**Consistent**. The proposed project would provide seven electric charging stalls, 26 EV capable stalls, and would include a solar "ready" roof to accommodate future solar arrays on the roof as desired by tenant to promote renewable, decarbonized electricity.
EN2: Decrease Electricity Demand	Work with local governments to adopt new energy-efficiency policies and support their	**Consistent**. The proposed project would be required to comply with

Control Measures	Measures Description	Project Consistency
	programs through best practices, model ordinances, and technical assistance. Collaborate with partners to develop messaging that helps reduce electricity demand during peak usage times.	the then-current energy efficiency standards (with the current standards set forth in the 2022 California Title 24 Energy Code), which governs critical design elements including heating, ventilation, and air conditioning (HVAC) system efficiency and control, lighting design and automated systems, water heating and distribution, building envelope insulation and air sealing, and renewable energy integration. The proposed project would also need to comply with the then-current CALGreen (with the current standards being 2022 CALGreen), which governs elements related to planning and design, energy efficiency, water efficiency, material conservation and environmental quality (pollutant control and indoor air quality). Accordingly, the proposed project would incorporate applicable energy efficiency and other green building features designed to reduce project energy consumption, including, among others, a flat, solar ready roof and new state-of-the-art construction incorporating energy-efficient and renewable elements into the building's HVAC system efficiency and control, lighting design and automated systems, water heating and distribution, building envelope insulation and air sealing, and renewable energy integration, which would replace the old, less efficient and functionally obsolete building. Also, the proposed project will include skylights to enhance natural lighting, thereby reducing energy needs. In addition, the proposed project will be built as all-electric, and would include a solar "ready" roof to accommodate

Control Measures	Measures Description	Project Consistency
		future solar arrays on the roof as desired by tenant.
NW2: Urban Tree Planting	Develop or identify a model municipal tree planting ordinance and encourage its adoption by local governments, incorporating recommendations from the Air District's technical guidance, best practices for local planning, and CEQA review.	**Consistent**. The proposed project would incorporate ample landscaping around the perimeter of the project site and throughout the parking areas, including a mix of trees, shrubs, and bioretention native grasses. The proposed landscape would include low water use or drought-tolerant species. The proposed landscape plan would be required to meet the City's landscape, tree protection, and irrigation (including water conservation) requirements as set forth in Ordinance 15.11 and other relevant provisions in the City's Municipal Code.
WA3: Green Waste Diversion	Develop model policies to facilitate local adoption of ordinances and programs to reduce the amount of green waste going to landfills.	**Consistent**. The proposed project would utilize a waste service provider with services that are compliant with applicable requirements of AB 341, Senate Bill (SB) 939, and SB 1374.
WA4: Recycling and Waste Reduction	Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.	**Consistent**. The proposed project would utilize a waste service provider with services that are compliant with applicable requirements of AB 341, SB 939, and SB 1374.
SS36: Particulate Matter from Trackout	Develop new air District rule to prevent mud/dirt and other solid trackout from construction, landfills, quarries and other bulk material sites.	**Consistent**. The proposed project would be required to implement the City's Standard Permit Condition (SPC) AQ-1 for fugitive dust mitigation, which would require the incorporation of Bay Area Air District's "Basic Construction Mitigation Measures."
TR9: Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, fund bike lanes, routes, paths and bicycle parking facilities.	**Consistent**. The proposed project would provide bicycle parking meeting all City requirements (i.e., totaling 12 bicycle parking spaces,

Control Measures	Measures Description	Project Consistency
		including six short-term spaces and six long-term spaces, which exceeds the requirements (5 short-term and five long-term).
Source: Bay Area Air Quality Management District (Bay Area Air District). 2017. Final 2017 Clean Air Plan. April 19.		

Accordingly, the proposed project would comply with all applicable measures under the 2017 Clean Air Plan and is therefore consistent with the second criterion as set forth by Bay Area Air District.

c. Hindrance or Disruption of Implementation of Relevant AQP Control Measures

As discussed in Section 3, Project Description, the proposed project would not: hinder development of green buildings; disrupt implementation of urban heat island mitigation, decarbonized electricity generation or a decrease in electricity demand; preclude the extension of a transit line or bike/pedestrian access or facilities; propose excessive parking beyond parking requirements; impair green waste diversion and recycling; or otherwise create an impediment or disruption to implementing the above-identified applicable AQP control measures. As discussed in Section 3, Project Description, the proposed project would incorporate several AQP control measures as project design features, comply with applicable energy efficiency and CALGreen standards and install landscaping, bicycle parking, and EV parking. The proposed building would also be built as all-electric and would not include natural gas use. The proposed project would include EV charging infrastructure (including seven EV charging stalls and 26 EV capable stalls that include necessary electrical infrastructure for future installation of EV charging stations. In addition, the proposed project would incorporate Transportation Demand Management (TDM) measures to reduce employee VMT including MI05 (Pedestrian Network Improvement), TP11 (Provide Alternative Transportation Benefit) and TP13 (Provide Ride-Share Program), thereby reducing air pollutant emissions associated with mobile sources. In addition, operation of the proposed project would not include the use of Transport Refrigeration Units (TRUs) or facilitate cold storage. Considering this information, the proposed project would not disrupt or hinder the implementation of any applicable AQP control measures contained in the 2017 Clean Air Plan.

2. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)

Less than significant impact. There would be a potential impact if the proposed project would result in exceedances of State or federal standards for ozone precursors, such as NO_X, PM_{10} and $PM_{2.5}$, of which the SFBAAB is in nonattainment. NO_X and reactive organic gases (ROG) emissions are of concern because of their participation in the formation of ground level ozone—for which the SFBAAB is in nonattainment. PM_{10} and $PM_{2.5}$ are of concern during construction because of potential exhaust emissions from the operation of off-road construction equipment and fugitive dust during demolition and earth-disturbing activities (construction fugitive dust). Particulate matter is also of concern during both construction and operation due to the operation of motor vehicles generating

aerated brake particulates and aerated tire particulates from vehicle wear and tear. Additionally, CO emissions are of concern during project operation in the event of any operational CO hotspots, which would be related to increases in on-road vehicle congestion and their consequential health impacts combined with other site-specific factors.

As previously stated, the significance criteria recommended by the Bay Area Air District were used to make the CEQA significance determinations as shown in Table 2. The proposed project's construction and operational emissions are discussed separately below.

Construction Emissions

Construction emissions from the proposed project would be "short-term" or temporary in nature and duration. Construction of the proposed project would result in the temporary generation of ROG, NO_X, CO, PM_{10}, and $PM_{2.5}$ emissions from construction activities including site preparation, demolition, grading, building construction, architectural coating, and asphalt paving. Fugitive dust emissions are primarily associated with demolition, earth disturbance and grading activities and vary as a function of soil silt content, soil moisture, wind speed, acreage of disturbance area, and miles traveled by construction vehicles on-site and off-site. Construction-related NO_X emissions are primarily generated by exhaust emissions (running and idle) from off-road heavy-duty construction equipment, on-road material delivery and haul trucks, and construction worker vehicles. ROG emissions are mainly generated by off-gas emissions associated with architectural coatings and asphalt paving.

Construction Fugitive Dust

Construction-related activities, such as grading, demolition, and material delivery and hauling, would result in fugitive dust emissions (e.g., $PM_{2.5}$ and PM_{10}). PM_{10}/$PM_{2.5}$ (fugitive dust) is recognized to impact local communities. The Bay Area Air District does not have a numerical threshold of significance for fugitive dust particulate matter emissions. Instead, the Bay Area Air District bases the determination of significance for fugitive dust on whether feasible and effective control measures have been implemented or not. For a project to have a less than significant impact related to construction-related fugitive dust emissions, it must implement all of the Bay Area Air District's Basic Best Management Practices (BMPs).[29] With the incorporation of the City's Standard Permit Condition AQ-1, the proposed project would implement Basic Construction Mitigation Measures for fugitive dust and would therefore demonstrate a less than significant impact related to short-term construction fugitive dust emissions. In addition, the proposed project would comply with all applicable Bay Area Air District rules, including Regulation 6, Rule 1 (General Requirements) and Regulation 6, Rule 6 (Prohibition of Trackout), which require dust-generating operations to limit PM emissions.

SPC AQ-1 Construction-related Air Quality

[29] Bay Area Air Quality Management District (Bay Area Air District) CEQA Guidelines. 2022. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-5-project-air-quality-impacts_final-pdf.pdf?rev=de582fe349e545989239cbbc0d62c37a&sc_lang=en. Accessed March 3, 2025.

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

- Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.
- Cover trucks hauling soil, sand, and other loose materials off-site.
- Remove all visible mud or dirt trackout onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- Limit all vehicle speeds on unpaved roads to 15 mph [miles per hour].
- Pave new or improved roadways, driveways, and sidewalks as soon as possible.
- Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Suspend all excavation, grading and/or demolition activities when average wind speeds exceed 20 mph.
- Wash off all trucks and equipment, including their tires, prior to leaving the site.
- 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.
- Minimize idling times either by shutting off equipment when not in use or reducing the maximum idling time 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 for construction workers at all access points.
- Maintain and property tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of "running in proper condition" prior to operation.
- Post a publicly visible sign with the 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.

Construction Air Pollutant Emissions: ROG, NO_X, PM_{10}, and $PM_{2.5}$

Construction emissions were quantified and estimated using California Emissions Estimator Model (CalEEMod) Version 2022.1 for a typical construction scenario for a land use project of this size and taking project-specific information into appropriate consideration. CalEEMod provides a consistent platform for estimating construction and operational emissions from a wide variety of land use projects and is the model recommended by the Bay Area Air District for estimating project emissions. [30] Construction emissions were estimated and compared with the applicable thresholds of

[30] CalEEMod was developed for CAPCOA in collaboration with the California Air Districts. The model is a comprehensive tool for quantifying air quality impacts from land use projects located throughout California, is used throughout California, and can properly be used for a variety of situations where an air quality analysis is necessary, such as preparing CEQA or National Environmental Policy Act (NEPA) documents, conducting pre-project planning, and verifying compliance with local air quality rules and regulations. CalEEMod includes the gas and electric utility emissions factors pursuant to the location of the proposed project, as well as building energy zones. CalEEMod also generates default electricity and natural gas consumption that consider Title 24 standards.

significance established by the Bay Area Air District to assess ROG, NO_X, exhaust PM_{10}, and exhaust $PM_{2.5}$ construction emissions to determine significance for this criterion.

The following project characteristics and assumptions were utilized in the analysis:

- Demolition and construction activities are anticipated to begin in June 2026 and last approximately 13 months, at which time the proposed project would be fully built out. Because fuels and equipment fleets become cleaner over time, construction-related emissions decrease over time as well. Therefore, if construction would begin in later years, construction-related emissions would be lower than when modeled to occur in earlier years and thus the June 2026 assumed start date is considered conservative.
- Demolition is assumed to occur over 20 working days, and demolition of the existing building would equate to approximately 6,053 tons of construction debris with an associated 75 one way off-haul truck trips per day, assuming 20 miles per trip.
- Approximately 152 trees would be removed, with an associated approximately 81 total truck trips.
- Approximately 6,700 cubic yards of fill would be imported to the project site for subgrade fill and base rock to support pavement sections.
- The modeling assumed construction of a light industrial building totaling approximately 132,419 square feet, along with approximately 1.88 acres of asphalt parking and internal drives and approximately 0.77 acre of concrete truck parking, drives, and walkways.
- Approximately 190 total vendor trips during asphalt paving and approximately 103 total concrete trips during concrete construction were assumed.
- Construction, including demolition, was assumed to be completed within approximately 320 workdays.

The baseline analysis assumed the existing building is vacant and unused. CalEEMod Version 2022.1 uses EMFAC2021 as its mobile source emissions model. Additional details on the assumptions and inputs are included in the CalEEMod output reports (Appendix A).

Table 4 shows the proposed project's average daily emissions from construction-related exhaust emissions. As indicated in Table 4, construction exhaust emissions from construction activities would be below the recommended thresholds of significance. Fugitive dust emissions require certain Bay Area Air District Basic Construction Control Measures which would be implemented by the proposed project as enforced through the City's Standard Permit Condition to control dust at the project site during all phases of construction.

Table 4: Construction-Related Emissions

Construction Year	Air Pollutants (lbs/day)					
	ROG	NO_X	PM_{10} (Exhaust)	$PM_{2.5}$ (Exhaust)	PM_{10} (Fugitive Dust)	$PM_{2.5}$ (Fugitive Dust)
Project Construction[1]–2026	1.53	14.41	0.52	0.48	3.26	1.21
Project Construction[2]–2027	11.41	8.50	0.29	0.27	0.48	0.12
Average Daily Emissions (lbs/day)[3]	**5.73**	**11.90**	**0.42**	**0.39**	**2.08**	**0.75**
Significance Threshold (lbs/day)[4]	**54**	**54**	**82**	**54**	**BMPs**	**BMPs**
Exceeds Significance Threshold?	**No**	**No**	**No**	**No**	**N/A**	**N/A**

Notes:
lbs = pounds
NO_X = oxides of nitrogen
PM_{10} = particulate matter less than 10 microns in diameter
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
ROG = reactive organic gases
Notes:
1. Calculated by dividing the pounds of emissions in 2026 by the number of non-overlapping working days of construction in 2026 (184 workdays).
2. Calculated by dividing the pounds of emissions in 2027 by the number of non-overlapping working days of construction in 2027 (136 workdays).
3. Calculated by dividing the total pounds of emissions by the total number of non-overlapping working days of construction (320 workdays).
4. BMPs = Best Management Practices. The Bay Area Air District recommends 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: California Emissions Estimator Model (CalEEMod) Output (see Appendix A).

As shown in Table 4, the construction-related criteria pollutant emissions would remain below their respective thresholds and impacts would be less than significant.

Operational Emissions

Operational Air Pollutant Emissions: ROG, NO_X, PM_{10}, and $PM_{2.5}$

Operational emissions would include area, energy, mobile, and stationary sources. Operational emissions were quantified and estimated using CalEEMod Version 2022.1 for the operational scenario for the proposed project. As described in the Project Description, the proposed project involves the construction and operation of light industrial and ancillary office uses and related improvements. Accordingly, the CalEEMod analysis conservatively utilized the General Heavy Industry land use subtype, which assumes longer trip lengths and more substantial off-road equipment use. This assumption models the emissions for a worst-case scenario, and it is likely that the actual emissions will be lower than what was estimated for purposes of this analysis. The following project characteristics, assumptions and specifications were utilized in the analysis:

- Area sources would include emissions from architectural coatings, consumer products, and landscape equipment; the analysis utilized CalEEMod default assumptions based on the proposed project's characteristics including its land use and size.
- Energy sources would include those associated with building energy use; however, there are no on-site emissions of criteria pollutants because the proposed project's building is all-electric and would not utilize natural gas for building operations.
- Mobile sources include exhaust and road dust emissions from the vehicles that would travel to and from the project site. On-road operational mobile emissions for the proposed project would be generated by worker and delivery vehicles. Worker vehicles are generally categorized as passenger vehicles, whereas delivery vehicles are categorized as trucks. The trip generation rates for the proposed project were based on the Transportation Analysis (TA) prepared by Hexagon Transportation Consultants, Inc. (Hexagon), as well as the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition, 2021.[31] The analysis utilized the ITE Land Use General Light Industrial (ITE Code 110) to estimate a daily vehicle trip rate for passenger vehicles and trucks. According to Hexagon's TA, the proposed project would result in 593 net new daily trips. The TA assumes that 5 percent of the daily trips would be trucks. However, because the final tenant and truck activity is unknown, for purposes of a conservative air quality analysis the fleet mix is assumed to be approximately 52 percent of the vehicles as passenger vehicles, approximately 2 percent motorcycles, and the remaining 46 percent would be trucks of various sizes, ranging from light-duty trucks to heavy heavy-duty trucks. This represents a conservative analysis of the types of vehicles that are likely to service the proposed project site, depending on the final tenant and its associated uses.
- According to applicant-provided information, there would be a backup diesel generator for use in the event of a power outage (to serve the electric fire pumps and related safety features) associated with the proposed project. The analysis includes the emissions associated with both maintenance/testing of the backup diesel generator (50 hours annually), as well as assumed emergency use (100 hours annually).

Additional details on the assumptions and inputs are included in the CalEEMod output reports (Appendix A).

Table 5 shows estimated operational emissions compared with the applicable thresholds of significance established by the Bay Area Air District to assess ROG, NO_X, PM_{10}, and $PM_{2.5}$ operational emissions to determine significance for this criterion. As shown in Table 5, the proposed project's regional daily and annual operational emissions would not exceed any of the Bay Area Air District thresholds of significance. Therefore, the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment during operation and impacts would be less than significant.

[31] Hexagon Transportation Consultants, Inc. 2025. 2334 Lundy Place Draft Transportation Analysis. March 6.

Table 5: Operational-Related Emissions

Emissions Source	ROG	NO_X	PM_{10} Total	$PM_{2.5}$ Total
	Emissions			
Area (lbs/day)	3.696	0.024	0.005	0.004
Energy, all-electric (lbs/day)	—	—	—	—
Mobile (lbs/day)	1.259	10.425	6.235	1.730
Stationary Sources, backup generator (lbs/day)	0.034	0.060	0.002	0.002
Total Average (lbs per day)	4.989	10.509	6.242	1.736
Significance Threshold (lbs/day)	**54**	**54**	**82**	**54**
Exceeds Significance Threshold?	**No**	**No**	**No**	**No**
Annual Average (tons/year)	0.911	1.918	1.139	0.317
Significance Threshold (tons/year)	**10**	**10**	**15**	**10**
Exceeds Significance Threshold?	**No**	**No**	**No**	**No**

Notes:
Bay Area Air District = Bay Area Air Quality Management District
lbs = pounds
NO_X = nitrogen oxides
PM_{10} = particulate matter less than 10 microns in diameter
$PM_{2.5}$ = particulate matterless than 2.5 microns in diameter
ROG = reactive organic gases
Source: Appendix A.

Operational Air Pollutant Emissions: Carbon Monoxide Hotspot

A CO hotspot is a localized concentration of CO that is above a CO AAQS. Localized CO hotspots typically occur at areas with high vehicle density, such as intersections with heavy peak-hour traffic and also where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway). The CO emissions from traffic generated by the proposed project are a concern at the local level because project trip generation could lead to congested intersections that can result in high localized concentrations of CO.

The Bay Area Air District provides screening criteria to determine whether implementing the proposed project could result in local CO emissions that exceed thresholds of significance. If all the following screening criteria are met, operation of the proposed project would result in a less than significant impact related to CO:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, the regional transportation plan, and local congestion management agency plans.
- Project-generated traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.

- Project-generated traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

Consistency with an Applicable Congestion Management Program

In accordance with SB 743, transportation analysis under CEQA no longer uses delay-based metrics such as congestion to analyze project impacts. According to the Transportation Analysis prepared by Hexagon in March 2025, the proposed project would have a less than significant VMT impact with travel demand management measures incorporated. Therefore, the proposed project would not conflict with a program, plan, ordinance, or policy of the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Therefore, the proposed project is consistent with the first criterion.

Increase Traffic Volumes at Affected Intersections to No More Than 44,000 Vehicles Per Hour (or 24,000 Vehicles Per Hour Where Mixing Is Substantially Limited)

The TA prepared by Hexagon for the proposed project includes a study of the nearby intersections, including an analysis of AM and PM peak-hour traffic conditions. The intersections were within 0.5 mile of the proposed project's property line. The intersection with the highest recorded AM and PM peak-hour traffic is Trade Zone Boulevard. The AM peak-hour traffic trip counts range from 542 to 652, and the PM peak-hour trip counts range from 1,216 to 1,715. The proposed project would be expected to generate approximately 98 net new trips during the AM peak-hour, 86 net new trips during the PM peak-hour, and 645 daily trips, and therefore project-generated traffic would not increase traffic volumes at affected intersections to more than 44,000 or 24,000 vehicles per hour, which satisfies the screening requirements for criterion two and criterion three, respectively.[32]

Therefore, based on the above criteria, the proposed project would not exceed the CO screening criteria and would have a less than significant impact related to CO.

Would the project expose sensitive receptors to substantial pollutant concentrations?

Less than significant impact. The proposed project is within 1,000 feet of residential and worker receptors and the construction emissions have the potential to result in significant health risks due to DPM and/or TAC emissions. Accordingly, a Health Risk Assessment (HRA) was conducted to evaluate potential health risks from TACs and $PM_{2.5}$ during project construction. The HRA followed Bay Area Air District CEQA Guidelines based on California Office of Environmental Health Hazard Assessment (OEHHA) guidance and recommended methodologies. The potential health risks from project construction were compared against applicable Bay Area Air District thresholds of significance and would not result in significant health effects to nearby sensitive receptors (both resident and worker), as detailed below and further documented in Appendix A. The following project characteristics and assumptions utilized in the analysis include:

[32] Hexagon Transportation Consultants, Inc. 2025. 2334 Lundy Place Draft Transportation Analysis. March 6.

- The major TAC that affects health impacts in the air is DPM, which accounts for roughly 85 percent of the cancer risk from air toxics in the Bay Area region and is therefore utilized as the surrogate for TACs in this analysis.
- Sources of $PM_{2.5}$ in construction include the combustion of diesel fuel, sandblasting, re-entrained road dust, and brake and tire wear.
- Construction emissions were modeled as an area source and included on-site emissions from construction equipment as well as vendor and haul truck trips traversing routes within 1,000 feet of the project site. Parameters were calculated according to the EPA's Haul Road Workgroup Final Report, released on March 2, 2012, which suggests the use of adjacent volume sources to represent the haul road.
- As noted in the Project Description, the project site is approximately 6.49 acres; however, for purposes of the HRA the modeled site area included the location of emissions sources and was approximately 6.38 acres and included the modeled road segments, including approximately 0.52 mile of Trade Zone Boulevard (20-meter width) and approximately 0.25 mile of Lundy Place (10-meter width).
- Construction was assumed to begin in June 2026 and was modeled for 320 workdays (8 hours per day) totaling 2,560 working hours.
- The HRA identified a Maximally Exposed Individual Resident (MEIR) and a Maximally Exposed Individual Worker (MEIW); estimated health risks and maximum annual $PM_{2.5}$ concentrations at the MEIR and the MEIW were compared to Bay Area Air District thresholds.

Total DPM emissions from construction were estimated to be approximately 130.67 pounds (lbs.) from on-site off-road construction equipment exhaust and approximately 4.09 lbs. from on-road construction vehicles, for a total of approximately 134.76 lbs. Total $PM_{2.5}$ emissions from construction were estimated as approximately 199.14 lbs. from on-site construction activity and approximately 53.06 lbs. from off-site activity (on-road construction vehicles, brake and tire wear, and re-entrained road dust), for a total of approximately 252.20 lbs. Health impacts for DPM were evaluated following the most recent Bay Area Air District CEQA Guidance. The American Meteorological Society/EPA Regulatory Model, Version 23132, air dispersion model was used to estimate the DPM concentrations in the area surrounding the project site resulting from the estimated DPM construction emissions. As stated above, the modeling included emissions from diesel-fueled construction equipment at the project site, as well as emissions from haul and vendor trucks traveling on roadways within 1,000 feet of the project site. Bay Area Air District pre-processed meteorological data from the San José International Airport (2013–2017) was used to perform the dispersion calculations to determine the downwind concentrations of DPM and the location of the greatest affected individual (called a "receptor").

For evaluation purposes, TACs are assessed locally and separated into carcinogens and noncarcinogens based on the nature of the physiological effects associated with exposure to the pollutant. Cancer risk is expressed as excess cancer cases per one million exposed individuals, typically over a lifetime of exposure. Noncarcinogenic substances differ in that Reference Exposure Levels (RELs) have been developed to determine the level of exposure below which no adverse health impact is believed to occur. OEHHA develops the RELs on a pollutant-by-pollutant basis for

use in risk assessments. Acute and chronic exposure to noncarcinogens is expressed as a hazard index, which is the ratio of expected exposure levels to an acceptable REL.

Cancer risk, expressed as excess cancer cases per 1 million exposed individuals, was calculated at each receptor (including off-site residential receptors and off-site worker receptors). The risk assessment methodology used followed California OEHHA Guidance, as recommended by Bay Area Air District, conservatively accounting for the developmental sensitivity of infants and children and workers as appropriate. Details of the exposure assessment and all model outputs are provided in Appendix A.

TACs can also cause chronic (long-term) effects related to non-cancer illnesses, such as reproductive effects or birth defects, or adverse environmental effects. Non-cancer health risks are conveyed in terms of the Hazard Index (HI), a ratio of the predicted concentration of the facility's reported TAC emissions to an REL, a concentration considered acceptable to public health professionals. A significant risk is defined as an HI of 1 or greater. An HI of less than 1 indicates that no significant health risks are expected from the facility's TAC emissions.

Annual concentrations of DPM as predicted by the air dispersion model and output in the Hotspots Analysis and Reporting Program (HARP2) were used to estimate chronic non-cancer hazards. The OEHHA has defined a REL for DPM of 5.0 micrograms per cubic meter ($\mu g/m^3$).

Table 6 presents a summary of the proposed project's construction cancer risk, chronic non-cancer hazard, and predicted annual $PM_{2.5}$ concentration impacts at the MEIR and the MEIW. The MEIR is the residential receptor that would experience the highest health effects from project construction and would occur at a residence located across the north/northwestern border of the project site across Lundy Place. The MEIW is the worker receptor that would experience the highest health effects from project construction and would occur at a commercial facility at the southeastern border of the project site. Appendix A includes a figure with the locations of the MEIR and MEIW.

As shown in Table 6, estimated cancer and non-cancer risks and $PM_{2.5}$ concentrations related to project construction would be below the single source significance thresholds established by Bay Area Air District at the MEIR and the MEIW, and, therefore, the proposed project's construction emissions would not result in significant health impacts to nearby receptors (both resident and worker).

Table 6: Estimated Health Risks and $PM_{2.5}$ Concentrations–Construction

	Cancer Risk (risk per 1 million)	Chronic Non-cancer Hazard Index	Acute Non-cancer Hazard Index	Maximum Annual $PM_{2.5}$ ($\mu g/m^3$)
Project Construction–MEIR	5.84	0.01	—	0.06
Project Construction–MEIW	1.17	0.03	—	0.24[0.26]
Thresholds of Significance	**10**	**1**	**1**	**0.3**
Exceeds Individual Source Threshold?	**No**	**No**	**No**	**No**
Exceeds Individual Source Threshold?	**No**	**No**	**No**	**No**

	Cancer Risk (risk per 1 million)	Chronic Non-cancer Hazard Index	Acute Non-cancer Hazard Index	Maximum Annual $PM_{2.5}$ ($\mu g/m^3$)
Notes: $\mu g/m^3$ = micrograms per cubic meter MEIR = Maximally Exposed Individual Receptor MEIW = Maximally Exposed Individual Worker $PM_{2.5}$ = particulate matter less than 2.5 microns in diameter The MEIR was found to be a residence the north/northeastern border of the project site, across Lundy Place, within the adjacent City of Milpitas. The MEIW was found to be a commercial facility to the east/southeast of the project's property boundary. The project construction cancer risk, chronic non-cancer hazard, and $PM_{2.5}$ concentration estimates reflect implementation of BMPs for fugitive dust. Risk was evaluated for Diesel Exhaust Particulate Matter, which does not have an established Acute Reference Exposure Level Emissions. The MEIR and MEIW risks are based on the construction risk values at the point of maximum impact to be conservative. Source: Appendix A. Thresholds Source: Bay Area Air Quality Management District (Bay Area Air District). 2022. CEQA Air Quality Guidelines. April 20.				

Cumulative Health Risk Assessment–Project Construction

The Bay Area Air District recommends assessing the potential cumulative impacts from sources of TACs and $PM_{2.5}$ concentrations within 1,000 feet of a proposed project in combination with the project's construction-related health risks. Accordingly, a cumulative construction HRA was performed that examined the cumulative impacts of the proposed project's construction-related health risks and $PM_{2.5}$ concentrations at the MEIR and MEIW in combination with existing sources of TACs and $PM_{2.5}$ concentrations within 1,000 feet of the proposed project.

The Bay Area Air District provides several tools for use in identifying the local health effects associated with existing sources of air pollution. These include the Stationary Source Screening Map,[33] which provides all the stationary sources permitted by the Bay Area Air District with cancer risks, hazard estimates, and $PM_{2.5}$ concentrations; Roadway Screening Data Layers, which provide estimated cancer risk, hazards estimates, and $PM_{2.5}$ concentrations for all Bay Area highways and surface streets; and Rail and Railyard Screening Data Layers, which provide estimated cancer risks, hazards estimates, and $PM_{2.5}$ concentrations from diesel locomotives and select railyards.

The cumulative health risks, consisting of those associated with the proposed project's construction, combined with the health risks from the existing sources as identified in the Air District sources above, are summarized in Table 7. The health risk screening values for stationary sources provided by Bay Area Air District are calculated at the centroid of the source. Therefore, the Health Risk Calculator with Distance Multipliers provided by the Bay Area Air District was utilized to adjust the health risks and $PM_{2.5}$ concentrations from the stationary sources (at their respective distance from

[33] Bay Area Air Quality Management District (Bay Area Air District). 2024. Stationary Source Screening Map. Website: https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=845658c19eae4594b9f4b805fb9d89a3. Accessed March 2, 2025.

the MEIR and MEIW). Outputs from the Bay Area Air District screening tools are documented in Appendix A, along with the HRA results.

Table 7: Summary of Cumulative Health Impacts–Construction

Source Name/Type	Distance from MEIR/MEIW	Cancer Risk (risk per 1 million)	Chronic Non-cancer Hazard Index	Maximum Annual $PM_{2.5}$ ($\mu g/m^3$)
Project Construction–MEIR	—	5.84	0.01	0.06
Stationary Sources				
Microchip Technology, Inc. (Facility ID 24489) Source type: Generator	Health risks unadjusted due to low value	0.45	0.00	0
Stack Infrastructure (Facility ID 22974) Source type: Generator	1,000 feet	3.4	0.02	0.00
Mobiles Sources				
Roadway	See notes	7.94	0	0.21
Rail	See notes	0.43	0	0.00
Cumulative Health Risks at MEIR		**18.06**	**0.03**	**0.27**
Bay Area **Air District Cumulative Source Threshold**		**100**	**10**	**0.8**
Exceeds Cumulative Source Threshold?		**No**	**No**	**No**
Project Construction–MEIW	—	1.17	0.03	0.24
Stationary Sources				
Microchip Technology, Inc. (Facility ID 24489) Source type: Generator	Health risks unadjusted due to low value	0.45	0	0
Stack Infrastructure (Facility ID 22974) Source type: Generator	1,000 feet	3.4	0.02	0.00
Mobiles Sources				
Roadway	See notes	24.80	0	0.24
Rail	See notes	0.06	0	0
Cumulative Health Risks at MEIW		**30.16**	**0.05**	**0.50**
Bay Area **Air District Cumulative Source Threshold**		**100**	**10**	**0.8**
Exceeds Cumulative Source Threshold?		**No**	**No**	**No**

Notes:
$\mu g/m^3$ = micrograms per cubic meter
Bay Area Air District = Bay Are air Quality Management District
MEIR = Maximally Exposed Individual Receptor
MEIW = Maximally Exposed Individual Worker
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
The MEIR was found to be a residence at the north/northeastern border of the project site, across Lundy Place.

Source Name/Type	Distance from MEIR/MEIW	Cancer Risk (risk per 1 million)	Chronic Non-cancer Hazard Index	Maximum Annual $PM_{2.5}$ ($\mu g/m^3$)
The MEIW was found to be a commercial facility to the east/southeast of the project's property boundary. The project construction cancer risk, chronic non-cancer hazard, and $PM_{2.5}$ concentration estimates reflect implementation of BMPs for fugitive dust. Risk was evaluated for Diesel Exhaust Particulate Matter, which does not have an established Acute Reference Exposure Level Emissions. The MEIR and MEIW risks are based on the construction risk values at the point of maximum impact to be conservative. Facility ID 25042, 2334 Lundy Holding Company, is within 1,000 feet of the project site according to the Bay Area Air District screening tools. However, it is assumed to be decommissioned with the demolition of the existing building. Roadway and Rail health risk data are calculated according to the location of the MEIW and MEIR. Source: Appendix A. Thresholds Source: Bay Area Air Quality Management District (Bay Area Air District). 2022. CEQA Air Quality Guidelines. April 20.				

As shown in Table 7, the cumulative impacts from project construction and existing sources of TAC emissions would be less than the Bay Area Air District cumulative thresholds of significance for cancer risk, non-cancer chronic hazard, and annual $PM_{2.5}$ concentrations. Therefore, the proposed project's construction, along with cumulative sources of TAC emissions and $PM_{2.5}$ concentrations within 1,000 feet, would be below the Bay Area Air District's cumulative thresholds of significance and there would be no cumulatively considerable or significant impact.

Project Operation Health Risk Assessment

The proposed project would include a stationary source that would require permitting through the Bay Area Air District, according to applicant-provided information, which would represent an ongoing source of TAC and/or $PM_{2.5}$ emissions associated with the project's operation. The analysis assumes a 300 horsepower diesel backup generator would function as emergency standby generation for safety equipment (i.e., fire pumps/sprinklers, alarms, etc.) during any power outages/disruptions. In addition, while the traffic generated by the proposed project would consist of mostly light-duty gasoline-powered vehicles from worker trips, the proposed project would include loading docks for deliveries and is assumed to be used as warehouse/distribution. The trucks serving the deliveries at the loading docks, traveling along Trade Zone Boulevard and Lundy Place, and traversing the project site would be sources of local, ongoing TAC and $PM_{2.5}$ emissions as well. Therefore, an assessment of the proposed project's operational-related health risks was conducted, and included the following assumptions, inputs and modeling parameters.

- Emissions were calculated from 0.15 mile per visit of on-site truck travel (traversing the project site); from 1.26 miles per visit of off-site truck travel along Trade Zone Boulevard and Lundy Place; and from on-site truck idling associated with 79 daily truck trips.
- The daily truck trip rate is based on a truck trip generation rate of 0.60 per 1,000 square feet according to Land Use Code 150 (Warehousing) from ITE Trip Generation Manual, 11th Edition. This represents a more conservative scenario than what is assumed in the Traffic Analysis and was modeled to assess the worst-case scenario. It is anticipated that the proposed project would result in less intensive use and fewer truck trips (and therefore lower emissions and health risks).

- The following truck fleet mix is assumed: 24.7 percent large 2 axle trucks; 20.7 percent 3 axle trucks; and 54.6 percent 4+ axle trucks. This truck fleet mix is based on truck surveys of light industrial facilities, and represents a worst-case, conservative modeling scenario.[34]
- Emissions factors are based on EMFAC2021, and all PM_{10} emissions were conservatively modeled as diesel.
- Stationary sources, according to applicant-provided information, include one 300 hp backup
- diesel generator which would function as emergency standby generation for the fire pump
- during any power outages/disruptions. As recommended by the Bay Area Air District, the
- analysis includes both non-testing and non-maintenance (i.e., emergency) operations hours in
- addition to the testing and maintenance hours allowed by Bay Area Air District permitting levels. According to the Bay Area Air District, while emergency operation is unplanned and infrequent, inclusion of annual emergency operations hours is consistent with Bay Area Air District requirements for calculating the Potential to Emit for purposes of determining the applicability of permitting regulations under Regulation 2 including the Bay Area Air District New Source Review regulations (Regulation 2, Rule 2) and Title V Major Facility Review regulations (Regulation 2, Rule 6) and also for purposes of determining CEQA impacts under this threshold. As described in the Bay Area Air District Policy "Calculating Potential to Emit for Emergency Backup Power Generators," the Bay Area Air District uses 100 hours to represent a reasonable worst-case assumption for emergency operations hours for a given year. Accordingly, this analysis utilizes 150 total hours annually (encompassing maintenance and testing hours in addition to assumed 100 annual emergency hours).

Additional details on the assumptions and inputs are included in Appendix A.

As a permitted source, the project applicant would be required to demonstrate operational emissions compliance with applicable Bay Area Air District standards through a separately issued Engine Permit prior to operations pursuant to Regulation 5, Rule 2, New Source Review for Toxics. Furthermore, in accordance with the latest Bay Area Air District BACT guidance, the proposed backup diesel generator would need to meet EPA Tier 4 Final emission standards.[35] Therefore, the foregoing regulations and related permitting standards and restrictions would apply to ensure TACs from the proposed emergency generators would meet all applicable requirements and thus be minimal.

Nonetheless, the California Air Pollution Control Officers Association (CAPCOA) Diesel Internal Combustion Engine (DICE) Risk Tool was used to perform a Screening Risk Assessment for operational emissions associated with the backup diesel generator for the proposed project. The DICE risk tool was designed to assist local Air Pollution Control Districts and Air Quality Management Districts in California with performing screening HRAs for toxic emissions from diesel internal combustion engines. This tool provides a user-friendly interface for entering project, engine, building, and receptor information, and it calculates potential health risks following the guidelines set by the ARB. Additionally, the tool ensures consistency with the methodologies and procedures

[34] City of Fontana, County of San Bernardino, State of California. 2003. Truck Trip Generation Study. August.

[35] Bay Area Air Quality Management District (Bay Area Air District). 2024. BACT Guideline. November. Website: https://www.baaqmd.gov/~/media/files/engineering/bact-tbact-workshop/combustion/96-1-3.pdf?rev=210312454f084efe9dba8846cda4d372&sc_lang=en. Accessed March 5, 2025.

outlined in the OEHHA 2015 Air Toxic Hot Spots Program Guidance Manual and district HRA protocols. Users can perform customized HRAs based on specific project details and local conditions, and the tool generates detailed reports that include risk assessment results and supporting data. This alignment with OEHHA, Bay Area Air District, CAPCOA, and ARB protocols helps ensure compliance with air quality regulations and protects public health by accurately assessing the impact of diesel engine emissions. Modeling parameters and outputs can be found in Appendix A.

The modeling results and associated health risks from operational-related TACs and $PM_{2.5}$ emissions are shown in Table 8 and compared against the Bay Area Air District's thresholds of significance. The health effect indicators are below the Bay Area Air District thresholds. Therefore, the proposed project's operational emissions would not result in significant health impacts to nearby sensitive receptors.

Table 8: Estimated Health Risks and $PM_{2.5}$ Concentrations–Operation

Source Name/Type	Cancer Risk (risk per 1 million)	Chronic Non-cancer Hazard Index	Maximum Annual $PM_{2.5}$ ($\mu g/m^3$)
Project Operation (backup diesel generator, 300 horsepower) at MEIR	0.2	0	0
Project Operation (Truck idling and travel) at MEIR	2.5	0	0
Overall Project Risks to MEIR	**2.7**	**0**	**0**
Project Operation (backup diesel generator, 300 horsepower) at MEIW	0	0	0
Project Operation (Truck idling and travel) at MEIW	0.16	0	0
Overall Project Risks to MEIW	**0.16**	**0**	**0**
Bay Area **Air District Single Source Threshold**	**10**	**1**	**0.3**
Exceeds Single Source Threshold?	**No**	**No**	**No**
Exceeds Single Source Threshold?	**No**	**No**	**No**

Notes:
$\mu g/m^3$ = micrograms per cubic meter
Bay Area Air District = Bay Area Air Quality Management District
MEIR = Maximally Exposed Individual Receptor
MEIW = Maximally Exposed Individual Worker
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
The MEIR was found to be a residence the north/northeastern border of the project site, across Lundy Place, within the adjacent jurisdiction of the City of Milpitas.
The MEIW was found to be a commercial facility to the east/southeast of the project's property boundary.
Risk was evaluated for Diesel Exhaust Particulate Matter which does not have an established Acute Reference Exposure Level Emissions
Source: Appendix A.
Thresholds Source: Bay Area Air Quality Management District (Bay Area Air District). 2022. CEQA Air Quality Guidelines. April 20.

Cumulative Health Risk Assessment–Project Operation

The Bay Area Air District recommends assessing the potential cumulative impacts from sources of TACs and $PM_{2.5}$ concentrations within 1,000 feet of a proposed project in combination with the project's operational-related health risks. Accordingly, a cumulative operational HRA was performed

that examined the cumulative impacts of the proposed project's operational-related health risks and $PM_{2.5}$ concentrations at the MEIR and MEIW in combination with existing sources of TACs and $PM_{2.5}$ concentrations within 1,000 feet of the proposed project. The analysis follows the methodology described above under the section "Cumulative Health Risk Assessment–Project Construction."

The cumulative health risks are summarized in Table 9. Outputs from the Bay Area Air District screening tools are documented in Appendix A, along with the HRA results.

Table 9: Cumulative Health Risks at the MEIR and MEIW–Project Operation

Source Name/Type	Distance from MEIR/MEIW	Cancer Risk (risk per 1 million)	Chronic Non-cancer Hazard Index	Maximum Annual $PM_{2.5}$ ($\mu g/m^3$)
Project Operation (backup diesel generator, 300 hp and truck idling and travel)–MEIR	—	2.7	0	0
Stationary Sources				
Microchip Technology, Inc. (Facility ID 24489)–Source type: Generator	Health risks unadjusted due to low value	0.45	0	0
Stack Infrastructure (Facility ID 22974)–Source type: Generator	1,000 feet	3.40	0.02	0.00
Mobiles Sources				
Roadway	See notes	7.94	0	0.21
Rail	See notes	0.43	0	0.00
Cumulative Health Risks at MEIR		**14.92**	**0.02**	**0.21**
Bay Area **Air District Cumulative Source Threshold**		**100**	**10**	**0.8**
Exceeds Cumulative Source Threshold?		**No**	**No**	**No**
Project Operation (emergency generator, 300 horsepower and truck idling and travel)-MEIW	—	0.16	0	0
Stationary Sources				
Microchip Technology, Inc. (Facility ID 24489) -Source type: Generator	Health risks unadjusted due to low value	0.45	0	0
Stack Infrastructure (Facility ID 22974)–Source type: Generator	1,000 feet	3.4	0.02	0.00
Mobiles Sources				
Roadway	See notes	24.80	0	0.66
Rail	See notes	0.06	0	0
Cumulative Health Risks at MEIW		**28.87**	**0.02**	**0.66**

Source Name/Type	Distance from MEIR/MEIW	Cancer Risk (risk per 1 million)	Chronic Non-cancer Hazard Index	Maximum Annual $PM_{2.5}$ ($\mu g/m^3$)
Bay Area **Air District Cumulative Source Threshold**		**100**	**10**	**0.8**
Exceeds Cumulative Source Threshold?		**No**	**No**	**No**

Notes:
$\mu g/m^3$ = micrograms per cubic meter
Bay Area Air District = Bay Area Air Quality Management District
hp = horsepower
MEIR = Maximally Exposed Individual Receptor
MEIW = Maximally Exposed Individual Worker
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter

Source: Appendix A.

As shown in Table 9, the cumulative impacts from project operation and existing sources of TAC emissions would be less than the Bay Area Air District cumulative thresholds of significance for cancer risk, non-cancer chronic hazard, and annual $PM_{2.5}$ concentrations. Therefore, the proposed project's operations, along with cumulative sources of TAC emissions and $PM_{2.5}$ concentrations within 1,000 feet, would be below the Bay Area Air District's cumulative thresholds of significance, and there would be no cumulatively considerable or significant impact.

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

Less than significant impact.

According to Bay Area Air District 2022 CEQA Guidelines, odor impacts could occur if the proposed project introduces a new odor source near existing receptors. If a project would be an odor-generating facility, then the Bay Area Air District provides a list of recommended odor screening distances for evaluating potential odor impacts. According to the Bay Area Air District, light warehouse uses such as those of the proposed project are not odor-generating facilities.

Construction

Potential sources that may emit odors during construction activities include exhaust from diesel construction equipment. However, because of the temporary nature of these emissions, the intermittent duration of construction activities, and the highly diffusive properties of DPM exhaust, substantial numbers of nearby receptors would not be adversely affected by diesel exhaust odors associated with project construction. Odors from these sources would be localized and generally confined to the immediate area surrounding the project site. The proposed project would utilize typical construction techniques, and the odors would be typical of most construction sites and temporary in nature. Thus, the proposed project would not result in a new odor source adversely affecting a substantial number of nearby existing receptors.

Operation

The proposed project would result in the operation of light industrial and ancillary office uses and related improvements. As previously stated, the permitted uses (such as warehouse and distribution, advanced manufacturing, etc.) are not identified by Bay Area Air District as sources of objectionable odors (e.g., wastewater treatment plant). Minor sources of odors, such as exhaust from mobile sources, are not typically associated with substantial odor complaints, and in any event such potential odors would be temporary and insignificant. Therefore, the proposed project would have less than significant odor impacts during operation.

4.3.3 - Conclusion

In conclusion, the proposed project would not conflict with or obstruct implementation of the applicable air quality plan. The proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or State ambient air quality standard. The proposed project would not expose sensitive receptors to substantial pollutant concentrations. The proposed project would not result in odors that would adversely affect a substantial number of people during project construction or operation, and impacts would be less than significant. There would be less than significant impacts to air quality.

4.4 - BIOLOGICAL RESOURCES

The findings for this section are based, in part, on the Biological Resources Assessment conducted for the proposed project. An Arborist Report was prepared in January 2025, by HortScience, Bartlett Consulting (HortScience), and is included as Appendix B-1. The biological analysis is wholly contained and incorporated into this document. Supporting documentation including the project- site photographs and site-specific desktop review are included as Appendix B-2 and B-3, respectively.

4.4.1 - Environmental Setting

The project site is fully developed and entirely surrounded by urbanized development, including commercial and industrial operations. The proposed project site currently contains one existing building, associated parking lot, fencing, site-lighting fixtures, and other related improvements (Appendix B-2–Photo Appendix). The entire project site is primarily made up of impervious surfaces, with ornamental vegetation scattered throughout the parking lot and surrounding the existing building. There are approximately 155 trees within the project site boundaries and 8 additional off-site street trees along the roadway/sidewalk (Appendix B-1–Arborist Report). Topography of the project site is relatively flat with no hydrological features.

Regional Setting

The Santa Clara Valley is bounded by the Diablo Range on the northeast and by the Santa Cruz Mountains on the southwest, which separate the valley from the Pacific Ocean. The County contains a wide range of biological resources, including diverse habitats such as oak woodlands, serpentine grasslands, redwood forests, aquatic resources, and wetlands. These resources are shaped by the County's Mediterranean climate, varied topography, and proximity to the San Francisco Bay.

Local Setting

Biological resources within the City of San José are diverse, despite its developed nature. The City contains natural ecological communities, harboring a diverse population of birds, mammals, reptiles, amphibians, and native plants. San José's biological resources exist among urban geography of parklands, urban forests, and natural areas. Despite its urban development, San José has significant areas of natural ecosystems in less developed portions of the City, including grasslands, northern coastal salt marsh, riparian habitat, woodlands, and the San Francisco Bay. Existing biological resources near the project site include Coyote Creek, located approximately 1.5 miles to the west of the project site. Additional resources adjacent to the project site include ornamental trees planted in the project vicinity, including street trees and other landscaping in neighboring properties.

Applicable Plans, Policies, and Regulations

Federal Endangered Species Act

The United States Fish and Wildlife Service (USFWS) has jurisdiction over species listed as threatened or endangered under the federal Endangered Species Act. Section 9 of the Endangered Species Act protects listed species from "take," which is broadly defined as actions taken to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." The Endangered Species Act protects threatened and endangered plants and animals and their critical habitat. Candidate species are those proposed for listing; these species are usually treated by

resource agencies as if they were actually listed during the environmental review process. Procedures for addressing impacts to federally listed species follow two principal pathways, both of which require consultation with the USFWS, which administers the Endangered Species Act for all terrestrial species. The first pathway is the Section 10(a) incidental take permit, which applies to situations where a non-federal government entity must resolve potential adverse impacts to species protected under the Endangered Species Act. The second pathway is Section 7 consultation, which applies to projects directly undertaken by a federal agency or private projects requiring a federal permit or approval.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) implements international treaties between the United States and other nations devised to protect migratory birds, their parts, eggs, and nests from activities such as hunting, pursuing, capturing, killing, selling, and shipping, unless expressly authorized in the laws and regulations or by permit. The State of California has incorporated the protection of birds of prey in Sections 3800, 3513, and 3503.5 of the Fish and Game Code. All raptors and their nests are protected from take or disturbance under the MBTA (16 United States Code [USC] § 703, *et seq*.) and California statute (Fish and Game Code [FGC] § 3503.5).

Bald and Golden Eagle Protection Act

The golden eagle (*Aquila chrysaetos*) and bald eagle (*Haliaeetus leucocephalus*) are also afforded additional protection under the Eagle Protection Act, amended in 1973 (16 USC § 669, *et seq*.), and the Bald and Golden Eagle Protection Act (16 USC §§ 668–668d).

California Endangered Species Act

The State of California enacted the California Endangered Species Act (CESA) in 1984. CESA is similar to the Endangered Species Act but pertains to State-listed endangered and threatened species. CESA requires lead agencies to consult with the California Department of Fish and Wildlife (CDFW) when preparing CEQA documents. The purpose is to ensure that the lead agency actions do not jeopardize the continued existence of a listed species or result in the destruction or adverse modification of habitat essential to the continued existence of those species if there are reasonable and prudent alternatives available (FGC § 2080). CESA directs agencies to consult with the CDFW on projects or actions that could affect listed species, directs the CDFW to determine whether jeopardy would occur, and allows the CDFW to identify "reasonable and prudent alternatives" to the project consistent with conserving the species. CESA allows the CDFW to authorize exceptions to the State's prohibition against take of a listed species if the take of a listed species is incidental to carrying out an otherwise lawful project that has been approved under CEQA (FGC § 2081).

California Fish and Game Code

Under CESA, the CDFW has the responsibility for maintaining a list of endangered and threatened species (FGC § 2070). Fish and Game Code Sections 2050 through 2098 outline the protection provided to California's rare, endangered, and threatened species. Fish and Game Code Section 2080 prohibits the taking of plants and animals listed under the CESA. Fish and Game Code Section 2081 established an incidental take permit program for State-listed species. The CDFW maintains a list of "candidate species," which it formally notices as being under review for addition to the list of endangered or threatened species.

In addition, the Native Plant Protection Act of 1977 (FGC § 1900, *et seq*.) prohibits the taking, possessing, or sale within the State of any plants with a State designation of rare, threatened, or endangered (as defined by the CDFW). An exception to this prohibition in the Native Plant Protection Act allows landowners, under specified circumstances, to take listed plant species, provided that the owners first notify CDFW and give the agency at least 10 days to come and retrieve (and presumably replant) the plants before they are plowed under or otherwise destroyed. Fish and Game Code Section 1913 exempts from take prohibition "the removal of endangered or rare native plants from a canal, lateral ditch, building site, or road, or other right-of-way." Project impacts to these species are not considered significant unless the species are known to have a high potential to occur within the area of disturbance associated with construction of the proposed project.

In addition, there are certain sensitive species, which would qualify for listing but are not currently listed are afforded protection under CEQA. CEQA Guidelines Section 15065 (Mandatory Findings of Significance) requires that a substantial reduction in numbers of a rare or endangered species be considered a significant effect. CEQA Guidelines Section 15380 (Rare or Endangered Species) provides for the assessment of unlisted species as rare or endangered under CEQA if the species can be shown to meet the criteria for listing. Unlisted plant species on the California Native Plant Society (CNPS) List ranked 1 or 2 would typically require evaluation under CEQA.

Fish and Game Code Sections 3500 to 5500 outline protection for fully protected species of mammals, birds, reptiles, amphibians, and fish. Species that are fully protected by these sections may not be taken or possessed at any time. The CDFW cannot issue permits or licenses that authorize the take of any fully protected species, except under certain circumstances such as scientific research and live capture and relocation of such species pursuant to a permit for the protection of livestock.

Under Fish and Game Code Section 3503.5, it is unlawful to take, possess, or destroy any birds in the orders of *Falconiformes* or *Strigiformes* (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto. To comply with the requirements of CESA, an agency reviewing a project proposal within its jurisdiction must determine whether any State-listed endangered or threatened species may be present in the project study area and determine whether the subject project would have a potentially significant impact on such species. In addition, the CDFW encourages informal consultation on any development project that may impact a candidate species.

Project-related impacts to species on the CESA endangered or threatened list would be considered significant. State-listed species are fully protected under the mandates of CESA. Take of protected species incidental to otherwise lawful management activities may be authorized under Fish and Game Code Section 206.591. Authorization from the CDFW would be in the form of an Incidental Take Permit.

Fish and Game Code Section 1602 requires any entity to notify the CDFW before beginning any activity that "may substantially divert or obstruct the natural flow of, or substantially change or use any material from, the bed, channel, or bank of any river, stream, or lake" or "deposit debris, waste, or other materials that could pass into any river, stream, or lake." "River, stream, or lake" includes waters that are episodic and perennial and ephemeral streams, desert washes, and watercourses

with a subsurface flow. A Lake or Streambed Alteration Agreement will be required if the CDFW determines that project activities may substantially adversely affect fish or wildlife resources through alterations to a covered body of water.

California Department of Fish and Wildlife Species of Concern

In addition to formal listing under the Endangered Species Act and CESA, some species receive additional consideration by the CDFW and local lead agencies during the CEQA process. Species that may be considered for review are included on a list of "Species of Special Concern," developed by the CDFW. It tracks species in California whose numbers, reproductive success, or habitat may be threatened. Species with this status may have limited distributions or limited populations, and/or the extent of their habitats has been reduced substantially, such that their populations may be threatened. Thus, their populations are monitored and they may receive special attention during environmental review. In addition to Species of Special Concern, the CDFW identifies animals that are tracked by the California Natural Diversity Database (CNDDB) but warrant no federal interest and no legal protection. These species are identified as California Special Animals. While they do not have statutory protection, they may be considered rare under CEQA and specific protection measures may be warranted.

California Native Plant Society

The CNPS maintains a rank of plant species native to California that has low population numbers, limited distribution, or are otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Vascular Plants of California. Following are the definitions of the CNPS ranks:

- **Rank 1A:** Plants presumed extirpated in California and either rare or extinct elsewhere
- **Rank 1B:** Plants rare, threatened, or endangered in California and elsewhere
- **Rank 2:** Plants presumed extirpated in California but common elsewhere
- **Rank 3:** Plants about more information is needed
- **Rank 4:** Watch List: Plants of limited distribution

Potential impacts to populations of CNPS ranked plants receive consideration under CEQA review. All plants appearing on the CNPS List ranked 1 or 2 are considered to meet the CEQA Guidelines Section 15380 criteria. While only some of the plants ranked 3 and 4 meet the definitions of threatened or endangered species, potential impacts to these species or their habitats should be analyzed during the preparation of environmental documents pursuant to CEQA, as they may meet the definition of Rare or Endangered under the CEQA Guidelines Section 15380 criteria.

Santa Clara Valley Habitat Plan

The SCVHP provides a framework for promoting the protection and recovery of natural resources, including endangered species, while streamlining the permitting process for planned development, infrastructure, and maintenance activities. The purpose of the SCVHP is to protect, enhance, and restore natural resources in specific areas of Santa Clara County and contribute to the recovery of endangered species. The SCVHP evaluates natural-resource impacts and mitigation requirements

comprehensively in a way that is more efficient and effective for at risk species and their essential habitats. The SCVHP was adopted by the City of San José on January 29, 2013.[38]

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes the following policies relevant to all development projects in San José and this analysis.

Envision San José 2040 General Plan Relevant Biological Policies

Policies	Description
Policy ER-4.4	Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.
Policy ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
Policy MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
Policy MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
Policy MS-21.6	As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies, or guidelines.

City of San José Municipal Code

San José Municipal Code Chapter 13.32: Tree Removal Controls, requires the applicant to obtain a Tree Removal Permit prior to the removal or relocation of a tree with a circumference of 38 inches or more measured at a height 54 inches above natural grade slope.[39] Additionally, it sets forth protections given to heritage trees, which are trees given additional protections due to their special significance to the community because of their size, history, unusual species, or unique quality.

[38] Santa Clara County. 2025. Santa Clara Valley Habitat Plan. Website: https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan. Accessed March 20, 2025.

[39] City of San José. 2025. City of San José Municipal Code Chapter 13.32 – Tree Removal Controls. Website: https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT13STSIPUPL_CH13.32TRRECO. Accessed March 20, 2025.

4.4.2 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 Wildlife or United Staes 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, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?	☐	☐	☐	☒
3. Have a substantial adverse effect on State or federally protected wetlands federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
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 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?	☐	☐	☒	☐

Impact Discussion

Records Searches and Pedestrian Survey to Identify Existing Biological Resources

Literature Review

The literature review provides a baseline from which to evaluate the biological resources potentially occurring on the project site, as well as in the surrounding study area. The existing environmental documentation for the project site and immediate vicinity within an approximately 500-foot buffer were reviewed, including database queries and site-specific arborist report (Appendix B-1). This analysis incorporates methodologies used, site-specific supporting documentation and biological report findings (e.g., arborist report), literature on potential sensitive habitats and requirements of special-status species potentially occurring within the project site, USFWS and CDFW database

results for potential special-status species on-site, and discussion of potential project impacts to sensitive biological resources.[40,41,42]

Topographic Map and Aerial Imagery

To determine potential biological resources on-site, including aquatic resources, current USGS 7.5-minute topographic quadrangle map(s) and aerial photographs of the existing conditions within the project site and immediate vicinity were reviewed. Information obtained from the review of the topographic maps included elevation range, general watershed information, and potential aquatic feature locations within the project vicinity. Other information obtained to determine potential biological resources on-site were reviewed through aerial photographs, providing an up-to-date perspective of the most current site conditions relative to on-site and off-site land use, plant community locations, and potential locations of wildlife movement corridors.

Special-status Wildlife and Plant Species

A search of the CDFW CNDDB, a special-status species and plant community account database, and the CNPS Inventory of Rare a Plants (CNPS Inventory) of California database for the *San José, California* USGS 7.5-minute Topographic Quadrangle Map was conducted. The database search results can be found in Appendix B-3. The CNDDB Biogeographic Information and Observation System (BIOS 6) database was used to determine the distance between known recorded occurrences of special-status species and the project site.

Trees

Both the General Plan and Municipal Code address the protection of trees, as described above in the Regulatory Framework discussion. This analysis is based on consistency with these relevant local provisions, as well as a site-specific Arborist Report conducted in connection with this CEQA analysis (see Appendix B-1).

Field Survey

The reconnaissance-level field survey was conducted on February 24, 2025, between 1:00 p.m. and 3:00 p.m. Weather conditions during the field survey were partially cloudy with a high temperature of 60°F (degrees Fahrenheit). The objective of the survey was to ascertain existing site conditions and identify potentially suitable habitat areas for various special-status plant and wildlife species. Special-status or unusual biological resources identified during the literature review were ground-truthed during the reconnaissance-level survey. Special attention was paid to sensitive habitats and areas potentially supporting special-status floral and faunal species.

Special-status Species

Special-status species, whether plants, wildlife, or fish, are considered sufficiently rare that they require special consideration and/or protection and have been or should be listed as rare,

[40] California Department of Fish and Wildlife (CDFW). 2025. California Natural Diversity Database RareFind 5. Website: https://apps.wildlife.ca.gov/rarefind/view/RareFind.aspx. Accessed August 2025.

[41] California Department of Fish and Wildlife (CDFW). 2025. Biogeographic Information and Observation System (BIOS 6). Website: https://wildlife.ca.gov/Data/BIOS. Accessed August 2025.

[42] United States Department of Fish and Wildlife (CDFW). 2025. Information for Planning and Consultation (IPaC). Website: https://ipac.ecosphere.fws.gov/. Accessed August 2025.

threatened, or endangered by the federal and/or State governments. Special-status species are defined as meeting one or more of the following criteria:

- Listed or proposed for listing under CESA or the federal Endangered Species Act;
- Protected under other regulations (e.g., MBTA);
- CDFW Species of Special Concern;
- Plant species ranked by the CNPS; or
- Otherwise entitled to receive consideration during environmental review under CEQA pursuant to applicable laws and regulations.

Approach to Analysis

Impacts on biological resources are evaluated based on the likelihood that special-status species, sensitive habitats, wildlife corridors, and protected trees are present within the project site and vicinity, and the likely effects of construction and operation of the proposed project on any such resources.

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 Wildlife or United States Fish and Wildlife Service?

Less than significant with mitigation incorporated. Based on the Biological Resources Assessment, which is wholly contained in this document, the project site does not contain suitable habitat to support special-status species. The potential for special-status plant and/or wildlife species to occur on-site is further discussed below.

Special-status Plant Species

The project-specific literature review identified a target list of 54 special-status plants and CNPS sensitive species (Ranks 1–4) shown in the Special-status Plant Species Table (Appendix B-2–Special-status Species Evaluation Table 1), which have been recorded within the *Milpitas, California* Topographic Quadrangle and the eight surrounding quadrangles by the CNDDB and CNPS Inventory.[43,44,45] Three special-status plants have been recorded within a 5-mile radius of the project site: Hoover's button-celery (*Eryngium aristulatum var. hooveri*), Congdon's tarplant (*Centromadia parryi ssp. congdonii*), and alkali milk-vetch (*Astragalus tener tener*), but no special-status plant species were observed during the field survey conducted on February 24, 2025. Due to the developed nature of the site, the project site does not provide the suitable habitat conditions required for any of the special-status plant species such as specific soil and/or habitat types. Based upon the field survey, literature review, and on-site habitat conditions, no special-status plant species have the potential to occur within the project site due to absence of suitable habitat.

[43] California Department of Fish and Wildlife (CDFW). 2025. California Natural Diversity Database (CNDDB) RareFind 5. Website: https://apps.wildlife.ca.gov/rarefind/view/RareFind.aspx. Accessed March 20, 2025.

[44] California Department of Fish and Wildlife (CDFW). 2025. Biogeographic Information and Observation System (BIOS 6). Website: https://wildlife.ca.gov/Data/BIOS. Accessed March 20, 2025.

[45] California Native Plant Society (CNPS). 2025. CNPS Rare Plant Inventory. Website: https://rareplants.cnps.org/. Accessed March 20, 2025.

Therefore, no impacts to special-status plant species from project construction or operation are anticipated and no impact would occur.

Special-status Wildlife Species

The project-specific literature review identified a target list of 39 special-status wildlife species shown in the Special-status Wildlife Species Table (Appendix B-3 Special-status Species Evaluation Table 2), which have been recorded within the *Milpitas, California* Topographic Quadrangle and the eight surrounding quadrangles by the CNDDB search.[46,47] Of the 39 special-status species evaluated, 9 species have been recorded within a 5-mile radius of the project site. These consist of California tiger salamander (*Ambystoma californiense pop. 1*), tricolored blackbird (*Agelaius tricolor*), golden eagle (*Aquila chrysaetos*), burrowing owl (*Athene cunicularia*), white-tailed kite (*Elanus leucurus*), California black rail (*Laterallus jamaicensis coturniculus*), Alameda song sparrow (*Melospiza melodia pusillula*), salt marsh harvest mouse (*Reithrodontomys raviventris*), and northwestern pond turtle (*Actinemys marmorata*). However, none of these species has a potential to occur on-site due to the developed, urbanized nature of the project site and its surroundings. Therefore, it is presumed that special-status wildlife species are absent from the project site.

The project site contains a vacant building, proposed for demolition, and existing ornamental trees, that could serve as marginally suitable bat roosting habitat, including pallid bat (*Antrozous pallidus*) and Townsend's big-eared bat (*Corynorhinus townsendii*). Potential construction activities during bat maternity season, between April 1 to August 31, could disturb roosting bats on-site, resulting in a potentially significant impact. Although marginal roosting habitat is present, on-site conditions lack suitable woodland, forest, grassland, and/or riparian habitat(s) to support foraging activities, therefore, the likelihood for bats to roost on-site would be considered extremely low. Additionally, due to the lack of recent occurrences within 10 miles of the project site (the most recent occurrence of which occurred in 1939), high levels of human-related disturbances, unsuitable roosting conditions, lack of suitable foraging habitat, and absence of bats or previous roosts from on-site buildings and trees during the February 2025 field survey, special-status roosting bat species are presumed to be absent from the project site. Therefore, no impacts would occur.

Nesting Birds

The vegetated habitats within the project site provide suitable nesting habitat for a variety of urbanized species of nesting birds, protected under State and federal laws and regulations. Trees within the project site, along the parcel boundary, and within 250 feet of project grading limits[48] could provide marginally suitable nesting habitat for a variety of native, migratory, or other bird species. Demolition and other construction activities, including tree removal, that occur during the avian nesting season (generally February 1 to August 31) could significantly disturb or destroy nesting sites for bird species protected under the Fish and Game Code or MBTA. Potential indirect operation-related impacts to special-status bird species include noise, light, window reflections, and

[46] California Department of Fish and Wildlife (CDFW). 2025. California Natural Diversity Database (CNDDB) RareFind 5. Website: https://apps.wildlife.ca.gov/rarefind/view/RareFind.aspx. Accessed March 20, 2025.

[47] California Department of Fish and Wildlife (CDFW). 2025. Biogeographic Information and Observation System (BIOS 6). Website: https://wildlife.ca.gov/Data/BIOS. Accessed March 20, 2025.

[48] Based on California regulations and guidelines, particularly the California Fish and Game Code (sections 3503, 3503.5, and 3513), as well as the federal Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act, CDFW recommends a minimum no-disturbance buffer of 250 feet for non-listed bird species and 500 feet for non-listed raptors. However, is determined during the regulatory agency consultation process.

other man-made disturbances, which may cause nesting birds adjacent to the vegetation removal areas to abandon their nests. However, due to the developed nature of the project site, species individuals that may occur within the project vicinity are likely adapted to surrounding conditions and would not result in adverse impacts. The removal of trees during the nesting season could result in direct harm to nesting birds, while noise, light, and other man-made disturbances may cause nesting birds to prematurely abandon their nests. Therefore, the applicant would be required to implement Mitigation Measure (MM) BIO-1, which outlines avoidance and minimization measures to ensure that potential project impacts on nesting birds are reduced to a less than significant level.

Potential indirect operation-related impacts to special-status bird species include noise, light, window reflections, and other man-made disturbances, which may cause nesting birds adjacent to the vegetation removal areas to abandon their nests. However, due to the developed nature of the project site, species individuals that may occur within the project vicinity are likely adapted to surrounding conditions and would not result in adverse impacts.

Impact BIO-1

Tree removal, demolition or grading activities during the nesting season could result in direct and indirect impact on nesting birds or nest abandonment.

Mitigation Measures

MM BIO-1 Impacts to Nesting Birds

- **Avoidance:** Tree removal, demolition, or any construction activity (whichever occurs first) shall be scheduled, to the extent feasible, to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31, inclusive.

- **Nesting Bird Surveys:** If tree removal, demolition, or any construction activity cannot be scheduled outside of nesting season, then a qualified ornithologist shall complete pre-construction surveys (February 1 through August 31, inclusive) to identify active nests that may be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of tree removal/demolition/construction activities (whichever occurs first). During this survey, the ornithologist shall inspect all trees and other suitable nesting habitats for active nests on-site and within a 250-foot buffer, where feasible, of the construction areas. If no active nests are located during the survey(s), then no further mitigation for that particular species shall be required. If construction ceases for two days or more and then resumes during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may have relocated and/or present on-site. Construction shall not resume until the surveys are complete and submitted to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee.

- **Buffer Zones:** If an active nest is found within 250 feet of work areas to be disturbed by tree removal/demolition/construction activities (whichever occurs

first), the Qualified Ornithologist shall determine an appropriate avoidance buffer on a case-by-case basis, depending on the nesting species present, to define the extent of a construction free buffer zone to be established around the nest within which no work activity would be permitted, to ensure that raptor or migratory bird nests shall not be disturbed during project construction activities. In no case shall the buffer be smaller than 50 feet for non-raptor bird species or smaller than 200 feet for raptor species. Larger buffers may be required depending on the status of the nest and the construction activities occurring near the nest. The buffer area(s) shall be closed to all construction personnel and equipment until juveniles have fledged and until the nest is inactive. The Qualified Ornithologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer.

- **Reporting:** The project applicant shall submit the Ornithologist's report indicating the results of the relevant survey(s) and any designated buffer zone(s) to the satisfaction of the Director of PBCE or the Director's designee, prior to issuance of the relevant tree removal, demolition, or grading permits, whichever occurs first.

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, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?

No impact. The entirety of the project site is developed and no riparian habitat or other sensitive natural community exists on-site. The nearest riparian habitat and other sensitive natural community is located within Coyote Creek, approximately 1.5 miles west of the project site and separated from the project site by intervening development. Therefore, the proposed project would not impact riparian habitat or sensitive natural communities. No impacts would occur.

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 interruption, or other means?

No impact. The project site does not contain State or federally protected wetlands. The entirety of the project site is developed with impervious surfaces and no wetlands were observed during field surveys. Therefore, the proposed project would not have a substantial adverse effect on State or federally protected wetlands. No impacts would occur.

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 wildlife nursery sites?

Less than significant impact. The project site is surrounded by existing urban development on all sides, and is not considered suitable as a migratory wildlife corridor or wildlife nursery site, which typically require diverse vegetation for food and cover, as well as protection from human disturbances like roads and development. Therefore, impacts related to wildlife movement corridors or nursery sites would be less than significant.

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. The City's Municipal Code provides for the protection and preservation of specified trees (as noted above). The project-specific Arborist Report evaluated all trees (approximately 163 trees in total), representing 13 species, within the project site and adjacent areas. Eight of the evaluated trees were off-site street trees along the roadway/sidewalk and 155 trees were within the project site boundary (Appendix B-1). Project implementation would require the removal of approximately 152 trees, including 144 on-site trees and 8 street trees. Of the 144 on-site trees, 82 are considered Ordinance-sized and 62 are considered non-Ordinance-sized trees. None of the street trees proposed for removal are considered protected. A total of 11 on-site trees would be protected; 9 of which are considered Ordinance-sized trees, as defined in Chapter 13.32 of the San José Municipal Code. The City defines an Ordinance-sized tree as either a single trunk or stem with a circumference of at least 38 inches measured at a height 54 inches above natural grade slope or multiple trunks where the combined circumferences of each trunk at 54 inches above natural grade slope add up to at least 38 inches. A Tree Removal Permit is needed if the tree proposed to be removed is a Street tree; a Heritage Tree; an Ordinance-sized tree, live or dead; or for the removal of any tree located on multi-family, commercial, industrial, or mixed-use property or in a common area. Because the proposed project requires the removal of any protected trees, the project applicant would be required to follow relevant Standard Permit Conditions and seek and obtain permission from the City pursuant to its Municipal Code prior to the removal of any protected trees on-site or within adjacent areas (i.e., street trees).

The proposed project would include the preservation of 11 existing trees to incorporate into the proposed landscape. The proposed project would implement sufficient measures to protect the preserved trees, including design features such as protection fencing around the existing drip line to minimize construction impacts such as compaction. The project applicant would be required to follow the tree replacement criteria described in the City's Standard Permit Condition that reflects compliance with the relevant Municipal Code tree protection provisions. The proposed landscaping plan includes approximately 197, 24-inch box trees (equivalent to 394, 15-gallon box trees), and 21 street trees, resulting in approximately 218 total proposed replacement trees, which would satisfy applicable replacement requirements. Proposed tree species include Kay Parris Magnolia, crepe myrtle, and incense cedar. Additional landscaping throughout the project site would include grasses, shrubs, and ground cover in accordance with the approved landscape plan. The proposed landscape plan would include low water use or drought-tolerant species that would meet the City of San José Water Efficient Landscape Requirements. The final landscape plans would be subject to review during the proposed project's constructing permitting process to ensure compliance with all applicable City landscaping and tree removal requirements. Therefore, the proposed project would not conflict with the City's Municipal Code Chapter 13.32: *Tree Removal Controls*, impacts would be less than significant.

Standard Permit Conditions

SPC BIO-1 Tree Replacement

The removed trees would be replaced according to tree replacement ratios required by the City in accordance with the table below.

City of San José Tree Replacement Ratios				
Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more	5:1	4:1	3:1	15-gallon
19 up to 38 inches	3:1	2:1	None	15-gallon
Less than 19 inches	1:1	1:1	None	15-gallon
x:x = tree replacement to tree loss ratio **Notes**: Trees greater than or equal to 38-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-family Residential, Commercial, and Industrial properties, a permit is required for removal of trees of any size. A 38-inch tree equals 12.1 inches in diameter. A 24-inch box tree equals two 15-gallon trees. Single-family and two-dwelling properties may be mitigated at a 1:1 ratio.				

The landscaping plan includes planting approximately 197 24-inch box trees (equivalent to 394 15-gallon box trees) and 21 street trees, resulting in approximately 218 total proposed trees. Pursuant to applicable provisions in the City's Municipal Code, the remaining approximately 45 trees required to be mitigated would be covered by "in lieu fees" prior to the issuance of building permit(s), in accordance with the City Council approved Fee Resolution in effect at the time of payment for replacement trees that could not be planted on-site due to insufficient area.

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, at the development permit stage.
- Pay off-site tree replacement fee(s) to the City, prior to the issuance of grading permit(s), in accordance with the City Council approved Fee Resolution. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

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. The proposed project is within the boundaries of the SCVHP Permit Area and designated "Urban Areas (No Land Cover Fee)". Therefore, the proposed project would be

a covered activity and subject to the permitting and regulations established by the SCVHP. The project site is not located in a Habitat Plan survey area for any special-status plant or wildlife species. The Habitat Plan considers covered activities to result in a certain amount of indirect impacts from urban development, mostly in the form of increased impervious surfaces and from the effects of nitrogen deposition.

Adherence to the City's Standard Permit Condition for SCVHP would ensure the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan.

With implementation of the Standard Permit Condition below, the project would not conflict with the provisions of the Habitat Plan

Standard Permit Conditions

SPC BIO-2 Santa Clara Valley Habitat Plan

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

4.4.3 - Conclusion

With adherence to Standard Permit Conditions and implementation of MM BIO-1, impacts to biological resources would be less than significant.

4.5 - CULTURAL RESOURCES

This section describes the existing cultural resources setting and potential effects from project implementation on the project site and its surrounding area. The following discussion is based, in part, on contact with the Native American Heritage Commission (NAHC) in February 2025, records search at the Northwest Information Center (NWIC) received March 2025, and a cultural resources pedestrian survey conducted by FirstCarbon Solutions (FCS) in March 2025. The non-confidential NWIC records search, pedestrian survey photographs, and NAHC correspondence are included in Appendix C.

4.5.1 - Environmental Setting

The project site is located on the *San José, California* USGS 7.5-minute Quadrangle, Township 2 North, Range 6 East.

Cultural Resources Background Setting

The following is a brief summary of the pre-contact and historic background of the general San José area, which provides context to understand the relevance of cultural resources that may be located on or in proximity to the project site. This section is not intended to be a comprehensive review of the current resources available throughout the City; rather, it serves as a general overview. Unless otherwise stated, the following cultural resources setting and analysis is based on information provided by the NAHC, NWIC, the current inventories of the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), California Historic Landmarks (CHL) list, California Points of Historical Interest (CPHI) list, and the California Built Environment Resource Directory (BERD) for Santa Clara County.

The Ohlone

At the time of European contact in the 18th century, the San José region was inhabited by the Ohlone people, part of the broader Costanoan linguistic family. This family included six to eight distinct but related languages, which were geographically distributed across the San Francisco and Monterey Bay areas. Though native speakers no longer exist, varieties like Mutsun, Rumsen, and Chocheño were documented by 20th-century linguists. The term “Costanoan” comes from the Spanish “costeños” (coastal people), but “Ohlone” became more popular after Malcolm Margolin’s 1978 book The Ohlone Way. While the two terms are often used interchangeably today, not all descendants of Costanoan speakers accept the label “Ohlone.”

The Ohlone and Miwok peoples are believed to have migrated into California’s Delta region around 4,500 years ago, displacing earlier Hokan-speaking groups. Prior to European colonization, the Ohlone lived in independent political units called tribelets, each led by a headman—typically male and patrilineal—who oversaw village affairs, ceremonies, and resource distribution. Tribelets consisted of semi-permanent villages with populations ranging from 50 to 150 people, and temporary camps scattered throughout their territories. Their social organization resembled that of southern California tribes like the Salinan and Chumash more than other Penutian-speaking groups.

The Ohlone economy was based on hunting, gathering, and trade. Women gathered plant foods while men hunted animals such as deer, elk, and waterfowl. Acorns were a dietary staple,

supplemented by fish like salmon and sturgeon. The Ohlone traded goods like abalone shells, salt, and Olivella shells with neighboring tribes such as the Miwok and Yokuts, receiving pine nuts, feather blankets, and tools in return. They built reed watercraft, used bows and arrows, and lived in dome-shaped dwellings made from tule reeds and grasses. By 1776, their territory spanned roughly 17,350 square kilometers from San Francisco to south of Monterey Bay and inland to the Diablo Range, with an estimated population between 7,000 and 16,000.

Santa Clara County

Santa Clara County, named after Mission Santa Clara de Asís founded in 1777, was officially established on February 18, 1850, originally called San José County. The name was changed following recommendations from General Vallejo's committee. The County includes 15 cities, with San José as the county seat, and spans 1,312 square miles. After California became part of the U.S., San José briefly served as the State's capital. The region's fertile soil, favorable climate, and abundant underground water made it ideal for agriculture, attracting settlers after the 1848 Gold Rush and leading to rapid development.

Key figures in the county's early growth included Martin Murphy Jr., who planted the first orchards and helped found Santa Clara University, and Leland Stanford, who established Stanford University. Rafael Soto also contributed by laying out Palo Alto's townsite. The expansion of railroads further boosted agriculture and commerce. Following World War II, the County saw a population surge as veterans moved in, drawn by suburban opportunities.

Today, Santa Clara County is known as Silicon Valley, home to tech giants like Apple, Google, Facebook, and Tesla. With a population nearing 1.8 million, it's the largest of the nine Bay Area counties. The region also hosts top universities—Stanford, San José State, and Santa Clara University—and professional sports teams like the San José Sharks. Renowned for its innovation, quality of life, and natural beauty, Santa Clara County is consistently ranked among the best places to live in the U.S.

The City of San José

San José was founded in 1777 as the Pueblo of San José de Guadalupe by Spanish colonists, making it the first civilian settlement in Alta California. Originally located near the Guadalupe River, it was relocated in 1791 due to flooding. After Mexico gained independence from Spain in 1821, land ownership shifted to private hands, attracting Anglo-American settlers. By the 1840s, Native Californians had become a minority. The Gold Rush and California's statehood in 1850 brought rapid growth, with San José serving briefly as the state's first capital. The arrival of railroads in the 1860s connected the city to national markets, transforming it into a hub for agriculture, industry, and commerce.

Before World War II, San José was the world's largest center for canning and dried-fruit packing. Post-war, the City pivoted toward technology, with IBM establishing a major presence. The 1950s and '60s saw explosive growth under City Manager A.P. Hamann, expanding the city's population and area dramatically. Despite anti-growth movements in the 1970s, the rise of the computer industry—driven by innovations in silicon chip technology—earned the region the nickname "Silicon Valley." By 1980, thousands of tech firms had settled in the area, making San José a global center for

innovation. Today, with over 1 million residents, it is the largest city in Northern California and a magnet for both multinational corporations and startups.

Cultural Resources Analysis: Project Site and Vicinity

Northwest Information Center

A records search and literature review for the project site and a 0.5-mile radius were conducted on March 13, 2025, at the NWIC, located in Rohnert Park, California. The purpose of this review was to access and review existing relevant cultural resource survey reports, archaeological site records, historic aerial photographs, and historic maps to evaluate whether any previously documented pre-contact or historic archaeological sites, architectural resources, cultural landscapes, or other resources exist within or near the project site.

The results from the NWIC indicated that there are four historic cultural resources recorded within the 0.5-mile search radius. No historic or pre-contact cultural resources were recorded within the project site boundaries. In addition, there are 85 area-specific survey reports on file with the NWIC for the 0.5-mile search radius, with four reports involving lands that are located within the project site boundaries, indicating that the project site has been previously surveyed for archaeological and historical resources.

Pedestrian Cultural Resources Survey

A pedestrian survey was conducted on March 25, 2025 for unrecorded cultural resources at the project. The survey covered the project site, beginning in the eastern corner of the project site and heading south/north utilizing 15-meter north–south transects, where possible. The survey area was primarily flat and clear, with approximately five percent soil visibility due to the project site being predominantly hardscaped. Soil visibility was limited to landscaped areas along the southern border of the project site and the building's front entrance. Soil appeared to be non-native, likely imported for landscaping purposes. The soil consisted of dark yellowish brown (Munsell 10YR 4/4) silt loam.

Survey conditions were documented using digital photographs and field notes. All the exposed ground surface areas were surveyed for pre-contact artifacts (e.g., fire-affected rock, milling tools, flaked stone tools, toolmaking debris, ceramics), soil discoloration and depressions that might indicate the presence of a cultural midden, faunal and human osteological remains, and features indicative of the former presence of structures or buildings (e.g., postholes, standing exterior walls, foundations) or historic debris (e.g., glass, metal, ceramics). All areas of the project site were closely examined for culturally modified soils or other indicators of potential historic or pre-contact resources. The northern portion of the project site was gated and therefore inaccessible. The project site features one building, which is under 45 years old, and is not considered a potentially historic resource given that the building does not meet the age threshold to be considered a potentially historic resource pursuant to the criteria outlined in the CRHR and the NRHP. No potentially eligible historic or pre-contact archaeological resources were found over the course of the pedestrian survey; however, poor soil visibility across the site due to hardscaping hindered the survey's overall ability to accurately gauge the presence of surface archaeological resources.

Buried Site Potential

In addition to the pedestrian survey, the potential for yet identified cultural resources in the vicinity was reviewed against geologic and topographic geographic information system data for the general area and information from other nearby projects. The project site was evaluated against a set of criteria identified in the Geoarchaeological Overview of the Nine Bay Area Counties in Caltrans District 4 that was prepared for Caltrans (Meyer and Rosenthal 2007).[51] This study mapped the archaeological sensitivity, or potential to support the presence of buried pre-contact archaeological deposits, throughout the San Francisco Bay Area based on geology and environmental parameters including distance to water and landform slope. The methodology used in the study is applicable to other parts of California and concluded that sites consisting of flat, Holocene-era deposits in close proximity to water resources had a moderate to high probability of containing subsurface archaeological deposits when compared to earlier Pleistocene deposits situated on slopes or further away from drainages, lakes, and rivers.

Located on relatively flat, fully developed land, the project site is geologically situated on Holocene-era alluvial gravel, sand, and clay (Qa), including alluvial fan deposits.[52] While there is moderate to high probability of subsurface archaeological deposits in Holocene-era deposits near water in general, the project site is approximately 1.5 miles west of Coyote Creek, the nearest water source. Furthermore, the pedestrian survey and the search of the Sacred Lands File (SLF) for the presence of TCRs yielded negative results. The NWIC search results were also negative for any recorded pre-contact resources on the project site and within the 0.5-mile radius.

Historic Building Survey and Evaluation

The proposed project does not involve the demolition of any existing historical buildings or structures. The pedestrian survey did not encounter any unrecorded potential historical resources on the project site. The building within the project site was constructed circa 1982 by Sobrato Development Companies for Elxsi Corporation. Because the building is less than 45 years old, it is a functionally obsolete, non-descript industrial building, and is not considered a potential historical resource.

Applicable Plans, Policies, and Regulations

National Historic Preservation Act

The NRHP, established under the National Historic Preservation Act, is a comprehensive inventory of known historic resources throughout the United States. The NRHP is administered by the National Park Service and includes buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological or cultural significance.

The NRHP significance criteria are listed below, and include districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and are:

[51] Meyer, Jack, and Jeffrey Rosenthal, 2007. Geoarchaeological Overview of the Nine Bay Area Counties in Caltrans District 4. Prepared for Caltrans District 4, 2007.

[52] Diblee, Thomas and Minch, John, 2005. Geologic Map of the Gilroy Quadrangle, Santa Clara County, California. 2005.

A. Associated with events that have made a significant contribution to the broad patterns of our history; or

B. Associated with the lives of significant persons in our past; or

C. Embodiment of distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

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

For a resource to be eligible for listing, it also must retain integrity of those features necessary to convey its significance in terms of: (1) location, (2) design, (3) setting, (4) materials, (5) workmanship, (6) feeling, and (7) association. CEQA requires evaluation of project effects on properties that are listed in or eligible for listing in the NRHP.

California Register of Historical Resources

The CRHR is a guide to cultural resources that must be considered when a government agency undertakes a discretionary action subject to CEQA. The CRHR aids government agencies in identifying, evaluating, and protecting California's historical resources, and indicates which properties are to be protected from substantial adverse change (PRC § 5024.1[a]). The CRHR is administered through the California Office of Historic Preservation, which is part of the California State Parks system. A historic resource listed in, or formally determined to be eligible for listing in, the NRHP is, by definition, included in the CRHR (PRC § 5024.1[d][1]).

State Laws and Regulations Regarding Cultural Resources

Archaeological and historical sites are protected by several State laws and regulations under the California Public Resources Code ([PRC] § 5024.1) and CEQA Guidelines Section 15064.5(a), California Code of Regulations (CCR) (Title 14 § 1427, 4852), and California Health and Safety Code Section 7050.5. California Public Resources Code Sections 5097.9-5097.991 require notification of discoveries of Native American remains and provides for the treatment and disposition of human remains and associated grave goods. Both State law and City of San José Municipal Code require that the Santa Clara County Coroner be notified if cultural remains are found on a site. If the Coroner determines the remains are those of Native Americans, the NAHC and a "most likely descendant" must also be notified.

Public Resources Code Section 5024.1 and CEQA Guidelines Section15064.5(a)–Definition of a Historic Resource (CCR Title 14 § 4852)

Public Resources Code Section 5024.1 and CEQA Guidelines Section 15064.5(a), in Title 14 of the California Code of Regulations, define a "historical resource" as a resource that:

(1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.

(2) Is associated with the lives of persons important in our past.

(3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

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

CEQA Guidelines 15064.5(c)–Effects on Archaeological Resources (CCR Title 14 § 1427)

The CEQA Guidelines state that a resource need not be listed on any register to be found historically significant. The CEQA Guidelines direct lead agencies to evaluate archaeological sites to determine whether they meet the criteria for listing in the CRHR. If an archaeological site is a historical resource, in that it is listed or eligible for listing in the CRHR, potential adverse impacts to it must be considered. If an archaeological site is considered not to be a historical resource but meets the definition of a "unique archaeological resource" as defined in Public Resources Code Section 21083.2, then it would be treated in accordance with the provisions of that section.

Health and Safety Code Section 7050.5 (Treatment of Human Remains)

Section 7050.5 of the Health and Safety Code sets forth provisions related to the treatment of human remains. As the code states, "every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor" except under circumstances as provided in Section 5097.99 of the Public Resource Code. The regulations also provide guidelines for the treatment of human remains found in locations other than a dedicated cemetery including responsibilities of the Coroner.

Public Resources Code Section 5097.98 (Discovery of Human Remains)

Section 5097.98 provides protocol for the discovery of human remains. It states that "whenever the commission receives notification of a discovery of Native American human remains from a County Coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify persons believed to be most likely descended from the deceased Native American." It also sets forth provisions for descendants' preferences for treatment of the human remains and what should be done if the commission is unable to identify a descendant.

Historic Preservation Ordinance

The City's Historic Preservation Ordinance is under San José Municipal Code Section 13.48.110, which sets forth factors that may be considered in order to determine whether a property qualifies as a local landmark. Based on the ordinance, proposed City landmarks have special historical, architectural, cultural, aesthetic, or engineering interest or value of a historical nature, and its designation as a landmark conforms to the goals and policies of the Envision San José 2040 General Plan. In making such findings, the following factors, among other relevant factors, are considered with respect to the proposed landmark:

1. Its character, interest or value as part of the local, regional, State or national history, heritage or culture;
2. Its location as a site of a significant historic event;

3. Its identification with a person or persons who significantly contributed to the local, regional, State or national culture and history;
4. Its exemplification of the cultural, economic, social or historic heritage of the City of San José;
5. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
6. Its embodiment of distinguishing characteristics of an architectural type or specimen;
7. Its identification as the work 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 or which is unique.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following policies are specific to cultural resources and are relevant to this analysis.

Envision San José 2040 General Plan Relevant Cultural Resource Policies

Policies	Description
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 prehistoric resources.

4.5.2 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?	☐	☐	☐	☒
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☒	☐	☐

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

Environmental Evaluation

Descriptions and analysis in this section are based, in part, on information provided by the California NAHC, NWIC, NRHP, CRHR, CHL list, CPHI list, California BERD, and the California Historical Resources Inventory. Non-confidential records search results and other correspondence are included in Appendix C.

Impact Discussion

Approach to Analysis

This evaluation focuses on whether the proposed project would impact historic, archaeological or human remains. A development project may have an impact on a historical resource if construction of the project would impair a resource's eligibility for inclusion in the CRHR. If an identified impact would leave a resource no longer able to convey its significance, meaning that the resource would no longer be eligible for listing in the CRHR, then the project's impact would be considered a significant adverse change. According to CEQA Guidelines Section 15126.4(b)(1), if a project adheres to the Secretary of Interior standards, the project's impact "shall generally be considered mitigated below a level of significance and thus is not significant." A development project may have an impact on an archaeological resource or human remains if construction of the project would physically damage or destroy archaeological data or human remains (including those interred outside of formal cemeteries).

Both direct and indirect effects of project implementation were considered for this analysis. Direct impacts are typically associated with ground-disturbing activities, and have the potential to immediately alter, diminish, or destroy all or part of the character and quality of archaeological resources and/or historic architecture. Indirect impacts are typically associated with post-project implementation conditions that have the potential to alter or diminish the historical setting of a cultural resource (generally historic architecture) by introducing visual intrusions on existing historical structures that are considered undesirable.

Cultural Resources

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

No impact. The existing building within the proposed project site will be demolished. As the structure is less than 45 years old, it does not meet the age threshold for consideration as a potentially historic resource and is therefore not subject to a historic resources assessment. The records search conducted at the NWIC determined that there are four historic cultural resources (three built environment, one archaeological) recorded within the 0.5-mile search radius, however,

none were recorded within the project site boundaries. Additionally, the results of the pedestrian survey were negative for any historic resources as well as any evidence of pre-contact cultural resources that would be considered a historical resource pursuant to Section 15064.5.

A review of historic aerial photographs depicting the project site from 1948 to 1982 indicate the project site remained undeveloped until 1982, when a building permit was issued for the construction of two 2-story buildings to be constructed in two phases (Phase I 57,600 square feet and Phase II 61,632 square feet). The two buildings were joined together by a 2-story concourse to create an integrated building. The integrated building on the project site is less than 45 years old and is therefore not considered a potential historical resource. Therefore, there would be no impacts to historical built environment resources.

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

Less than significant impact with mitigation incorporated. Records search results from the NWIC indicate that no pre-contact archaeological resources have been recorded within the project site, or within a 0.5-mile radius of the project site boundaries. Additionally, the pedestrian survey produced negative results for indicators of undiscovered pre-contact and/or historic archaeological resources. Furthermore, the buried site sensitivity analysis concluded that although the project site is geologically situated on Holocene-era deposits, the fact that it is fully developed and located approximately 1.5 miles west of Coyote Creek indicates a low to moderate potential for the inadvertent discovery of cultural resources during ground-disturbing activities.

Although the potential of encountering archaeological resources is low to moderate, it is possible that earth-disturbing activities associated with proposed project construction could encounter previously undiscovered archaeological resources. Archaeological resources can include but are not limited to stone, bone, wood, or shell artifacts or features, including hearths and structural elements. Damage or destruction of any such previously undiscovered resources would be a potentially significant impact.

City of San José Standard Permit Condition (SPC CUL-1) for Subsurface Cultural Resources, and MM CUL-1 set forth the steps to be taken should any significant cultural resources be discovered during construction activities. Implementation of Standard Permit Condition for Subsurface Cultural Resources and MM CUL-1 would ensure that potential impacts on archaeological resources are reduced to a less than significant level.

Standard Permit Conditions

SPC CUL-1 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 PBCE or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified Archaeologist shall examine the find. The Archaeologist shall (1) evaluate the find(s) to determine whether they meet the definition of a historical or archaeological resource; and (2) make appropriate

recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the NWIC (if applicable). Project personnel shall not collect or move any cultural materials.

Impact CUL-1

The inadvertent discovery of cultural resources during ground disturbance of the proposed project could result in potential impacts to significant cultural resources.

Mitigation Measures

MM CUL-1 Prior to initiation of construction activities involving ground disturbance (e.g., grading, trenching, excavation), all construction personnel conducting ground disturbance at the project site shall be provided Worker Environmental Awareness Program (WEAP) cultural resources "tailgate" training. The training shall include visual aids, a discussion of applicable laws and regulations relating to cultural resources and TCRs, types of resources that may be found within the project site, and procedures to be followed in the event any such resources are encountered. The training shall be conducted by an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology in collaboration with a Native American representative from a tribe that is traditionally and culturally affiliated with the geographic area and listed with the Native American Heritage Commission, in accordance with Public Resources Code Section 21080.3.1(b). Documentation of Cultural Awareness Training shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee. Cultural Awareness Training shall include provision for post-discovery training in the event resources are discovered.

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

Less than significant impact. No human remains or cemeteries are known to exist within or near the project site. Therefore, the potential for the disturbance of any human remains is considered low. While it is highly unlikely that human remains exist within or near the project site, there is always a possibility that subsurface construction activities associated with the proposed project, such as grading or trenching, could potentially damage or destroy previously undiscovered human remains.

In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and 5097.98 must be followed. Standard Permit Condition for Human Remains further specifies the procedures to follow in the event human remains are uncovered. Along with compliance with required guidelines and statutes, implementation of the Standard Permit Condition for Human Remains would reduce potential impacts to human remains to a less than significant level.

SPC CUL-2 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 AB 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of PBCE or the Director's designee and the qualified Archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner shall make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner shall contact the NAHC within 24 hours. The NAHC shall then designate a Most Likely Descendant (MLD). The MLD shall 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 their authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

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

4.5.3 - Conclusion

With adherence to Standard Permit Conditions and MM CUL-1, impacts to cultural resources would be less than significant.

4.6 - ENERGY

This section describes the existing energy setting within the project site and vicinity as well as the relevant regulatory framework. Energy consumption focuses on traditional fossil fuels as well as replacement with renewable sources. This section focuses primarily on energy laws, regulations and policies, with references to Greenhouse Gas and Air Quality regulations that also reduce energy consumption.

4.6.1 - Environmental Setting

The existing setting focuses on Santa Clara County and City level energy consumption and factors related to the use and availability of traditional fossil fuel and alternative, renewable energy sources.

Transportation Sector

Estimated sales of transportation fuels in the State were 13,576 million gallons of gasoline and 2,982 million gallons of diesel in 2023.[53] Santa Clara County sold an estimated 563 million gallons of gasoline and 45 million gallons of diesel in 2023.[54] San José had the 4th highest retail gasoline sales of the metropolitan areas in the State with reported sales of 221 million gallons in 2023.[55]

A variety of alternative fuels are used to reduce petroleum-based fuel demand. The use of these fuels is encouraged through various Statewide laws, regulations and plans, such as, among others, the Low Carbon Fuel Standard (LCFS) and Senate Bill (SB) 32. Conventional gasoline and diesel may be replaced, depending on the capability of the vehicle, with transportation fuels including hydrogen, biodiesel, and electricity. In 2023, the State had 597 renewable diesel refueling stations and 57 private hydrogen stations and seven retail hydrogen stations.[56]

Electricity can be used to power electric and PHEVs directly from the power grid. Electricity used to power vehicles is generally provided by the electricity grid and stored in the vehicles' batteries. Fuel cells are being explored to use electricity generated onboard the vehicle to power electric motors. As of August 2024, California had a reported 153,034 public and shared private EV chargers; Santa Clara County had a reported 23,665 chargers (the second highest in the State, after Los Angeles County). This includes 971 Public DC fast chargers, 6,088 Public Level 2 and 16,145 Shared Private DC fast chargers.[57]

Construction and Industrial Sector

While estimates of construction fuel are not available as a subcategory of industrial usage, construction fuel is known to be a significant contributor to industrial fuel consumption. The construction industry is a major user of diesel fuel as it is utilized almost exclusively in off-road construction equipment. Diesel is the fuel of choice because it has 12 percent more energy per

[53] California Energy Commission (CEC). 2024 Transportation Energy - California Retail Fuel Outlet Annual Reporting (CEC-A15) Result. Website: https://www.energy.ca.gov/data-reports/energy-almanac/transportation-energy/california-retail-fuel-outlet-annual-reporting. Accessed February 2, 2025.

[54] California Energy Commission (CEC). 2024. 2023 Annual Retail Fuel Outlet Report Results CEC-A15 Results and Analysis. Website: https://www.energy.ca.gov/media/3874. Accessed February 2, 2025.

[55] Ibid.

[56] United States Department of Energy (DOE). 2024. Alternative Fueling Station Counts by State. Website: https://afdc.energy.gov/stations/states. Accessed on February 2, 2025.

[57] California Energy Commission (CEC). 2024. Electric Vehicle Chargers in California. Website: https://www.energy.ca.gov/data-reports/energy-almanac/zero-emission-vehicle-and-infrastructure-statistics-collection/electric. Accessed February 2, 2025.

gallon than gasoline and has fuel properties that prolong engine life making it ideal for heavy-duty vehicle applications. Biodiesel was introduced into California in 2000 and Renewable Diesel in 2012. Biodiesel is predominantly made from soybean and recycled oils into a unique diesel fuel (it can be blended into transportation fuels but is not a substitute for diesel fuel). Renewable diesel is predominantly made from animal waste oils and the finished fuel is nearly identical to petroleum-based diesel.[58] The chemical and structural properties of renewable diesel are similar to petroleum-derived (conventional) diesel and can be used as a direct substitute for conventional diesel (up to 100 percent or R100). Blends of renewable diesel and conventional diesel are labeled with an R followed by the percentage (by volume) of the renewable diesel content. [59]

California consumed nearly 40 million barrels of renewable diesel in 2022,[60] compared to 1 million barrels in 2011 and 28 million barrels in 2021. This is largely a result of the LCFS which went into effect in 2011.[61] This represents a significant shift away from traditional diesel with clean fuels replacing over 50 percent of the diesel used in the State in the first quarter of 2023.[62]

Residential and Commercial Sector

Electricity and natural gas are distributed through the various electric load-serving entities (LSEs) in California. These entities include investor-owned utilities (IOUs), publicly owned LSEs, rural electric cooperatives, community choice aggregators, and electric service providers. These providers are often subject to State-level laws, regulations and standards, including RPS.

The RPS consists of policies (applicable to the energy /utility provider) designed to increase the use of renewable energy sources for electricity generation. California's RPS, established by SB 350 and subsequently SB 100, require 60 percent of electricity to come from renewable sources by 2030 and 100 percent from zero-carbon sources by 2045.

The renewable content of the produced electricity is based on the energy mix, or the combination of different energy sources used to meet energy needs in a particular region. It includes both renewable and nonrenewable sources. For example, a typical energy mix might include coal, natural gas, nuclear, hydroelectric, wind, and solar power. For example, a typical energy mix might include coal, natural gas, nuclear, hydroelectric, wind, and solar power.

Under the Power Source Disclosure Program, retail electricity providers are required to annually disclose to their retail consumers the mix of sources used to provide electricity service during the previous calendar year. In those instances where a retail supplier offers consumers more than one

[58] California Energy Commission (CEC). 2024. Diesel Fuel Data, Facts, and Statistics. Website: https://www.energy.ca.gov/data-reports/energy-almanac/transportation-energy/diesel-fuel-data-facts-and-statistics. Accessed February 2, 2025.

[59] California Air Resources Board (ARB). 2024. Fact Sheet: Renewable Diesel Fuel Requirements. Website: https://ww2.arb.ca.gov/resources/fact-sheets/fact-sheet-renewable-diesel-fuel-requirements. Accessed February 2, 2025.

[60] United States Energy Information Administration (EIA). 2024. State Profiles and Energy Estimates. Website: https://www.eia.gov/state/seds/sep_fuel/html/pdf/fuel_use_rd.pdf. Accessed February 2, 2025.

[61] United States Energy Information Administration (EIA). 2023. Almost all U.S. renewable diesel is consumed in California; most is not made there. Website: https://www.eia.gov/todayinenergy/detail.php?id=57180#. July 20. Accessed March 10, 2025.

[62] California Air Resources Board (ARB). 2023. Press Release 23-24: Low Carbon Fuel Standard drives shift away from petroleum. Website: https://ww2.arb.ca.gov/news/first-time-50-california-diesel-fuel-replaced-clean-fuels. August 23. Accessed March 10, 2025.

electricity portfolio, the retail supplier is to provide information specific to each electricity portfolio offered. This information is provided to consumers in the form of Power Content Labels.[63]

In 2022, the Santa Clara County's commercial and residential sectors utilized a total of 17,102 million kWh (GWh) divided into nonresidential usage of 12,852 GWhr and residential usage of 4,250 GWhr.[65]

The proposed project's building would be served by San José Clean Electric (SJCE). SJCE is the City's not-for-profit, locally controlled electricity generation service provider for San José residents and businesses. Operated by the City and governed by the City Council, SJCE provides customers with clean energy from sources like solar, wind and hydropower. In 2025, the offerings ranged from 60 to 100 percent renewable energy (for commercial users). The GreenSource option includes 62 percent renewable energy, and 31 percent non-renewable carbon free energy. The TotalGreen option includes 100 percent renewable energy.[66]

Natural Gas

In 2022, Santa Clara County's natural gas usage was 424 total millions of therms (190 million therms for nonresidential usage and 234 million therms for residential).[67] PG&E supplies natural gas in Santa Clara County. The project site is currently served by natural gas via pipeline.

Applicable Plans, Policies, and Regulations

Federal energy laws and regulations were first introduced in 1975 with the Energy Policy and Conservation Act of 1975 in response to the 1973-1974 Arab Oil Embargo to improve the average fuel economy of cars and light trucks in the US. Other subsequent federal laws and regulations included the Energy Policy Act of 2005 (which introduced numerous energy efficiency standards for appliances–building off the existing Energy Star Program) and The Energy Independence and Security Act of 2007 (which strengthened the vehicular fuel economy standards).

These laws and related regulations set important groundwork and foundation for subsequently promulgated California laws and regulations.

State

Because federal laws and regulations generally preempt State and local laws and regulations (in the event of a conflict), they set the foundation for subsequent State laws and regulations to build upon. The following addresses State laws and regulations related to transportation fuel efficiency, and relevant laws and regulations related to commercial and residential energy usage related to building envelope and appliance usage.

[63] California Energy Commission (CEC). 2022. Power Content Labels. Website: https://www.energy.ca.gov/programs-and-topics/programs/power-source-disclosure-program/power-content-label. Accessed March 10, 2025.

[65] California Energy Commission (CEC). 2024. Energy Consumption Database, Electricity Consumption by County. Website: https://ecdms.energy.ca.gov/elecbycounty.aspx. Accessed February 2, 2025.

[66] San José Clean Power. 2025. 2023 Power Content Label. Website: https://sanjosecleanenergy.org/your-choices-commercial/. Accessed August 11, 2025.

[67] Ibid.

Transportation Sector

California adheres to the federal Corporate Average Fuel Economy (CAFE) standards but also has several other State programs that influence emissions and fuel efficiency. These laws and related regulations include the following:

- Pavley Regulations and Fuel Efficiency Standards (AB 1493)
- Low Emission Standards (LEV Program)
- Zero-Emission Vehicle (ZEV Program)
- Advanced Clean Cars Program
- CA Phase 2 GHG Trailer Certification
- Truck and Bus Regulations
- Heavy-Duty Diesel GHG Certification Program
- Heavy-Duty Inspection and Maintenance (I&M) Regulation
- Clean Miles Standard

These GHG and/or air quality laws and regulations aim to reduce emissions of criteria pollutants, air toxics, and GHGs, resulting in decreased energy consumption. However, they are not energy laws, regulations, or policies per se. While these laws and regulations increase energy efficiency and consumption from vehicles, they typically apply to vehicle/engine manufacturers or vehicle maintenance and operation rather than directly to land use developers. Developers can influence on-site operational factors that affect energy consumption, to a certain extent, by enforcing applicable air quality laws, regulations, and measures that influence emissions from vehicles, such as limits on idling of commercial motor vehicles and construction equipment.

The California Code of Regulations Title 13, Section 2485, Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling, prohibits diesel-fueled commercial vehicles from idling for more than five minutes at any given location. Compliance with this measure results in energy savings through reduced fuel consumption from unnecessary idling.

The Sustainable Communities and Climate Protection Act of 2008 (SB 375) seeks to facilitate achievement of target reductions of VMT from land use developments to reduce greenhouse emissions. Because VMT is directly related to fuel consumption, this law also serves to reduce energy consumption related to passenger vehicle travel.

Construction Sector

Land use development projects consume fuel during construction operations. Because of energy and related efficiency requirements, off-road diesel equipment dominates the industry in terms of emissions. Provisions in California's In-Use Off-Road Diesel Fleets regulation under California Code of Regulations Title 13 not only provide protection from air pollution but also promote the use of newer, well-tuned, and maintained equipment, and provide regulatory limits on unnecessary idling. These measures help to minimize toxic diesel exhaust and result in energy efficiency and avoidance of wasteful energy use.

Residential and Commercial Sector (Buildings and Appliance Energy)

California Code of Regulations Title 24

Part 6 (Energy Efficiency Standards for Residential and Nonresidential Buildings)

California Code of Regulations Title 24 Part 6 (California's Energy Efficiency Standards for Residential and Nonresidential Buildings) 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 2022 Building Energy Efficiency Standards went into effect on January 1, 2023.

This update to the building code provides crucial steps in the State's progress toward 100 percent clean carbon neutrality by midcentury. The 2022 Energy Code builds on California's technology innovations, encouraging energy-efficient approaches to encourage building decarbonization, emphasizing, in particular, heat pumps for space heating and water heating. This set of Energy Codes extends the benefits of photovoltaic and battery storage systems and other demand flexible technology to work in combinations with heat pumps to enable California buildings to be responsive to climate change. Buildings whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 Energy Code. The Energy Code includes measures that will reduce energy use in single-family, multi-family, and nonresidential buildings. These measures will:

- Affect newly constructed buildings by adding new prescriptive and performance standards for electric heat pumps for space conditioning and water heating, as appropriate for the various climate zones in California.
- Require photovoltaic (PV) and battery storage systems for newly constructed multi-family and selected nonresidential buildings.
- Electric-readiness is a new mandatory requirement for dwelling unit gas space heating, water heating, cooking, and laundry. Common use areas are exempt from the electric-ready requirement, with the exception of common use area clothes dryers.
- Update efficiency measures for lighting, building envelope, HVAC; and
- Make improvements to reduce the energy loads of certain equipment covered by (i.e., subject to the requirements of) the Energy Code that perform a commercial process that is not related to the occupant needs in the building (such as refrigeration equipment in refrigerated warehouses, or air conditioning for computer equipment in data processing centers).

California Code of Regulations Title 20 (Appliance Efficiency Regulations)

Title 20 sets standards for the energy efficiency of appliances sold or offered for sale in California, covering a wide range of appliances. Title 20 ensures that individual appliances meet specific energy efficiency standards, complementing Title 24's focus on overall building energy efficiency.

California Code of Regulations Title 24 Part 11 (California Green Building Standards Code)

California Code of Regulations Title 24, Part 11 (commonly referred to as the CALGreen Code) provides for voluntary energy efficiency provisions designed to support local jurisdictions and other

entities aiming to exceed the mandatory energy efficiency requirements set by the Energy Code. These provisions apply to newly constructed buildings as well as additions and alterations to existing buildings. CALGreen includes both mandatory and voluntary measures which focus on enhancing resource efficiency, improving building energy system performance, and aligning with broader environmental and public health goals, such as decarbonizing California's economy. They complement the mandatory provisions by offering additional strategies for energy conservation and efficiency.

Renewable Portfolio Standard

Established by Senate Bill 350 and Senate Bill 100, the RPS mandates that 60 percent of California's electricity come from renewable sources by 2030 and 100 percent from zero-carbon sources by 2045. Individual development projects can help support this by integrating renewable energy systems, such as solar panels, into their projects to the extent feasible. This not only helps meet State energy goals but also may enhance the sustainability and marketability of new developments under specified circumstances.

California Energy Commission 2023 Integrated Energy Policy Report

The Integrated Energy Policy Report is prepared by the CEC biennially (every two years), as mandated by Senate Bill 1389. This report provides a comprehensive overview of the State's major energy trends and issues, covering sectors like electricity, natural gas, and transportation fuels. The 2023 report highlights the implementation of California's innovative policies and the role they have played in establishing a clean energy economy, as well as provides more detail on several key energy policies, including decarbonizing buildings, increasing energy efficiency savings, and integrating more renewable energy into the electricity system.

Regional

The Bay Area Air District implements various policies, rules, and regulations to enhance energy efficiency and promote clean energy usage in the region. The 2017 Clean Air Plan, titled "Spare the Air, Cool the Climate," outlines several strategies to achieve these goals:

Building Electrification and Efficiency Rules and Regulations

Regulation 9, Rule 4

Targets NOx emissions from residential central furnaces, requiring new appliances to meet zero-NOx standards. This promotes the transition to electric heat pumps, which are more energy-efficient and reduce reliance on natural gas.

Regulation 9, Rule 6

Focuses on NO_X emissions from natural gas-fired boilers and water heaters, setting stringent emission standards for these appliances. Compliance with these standards is mandatory for new installations.

Electrification Requirements

The Bay Area Air District has adopted rules to promote the electrification of buildings, which will take effect in 2027 for water heaters and 2029 for space heaters. These rules mandate the replacement of natural gas appliances with highly efficient electric heat pumps.

Clean Air Plan Control Measures

The Clean Air Plan includes specific control measures aimed at reducing energy consumption and promoting clean energy:

BL1 Green Building Standards: Encourages the adoption of green building standards that exceed the mandatory requirements, promoting energy-efficient building designs and technologies.

BL2 Decarbonizing Buildings: Focuses on reducing greenhouse gas emissions from buildings by promoting electrification and the use of renewable energy sources.

BL4 Energy Efficiency: Implements programs to improve energy efficiency in existing buildings through retrofits and upgrades.

Local

Envision San José General Plan

The following policies in the City of San José's General Plan have been adopted for the purpose of reducing or avoiding impacts related to energy resources and are relevant to this analysis.

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-2.3 Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.

Policy MS-2.4 Promote energy-efficient construction industry practices.

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

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

4.6.2 - Environmental Checklist and Impact Discussion

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

Impact Discussion

The CEQA Guidelines define a significant effect on the environment as "a substantial, or potentially substantial, adverse change in the environment." To determine whether a project would have a significant impact on energy, the type, level, and impact of emissions generated by the project must be evaluated.

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

Less than significant impact. A discussion of the proposed project's anticipated energy usage is presented below. Energy use consumed by the proposed project was estimated for project construction and operation and are discussed below. Energy calculations are included as part of Appendix A.

Construction Impacts

The proposed project's construction was assumed to begin in June 2026 and last approximately 13 months based on model defaults and applicant-provided information. If the construction schedule moves to later years, or takes longer than anticipated, the construction energy usage would likely decrease because of improvements in technology and more stringent regulatory requirements as older, less efficient equipment is replaced by newer and cleaner equipment. The proposed project would require demolition, tree removal, site preparation, grading, building construction, architectural coating, and paving, in addition to internal hardscape and circulation and off-site walkways. The construction phase would require energy for the manufacture and transportation of building materials, preparation of the project site (e.g., site clearing and grading), and the actual construction of the building and related improvements. Petroleum-based fuels, such as diesel fuel and gasoline, would be the primary sources of energy for these tasks.

Fuel use associated with construction vehicle trips generated by the proposed project was also estimated; trips include construction worker trips, haul truck trips for material transport, on-site trucks, and vendor trips for construction material deliveries. Fuel use from these vehicles traveling to the project site was based on (1) the projected number of trips the proposed project would generate

during construction, (2) average trip distances by trip type, and (3) fuel efficiencies estimated in the ARB EMFAC mobile source emission model. The specific parameters used to estimate fuel usage are included in Appendix A. In total, the proposed project is estimated to generate a total of approximately 257,999 VMT and 20,239 gallons of combined gasoline and diesel for vehicle travel during construction.

It is reasonable to assume that the overall construction schedule and process is designed to be as efficient as feasible in order to avoid excess monetary costs. For example, equipment and fuel are not typically used wastefully due to the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited. Compliance with all applicable laws and regulations such as, among others, the ARB In-Use Off-Road Airborne Toxic Control Measure minimizes emissions by using a modern fleet, keeping equipment well-tuned and limiting idling to five minutes or less. Thus, it is anticipated that the construction phase of the proposed project would not result in wasteful, inefficient, and unnecessary consumption of energy. Construction-related energy impacts would be less than significant.

Operational Impacts

The proposed project would consume energy as part of building operations and transportation activities. Project energy consumption is summarized in Table 10.

Table 10: Estimated Annual Project Energy Consumption (Operation)

Energy Consumption Activity	Annual Consumption (Approx.)
Operation Vehicle Fuel Consumption	193,871 gallons of gasoline
	18,912 gallons of diesel
	904 gallons of compressed natural gas (CNG)
	132,385 kWh of electricity
Building Energy Consumption	1,529,688 kWh of electricity
	0 kBTU of natural gas
Notes: kWh = kilowatt hour, kBTU = kilo-British Thermal Unit Source: Appendix A.	

The proposed project would be considered to result in a potentially significant impact if it would result in wasteful, inefficient, or unnecessary consumption of energy resources. Considering the guidance provided by Appendix F of the CEQA Guidelines and the Appellate Court decision in *League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) 75 Cal.App.5th 63, 164-168, a project would be considered to result in wasteful, inefficient, or unnecessary consumption of energy resources if it would conflict with the following energy conservation goals:

- Decreasing overall per capita energy consumption;
- Decreasing reliance on fossil fuels such as coal, natural gas, or oil; and

- Increasing reliance on renewable energy sources.

Decreasing Overall Per Capita Energy Consumption

The proposed project's buildings would be designed and constructed in accordance with applicable CALGreen energy efficiency standards of Title 24. Title 24 standards include a broad set of energy conservation requirements that apply to the structural, mechanical, electrical, and plumbing systems in a building. For example, the Title 24 Lighting Power Density requirements define the maximum wattage of lighting that can be used in a building based on its square footage. Title 24 standards, widely regarded as the most advanced and stringent energy efficiency standards, would help to reduce the amount of energy required for lighting, water heating, and heating and air conditioning in buildings and would promote energy conservation. Therefore, the proposed project would be consistent with this criterion. The decreasing reliance on fossil fuels and increasing use of renewable energy discussed below would also reduce per capita energy consumption for the proposed project.

Decreasing Reliance on Fossil Fuels

The proposed project would incorporate all applicable requirements pursuant to the CALGreen Code, which would include, among others, water efficient landscaping, heat reflecting roof membranes, and roofing structures to support the installation of solar panels. In addition, the proposed project would include skylights to allow for natural light and reduced lighting use. These project design features would reduce the amount of electricity used by the proposed project during operation and, consequently, the amount of fossil fuels needed to generate power to meet this demand. For example, low water demand landscaping would reduce the amount of water that would need to be conveyed to the project site. In addition, the proposed project would implement TDM strategies, which would help to reduce employee VMT, thereby reducing fossil fuel use associated with vehicles. Furthermore, the proposed project's building would be all-electric in design and would not rely on natural gas and thus would have decreasing reliance on fossil fuel.

Increasing Reliance on Renewable Energy Sources

As previously discussed, the proposed project would include the installation of EV charging infrastructure in accordance with applicable provisions of the City's Reach Code which would accelerate to a certain degree the ability of the region as a whole (as well as and the vehicles involved with the proposed project to the extent EV vehicles are available and otherwise utilized) and help support the future transportation energy supply necessary for residents, employees, and visitors to be substituted with renewable energy sources over time. As such, the proposed project would facilitate a greater reliance on renewable energy sources for building and transportation energy demands. Therefore, the proposed project would be consistent with this criterion.

Overall

As discussed above, the proposed project's energy consumption would not result in the wasteful, inefficient, or unnecessary consumption of energy resources, consistent with the guidance derived from Appendix F of the CEQA Guidelines and the Appellate Court decision in *League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) 75 Cal.App.5th 63, 164-168. The construction-related and operation-related impacts related to electricity, natural gas, and fuel consumption would be less than significant. Therefore, the proposed project would not cause significant energy impacts.

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

Less than significant impact. Construction practices would be required to comply with all local and State regulatory requirements related to equipment age, operation, and design. Adherence with applicable Bay Area Air District Basic Construction Mitigation Measures would ensure that idling time of trucks is limited to 5 minutes. Construction equipment would be maintained and tuned according to manufacturer specifications, which would promote fuel efficiency. Compliance with the ARB Regulation for In-use Off-road Diesel-fueled Fleets (Off-road Diesel Regulation) would address unnecessary idling for off-road construction equipment, preventing the unnecessary or wasteful use of energy.

Operational design elements of the proposed project, which reflect consistency with applicable provisions of relevant GHG emission reductions plans, would have the co-benefits of energy efficiency and reductions in fossil fuel consumption. The proposed project's building is designed to be all-electric, eliminating natural gas usage. The building would be required to comply with all applicable provisions of Title 24, Part 6, Subchapter 8 of the CBC and would be rooftop solar ready. In addition, all proposed indoor and outdoor lighting, including parking lot lighting, would be modern energy-efficient lighting, as required under the CBC. The proposed project would also incorporate EV-ready parking spaces pursuant to the City's Reach Code.[68]

The proposed project would utilize electricity from SJCE. The proposed project would be compliant with all State and local regulations for renewable energy and energy efficiency. The project design will result in a decreasing reliance on fossil fuels and increasing reliance on renewable energy sources, and energy impacts from operation of the proposed project would be less than significant.

4.6.3 - Conclusion

The proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation, nor would the proposed project conflict with or obstruct a State or local plan for renewable energy or energy efficiency, and impacts would be less than significant.

[68] City of San José. Ordinance No. 30311. Website: https://www.sanjoseca.gov/home/showpublisheddocument/44078/637082139871830000. Accessed March 20, 2025.

4.7 - GEOLOGY AND SOILS

This section describes the existing setting with respect to geology and soils and potential effects from implementation of the proposed project on the project site and its surrounding area. The findings of this section are based, in part, on the Geotechnical Engineering Report completed in September 2024 for the project site by Earth Systems Pacific (Earth System), which is provided in Appendix D.

4.7.1 - Environmental Setting

The project site is located within the North Valley portion of the City of San José, with the Los Buellis Hills to the east. The project site is located within a seismically active region but is outside an Alquist-Priolo Earthquake Fault Rupture Zone as delineated by the State of California. The closest fault to the project site is the Silver Creek Fault, located approximately 1.9 miles southwest. A review of the published geologic maps indicates that the project site and vicinity are underlain by Holocene-age alluvial fan deposits (Qhaf) described as brown or tan, medium dense to dense gravelly sand or sandy gravel that grades upward to sandy or silty clay.[69] The project site is located within a liquefaction zone.[70]

A site-specific preliminary Geotechnical Engineering Report evaluated existing geologic conditions on the project site, including conditions related to seismic hazards and subsurface conditions. On July 18, 2024, four exploratory borings were conducted at the site using a truck-mounted B-53 drill rig with an 8-inch hollow-stem auger, reaching depths of approximately 6.5 to 20 feet below ground surface (bgs). The subsurface exploration results indicate that most soils within the liquefiable zone are fine grained with a low risk of liquefaction, and the estimated total seismic settlement is less than one inch.

Applicable Plans, Policies, Laws, and Regulations

Federal

Paleontological Resources Preservation Act

The Paleontological Resources Preservation Act offers provisions of paleontological resources identified on federal, Native American, or State lands and guidance for their management and protection and promotes public awareness and scientific education regarding vertebrate fossils. The law also requires federal agencies to develop plans for inventory, collection, and monitoring of paleontological resources and establishes stronger criminal and civil penalties for the removal of scientifically significant fossils on federal lands.

Society of Vertebrate Paleontology Guidelines

The Society of Vertebrate Paleontology (SVP), a national scientific organization of professional Vertebrate Paleontologists, has established standard guidelines that outline acceptable professional practices in the conduct of paleontological resource assessments and surveys, monitoring and mitigation, data and fossil recovery, sampling procedures, specimen preparation, analysis, and

[69] Helley, E.J., and Wesling, J.R. 1989. Quaternary Geologic Map of the Milpitas Quadrangle, Alameda and Santa Clara Counties, California. doi:10.3133/ofr89671/. Accessed April 16, 2025.

[70] California Department of Conservation Geologic Survey. Earthquake Zones of Required Investigation. https://maps.conservation.ca.gov/cgs/informationwarehouse/eqzapp/. Accessed August 13, 2025.

curation. Most practicing professional Paleontologists in the nation adhere to the SVP's assessment, mitigation, and monitoring requirements, as specifically spelled out in its standard guidelines.

State

California Building Standards Code

The International Conference of Building Officials publishes the International Building Code, which is the widely adopted model building code in the United States. The 2022 CBC is the current version for the State of California, which is codified in California Code of Regulations, Title 24, Part 2 (Title 24). The CBC incorporates by reference the International Building Code requirements with necessary California amendments. The California Building Standards Commission by law is responsible for coordinating all building standards and implementing Title 24.

The CBC classifies the project as Factory Industrial Group F occupancy, which includes the use of a building or structure, or a portion thereof, for assembling, disassembling, manufacturing, or processing operations that is not classified as a Group H Hazardous or Group S Storage occupancy.

Compliance with the 2022 CBC requires that (with very limited exceptions) structures for human occupancy be designed and constructed to resist the effects of earthquake motions. The Seismic Design Category for a structure is determined in accordance with either CBC Section 1613–Earthquake Loads or the American Society of Civil Engineers Standard No. 7-05, Minimum Design Loads for Buildings and Other Structures. In brief, based on the engineering properties and soil type at a proposed site, the site receives a Site Class ranging from A to F. The Site Class is then combined with Spectral Response (ground acceleration induced by earthquake) information for the location to arrive at a Risk Category ranging from I to IV, IV of which is the most extreme. Under these categories, structures are assigned to a Seismic Design Category ranging from A to D, of which D represents the most severe conditions. A qualified Geotechnical Engineer must determine the classification of a specific site and related calculations.

Finally, the CBC requires that a geotechnical investigation be prepared for all new buildings that are 4,000 square feet or larger, as well as for smaller buildings if they meet certain criteria. A California Registered Geotechnical Engineer must prepare the geotechnical investigation and a report addressing the classification and investigation of the soil, including requirements for geotechnical designs necessary to meet standards for reducing exposure to geological hazards.

Alquist-Priolo Earthquake Fault Zoning Act

In response to the severe fault rupture damage of structures by the 1971 San Fernando earthquake, the State of California enacted the Alquist-Priolo Earthquake Fault Zoning Act in 1972 (PRC §§ 2621–2630). This Act required the State Geologist to delineate Earthquake Fault Zones along known active faults that have a relatively high potential for ground rupture. Faults zoned under the Alquist-Priolo Act must meet the strict definition of being "sufficiently active" and "well-defined" for inclusion as an Earthquake Fault Zone. The Earthquake Fault Zones are revised periodically, and they extend 200 to 500 feet on either side of identified fault traces. No structures for human occupancy may be built across an identified active fault trace. An area of 50 feet on either side of an active fault trace is assumed to be underlain by the fault, unless proven otherwise. Proposed construction in an

Earthquake Fault Zone is permitted only following the completion of a fault location report prepared by a California Registered Geologist.

Seismic Hazards Mapping Act

In 1990, following the 1989 Loma Prieta earthquake, the California legislature enacted the Seismic Hazards Mapping Act to protect the public from the effects of strong ground shaking, liquefaction, landslides, and other seismic hazards. The Seismic Hazards Mapping Act established a Statewide mapping program to identify areas subject to violent shaking and ground failure. The program intends to assist cities and counties in protecting public health and safety. The Seismic Hazards Mapping Act requires the State Geologist to delineate various seismic hazard zones and requires cities, counties, and other local permitting agencies to regulate certain development projects within these zones. As a result, the California Geological Survey is mapping Seismic Hazards Mapping Act Zones and has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, ground shaking, and landslides, primarily the San Francisco Bay Area and Los Angeles basin.

California Public Resource Code Section 5097.5 and Section 30244

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These are in part valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources Code Section 5097.5 and Section 30244 specify that unauthorized removal of a paleontological resource is a misdemeanor, and require reasonable mitigation of adverse impacts to paleontological resources from developments on public (State, County, City, District) lands. Under the CEQA Guidelines Appendix G, the relevant significance threshold states that a project would have a significant impact on paleontological resources if it will disturb or destroy a unique paleontological resource or site or unique geologic feature.

National Pollutant Discharge Elimination System

The five-member California State Water Resources Control Board (State Water Board) allocates water rights, adjudicates water right disputes, develops Statewide water protection plans, establishes water quality standards, and guides the nine RWQCBs in the major watersheds of the State. The joint authority of water allocation and water quality protection enables the State Water Board to provide comprehensive protection for California's waters. In 1999, the State adopted the NPDES General Permit for Stormwater Discharges Associated with Construction Activities (Construction Activities General Permit) (State Water Board Order No. 2012 0006-DWQ, NPDES No. CAS000002). The General Construction Permit requires that construction sites with 1 acre or greater of soil disturbance, or less than 1 acre but part of a greater common plan of development, apply for coverage for discharges under the General Construction Permit by submitting a Notice of Intent for coverage, developing a Stormwater Pollution Prevention Plan (SWPPP), and implementing BMPs to address construction site pollutants.

The SWPPP should contain a site map(s) that shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project site. The SWPPP must list the BMPs the discharger will use to protect stormwater runoff and the placement of those BMPs.

Additionally, the SWPPP must contain a visual monitoring program, a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs, and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Section A of the Construction General Permit describes the elements that must be contained in a SWPPP. Enrollment under the General Construction Permit is through the Stormwater Multiple Application and Report Tracking System. Additionally, the State Water Board is responsible for implementing the CWA and issues NPDES permits to cities and counties through the individual regional boards.

City of San José Geologic Hazard Ordinance

The City of San José's Geologic Hazard Ordinance aims to protect public safety and property by regulating development in areas susceptible to geologic hazards. It requires a Geologic Hazard Clearance for development within designated zones, ensuring proper assessment and mitigation of potential risks like earthquakes, landslides, and other ground deformation hazards.

Envision San José 2040 General Plan

The City's General Plan includes goals, policies and actions for the purpose of avoiding or mitigating impacts resulting from planned development projects within City limits. The following policies and actions are specific to geology and soils and are relevant to this analysis.

Envision San José 2040 General Plan Relevant Geology and Soil Policies

Policies	Description
Policy EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Standards Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy EC-3.2	Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Standards Code will be followed.
Action EC-3.10	Require that a Certificate of Geologic Hazard Clearance be issued by the Director of Public Works prior to issuance of grading and building permits within defined geologic hazard zones related to seismic hazards.
Policy EC-4.1	Design and build all new or remodeled habitat structures in accordance with the most recent California Building Standards Code and Municipal Code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
Policy EC-4.2	Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.

Envision San José 2040 General Plan Relevant Geology and Soil Policies

Policies	Description
Policy EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
Policy EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.
Action EC-4.10	Require a Certificate of Geologic Hazard Clearance to be issued by the Director of Public Works prior to issuance of grading and building permits within defined geologic hazard zones.
Action EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
Action EC-4.12	Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of grading permits by the Director of Public Works.
Policy ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

City of San José Municipal Code

Title 24 of the San José Municipal Code includes the current California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Chapters 17.10 (Geologic Hazards Regulations) and 17.40 (Dangerous Buildings) address requirements for building safety and earthquake hazard reduction. Requirements for grading, excavation, and erosion control are included in Chapter 17.04 (Building Code, Part 6, Excavation and Grading).

4.7.2 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
a) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
b) Strong seismic ground shaking?	☐	☐	☒	☐

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

Impact Discussion

1) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

a) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

No impact. Surface rupture represents the breakage of ground along the surface trace of a fault. A surface rupture may result in particularly adverse consequences when buildings are located within the rupture zone. According to the California Department of Conservation Alquist-Priolo mapping data, the project site is not located within an Alquist-Priolo Earthquake Fault Zone. Additionally, the site-specific Geotechnical Engineering Report prepared for the proposed project (Appendix D) determined that there are no fault zones that traverse the project site.

However, the project site lies within a seismically active region and there are several known faults throughout the region. The San Andreas Fault line passes through the Santa Cruz Mountains southwest of the City of San José. Two other major active faults near the City are the Hayward Fault, located approximately 3.0 miles to the northeast of the project site, and the Calaveras Fault, located approximately 5.3 miles to the northeast of the project site. The two faults merge in a series of splays and step-overs in the hills between Mission Peak and Mount Hamilton. In addition to known

active faults, the City of San José mapped several smaller potentially active faults, including the Evergreen, Quimby, and Piercy faults, as shown on General Plan Fault Hazard Maps. Although the project site is within a seismically active region, there are no known faults mapped on or proximate to the project site. No impacts related to rupture of a known earthquake fault would occur.

b) Strong seismic ground shaking?

Less than significant impact. Hazards associated with earthquakes include surface rupture and ground shaking, and structural damage attributed to earthquakes largely stems from strong seismic ground shaking. The intensity of ground shaking expected at a particular site depends upon the magnitude of the earthquake, the distance to the epicenter, and the geology of the area between the epicenter and the property.

The project site is located within a seismically active region, and the ABAG classifies Santa Clara County under the "Very Strong" shaking category.[71] The project site and the surrounding area could experience ground shaking because of an earthquake on the Hayward Fault (southeast extension), as well as ground shaking associated with seismic activity on the San Andreas Fault. To address seismic hazards and reduce risk, the City requires development projects to avoid unreasonable exposure to geologic hazards, including earthquakes. The General Plan contains policies and actions that ensure that new development minimizes risks when placing people in known hazardous areas. Also, as explained in Section 4.7.1–Environmental Setting above, the State of California has also established minimum standards for safe building design through the CBC. The CBC contains specific requirements for seismic safety, excavation, foundations, retaining walls, and site demolition.

The proposed project would be required to be developed in conformance with applicable provisions of the CBC, City General Plan provisions, Municipal Code regulations, and other applicable construction standards. Conformance with these standards and design criteria would help to ensure that the effects of seismic ground shaking remain less than significant. Furthermore, the proposed project would be built and maintained in accordance with the recommendations set forth in the site-specific Geotechnical Engineering Report (See Appendix D), as required by the General Plan and outlined in the City's Standard Permit Condition related to seismic damage. As such, impacts would be less than significant.

Standard Permit Conditions

SPC GEO-1 Seismic Hazards

- A Geotechnical Report shall be submitted, reviewed, and approved by the City Geologist. The Geotechnical Report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with State of California guidelines for the preparation of seismic hazard evaluation reports (CGS Special Publication 117A,

[71] Association of Bay Area Governments (ABAG). 2025. Earthquake. Website: https://abag.ca.gov/our-work/resilience/data research/earthquake. Accessed February 12, 2025.

2008, and the Southern California Earthquake Center report, SCEC, 1999). A recommended minimum depth of 50 feet should be explored and evaluated in the investigation. The City Geologist will review the Geotechnical Report and issue a Geologic Clearance.

- If dewatering is needed, the design-level geotechnical investigations to be prepared for individual future development projects shall evaluate the underlying sediments and determine the potential for settlements to occur. If it is determined that unacceptable settlements may occur, then alternative groundwater control systems shall be required.

c) Seismic-related ground failure, including liquefaction?

Less than significant impact. Secondary hazards associated with earthquakes include liquefaction. Liquefaction is a seismic phenomenon in which loose, saturated granular and non-plastic, fine grained soils lose their structure or strength when subjected to high-intensity ground shaking. This phenomenon occurs under three general conditions: shallow groundwater, low-density non-plastic soils, and high-intensity ground motion. The intensity of ground motion at a particular site depends on, among other things, poorly consolidated materials and proximity to the causative fault.

The City's Public GIS Viewer shows that the project site is located within the Milpitas Quadrant of the a CGS Seismic Hazard Program, is subject to liquefaction, and is within a State-designated Liquefaction Hazard Zone, as shown on the Liquefaction Zone Map.[72] However, the results of the more detailed, site-specific Geotechnical Engineering Report subsurface exploration indicate that the majority of the soils within the liquefiable zone on the project site are fine grain soil which has low risk of liquefaction. Subsurface explorations encountered mostly lean clay with sand and clay in the borings. Based on this finding, and the relatively low seismically induced settlement estimated for the project site (less than 1 inch), the Geotechnical Engineering Report determined that liquefaction is unlikely on-site.

Additionally, all structures and foundations would be required to meet CBC requirements to withstand ground shaking, minimizing potential impacts resulting from liquefaction. With adherence to the established guidelines, potential impacts of the project would be less than significant.

d) Landslides?

No impact. Physical factors such as slope, soil, vegetation, and precipitation influence the potential for landslides. Landslides require a slope but the project site is relatively flat and is not within a landslide hazard regulatory zone as mapped by the California Geological Survey, as further discussed in the site-specific Geotechnical Engineering Report.[73] Therefore, there would be no impact.

[72] City of San José. 2025. Public GIS Viewer. Website: CGS Seismic Hazards Program: Liquefaction Zones | California Department of Conservation: Open Data and Map Access California Natural Resources Agency (CNRA). Accessed February 12, 2025.

[73] California Geological Survey. 2025. Landslide Inventory and Deep-Seated Landslide Susceptibility Map. Website: http://maps.conservation.ca.gov/cgs/lsi/. Accessed February 14, 2025.

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

Less than significant impact. Soil exposed by construction activities during project development could be subject to erosion if exposed to heavy rain, winds, or other storm events. Most of the erosion potential or loss of topsoil would occur during grading and excavation. Grading and other ground disturbance increase the potential for accelerated erosion by removing protective vegetation or cover and changing natural drainage patterns. According to the Geotechnical Engineering Report, the project site is relatively flat.

Additionally, projects that disturb one or more acres of soil are required to obtain the General Permit for Discharges of Stormwater Associated with Construction Activity (Construction General Permit), issued by the State Water Board. The project site is approximately 14.26 acres and would require a Construction General Permit, including implementation of construction BMPs, thereby helping to reduce the amount of erosion. The proposed project would also be required to conform to the Standard Permit Condition described in Impact 4.7(1b) below, which requires covering of stockpiled and excavated soils and installing ditches to divert runoff around excavations and graded areas. Therefore, erosion during grading and other ground disturbance activities would not result in substantial soil erosion or the loss of topsoil, and impacts in this regard, including impacts to adjacent properties, creeks, and storm drainage systems would be less significant.

Once operational, the City would require the proposed project to comply with all applicable laws and regulations to reduce erosion. As discussed in Section 3.10, Hydrology and Water Quality, of this IS/MND, the proposed project incorporates specific design features, including bioretention basins, designed to retain stormwater or reduce runoff from entering local waterways. The proposed project also includes landscaping and drainage throughout the project site in accordance with all applicable requirements and standards, which would further reduce the potential for substantial soil erosion and loss of topsoil across the project site. Therefore, impacts would be less than significant.

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

Less than significant impact. The project site is not located within a Landslide Zone but is within a designated Liquefaction Zone. However, the results of the more detailed, site-specific Geotechnical Engineering Report subsurface exploration indicate that the majority of the soils within the liquefiable zone on the project site are fine grain soil which has low risk of liquefaction. Subsurface explorations encountered mostly lean clay with sand and clay in the borings. Based on this finding, and the relatively low seismically induced settlement estimated for the project site (less than 1 inch), the Geotechnical Engineering Report determined that liquefaction is unlikely on-site.

Moreover, the proposed project would be required to comply with the established regulatory framework, including applicable requirements set forth in the CBC, General Plan, Municipal Code, and City Standard Permit Conditions. Based on the foregoing, potential impacts associated with liquefaction would be less than significant.

Lateral spreading is horizontal/lateral ground movement of relatively flat-lying soil deposits that flow toward a free face, such as a channel or open body of water, and is typically associated with liquefaction. As there is limited potential for liquefaction on the project site and there are no open faces within a distance considered susceptible to lateral spreading (as discussed in Appendix D), the potential for lateral spreading is also low. The nearest embankment is a west-facing slope on the east bank of the Coyote Creek drainage, located approximately 1.5 miles west of the project site. The slope is located sufficiently far from the project site such that the potential for lateral displacement at the project site is considered low.

Subsidence is the gradual settling or sinking of the ground surface with little or no horizontal movement. Subsidence is generally related to the substantial overdraft of groundwater or petroleum reserves from underground reservoirs. The project site does not lie above an oil field or drinking water production well based on the review of the California Geologic Energy Management Division (CalGEM, formerly DOGGR) Well Finder mapping application.[74] Additionally, based on the results of the Geologic Engineering Report, groundwater was encountered at depths ranging from 8 to 10 feet below ground surface; however, the project site is not located upon a groundwater reservoir. Therefore, the proposed project would have a less than significant effect related to subsidence.

Lastly, the proposed project would be required to comply with all applicable standards and design criteria including the Standard Permit Condition for Seismic Damage discussed above and would incorporate the recommendations from the Geotechnical Engineering Report. Therefore, the proposed project would have a less than significant impact related to on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

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

Less than significant impact. Expansive soils can change dramatically in volume depending on moisture content. When wet, these soils can expand; conversely, when dry, they can contract or shrink. Sources of moisture that may trigger this shrink-swell phenomenon include seasonal rainfall, landscape irrigation, utility leakage, or perched groundwater. Expansive soils can also exhibit wide cracks during prolonged dry conditions. Soils with moderate to high expansion potential are a common cause of structural damage. Expansive soils may cause substantial structural damage to building foundations, underground utilities, and other improvements. Structural damage may include warping and cracking or rupture of underground utility lines if a project is not designed or constructed properly for local conditions.

According to the Geotechnical Engineering Report, moderately expansive surficial soils with moderate shrinkage/swelling potential are found on the project site. Soils with moderate shrinkage-swelling potential may undergo volume changes with moisture content fluctuations, and when constrained they could exert uplift forces on the overlying structures. As such, the Geotechnical Engineering Report recommended that slabs-on-grade should have sufficient reinforcement and be supported on a layer of non-expansive fill. As required by City Standard Permit Condition for Seismic

[74] California Geologic Energy Management Division (CalGEM). 2025. Well Finder Mapping Application. Website: https://maps.conservation.ca.gov/doggr/wellfinder/#openModal/-121.78549/37.27654/12. Accessed February 14, 2025.

Damage, the proposed project would be required to be constructed in conformance with the recommendations of the approved Geotechnical Engineering Report and the standard engineering practices and other applicable requirements in the CBC, as adopted by the City of San José. These standard practices would ensure that future building on the project site is designed to account for soils-related hazards, including expansive soils. Therefore, impacts would be less than significant.

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

No impact. The project site has been previously graded and has had utilities installed. Storm drain fixtures are already established on the project site and are connected to the City-owned and -maintained sanitary sewer system. The proposed project would connect to existing sanitary sewer collection systems, which would ensure the provision of adequate sewer and wastewater services. The City's sanitary sewer system would transfer wastewater to treatment existing facilities for processing and disposal. The proposed project does not include new septic tanks or alternative wastewater disposal systems. Therefore, no impact would occur.

6) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than significant impact. Areas with the highest sensitivity for paleontological resources are those where geologic formations known to contain fossils are found close to the ground surface. The project site has been previously graded and developed and does not support or contain any unique geologic features. While the project site is located within a high sensitivity area (at depth) for paleontological resources, as shown in Figure 3.11-1 of the City's General Plan EIR, subsurface excavation and testing has not yielded evidence of paleontological deposits. Nevertheless, despite the low sensitivity of the project site, the potential still exists for inadvertent discovery of paleontological resources during grading or other ground-disturbing activities. Accordingly, the proposed project would be required to implement the City Standard Permit Condition related to paleontological resources, included below as SPC GEO-2, which would ensure potential impacts are less than significant.

Standard Permit Conditions

SPC GEO-2 Paleontological Resources

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

4.7.3 - Conclusion

With adherence to all applicable requirements, standards and design criteria as well as the Standard Permit Conditions, impacts to geology and soils would be less than significant.

4.8 - GREENHOUSE GAS EMISSIONS

This section describes existing climate conditions as well as the relevant regulatory framework. The "Environmental Setting" provides a description of greenhouse gas (GHG) emissions and the current state of the climate. The "Regulatory Framework" provides a description of relevant federal, State, and local regulatory requirements, standards and policies that serve to reduce GHG emissions and are applicable to the proposed project. This section also evaluates the proposed project's potential impacts with respect to GHG emissions. Information included in this section is based on the Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report prepared for the proposed project (Appendix A).

4.8.1 - Environmental Setting

Earth's temperature is rising,[75] and although the global climate has varied over the long-range time scale, there is strong scientific consensus that the rapid heating in recent decades is both unusual and caused by emissions of GHGs from human activities such as the burning of fossil fuels including coal and oil.[76] Gases that trap heat in the atmosphere are referred to as GHGs. The effect is analogous to the way a greenhouse retains heat. Prominent GHGs contributing to the greenhouse effect are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons, chlorofluorocarbons, and sulfur hexafluoride. Atmospheric concentrations of CO_2, the most prominent GHG, have been increasing rapidly in recent decades, from approximately 280 parts per million (ppm) before the start of the Industrial Revolution in the 1760s, to more than 400 ppm as of 2013.[77] According to the Intergovernmental Panel on Climate Change (IPCC), it is extremely unlikely that global climate change of the past 50 years can be explained without the contribution from human activities.

As the concentration of these gases continues to increase in the atmosphere, Earth's temperature has increased by about 1.2 to 1.4°F (degrees Fahrenheit) since 1900.[78] Even if GHG emissions could be reduced to zero overnight, global temperatures will continue to rise in future years due to the buildup of GHGs that have already accumulated in the atmosphere and the oceans. As future emissions increase the atmospheric concentrations of CO_2 and other GHGs, the impacts of the warming greenhouse effect are projected to steadily worsen.

Global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough GHG emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact.

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[75] National Centers for Environmental Information (NCEI) National Oceanic and Atmospheric Administration (NOAA). 2024. Website: https://www.ncei.noaa.gov/access/monitoring/climate-at-a-glance/global/time-series. Accessed March 15, 2025.

[76] K. Myers, et al., 2021. Consensus revisited: quantifying scientific agreement on climate change and climate expertise among Earth scientists 10 years later, Environmental Research Letters Vol.16 No. 10, 104030.October. DOI:10.1088/1748-9326/ac2774. Accessed March 15, 2025.

[77] Global Monitoring Library, National Oceanic and Atmospheric Administration (NOAA). 2024. Website: https://www.noaa.gov/news-release/greenhouse-gases-continued-to-increase-rapidly-in-2022. Accessed March 15, 2025.

[78] National Aeronautics and Space Administration (NASA). 2024. World of Change: Global Temperatures. Website: https://earthobservatory.nasa.gov/world-of-change/global-temperatures. Accessed March 15, 2025.

Greenhouse Gases

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of GHGs that contribute to global warming or global climate change have a broader, global impact. Global warming is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth's atmosphere. The principal GHGs contributing to global warming are CO_2, CH_4, N_2O, and fluorinated gases (Table 11). These gases allow visible and ultraviolet light from the sun to pass through the atmosphere, but they prevent heat from escaping back out into space.

GHGs have long atmospheric lifetimes, ranging from several years to several thousand years. GHGs persist in the atmosphere for a long enough time to be dispersed around the globe, cumulatively combining to cause a global climate effect.

Table 11: Description of Greenhouse Gases of Concern

Greenhouse Gas	Description and Sources and (Sinks)	Atmospheric Lifetime	Percent of US Emissions
Carbon Dioxide (CO_2)	• Fossil fuel combustion • Forest clearing • Cement production • (Plants)	50-200	79.7
Methane (CH_4)	• Livestock • Landfills • Leaks from oil and natural gas production	12	11.1
Nitrous Oxide (N_2O)	• Fertilizers • Manure • Fossil Fuel Combustion • Nylon production • Semiconductor Manufacturing • Wastewater treatment	114	6.1
Hydrofluorocarbons (HFCs)	• Automobile air conditioners • Refrigerants.	1-50,000	3.1
Perfluorocarbons (PFCs)	• Primary aluminum production • Semiconductor manufacturing	10,000-50,000	
Sulfur hexafluoride (SF_6)	• Electrical power transmission equipment • Magnesium industry • Semiconductor manufacturing	3,200	
Nitrogen trifluoride (NF_3)	• Electronics manufacture for semiconductors and liquid crystal displays.	740	
Source: United States Environmental Protection Agency (EPA). 2024. Overview of Greenhouse Gases.			

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial/manufacturing, utility, residential, commercial, and agricultural sectors. Emissions of CO_2 are byproducts of fossil fuel combustion.

Methane, a highly potent GHG is largely associated with agricultural practices and landfills. N_2O is also largely attributable to agricultural practices and soil management. CO_2 sinks, or reservoirs, include vegetation and the ocean, which absorb CO_2 through sequestration and dissolution, respectively.

Climate Impacts

Global Warming

Even if GHG emissions could be reduced to zero overnight, global temperatures will continue to rise in future years due to the buildup of GHGs that have already accumulated in the atmosphere and the oceans. As future emissions increase the atmospheric concentrations of CO_2 and other GHGs, the impacts of the warming greenhouse effect are projected to steadily worsen.

Statewide Climate Impacts

These impacts—including substantially higher temperatures, more extreme weather, increased wildfire events and sea level rise—are already being experienced in California today. As reported by the California Natural Resources Agency in 2009, despite annual variations in weather patterns, California has seen a trend of increased average temperatures, more extreme hot days, fewer cold nights, longer growing seasons, less winter snow, and earlier snowmelt and rainwater runoff. California's coastal oceans warmed by 1.26°F from 1900 to 2016, and a larger proportion of total precipitation is falling as rain instead of snow.[79] Sea level rose by as much as 7 inches along the California coast over the last century, leading to increased erosion and adding pressure to the State's infrastructure, water supplies, and natural resources. Within the past decade, California has experienced some of the most extreme climate events in its recorded history—a severe 4-year drought, a dramatic reduction in Sierra Nevada winter snowpack, five of the State's 20 largest forest fires since 1932, and 2 years back-to-back of the hottest recorded average temperatures.

Regional Climate Impacts

The San Francisco Bay Area, where the project site is located, has experienced similar trends as California. Averaged across the region, mean annual temperature has increased nearly 1°F in the last 30 years over the previous 30-year period.[80]

These observed trends in the San Francisco Bay Area are anticipated to continue in the future:

- **Substantial increases in temperatures and more extreme hot days.** By 2050, Bay Area temperatures are projected to rise by 2.7°F, with very hot days and severe heat waves more than doubling.[81]

[79] California Governor's Office of Land Use and Climate Innovation (LCI). 2019. California's Fourth Climate Change Assessment. California's Changing Climate 2018. January 16.

[80] Bay Area Air Quality Management District (Bay Area Air District). Clean Air Plan 2017. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf. Accessed March 15, 2025.

[81] Bay Area Air Quality Management District (Bay Area Air District). Clean Air Plan 2017. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf. Accessed March 15, 2025.

- **More precipitation extremes, more rain, and less snow.** The Sierra Nevada, crucial for Bay Area water supply, faces more extreme wet and dry years, challenging water storage and distribution.[82]
- **Sea level rise.** Sea level at the Golden Gate Bridge has risen 8 inches in the last 100 years, affecting coastal flooding and erosion.
- **Increased frequency of wildfires.** Higher temperatures, winds, and drought are increasing wildfires, causing air pollution spikes and emitting CO_2 and black carbon.[83]
- **Exacerbation of air quality problems and impacts on public health.** More extreme-heat days correlate with higher ozone levels, leading to respiratory issues, heat-related illnesses, and increased vector-borne diseases.[84]
- **Higher temperatures exacerbate pollution from cars and industry.** Higher temperatures boost air conditioner use in buildings and cars, leading to more fossil fuel combustion and higher levels of ozone precursors, particulates, TACs, and GHGs.[85]

While the impacts are felt locally, climate change is a global issue because GHGs are global pollutants. Pollutants with localized air quality effects, including criteria air pollutants and TACs, have relatively short atmospheric lifetimes (approximately 1 day) and generally do not travel greatly beyond their point of emission (refer to Section 3.2, Air Quality for further discussion). By contrast, GHGs have long atmospheric lifetimes, ranging from several years to several thousand years. GHGs persist in the atmosphere for a long enough time to be dispersed around the globe, cumulatively combining to cause a global climate effect.

Local Climate Impacts–Temperature

Cal-Adapt provides a way to explore peer-reviewed data that portrays how climate change might affect California at both the State and local level. Image 1 provides the Cal-Adapt generated snapshot of climate change impacts, showcasing both historical data and projected annual average temperatures for the project area of San José.

[82] Bay Area Air Quality Management District (Bay Area Air District). Clean Air Plan 2017. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf. Accessed March 15, 2025.
[83] Ibid.
[84] Ibid.
[85] Ibid.

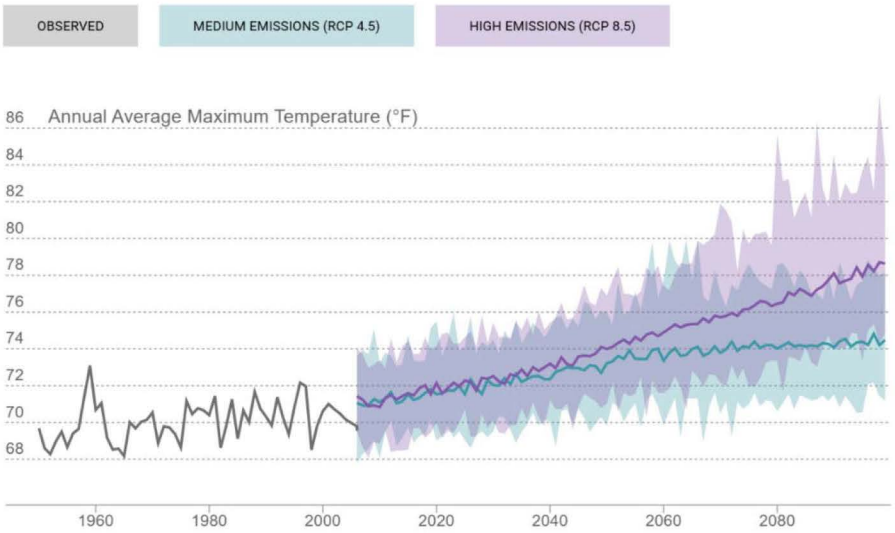

Image 1: Observed and Projected Temperatures for Climate Change in the Project Area

Source: Cal-Adapt. 2024. Local Climate Snapshots.

Cal-Adapt uses globally recognized Representative Concentration Pathways (RCPs) based on different GHG emission levels to project climate impacts for California. A high emissions scenario (RCP 8.5) assumes GHG emissions will rise throughout the twenty-first century, leading to a radiative forcing of 8.5 W/m² by 2100.[86] A medium emissions scenario (RCP 4.5) assumes emissions will peak around 2040 and then decline, stabilizing radiative forcing at 4.5 W/m² by 2100 due to moderate mitigation efforts.[87]

For climate planning up to 2050, the California Governor's Office of Land Use and Climate Innovation (LCI) recommends using the high emissions scenario (RCP 8.5) because temperature projections under different scenarios do not differ much before midcentury and to account for potential high emissions.[88] For analyses beyond 2050, LCI suggests using the medium emissions scenario (RCP 4.5) to reflect moderate mitigation efforts. These guidelines ensure robust climate impact assessments, aiding long-term planning and compliance with CEQA.

The chart in Image 1 highlights trends and potential future scenarios, offering valuable insights for climate planning and adaptation. The results indicate that, for San José, temperatures are predicted to increase by 4.1°F under the high emissions scenario in the midcentury period (2035–2064) and by 4.3°F under the medium emissions scenario by the end of the century (2070–2099). Predicted temperatures would increase by 7.2°F by the end of the century under the business-as-usual high emissions scenario, highlighting the importance of mitigation measures for GHG emissions.

[86] van Vuuren, et al. 2011. The representative concentration pathways: an overview. Climatic Change (2011) 109:5–31. DOI 10.1007/s10584-011-0148-z. Accessed March 15, 2025.
[87] Ibid.
[88] California Energy Commission (CEC). 2024. Website: https://cal-adapt.org/help/faqs/which-rcp-scenarios-should-i-use-in-my-analysis/. Accessed March 15, 2025.

GHG Emissions and Inventories

The GHGs regulated by AB 32, the California Global Warming Solutions Act of 2006, include CO_2, methane (CH_4), N_2O, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). Each GHG has its own global warming potential (GWP), which measures how much heat the gas can trap in the atmosphere compared to CO_2 over a specified time period.

GWP measures how much heat a greenhouse gas traps in the atmosphere over a specific time period, usually 100 years, compared to CO_2. This allows for comparing the impacts of different gases on global warming. According to the IPCC's Fourth Assessment Report:

- **Methane (CH_4):** GWP of 25
- **N_2O:** GWP of 298
- **HFCs:** GWPs range from hundreds to thousands
- **PFCs:** Very long atmospheric lifetimes, often thousands of years
- **SF_6:** GWP of 23,500, the most potent GHG emission known

GWP factors are used to convert emissions into a common unit called carbon dioxide equivalent (CO_2e). CO_2e is calculated by multiplying the emissions of each GHG by its GWP and summing the results. Since CO_2 is the basis, its GWP is 1.

California Greenhouse Gas Emissions Inventory

California contributed GHG emissions of 371.1 million metric tons of carbon dioxide equivalent (MMT CO_2e) into the atmosphere in 2022.[89] Anthropogenic CO_2 is largely the byproduct of fossil fuel combustion and attributable to transportation, industry/manufacturing, electricity generation, natural gas consumption, and agriculture processes. As shown in Image 2 the transportation sector is the largest emitter at approximately 38 percent of GHG emissions, followed by industrial at approximately 19 percent of GHG emissions.

[89] California Air Resources Board (ARB). 2021. Current California GHG Emission Inventory Data. Website: https://ww2.arb.ca.gov/ghg-inventory-data. Accessed March 15, 2025.

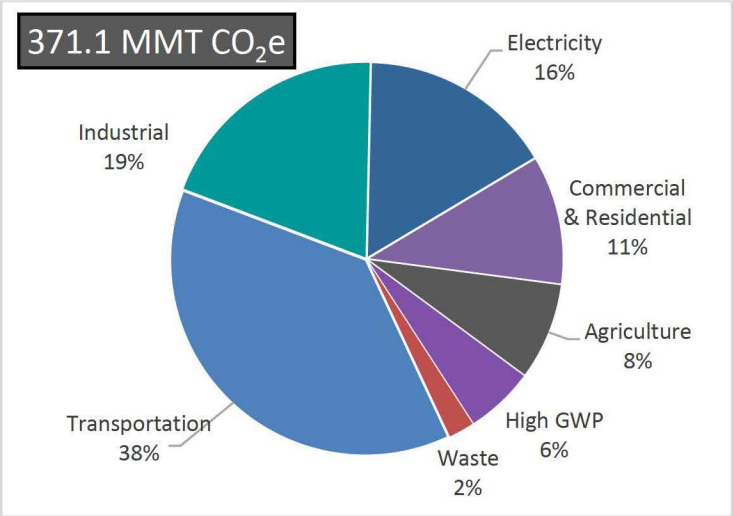

Image 2: California GHG Emissions by Scoping Plan Sector (2022)

Source: California Air Resources Board (ARB). 2024. Current California GHG Emission Inventory Data 2000–2022.

Regional Greenhouse Gas Inventory

The most recent Bay Area Air District emissions inventory, shown in Image 3, was published in 2017, based on 2011 projected emissions.

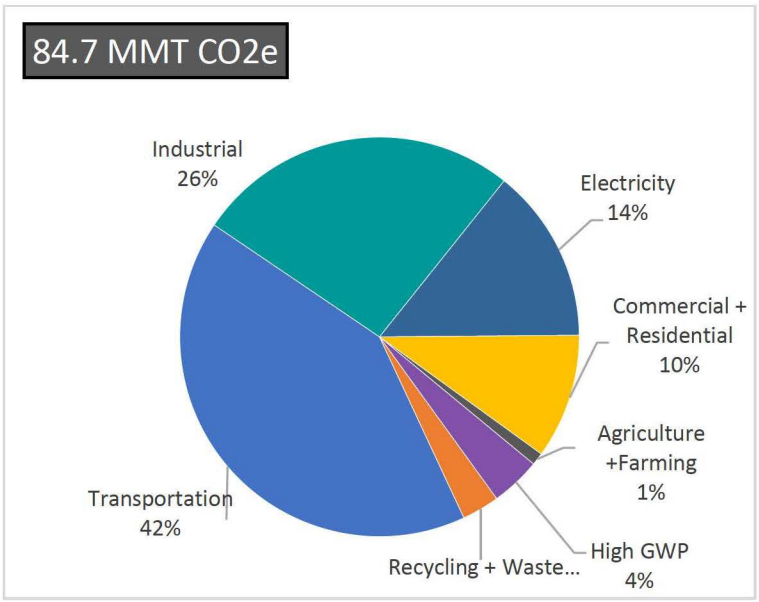

Image 3: Bay Area Air District GHG Emissions by Scoping Plan Sector

Source: Bay Area Air Quality Management District (Bay Area Air District). 2017. Bay Area Emissions Inventory: Greenhouse Gas Emissions and Forecasts.

This production-based emissions inventory analyzes GHG emissions that are produced within the Bay Area. The report categorizes GHG emissions from anthropogenic activities into seven major emissions inventory sectors and presents emissions for the base year of 2015. This report describes preliminary work to forecast trends in GHG emissions in the San Francisco Bay Area up to the year 2050. The report describes the Bay Area Air District's efforts to include adopted and expected regulations and policies to improve the accuracy of regional GHG forecasts.

The Bay Area Air District has a planned inventory update in 2025 as it is currently reassessing the regional methane emissions inventory, including development of Regulation 13, Rule 1: Significant Methane Releases. Recent studies utilizing facility-scale measurements have found that bottom-up inventorying methods are underestimating methane emissions. The Bay Area Air District is incorporating these measurement-based methane assessments to improve the emissions inventory, wherever feasible.

Local Greenhouse Gas Inventory

The City publishes and tracks its community-wide GHG emissions via a publicly available interactive dashboard to track its progress.[90] Since 2008, total GHG emissions in San José have decreased by 36 percent, even as the City population and number of local jobs have increased. Community-wide inventories totaled 5,477,619 metric ton CO_2e in 2019 (-5 percent from 2017) and 4,957,644 metric tons in 2021 (-10 percent from 2019). The emissions reductions from 2019 to 2021, the most recent inventory years, are encouraging, but are likely partly due to temporary effects of the COVID-19 pandemic. See Image 4 for the historical community emission inventories for San José.

The total GHG emissions for the City of San José 2021 was an estimated 4,957,644 $MTCO_2e$ or 4.9 Million MT CO_2e (Image 5).[91] Similar to State and regional trends, transportation and mobile source emissions are the largest contributor of GHG in the City, representing 49 percent. The next largest contributor is the buildings sector, comprising 33 percent of total emissions (electricity and natural gas).

[90] City of San José, 2025. Climate Smart Data Dashboard GHG Emissions: Community-wide Emissions. Website: https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/climate-smart-san-jos/climate-smart-data-dashboard/ghg-emissions-community-wide. Accessed February 2, 2025.

[91] City of San José. 2023. 2021 Inventory of Community-wide Greenhouse Gas Emissions. July. Website: https://www.sanjoseca.gov/home/showpublisheddocument/99755/638237416350200000. Accessed March 20, 2025.

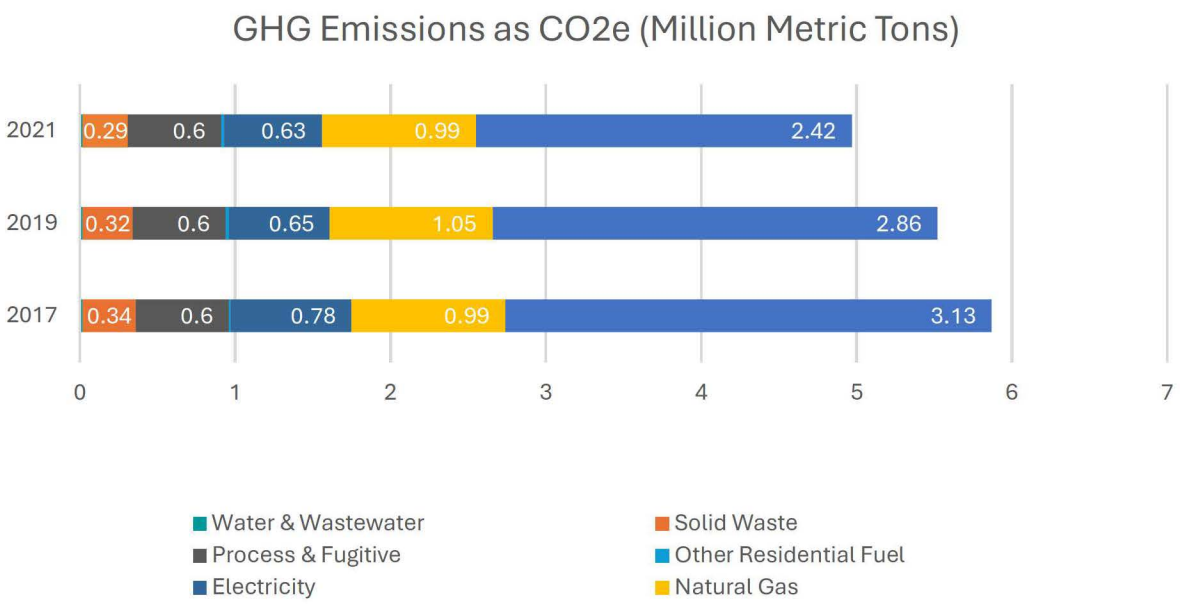

Image 4: Historical Community Emission Inventories for San José

Sources: City of San José, 2019. City of San José 2017 Inventory of Community Greenhouse Gas Emissions.
City of San José, 2021. 2019 Inventory of Community-wide Greenhouse Gas Emissions.
City of San José, 2023. 2021 Inventory of Community-wide Greenhouse Gas Emissions (published July 2023).

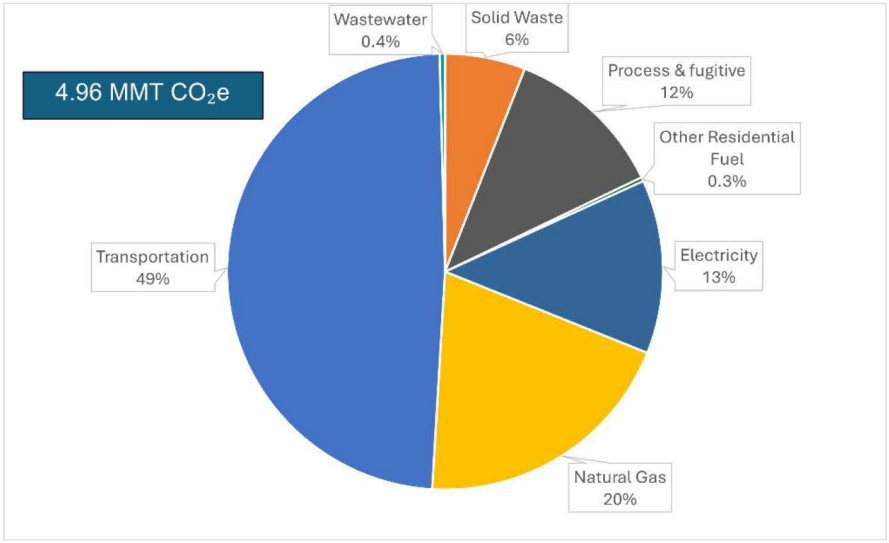

Image 5: City of San José 2021 GHG Inventory

Source: City of San José. 2023. 2021 Inventory of Community-wide Greenhouse Gas Emissions

4.8.2 - Regulatory Framework

The following section describes federal, State, regional, and local laws, regulations and policies that are relevant to GHG emissions, and this analysis.

Federal Laws and Regulations to Reduce GHG Emissions

The following is a discussion of federal actions and initiatives taken to reduce GHG emissions that are relevant to the proposed project and this analysis.

Clean Vehicles

Congress enacted the CAFE law in 1975 to improve fuel economy for cars and light-duty trucks, with standards growing more stringent over time. The EPA regulates air pollution and sets national emissions standards, including GHG reductions for a wide range of vehicles and equipment. In 2009, a new national policy was set to further increase fuel efficiency, and in 2010, the EPA and USDOT launched joint rules to reduce GHG emissions for passenger cars and trucks (2012–2025) and later for heavy-duty vehicles, aiming for significant CO_2 and fuel consumption reductions by model year 2018. California, under an EPA waiver, maintains stricter standards and has mandated all new passenger vehicle sales be zero-emission by 2035 under Executive Order N-79-20.

State Laws and Regulations to Reduce GHG Emissions

The following is a discussion of State actions and initiatives taken to reduce GHG emissions that are relevant to the proposed project and this analysis.

California Air Resources Board California has taken several legislative steps to reduce Statewide GHG emissions and is internationally known for its leadership on action to address climate change. In 2006, the California legislature passed AB 32, which created a comprehensive, multi-year program to reduce GHG emissions in California and required the State (by law) to reduce GHG emissions to 1990 levels by 2020.[92] The legislature built upon this law by passing SB 32, which requires the State to reduce GHG emissions 40 percent below 1990 levels by 2030, and later passed AB 1279, which requires the State to achieve net-zero GHG emissions by 2045 and net-negative emissions thereafter.[93] [94]To achieve these State-mandated emissions reduction targets, a document known as the Scoping Plan was required to be created by the ARB beginning in 2007 and be updated at least once every 5 years to "ensure the GHG emissions reduction activities to be adopted and implemented by the state board are complementary, nonduplicative, and can be implemented in an efficient and cost-effective manner."[95] The Scoping Plan outlines strategies across nearly all levels of California's government and economy and defines—at a granular level—the regulatory actions needed to reduce GHG emissions from all economic sectors to meet the targets.

The ARB is the Statewide governing body which focuses on California's unique air quality challenges by setting the State's own, stricter, GHG and air pollutant emissions standards for a range of Statewide pollution sources including vehicles, fuels, on- and off-road equipment, and consumer products. The ARB also manages the Cap-and-Trade Program to achieve GHG emission reductions from large industrial facilities. The ARB has pioneered a range of approaches in California that have set the standard for effective air and climate programs for the nation and the world. ARB regulations,

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92 Air Resources Board (ARB). 2018. AB 32 Global Warming Solutions Act of 2006. Website: https://ww2.arb.ca.gov/resources/fact-sheets/ab-32-global-warming-solutions-act-2006. Accessed August 25, 2025.

93 Office of Legislative Council. Senate Bill No. 32. Website: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB32. Accessed August 25, 2025.

94 Office of Legislative Council. Assembly Bill No. 1279. Website: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1279. Accessed August 25, 2025.

95 Air Resources Board (ARB). 2008. Climate Change Draft Scoping Plan. Appendices. Section 38561(a). Website: https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/document/draftscopingplan_appendices_contents.pdf. Accessed August 25, 2025.

based on extensive research and established science, have driven innovation, leading to significant technological developments such as the production of low- and zero-emission cars and trucks and cleaner fuels. As stated, ARB is tasked by the legislature with updating the Scoping Plan, which was most recently adopted in 2022 (2022 Scoping Plan), to ensure the State carries out actions to meet the 2030 and 2045 GHG emissions reduction targets.[96]

- **California Energy Commission (CEC):** The State's energy policy and planning agency, responsible for climate change related programs, including energy efficiency and leading the State to a 100 percent clean energy reality. The CEC mandates building energy efficiency standards (in new and existing buildings) and manages the Renewable Portfolio Standard (RPS).
- **California Department of Resources Recycling and Recovery (CalRecycle):** California's recycling and waste management agency, responsible for implementation of State climate policies including landfill methane emissions reduction, waste-to-energy production, and composting requirements. CalRecycle implements food and yard waste recycling regulations, including mandates to cut organic waste disposal 75 percent by 2025**.**
- **California Governor's Office of Land Use and Climate Innovation:** LCI is California's long-range planning agency, responsible for implementing CEQA review and conducting Statewide research on all climate change policies and impacts.

As a result of these actions, California reached its 2020 GHG emissions reduction target of reducing GHG emissions back to 1990 levels 4 years early and is on track to meet the 2030 GHG reduction target. Below is a summary of State laws and regulations that are relevant to this analysis and will serve to reduce GHG emissions now and in the future to ensure California stays on the path to meeting the State-mandated 2030 and 2045 targets:

- **Advanced Clean Cars II (ACC II)**: Designed to reach the goal of 100 percent new ZEVs and clean plug-in hybrid-electric vehicles (PHEVs) in California by the 2035 model year.
- **Small Off-Road Engine (SORE) Regulations:** Transition 100 percent of small off-road spark-ignition engines (at or below 25.5 horsepower and used in non-stationary equipment) to zero-emission by 2035 (where feasible). [100]
- **Zero-Emission Forklifts:** The regulation will achieve emission reductions of both criteria pollutants and GHG emissions by requiring the phase-out of forklifts using large spark-ignition (LSI) engines, such as those running on propane and gasoline.[101] The regulation is expected to result in a significant shift of the forklift segment in California to zero-emission technology.

[96] Air Resources Board (ARB). 2022. 2022 Scoping Plan for Achieving Carbon Neutrality. Website: https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp.pdf. Accessed August 25, 2025.
[100] California Air Resources Board (ARB). 2024. SORE–Small Engine Fact Sheet. Website: https://ww2.arb.ca.gov/resources/fact-sheets/sore-small-engine-fact-sheet. Accessed March 22, 2025.
[101] California Air Resources Board (ARB). 2024. Zero-Emission Forklifts. Website: https://ww2.arb.ca.gov/our-work/programs/zero-emission-forklifts. Accessed March 22, 2025.

- **Low Carbon Fuel Standard:** Increase the availability and use of low carbon fuels, including renewable diesel, biodiesel, renewable and natural gas by mandating that the fuel carbon intensity in California must achieve a 20 percent reduction by 2030.[102]
- **Renewable Portfolio Standard:** One of California's key programs for advancing renewable energy, it sets continuously escalating renewable energy procurement requirements for the State's LSEs. All entities must procure 60 percent of their electricity portfolio from renewable energy resources by 2030.
- **Building Energy Efficiency Standards–Title 24, Part 6 (Energy Code):** Contain energy and water efficiency requirements (and indoor air quality requirements) for newly constructed buildings; the requirements have gradually increased in efficiency and technology over the past decades and reflect some of the most stringent standards in the nation. The current standard, known as the 2022 Energy Code, builds on California's technology innovations and includes encouraging heat pumps, requiring electric-ready single-family homes, and setting solar/battery storage standards for various building types. The 2022 Energy Code also strengthens ventilation standards to improve indoor air quality.

California Green Building Standards Code–Title 24, Part 11 (CALGreen)

Mandatory green building standards code for the State with the goal of reducing GHG emissions from buildings, including reducing energy and water consumption.

SBX 7-7—The Water Conservation Act of 2009

The legislation directs urban retail water suppliers to set individual 2020 per capita water use targets and begin implementing conservation measures to achieve those goals. Meeting this Statewide goal of 20 percent decrease in demand has resulted in a reduction of almost 2 million acre-feet in urban water use.

Model Water Efficient Landscape Ordinance

The Model Water Efficient Landscape Ordinance (MWELO) was required by AB 1881 Water Conservation Act. The bill required local agencies to adopt a local landscape ordinance at least as effective in conserving water as the MWELO by January 1, 2010. Reductions in water use of 20 percent consistent with (SBX-7-7) 2020 mandate are expected for the MWELO. New development projects that include landscaped areas of 500 square feet or more are subject to the MWELO. The update requires:

- More efficient irrigation systems;
- Incentives for graywater usage;
- Improvements in on-site stormwater capture;
- Limiting the portion of landscapes that can be planted with high water use plants; and
- Reporting requirements for local agencies.

[102] California Air Resources Board (ARB). 2024. Low Carbon Fuel Standard. Website: https://ww2.arb.ca.gov/our-work/programs/low-carbon-fuel-standard/about. Accessed March 22, 2025.

Regional Laws and Regulations to Reduce GHG Emissions

The following is a discussion of regional actions and initiatives taken to reduce GHG emissions that are relevant to the proposed project and this analysis.

Bay Area Air Quality Management District The Bay Area Air District is one of 35 local air pollution control districts in California, tasked with regulating air pollutant emissions from businesses and stationary sources within the Bay Area. The Bay Area Air District's efforts are crucial in supporting California's broader GHG reduction goals and ensuring compliance with State and federal regulations.

The Bay Area Air District's Spare the Air Clean Air Plan is a comprehensive strategy aimed at improving air quality and reducing GHG emissions in the Bay Area. Key components of the plan include promoting clean transportation, reducing industrial emissions, enhancing energy efficiency, and increasing the use of renewable energy. 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 PM, ozone, and TACs, to reduce emissions of methane and other "super-greenhouse gases" that are potent climate pollutants in the near term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

The proposed control strategy for the 2017 Clean Air Plan consists of 85 specific control measures targeting a variety of local, regional, and global pollutants. The control measures have been developed for stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and super-GHG pollutants. Implementation of some of the control measures could involve retrofitting, replacing, or installing new air pollution control equipment, changes in product formulations, or construction of infrastructure that have the potential to create air quality impacts.

The Bay Area Air District CEQA Guidelines set forth criteria for determining consistency with the 2017 Clean Air Plan. In general, a project is considered consistent if (1) the project supports the primary goals of the 2017 Clean Air Plan, (2) includes control measures and (3) does not interfere with implementation of the 2017 Clean Air Plan measures.

In addition to the Spare the Air Clean Air Plan, the Bay Area Air District has developed a Regional Climate Protection Strategy that outlines specific actions to reduce GHG emissions across various sectors, including transportation, buildings, energy, and waste management. This strategy complements State-level initiatives and ensures that the Bay Area contributes effectively to California's climate goals.

The Bay Area Air District implements various control measures to achieve these goals, such as:

- **Regulating Industrial Emissions:** Enforcing stricter emissions standards for industrial facilities and promoting the adoption of cleaner technologies. These regulations are codified in the Bay Area Air District's rules and regulations, which set limits on emissions of pollutants and GHGs from various sources.

- **Vehicle Emissions Programs:** Encouraging the use of EVs and expanding EV charging infrastructure. This includes regulations that require reductions in emissions from mobile sources, aligning with California's ACC regulation.
- **Energy Efficiency Programs**: Supporting energy efficiency improvements in residential, commercial, and industrial sectors. These efforts are guided by regulations that mandate energy efficiency standards and promote the use of low emission technologies.
- **Renewable Energy Initiatives:** Promoting the use of renewable energy sources like solar and wind power. This is supported by regulations that incentivize renewable energy adoption and set targets for renewable energy use.
- **Land Use and Development**: Integrating air quality and GHG reduction measures into land use planning and development processes. This includes promoting smart growth principles, encouraging higher-density development near transit hubs, and implementing green building standards. The Bay Area Air District provides technical assistance and policy guidance to local governments to ensure that land use decisions contribute to regional air quality and climate goals.

The Bay Area Air District works closely with local governments providing technical assistance, funding opportunities, and policy guidance to support the development and implementation of local CAPs.

The Bay Area Air District's efforts are closely tied to its CEQA thresholds. The Bay Area Air District provides specific CEQA Guidelines and thresholds for GHG emissions, helping local agencies that elect to utilize these thresholds in their discretion to assess and mitigate the environmental impacts of proposed projects. By aligning its regulations and control measures with CEQA requirements, the Bay Area Air District helps to ensure that projects within its jurisdiction contribute to regional and State GHG reduction goals while complying with environmental review processes. The Bay Area Air District's 2022CEQA Air Quality Guidelines are presented as advisory recommendations based on substantial evidence to assist local agencies in analyzing potential GHG impacts under CEQA.

Local Laws and Regulations to Reduce GHG Emissions

The following is a discussion of local actions and initiatives taken to reduce GHG emissions that are relevant to the proposed project and this analysis.

Envision San José General Plan

Multiple chapters of the City of San José's General Plan contain goals, policies, and actions pertaining to improving air quality and transportation strategies, many of which would also result in co-benefits with reducing GHG emissions. Specifically, the Open Space and Conservation and Land Use Elements of the City's General Plan include goals, policies, and actions designed to improve air quality within the City. The Transportation and Utilities sections includes goals, policies, and actions to encourage the use of alternative forms of transportation and strategies including promoting bicycling, walking, and transit use. In addition, the proposed project would be required to adhere to the applicable TDM measures contained in the City's TDM program, which is a set of regulations, requirements,

processes and implementation strategies set forth in Chapter 20.90 and the related Transportation Analysis Handbook.

The following policies are specific to GHG emissions reductions and are relevant to this analysis.

Envision San José 2040 General Plan Relevant Greenhouse Gas Policies

Policies	Description
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	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy MS-2.4	Promote energy-efficient construction industry practices.
Policy MS-2.6	Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.
Policy MS-2.11	Require new development to incorporate green building policies, 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 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-10.5	In order to reduce vehicle miles traveled and traffic congestion require new development within 2,000 feet of an existing or planned transit station to encourage the use of public transit and minimize the dependence on the automobile through the application of site design guidelines and transit incentives.
Policy MS-16.5	Establish minimum requirements for energy efficiency measures and on-site renewable energy generation capacity on all new housing developments.
Policy CD-2.10	Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land regulations to require compact, low-impact development that efficiently uses land planned for growth, particularly for residential development which tends to have a long lifespan. Strongly discourage small-lot and single-family detached residential product types in Growth Areas.
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.

Envision San José 2040 General Plan Relevant Greenhouse Gas Policies

Policies	Description
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.
Policy TR-1.16	Develop a strategy to construct a network of public and private alternative fuel vehicle charging/fueling stations citywide. Revise parking standards to require the installation of electric charging infrastructure at new large employment sites and large, multiple family residential developments.
Policy H-4	Implement green building principles in the design and construction of housing and related infrastructure, in conformance with the Green Building Goals and Policies in the Envision General Plan and in conformance with the City's Green Building Ordinance.
Policy H-4.2	Minimize housing's contribution to greenhouse gas emissions, and locate housing, consistent with our City's land use and transportation goals and policies, to reduce vehicle miles traveled and auto dependency.
Policy H-4.3	Encourage the development of higher residential densities in complete, mixed-use, walkable and bike able communities to reduce energy use and greenhouse gas emissions.

City of San José Greenhouse Gas Reduction Strategy

The City of San José adopted a CAP in 2018.[103] The CAP establishes an emissions reductions target for 2030. The CAP includes a community-wide inventory, emissions reductions targets, and actions/measures that will allow the City to exceed the 2030 target and put the City on the trajectory to meet the 2050 goal. The City's Greenhouse Gas Reduction Strategy (GHGRS) is intended to meet the mandates outlined in the Bay Area Air District CEQA Guidelines and standards for "qualified plans," as established by the Bay Area Air District. In addition, the City's Green Vision, as reflected in the City's GHGRS, includes a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions.

The City's 2030 GHGRS is a comprehensive update to the City's original GHGRS and reflects the plans, policies, and codes as approved by the City Council. The strategy builds on the General Plan and Climate Smart San José; these plans expanded the City's Green Vision to advance urban sustainability. Leveraging these existing plans and supporting policy and program frameworks, the 2030 GHGRS provides a set of strategies and additional actions for achieving the 2030 target.

The City's GHGRS identifies GHG emissions reduction measures to be implemented by development projects in four categories: built environment and energy, land use and transportation, recycling and waste reduction, and other GHG reduction measures. Some measures are mandatory for all proposed development projects and others are voluntary.

[103] City of San José Climate Action Plan 2030. Feburary, 2018. Website: https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/climate-smart-san-jose. Accessed March 31, 2025.

City of San José Municipal Code

The City of San José Municipal Code (Municipal Code) includes the following laws and regulations that would reduce GHG emissions from future development:

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood-Burning Ordinance (Chapter 9.10)
- All-Electric Ordinance (Chapter 17.845)

All Electric Reach Code

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 all new construction developments to be all-electric buildings with no natural gas infrastructure. While the ordinance does contain few exceptions, those would not be applicable to the proposed project. In addition, the Reach Code requires EV charging infrastructure for all building types (above current CALGreen requirements) and solar readiness for nonresidential buildings. Chapter 17.845 Prohibition of Natural Gas Infrastructure in Newly Constructed Buildings prohibits natural gas infrastructure in all newly constructed buildings proposed to be located in whole or in part within the City.

Green Building Ordinance (Chapter 17.84)

The City's Green Building Ordinance requires new commercial and industrial developments over 10,000 square feet to meet minimum sustainability standards aligned with the LEED® Silver certification or equivalent. The ordinance promotes energy and water efficiency, waste reduction, and improved indoor air quality by mandating green design, construction, and operational practices. Larger projects (over 25,000 square feet) must demonstrate compliance through third-party verification systems like LEED® or GreenPoint Rated, and incorporate features such as recycled materials, solar readiness, and proximity to transit. These requirements support the City's Green Vision and Climate Smart San José goals by reducing greenhouse gas emissions and fostering healthier, more resilient buildings across the urban landscape.

4.8.3 - Environmental Checklist and Impact Discussion

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

Impact Discussion

The CEQA Guidelines define a significant effect on the environment as "a substantial, or potentially substantial, adverse change in the environment." To determine whether a proposed project would have a significant impact with respect to GHG emissions, the type, level, and impact of emissions generated by the proposed project must be evaluated and then compared to the applicable thresholds.

Bay Area Air District Guidance

As set forth in CEQA, where available, significance criteria established by the applicable air quality management or air pollution control district (in this case, Bay Area Air District) may be relied upon as a methodology to reach significance determinations. The City, as Lead Agency, in its discretion, has determined to rely on the Bay Area Air District's subject matter expertise on GHG emissions and thus utilize the Bay Area Air District significance thresholds for purposes of this analysis to determine whether the proposed project would have a significant impact under the Appendix G thresholds listed above.

Specifically, with respect to conclusions under Impact GHG-1, which focuses on the proposed project's direct and indirect generation of GHG emissions, this analysis applies the Bay Area Air District criteria set forth in Table 10 below. For purposes of conclusions under Impact GHG-2, the methodology for determining whether a potentially significant impact would occur focuses on the proposed project's consistency with an applicable plan adopted for the purpose of reducing GHG emissions. Consistent with the Bay Area Air District CEQA Air Quality Guidelines, for this impact to be less than significant, the proposed project must demonstrate consistency with the applicable GHG emissions reduction plan. As such, the proposed project would be determined to conflict with the applicable GHG emissions reduction plan if it would not adhere to applicable GHG reduction measures and policies included in the City's General Plan and 2030 GHGRS, the MTC/ABAG Plan Bay Area 2050, the ARB's 2022 Scoping Plan, and the Climate Smart San José.

Construction-Related GHG Emissions

The Bay Area Air District's 2022 CEQA Guidelines state that because construction emissions are temporary and variable, the Bay Area Air District has not developed and does not recommend utilizing a quantitative threshold of significance for construction-related GHG emissions. However, Bay Area Air District's guidance recommends that the lead agency should quantify and disclose GHG emissions that would occur during construction, and further recommends incorporation of construction BMPs that would contribute to reductions in GHG emissions during project construction and support the proposed project's contribution to its "fair share" in GHG emission reductions during construction toward the State's long-term climate goals. Citing LCI's Discussion Draft Climate Change Advisory document, Bay Area Air District recommends that lead agencies quantify a project's construction (as well as its operational) GHG emissions using available data and tools, to determine the amount, types, and sources of GHG emissions resulting from the proposed project.

Operational-Related GHG Emissions

In the Bay Area Air District's 2022 CEQA Guidelines, the Bay Area Air District has analyzed what will be required of new land use development projects to achieve California's long-term climate goal of

carbon neutrality by 2045. The Bay Area Air District found that a new land use development project being built today needs to meet the standards in either Threshold A or Threshold B (as delineated further below) to do its "fair share" of implementing the goal of carbon neutrality by 2045.

For a land use project to do its fair share to address the climate crisis and thus for its contribution to GHG emissions to be less than cumulatively considerable, the focus of consideration is whether a project would include sources that would "lock in" GHG emissions for decades into the future without a feasible ability to mitigate same. In other words, a project that locks in GHG sources, without a clear path to feasibly reduce the emissions from those sources, contributes to the prevention of the State from achieving its climate goals. For this reason, the climate impact significance criteria recommended by the Bay Area Air District considers whether certain design elements are incorporated into the project such that (1) no natural gas would be used, (2) no wasteful use of energy would occur, (3) no applicable VMT thresholds would be exceeded, and (4) compliance with specified EV infrastructure requirements would occur (Criteria A). In the alternative, the Bay Area Air District-recommended significance criteria considers whether the project would be consistent with a local GHG reduction strategy that meets the criteria under CEQA Guidelines Section 15183.5(b) (see Section 6.2.2. below)(Criterion B). The land use project threshold of significance should be applied to all GHG emissions of a project that do not require a Bay Area Air District permit.

The Bay Area Air District thresholds for new land use projects consider whether projects meet either of two enumerated Criteria, "A" or "B," as shown below in Table 12. If a land use development project cannot demonstrate consistency with Criterion A or Criterion B, then that project would result in a potentially significant impact related to the generation of direct and indirect GHG emissions.

Table 12: Bay Area Air District Thresholds of Significance for Greenhouse Gases

Bay Area Air District Thresholds for Land Use Projects (Consistency with A or B results in LTS)
A. Projects must include, at a minimum, the following project design elements: 1. Buildings a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development). b. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the CEQA Guidelines. 2. Transportation a. Achieve a reduction in project-generated Vehicle Miles Traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the California Governor's Office of Land Use and Climate Innovation (LCI) Technical Advisory on Evaluating Transportation Impacts in CEQA: i. Residential projects: 15 percent below the existing VMT per capita ii. Office projects: 15 percent below the existing VMT per employee iii. Retail projects: no net increase in existing VMT

Bay Area Air District Thresholds for Land Use Projects (Consistency with A or B results in LTS)
b. Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
B. Projects must be consistent with a local GHG reduction strategy that meets the criteria under CEQA Guidelines Section 15183.5(b).
Source: Bay Area Air Quality Management District (Bay Area Air District). 2022. CEQA Guidelines. April 20.

This analysis utilizes Criterion B for purposes of this impact analysis, and thus evaluates the proposed project's consistency with the 2030 San José GHGRS, which is identified as the local GHG reduction strategy that meets the criteria under CEQA Guidelines Section 15183.5(b) to constitute a qualifying plan. Project consistency with the applicable provisions of the 2030 GHGRS is addressed by evaluating consistency with measures presented in the Compliance Checklist in Appendix A of this document. As such, the applicable threshold of significance for the proposed project's construction and operational GHG emissions is consistency with the 2030 San José GHGRS under Criterion B.

4.8.4 - Impact Analysis

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. Both construction and operational activities have the potential to generate GHG emissions. The proposed project would generate GHG emissions during temporary (short-term) construction activities such as demolition, site grading, operation of on-site construction equipment, operation of on-site heavy-duty construction vehicles, hauling of materials to and from the project site, asphalt paving, and construction worker vehicle trips. Project construction activities would vary depending on the level of construction activity.

Long-term, operational GHG emissions would result from project-generated vehicular traffic (both passenger vehicles and trucks), operation of landscaping equipment and use of consumer products, off-site generation of electrical power over the life of the proposed project, the energy required to convey water to and wastewater from the project site, the emissions associated with the hauling and disposal of solid waste from the project site, and any fugitive refrigerants from air conditioning or refrigerators.

As discussed in detail above, global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough GHG emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact. Therefore, this section measures the proposed project's incremental contribution to the cumulative environmental impact. The following is a discussion of the proposed project's contribution to GHG emissions during both the construction and operation phases. As described above, Bay Area Air District's GHG thresholds relate to project design elements consistency with a qualified GHG plan, and do not rely on a numeric threshold. The proposed

project's estimated quantified construction-related GHG emissions are provided for purposes of disclosure, as recommended by Bay Area Air District and LCI.

Project Emissions (Quantified and Disclosed for Informational Purposes)

Construction

The emissions are quantified and disclosed for informational purposes only, and project impact is discussed below. The proposed project's construction emissions are presented in Table 13. It should be noted that the analysis conservatively assumes that construction would begin June 2026 and be completed in 2027 (assuming a total of approximately 12months). As vehicle and equipment fuel efficiencies and emission control standards continue to incrementally improve with each year, project construction emissions are likely to decrease nominally from what is shown in Table 13 should the construction schedule move to later years. Therefore, the construction GHG emissions contained in Table 13 represent a conservative assessment of project construction emissions.

Table 13: Proposed Project Construction GHG Emissions

Year	Total GHG Emissions (MT CO_2e per year) (approx.)
2026	374
2027	172
Total Construction Emissions	546
Emissions Amortized Over 30 Years[1]	18.2

Notes:
GHG = greenhouse gas
MT CO_2e = metric tons carbon dioxide equivalent
Source: Appendix A.

1. The construction emissions are amortized over 30 years, which represents the assumed operational life of this proposed project.

As shown above, the proposed project would generate approximately 546 MT CO2e during construction. While the Bay Area Air District recommends quantifying construction-related GHG emissions, it does not recommend use of a numeric significance threshold. This is because GHG emissions from construction represent a very small portion of a project's lifetime GHG emissions and are temporary in nature. The proposed thresholds for land use projects are designed to address operational GHG emissions, which represent the vast majority of project GHG emissions. Furthermore, construction GHG emissions are amortized over 30 years and accounted for as part of operational GHG emissions. Operational GHG impact is discussed below.

Operation

The proposed project's operational-related GHG emissions are quantified and disclosed for informational purposes and the impact analysis is discussed below. Operational or long-term emissions would occur over the life of the proposed project. Project operations were modeled for the 2027 operational year, immediately following the assumed completion of construction. Sources for operational emissions are summarized below. Sources for operational GHG emissions consist of:

- **Motor Vehicles:** These emissions refer to GHG emissions contained in the exhaust from the cars and trucks that would travel to and from the project site.
- **Stationary Sources:** These emissions refer to those generated by an emergency fire pump with backup power supplied by an emergency diesel backup generator. These sources would require permits from the Bay Area Air District which ensures emissions are at or below permitting levels. The analysis assumes 50 hours/year of use and 100 hours for emergency operational use.
- **Indirect Electricity:** These emissions refer to those generated by off-site power plants to supply electricity required for the proposed project's lighting and power needs.
- **Area Sources:** These emissions refer to those produced during activities such as landscape maintenance and use of consumer products.
- **Water Transport:** These emissions refer to those generated by the electricity required to transport and treat the water to be used on the project site.
- **Waste:** These emissions refer to the GHG emissions produced by decomposing waste generated by the proposed project.

Table 14 presents the estimated annual GHG emissions from the proposed project's operational activities. As shown in Table 14, the proposed project would generate approximately 2,277 MT CO_2e per year after the inclusion of 18 MT CO_2e per year associated with amortized project construction emissions.

Table 14: Construction (Amortized) and Operational Annual Greenhouse Gas Emissions

GHG Emissions Source	GHG Emissions (MT CO_2e per year) (approx.)
Area	2
Energy	2
Mobile	2,145
Water	42
Waste	51
Stationary	17
Amortized Construction Emissions	18
Total Annual Project Emissions	2,277
Notes: GHG = greenhouse gas MT CO_2e = metric tons carbon dioxide equivalent Source: Appendix A.	

The City's 2030 GHGRS is a local GHG reduction strategy that meets the criteria under CEQA Guidelines Section 15183.5(b) and therefore consistency therewith is considered for purposes of this analysis in accordance with the Bay Area Air District's recommended significance criteria (Criterion B in the Thresholds for Land Use Project discussed in the Evaluation Methodology section above) for

the determination of impacts. As discussed above, the 2030 GHGRS outlines the actions the City will undertake to achieve its proportional share of State GHG emission reductions for the interim target year 2030. In addition, the City's GHGRS contains a Compliance Checklist (Attachment A) with actions for individual development projects to be taken for purposes of confirming consistency. Individual projects are tasked with reviewing the GHG Reduction Strategy Compliance Checklist to assess the project. The GHGRS includes two checklists: (1) General Plan Policy Compliance, and (2) Greenhouse Gas Reduction Strategies. Proposed development projects that are consistent with the GHGRS as determined through the use of the Compliance Checklist may rely on the 2030 GHGRS for the cumulative impacts analysis of GHG emissions. As shown in the GHG Compliance Checklist in Appendix A, the proposed project is consistent with the City's 2030 GHGRS. Some key measures that the proposed project has committed to (and would be enforceable via implementation of the Standard Permit Condition noted below) would include enrollment in San José Clean Energy which offers a TotalGreen service option of procuring 100 percent renewable power. Additionally, the proposed project would be constructed as all-electric, would include compliance with an approved TDM strategy to reduce VMT, and would include ample landscaping including new tree and shrub plantings around the perimeter and throughout the project site. Construction emissions would result in temporary increases of GHG emissions, but these increases would not interfere with the implementation the City's GHGRS. The proposed project would be consistent with a qualified local GHG reduction plan under CEQA Guidelines Section 15183.5. Therefore, the proposed project would have a less than significant GHG emissions impact.

2) Would the project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

Less than significant impact. The consistency of the proposed project with respect to ARB's 2022 Scoping Plan, the City's 2030 GHGRS, and Climate Smart San José are discussed below.

2022 Scoping Plan

As described in Section 4.8.2, Regulatory Framework, the 2022 Scoping Plan is a document that sets forth the path for how the State will achieve carbon neutrality by 2045 and reduce anthropogenic emissions to 85 percent below 1990 levels by 2045. The Bay Area Air District qualitative thresholds were designed with a focus on helping to ensure future projects consider the incorporation of their respective "fair share" of project design to help achieve the State's carbon neutrality goal. A project that can meet the energy and transportation design elements outlined in the Bay Area Air District thresholds (Criterion A) or is consistent with a qualified GHG reduction strategy (Criterion B) is consistent with the goals outlined in the 2022 Scoping Plan and would not hinder the State from achieving carbon neutrality. As described above, the proposed project would be consistent with both Criterion A and Criterion B outlined in the Bay Area Air District thresholds and demonstrates consistency with the City's 2030 GHGRS (Appendix A). The proposed project would be all-electric in design, would exceed Tier 2 EV charging requirements set forth by CALGreen, and would have a less than significant VMT impact. Therefore, the proposed project would be consistent with the State's goal to achieve carbon neutrality and is consistent with the 2022 Scoping Plan.

2030 Greenhouse Gas Reduction Strategy

The proposed project is subject to the applicable GHG reduction strategies identified in the City's 2030 GHGRS Compliance Checklist. The proposed project is consistent with the City's zoning and land use and would implement and comply with all relevant GHG reduction measures as determined by the City. A complete project comparison is included as Appendix A. In summary, applicable GHG reduction strategies with which the proposed project is consistent include the following:

- **Consistency with the Land Use/Transportation Diagram:** The proposed project is consistent with the City's General Plan, which designates the project site TEC, as well as the City's Zoning Ordinance which zones the project site LI. Allowable uses in the LI zoning district include warehouses, light manufacturing, wholesaling and construction yards. As stated in the Project Description, the proposed project would develop a new concrete tilt-up industrial building and related improvements. The proposed building would be approximately 132,419 square feet, with approximately 122,419 square feet of light industrial space; approximately 5,000 square feet of first ancillary floor office space; and approximately 5,000 square feet of second floor ancillary mezzanine office space. Therefore, the proposed project is consistent with the City's General Plan and Zoning Ordinance.
- **Implementation of Green Building Measures:** The proposed building's flat, unobstructed roof would be designed to be solar ready and could accommodate photovoltaic systems. This satisfies the applicable 2022 CBC and CALGreen requirements for nonresidential solar readiness in new construction (Section 120.11 of Title 24, Part 6). The building would include a two-story glass façade and skylights for passive lighting and reduced energy load. The design considers solar orientation for natural daylight, in line with energy efficiency goals under 2022 CBC and Title 24 Energy Code (Part 6). The proposed project design complies with and incorporates green building practices including those required by the Green Building Ordinance. For example, the proposed project design includes a high-performance envelope, energy-efficient mechanical systems, and low-impact site layout…
- **Pedestrian, Bicycle, and Transit Site Design Measures:** The proposed project would include sidewalks along Lundy Place and Trade Zone Boulevard, with internal pedestrian pathways connecting the buildings to public sidewalks and parking areas. The project site would include designated bicycle parking and pedestrian pathways connecting the building to public sidewalks and parking areas in accordance with applicable standards. Pedestrian circulation would be safely separated from truck access to promote a walkable and multimodal environment. In addition, the proposed project would comply with an approved TDM strategy.
- **Renewable Energy Development:** The proposed project facility would be solar ready and prepped for future photovoltaic arrays. In addition, the proposed project would be all-electric.
- **Building Retrofits–Natural Gas:** As stated, the proposed project would be constructed as all-electric.
- **Zero Waste Goal:** The proposed project would be required to divert at least 65 percent of waste generated during construction and demolition activities, in compliance with SB 1374 and California Green Building Standards Code (CALGreen) Sections 4.408, 5.408, 301.1.1, and 301.3. Therefore, the proposed project would be consistent with this checklist item.

- **Caltrain Modernization:** The proposed project is located in North San José, outside the immediate vicinity of Caltrain stations or planned Caltrain electrification infrastructure. It is not a transit-oriented development and would not directly connect to Caltrain services. However, the proposed project would support broader VMT reduction goals through bicycle infrastructure, EV readiness, and an approved TDM plan, even though it would not contribute directly to Caltrain Modernization efforts.
- **Water Conservation:** The proposed project would be required to comply with the applicable provisions of the City's Landscape Ordinance and would include, among other things, water efficient landscaping including tree and shrub plantings along the perimeter and interior of the project site in accordance with applicable standards. The irrigation design allows for future recycled water connections, and all irrigation zones would use low-volume drip or efficient spray heads. Trees selected would be drought-tolerant and placement would provide shade and related benefit to the project site and nearby area.

Accordingly, the proposed project would be consistent with the applicable measures outlined in the GHGRS. Therefore, the proposed project would be consistent with the GHGRS.

Climate Smart San José

Climate Smart San José, adopted by the City, is a community-wide initiative intended to create a more sustainable, connected, and economically inclusive City. Climate Smart San José is aligned with General Plan growth patterns and General Plan policies which prioritize automobile-alternative transportation modes, encourage denser development, and ensure energy-efficient features are included in new buildings. As discussed in Section 4.6 Energy above, the proposed project would be required to be designed and constructed in compliance with the City of San José Council Policy 6-32, the City's Reach Code, and the City's Green Building Ordinance. In addition, Action MS-2.11 of the General Plan requires new development (such as the proposed project) to incorporate energy conservation and efficiency through site design, architectural design, and construction techniques. As explained above and further detailed in the Project Description and Appendix A, the proposed project is consistent with Action MS-2.11.

The proposed project would also be required to comply with the Standard Permit Condition on GHG, which requires enrollment in either the SJCE GreenSource program (approximately 95 percent carbon-free power) or TotalGreen program (approximately 100 percent carbon-free power). Enrollment into this SJCE program would further reduce reliance on fossil fuel and increase use of renewable energy sources. Furthermore, the proposed project would be solar ready, would be constructed as all-electric, and would incorporate an approved TDM strategy to reduce employee VMT and therefore reduce reliance on fossil fuels, consistent with the 2030 GHGRS checklist requirements.

For these reasons, the proposed project is consistent with the City's CAP goals as set forth in Climate Smart San José.

4.8.5 - Conclusion

The proposed project would be consistent with the State's climate planning and reduction measures identified in the ARB's 2022 Scoping Plan, City 2030 GHGRS and Climate Smart San José initiative. Therefore, impacts would be less than significant.

4.9 - HAZARDS AND HAZARDOUS MATERIALS

The analysis in this section is based, in part, on the Phase I Environmental Site Assessment (Phase I ESA) and the Phase II Subsurface Investigation prepared by Roux Association, Inc., on December 12, 2024. The Phase I ESA and the Phase II Subsurface Investigation are included in Appendix E1 and E2 of this IS/MND, respectively.

4.9.1 - Environmental Setting

The Phase I ESA identified vapor intrusion as a Recognized Environmental Condition (REC)[104] in connection with the current and historical operation of the project site. Adjoining and nearby properties (specifically the open Cleanup Program Sites cases adjoining to the west, approximately 280 feet north of the project site) may constitute possible sources for vapor intrusion due to the detection of volatile organic compounds (VOCs) in groundwater and soil vapor on the properties. The Phase I ESA did not identify any Historical Recognized Environmental Conditions (HRECs)[105] or Controlled Recognized Environmental Conditions (CRECs).[106] Other environmental features (OEFs) are described below.

Based on a review of historical sources, the project site was developed for agricultural use (orchards) from approximately 1939 until 1980. Considering historical practices for pesticide use on agricultural areas, it is likely that agricultural chemicals, such as pesticides, herbicides, and fertilizers, were used on the project site historically. Given that the project site has been graded and redeveloped, the potential for impacts from agricultural chemicals to project site soils is considered an OEF.

There are no recorded cases of a Leaking Underground Storage Tanks (LUST) on the project site. The existing advanced manufacturing facility at 2350 Lundy Place is adjoining to the north of the project site and was listed for a gasoline release to groundwater during the removal of two 10,000- gallon underground storage tanks (USTs). The case was closed and given a No Further Action (NFA) letter on February 15, 1995. The presence of a closed LUST case adjoining the project site to the north is considered an OEF.

A railroad line runs along outside of and adjacent to the northeastern boundary of the project site. Railroad lines could represent an environmental concern due to the historical application of oils containing polychlorinated biphenyls (PCBs), herbicides, and arsenic for pest and weed control, as well as the potential presence of creosote on the rail tie, and the historical common practice of using

[104] The term Recognized Environmental Condition (REC) is defined by ASTM E1527-21 as "(1) the presence of hazardous substances or petroleum products in, on, or at the subject property due to a release to the environment; (2) the likely presence of hazardous substances or petroleum products in, on, or at the subject property due to a release or likely release to the environment; or (3) the presence of hazardous substances or petroleum products in, on, or at the subject property under conditions that pose a material threat of a future release to the environment."

[105] The term Historical Recognized Environmental Condition (HREC) is defined as a "previous release of hazardous substances or petroleum products affecting the subject property that has been addressed to the satisfaction of the applicable regulatory authority or authorities and meeting unrestricted use criteria established by the applicable regulatory authority or authorities without subjecting the subject property to any controls (for example, activity and use limitations or other property use limitations)." The ASTM E1527-21 standard has clarified that a historical recognized environmental condition is not a recognized environmental condition.

[106] The term Controlled Recognized Environmental Condition (CREC) is a type of recognized environmental condition and defined by ASTM E1527-21 as a "recognized environmental condition affecting the subject property that has been addressed to the satisfaction of the applicable regulatory authority or authorities with hazardous substances or petroleum products allowed to remain in place subject to implementation of required controls (for example, activity and use limitations or other property use limitations)."

coal cinders for track fill material. However, as the rail line is not on the project site and records of release were not associated with the rail line, this is considered an OEF.

Marketshare is an existing facility adjoining to the west-northwest of the project site and is listed as an open site assessment case on the CPS-SLIC database in 2021. Based on analytical results, elevated concentrations have been reported for arsenic in soil, total petroleum hydrocarbons in groundwater, and benzene and chloroform in soil vapor. Based on the available information and no evidence of contaminants migrating to the project site, the Marketshare facility is not considered a REC in the Phase I ESA but is considered an OEF.

The project site is relatively flat, developed with urbanized uses, and is located within an urban area and is surrounded by a mix of residential, commercial, and industrial uses. According to the California Department of Forestry and Fire Protection (CAL FIRE) Hazard Severity Zone maps, the project site is not located in or near a State Responsibility Area (SRA) and is not located within or near a VHFHSZ.[107] The closest VHFHSZ is located approximately 4.43 miles from the project site and is located in an SRA. The project site is located in a Local Responsibility Area (LRA) (Figure 11). The project site does not have a history of wildfire impact, is deemed non-vegetated and non-agriculture and is not located in a Wildland Urban Interface (WUI) area.[108]

Applicable Plans, Policies, Laws, and Regulations

Federal Aviation Regulation Part 77 Rule

Federal Aviation Regulation Part 77 "Objects Affecting Navigable Airspace" provides navigable airspace criteria for airports and imaginary surface criteria for heliports. Federal Aviation Regulation Part 77 regulates the safe and efficient use of navigable airspace and navigational facilities. Regulations cover construction noticing requirements, standards for determining obstructions to air navigation or navigational facilities, aeronautical studies and determinations, and petitions for discretionary review.

Occupational Health and Safety Act

The Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor is responsible for implementing and enforcing federal laws and regulations that address worker health and safety. OSHA requires specific training for hazardous materials users and handlers, provision of information (procedures for personal safety, hazardous materials storage and handling, and emergency response) to employees who may be exposed to hazardous materials, and acquisition of material safety data sheets from materials manufacturers. Material safety data sheets describe the risks, as well as proper handling and procedures, related to particular hazardous materials. Employee training must include response and remediation procedures for hazardous materials releases and exposures.

[107] California Department of Forestry and Fire Protection (CAL FIRE). 2008. Very High Fire Hazard Severity Zones in LRA. Website: https://gis.data.ca.gov/datasets/CALFIRE-Forestry::fire-hazard-severity-zone-viewer/about. Accessed July 14, 2025.

[108] United States Forest Service Geospatial Data Discovery GIS Viewer. 2020. Website: https://data-usfs.hub.arcgis.com/documents/7804d89ed1094ccb9aae753228e8d89a/explore. Accessed July 14, 2025.

Code of Federal Regulations, Titles 29 and 40 Regulations in Code of Federal Regulations

Title 29 include requirements to manage and control exposure to lead-based paint (LBP) and asbestos-containing materials (ACMs). In California, these requirements are implemented by the California Occupational Safety and Health Administration (Cal/OSHA) under California Code of Regulations Title 8 (see further discussion of California Code of Regulations Title 8 below). The removal and handling of ACMs is governed primarily by EPA regulations under Code of Federal Regulations Title 40. The regulations require that the appropriate State agency be notified before any demolition, or before any renovations, of buildings that could contain asbestos or ACM above a specified threshold.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) regulates hazardous waste from the time that the waste is generated through its management, storage, transport, and treatment until its final disposal. The EPA authorizes the California Department of Toxic Substances Control (DTSC) to administer RCRA in California. DTSC acts as the general agency for soil and groundwater cleanup projects and establishes cleanup and action levels for subsurface contamination that are equal to, or more restrictive than, federal levels.

Comprehensive Environmental Response, Compensation & Liability Act

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), commonly known as Superfund, was designed to clean up abandoned hazardous waste sites that may endanger public health or the environment. The law authorizes the EPA to identify parties responsible for contamination of sites and compel the parties to clean up the sites. Where responsible parties cannot be found, the EPA is authorized to perform the cleanup using a special trust fund. This law outlines the potential liability related to the cleanup of hazardous substances, available defenses to such liability, appropriate inquiry into site status under Superfund, and statutory definitions of hazardous substances and petroleum products.

Hazardous Materials Transportation Act

Under the Hazardous Materials Transportation Act of 1975, the USDOT, Office of Hazardous Materials Safety regulates the transportation of hazardous materials on water, rail, highways, through air, or in pipelines and enforces guidelines created to protect human health and the environment and reduce potential impacts by creating hazardous material packaging and transportation requirements. It also includes provisions for material classification, packaging, marking, labeling, placarding, and shipping documentation. The USDOT provides hazardous materials safety training programs and supervises activities involving hazardous materials. In addition, the USDOT develops and recommends regulations governing the multimodal transportation of hazardous materials.

Aboveground Petroleum Storage Act, and Spill Prevention, Control, and Countermeasure Rule

The Aboveground Petroleum Storage Act of 1990 and the Spill Prevention, Control, and Countermeasure (SPCC) Rule (amended 2010) of the Oil Pollution Prevention regulation (40 Code of Federal Regulations [CFR] 112) require the owner or operator of a tank facility with an aggregate storage capacity greater than 1,320 gallons to notify the local Certified Unified Program Agency (CUPA) and prepare an SPCC plan. The SPCC plan must identify appropriate spill containment

measures and equipment for diverting spills from sensitive areas and must discuss facility-specific requirements for the storage system, inspections, recordkeeping, security, and training.

Government Code Section 65962.5: The Cortese List

The Cortese List (Hazardous Waste and Substances Site List) is a document used by State and local agencies and developers to comply with CEQA requirements to consider Government Code Section 5962.5 in evaluating proposed development projects. The Government Code requires the DTSC to compile and update a list of hazardous waste sites, handling facilities, disposal facilities, and abandoned sites, which is set forth in the Cortese List.

California Hazardous Waste Control Law

The Hazardous Waste Control Law (HWCL) is the primary hazardous waste statute in the State of California and implements RCRA as a "cradle-to-grave" waste management system for handling hazardous wastes in a manner that protects human health and the environment and would reduce potential resulting impacts. The law specifies that generators have the primary duty to determine whether their waste is hazardous and to ensure proper management. The HWCL also establishes criteria for the reuse and recycling of hazardous waste used or reused as raw materials. The law exceeds federal requirements by mandating source reduction planning, and includes a much broader requirement for permitting facilities that treat hazardous waste. It also regulates a number of types of waste and waste management activities that are not covered by federal law.

California Health and Safety Code

The California Health and Safety Code (HSC § 25141) defines hazardous waste as a waste or combination of waste that may: . . . because of its quantity, concentration, or physical, chemical, or infection characteristics:

(1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitation-reversible illness.

(2) Pose a substantial present or potential hazard to human health or the environment, due to factors including, but not limited to, carcinogenicity, acute toxicity, chronic toxicity, bioaccumulative properties, or persistence in the environment, when improperly treated, stored, transported, or disposed of or otherwise managed. These regulations establish criteria for identifying, packaging, and labeling hazardous wastes; prescribe management practices for hazardous wastes; establish permit requirements for hazardous waste treatment, storage, disposal, and transportation; and identify hazardous waste that commonly would be disposed of in landfills. Under both the RCRA and the HWCL, hazardous waste manifests must be retained by the generator for a minimum of 3 years. The generator must match copies of the manifests with copies of manifest receipts from the treatment, disposal, or recycling facility. In accordance with Chapter 6.11 of the California Health and Safety Code (HSC § 25404, *et seq.*), local regulatory agencies enforce many federal and State regulatory programs through the CUPA program, including:

- Hazardous Materials Business Plans (HMBPs) (HSC § 25501, *et seq.*);

- State Uniform Fire Code (UFC) requirements (UFC § 80.103, as adopted by the State Fire Marshal pursuant to HSC § 13143.9);
- Underground storage tanks (HSC § 25280, *et seq.*);
- Aboveground storage tanks (HSC § 25270.5(c)); and
- Hazardous waste generator requirements (HSC § 25100, *et seq.*).

California Code of Regulations, Title 8

Cal/OSHA assumes primary responsibility for developing and enforcing workplace safety regulations. These regulations concern the use of hazardous materials in the workplace, including requirements for employee safety training; availability of safety equipment; accident and illness prevention programs; hazardous substance exposure warnings; and preparation of emergency action and fire prevention plans. Cal/OSHA also enforces hazard communication program regulations, including procedures for identifying and labeling hazardous substances, and requires that safety data sheets (formerly known as material safety data sheets) be available for employee information and training programs. Cal/OSHA standards are generally more stringent than federal regulations. California Code of Regulations, Title 8, Section 1529 authorizes Cal/OSHA to implement the survey requirements of Code of Federal Regulations Title 29 relating to asbestos. These federal and State regulations require facilities to take all necessary precautions to protect employees and the public from exposure to asbestos. Workers who conduct asbestos abatement must be trained in accordance with federal and Cal/OSHA requirements. The Bay Area Air District oversees the removal of regulated ACMs.

California Code of Regulations, Title 8, Section 1532.1 includes requirements to manage and control exposure to LBP. These regulations cover the demolition, removal, cleanup, transportation, storage, and disposal of lead-containing material. The regulations outline the permissible exposure limit, protective measures, monitoring, and compliance to ensure the safety of construction workers exposed to lead-based material. Loose and peeling LBP must be disposed of as a State and/or federal hazardous waste if the concentration of lead equals or exceeds applicable hazardous waste thresholds. Federal and Cal/OSHA regulations require a supervisor who is certified with respect to identifying existing and predictable lead hazards to oversee air monitoring and other protective measures during demolition activities in areas where LBP may be present. Special protective measures and notification of Cal/OSHA are required for highly hazardous construction tasks related to lead, such as manual demolition, abrasive blasting, welding, cutting, or torch burning of structures, where LBP is present.

Porter-Cologne Act

The Porter-Cologne Water Quality Control Act of 1969 (Porter-Cologne Act) is California's statutory authority for the protection of water quality. Under the Porter-Cologne Act, the State must adopt water quality policies, plans, and objectives that protect the State's waters for the use and enjoyment of the people. Regional authority for planning, permitting, and enforcement is delegated to the nine RWQCBs. The RWQCBs are required to formulate and adopt water quality control plans (also known as basin plans) for all areas of the region and establish water quality objectives in the plans. The Porter-Cologne Act sets forth the obligations of State Water Board and RWQCBs to adopt and periodically update water quality control plans that recognize and reflect the differences in existing water quality, the beneficial uses of the region's groundwater and surface water, and local water quality conditions and problems. It also authorizes the State Water Board and RWQCBs to

issue and enforce waste discharge requirements and to implement programs for controlling pollution in State waters. Finally, the Porter-Cologne Act also authorizes the State Water Board and RWQCBs to oversee site investigation and cleanup for unauthorized releases of pollutants to soils and groundwater and in some cases to surface waters or sediments.

California Emergency Response Plan

California has developed an emergency response plan to coordinate emergency services provided by federal, State, and local governments and private agencies. Responding to hazardous materials incidents is one part of this plan. The plan is administered by the California Governor's Office of Emergency Services, which coordinates the responses of other agencies.

California Building Standards Code

The State of California provided a minimum standard for building design through the 2019 California Building Standards Code (CBC), which is in Part 2 of Title 24 of the California Code of Regulations. The 2019 CBC is based on the 2018 International Building Code but has been modified for California conditions. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local city and county building officials for compliance with the CBC. Typical fire safety requirements of the CBC include the installation of sprinklers in all new high-rise buildings and residential buildings, the establishment of fire resistance standards for fire doors and building material and for particular types of construction.

State Water Resources Control Board

The State Water Board enforces, among other regulations, those regulations pertaining to implementation of underground storage tank programs. It also allocates monies to eligible parties who request reimbursement of State funds to clean up soil and groundwater pollution from LUSTs. The State Water Board also enforces the Porter-Cologne Act through its nine regional boards, including the San Francisco Bay Regional Water Board, described below.

Santa Clara County Department of Environmental Health

The Santa Clara County Department of Environmental Health (SCCDEH) is the CUPA for the City. As the CUPA, SCCDEH enforces State statutes and regulations through the Hazardous Materials Unified Program Agency (HMUPA). The HMUPA oversees aboveground petroleum tanks; generation of hazardous materials; storage and treatment; USTs; generation of medical waste; the California Accidental Release Prevention Program; and the Local Oversight Program, which interfaces with the State Water Board and the San Francisco RWQCB on LUSTs and UST release sites. Thus, it acts as the local oversight agency for investigation and cleanup of petroleum releases from USTs through implementation of the local oversight program by contract with the State and Regional Water Resources Control Board.

San Francisco Bay Regional Water Quality Control Board

There are nine RWQCBs throughout the State. The San Francisco Bay RWQCB has jurisdiction over projects in the City of San José. Individual RWQCBs function as the lead agencies responsible for

identifying, monitoring, and cleaning up LUSTs. Storage of hazardous materials in USTs is regulated by the State Water Board, which oversees the nine RWQCBs.

City of San José Emergency Operations Plan

The City's Emergency Operations Plan (EOP) provides an overview of the City's approach to emergency operations. It identifies emergency response policies, describes the response and recovery organization, and assigns specific roles and responsibilities to City departments, agencies, and community partners. The EOP has the flexibility to be used for all emergencies and facilitates response and recovery activities in an efficient and effective manner.

Envision San José 2040 General Plan

The City General Plan includes goals, policies, and actions for the purpose of avoiding or mitigating impacts resulting from planned development projects within City limits. The following policies and actions are specific to hazards and hazardous materials and are relevant to this analysis.

Envision San José 2040 General Plan Relevant Hazardous Material Policies and Actions

Policies	Description
Policy EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine whether 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.
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 hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.

4.9.2 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 0.25 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?	☐	☐	☐	☒

Impact Discussion

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

The proposed project would include demolition of existing on-site structures as well as grading and other construction activities. Based on the date of existing building construction, 1982, and renovation of the building in 2000, the Phase I ESA determined that ACMs and LBP would not be considered a concern at the project site and are unlikely to be present. Further, the City's Building Department requires the proposed project to conduct a pre-demolition survey to confirm the findings of the Phase I ESA. If any ACM and/or LBP are identified, the proposed project would undertake applicable measures to remove these materials in compliance with applicable Cal/OSHA standards.

Construction of the proposed project would include the routine transport, use, and disposal of limited quantities of hazardous materials and heavy equipment necessary for construction, such as gasoline, diesel, oil, grease, mechanical fluids, paints, cleaning solvents, and similar items. The use of these hazardous materials would be typical of construction projects, would be short-term, and would be handled in accordance with standard construction practices, as well as with applicable federal, State, and local laws and regulations. Standard construction practices would be observed such, as for example, that hazardous materials are appropriately contained and remediated as needed, as required by local, State, and federal law and regulations. Regulatory requirements would include, without limitation, California Code of Regulations Title 22, Division 4.5, for appropriate management of hazardous materials, as well as the requirements of the EPA, RCRA, DTSC, Division of Occupational Safety and Health (Cal/OSHA), Caltrans, and Bay Area Air District. This would help ensure that the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials during construction.

Operation

The proposed project would develop one new industrial building with built-in ancillary office space and related improvements. The proposed operational activities would likely include the on-site storage and use of cleaning supplies and maintenance chemicals in small quantities. The small quantities of cleaning supplies and maintenance chemicals used on-site would not pose a substantial risk with respect to the transport, use, or disposal of hazardous materials during operation. The anticipated use of the proposed building is for an industrial building. No end user has been identified and, as such, the proposed project may include advanced manufacturing uses as allowed under the City's zoning ordinance. Manufacturing operations would occur within the enclosed industrial building. The proposed industrial building would not include heavy manufacturing uses. Any chemical storage and/or use of hazardous materials would be required to occur in compliance with applicable laws and regulations to help ensure public health and safety and would be verified at the time occupancy permits are issued. Further, the transport, use, and disposal of these operational substances is controlled and regulated by RCRA; CERCLA; federal Clean Air Act; and OSHA, as well as relevant provisions in the General Plan. Proposed project operations would be required to comply with the aforementioned laws and regulations regarding transport, use, and disposal of these operational substances.

For these reasons, the proposed project would not create a significant hazard to the public or environment from the use, transport, or storage of hazardous materials and would result in a less than significant impact during both construction and operation.

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 with mitigation incorporated. The Phase I ESA identified vapor intrusion as an REC in connection with the current and historical operation of the project site. Adjoining and nearby properties (specifically the open CPS-SLIC cases adjoining to the west, approximately 280 feet north of the project site) may constitute possible sources for vapor intrusion

due to the detection of VOCs in groundwater and soil vapor on the properties. The Phase I ESA did not identify any HRECs or CRECs. However, the Phase I ESA identified several OEFs in connection to the project site, such as the former agricultural use of the project site, a nearby closed LUST case, an adjacent rail line, and a nearby open CPS-SLIC Case.

Based on the conclusions and recommendations of the Phase I ESA, a Phase II ESA was conducted to address the REC related to vapor encroachment and the OEF related to the former agricultural use. A subsurface investigation was conducted at the project site to evaluate the REC and the OEF; specifically, shallow soil samples were collected and analyzed to evaluate potential impacts from historical agricultural operations and soil vapor samples were collected and analyzed to evaluate for potential vapor encroachment impacts from off-site properties. The Phase II Subsurface Investigation collected soil samples from 10 locations across the project site and analyzed them for organochlorine pesticide, arsenic, and lead. The Phase II Subsurface Investigation did not identify elevated concentrations of the analyzed constituents, indicating that historical agricultural operations have not impacted shallow soil.

To evaluate potential vapor encroachment conditions, soil vapor samples were collected from nine locations along the project site boundary and beneath the proposed development footprint. The Phase II Subsurface Investigation detected perchloroethylene (PCE) in eight of nine locations, and in four locations the level exceeded the calculated soil vapor screening levels. Based on the detections of PCE in soil vapor, this would represent a potentially significant impact with regard to release of hazardous materials to future occupants and visitors during proposed project operation. Therefore, the proposed project would be required to implement MM HAZ-1, which requires the proposed project to receive input from the appropriate regulatory agency to determine what further actions are required, if any. Adherence to MM HAZ-1 would ensure this impact is reduced to a less than significant level.

Additionally, the proposed project would be required to comply with additional regulatory requirements, including, but not limited to the Code of Federal Regulations, Title 49, Transportation, specific to the transport of hazardous materials; and California Code of Regulations Titles 8, 22, and 26 and their enabling legislation set forth in California Health and Safety Code Division 20 and Chapter 6.95, Hazardous Materials Release Response Plans and Inventory, which would further ensure applicable safety standards related to the use and storage of hazardous materials are implemented. Consistency with local, State, and federal laws and regulations related to the transport, storage, use, and disposal of hazardous materials and implementation of MM HAZ-1 would minimize the potential for upset and accident conditions to occur within the project site. Therefore, impacts would be less than significant with mitigation.

Impact HAZ-1

Elevated concentrations of PCE in soil vapor could result in potential impacts to future site occupants and visitors.

Mitigation Measures

MM HAZ-1 Prior to issuance of any building permits, the project applicant shall have either:

(1) Received written documentation (i.e., non-case information or equivalent documentation (non-case information)) from either the Regional Water Quality Control Board, Department of Toxic Substances Control, or Santa Clara County Department of Environmental Health (Regulatory Agency) that there are no requirements relative to the PCE found in the soil gas on the project site exceeding commercial and industrial environmental screening levels (ESLs). The non-case information shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building and Code Enforcement and the Environmental Compliance Officer in the City Environmental Services Department; or

(2) Filed an application to obtain Regulatory Agency oversight to review the levels of PCE found in the soil gas on the project site exceeding commercial and industrial ESLs to determine what further actions are required. If any such actions are required, prior to the issuance of a building permit for vertical construction, the project applicant shall have designed a vapor intrusion mitigation system (VIMS) by a qualified environmental consultant for installation in the proposed building to protect future site occupants and visitors, to the extent required by the Regulatory Agency.

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

No impact. There are no schools within 0.25 mile of the project site. The nearest schools are Northwood Elementary School (262760 Trimble Road), approximately 0.5 mile northeast of the project site, and Brooktree Elementary School (1781 Olivetree Drive), approximately 0.6 mile southeast of the project site. Therefore, no impact would occur in this regard.

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?

No impact. Government Code Section 65962.5 refers to the Hazardous Waste and Substance Site List, commonly known as the Cortese List. The Cortese List contains hazardous waste and substance sites with known USTs having a reportable release; and solid waste disposal facilities from which there is a known migration. The Cortese List also includes hazardous substance sites selected for remedial action; historic Cortese Sites; and sites with known toxic materials identified through the abandoned site assessment program.

As documented in the Phase I ESA, the proposed project is not located on a site which is included on a hazardous materials site list compiled pursuant to California Government Code Section 65962.5. The closest site recognized by the Cortese List is a tiered permit and evaluation site adjacent to the

project site located at 1980 Tarob Court, which was determined to not require further action.[109] Since the proposed project is not listed on the Cortese List, no impact would occur.

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?

No impact. San José Mineta International Airport is approximately 3.38 miles southwest of the project site. The Airport Land Use Compatibility Plan Santa Clara County (ALUCP) for the San José Mineta International Airport is the applicable airport land use plan for the project area. The purpose of the ALUCP is to ensure adequate and consistent development of the airport and surrounding projects within the identified Airport Influence Area (AIA). Projects within the defined AIA are subject to stricter development standards to protect future residents from noise and other safety considerations. The project site is not located within the AIA, and would not expose employees, vendors, or workers to safety hazards or excessive noise generated by the airport.[111] There would be no impact.

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

Less than significant impact. The City of San José EOP is the emergency response plan for the City and provides an overview on how the City will effectively approach emergency operations and establishes procedures and strategies for the efficient preparation, response and recovery, and mitigation of both human-caused and natural disasters.

During the construction phases, the proposed project may temporarily alter circulation along existing roadways as a result of construction vehicles and equipment entering and exiting the project site, along with the installation and connection to surrounding utilities. However, any such disruption would be temporary. Any such disruption would be temporary. Construction of the proposed project must comply with Chapter 13.36 (Public Right-of-Way Work Permits) of the Municipal Code, which requires the applicant to obtain a permit from the City due to temporary impacts on the public right-of-way. Construction-related permits undergo review and any permit that is found to conflict with emergency requirements or response to a public disaster can be suspended, and any encroachment that produces dangerous conditions or in the event of an emergency must be cleared without notice.[112]

From an operational standpoint, the proposed project would not result in any permanent modification to existing roadways that would impede emergency access or evacuation. The project site is located in an urbanized, infill area of the City, near major transportation corridors; roadways

[109] California Department of Toxic Substances Control (DTSC). 2025. Hazardous Waste and Substances Site List (Cortese). Website: https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,FUDS&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29. Accessed February 21, 2025.

[111] Santa Clara County Airport Land Use Commission. Airport Land Use Compatibility Plan Santa Clara County San José Mineta International Airport. Airport Influence Area Figure 8. Website: https://stgenpln.blob.core.windows.net/document/ALUC_SJC_CLUP.pdf. Accessed August 13, 2025.

[112] City of San José. San José Municipal Code Chapter 13.36. Website: https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT13STSIPUPL_CH13.36PURI-WWOPE_PT1GEPR_13.36.030PETE. Accessed August 13, 2025.

such as Trade Zone Boulevard would be expected to be utilized by the proposed project if emergency access or evacuation were necessary. Consistent with the applicable provisions of the Fire Code, prior to project approval, the City Fire Department would review the site plan for the proposed project to ensure adequate emergency vehicle access and further ensure that all other applicable Fire Code standards and requirements are satisfied. The proposed project would not impair or physically interfere with the City of San José's EOP. Impacts would be less than significant.

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. The project site is an already developed site, which is located in an urbanized, flat area and does not contain slopes or significant vegetation that could contribute to wildfire. According to the General Plan, the project site is not located along an urban-wildfire interface and is not located in the portions of the City abutting Los Buellis Hills Very High Fire Hazard Severity Zone (VHFHSZ), where wildfires are a greater risk.[113] Additionally, the project site and its surrounding areas do not have a history of wildfire.[114] California Department of Forestry and Fire Protection (CAL FIRE) has mapped fire threat potential throughout California and ranks fire threats on a scale of no fire threat, moderate, high, and very high fire severity. According to the CAL FIRE Hazards Severity Zone Mape Viewer, the project site is not located in a Fire Hazard Severity Zone (FHSZ).[115] Furthermore, the proposed project would be required to adhere to all applicable standards in the Fire Code to further reduce risks associated with wildfire. Therefore, the proposed project is not likely to expose people or structures to wildland fire hazards. See Section 4.19 Wildfire, for additional discussion in this regard. No impact would occur.

4.9.3 - Conclusion

Based on the foregoing, upon compliance with the comprehensive regulatory framework set forth in applicable federal, State and local laws, regulations and policies as well as adherence to MM HAZ-1, impacts to hazards and hazardous materials would be less than significant.

[113] California Department of Forestry and Fire Protection (CAL FIRE). 2025. Fire Hazard Severity Zones in State Responsibility Area. Website: https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008. Accessed February 20, 2025.

[114] California Department of Forestry and Fire Protection (CAL FIRE). 2024. California Wildfire History Map. Website: https://projects.capradio.org/california-fire-history/#10.64/33.5901/-117.7005. Accessed February 20, 2025.

[115] California Department of Forestry and Fire Protection (CAL FIRE). 2025. Fire Hazard Severity Zones in State Responsibility Area. Website: https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008. Accessed February 20, 2025.

4.10 - HYDROLOGY AND WATER QUALITY

This section describes the existing setting with respect to hydrology and water quality and potential effects from implementation of the proposed project on the project site and its surrounding area. Descriptions and analysis in this section are based, in part, on the Geotechnical Engineering Report prepared by Earth Systems Pacific (Appendix D) for the project site.

4.10.1 - Environmental Setting

The project site is located within the Santa Clara Subbasin within the Santa Clara Valley Groundwater Basin, which spans from the Diablo Mountains in the east, Santa Cruz Mountains in the west, and San Francisco Bay in the north. The project site is not located within an identified groundwater recharge area.[116] Based on the Geotechnical Engineering Report, groundwater was encountered at a depth of 8 to 10 feet bgs.

There are no identified streams, creeks, ponds, or other surface water bodies located on the project site. The nearest water body is Coyote Creek, located approximately 1.5 miles west of the project site. Based on data from the State Water Board, Coyote Creek is currently listed on the California303(d) list due to pollution levels in the creek.[117] According to the FEMA National Flood Hazard Layer, the project site is located within a river or stream flood hazard area and an area with a one percent or greater chance of shallow flooding each year, usually in the form of sheet flow (Zone AO).[118] Zone AO does not have a specific Base Flood Elevation, but rather flood depths are used to indicate the potential flood level. The project site has a flood depth of 1 foot.[119]

Applicable Plans, Policies, Laws, and Regulations

Clean Water Act and Porter-Cologne Water Quality Control Act

The federal CWA and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. The CWA forms the basis for several State and local laws and regulations throughout the nation. Its objective is to reduce or eliminate water pollution in the nation's rivers, streams, lakes, and coastal waters. The CWA outlines the federal laws for regulating discharges of pollutants as well as sets minimum water quality standards for all "waters of the United States." The Porter-Cologne Act established State Water Board.

Several mechanisms are employed to control domestic, industrial, and agricultural pollution under the CWA. At the federal level, the CWA is administered by the EPA. At the State and regional level, the CWA is administered and enforced by the State Water Board and the nine RWQCBs. The State of California has developed a number of water quality laws, rules, and regulations, in part to assist in

[116] Valley Water. November 2021. Groundwater Management Plan for the Santa Clara and Llagas Subbasins. Figure 4-2. Managed Recharge Facilities in the Santa Clara Subbasin. Website: https://s3.us-west-1.amazonaws.com/valleywater.org.us-west-1/s3fs-public/2021_GWMP.pdf. Accessed August 14, 2025.

[117] California State Water Resource Control Board. 2024 Integrated Report Map. Website: https://gispublic.waterboards.ca.gov/portal/apps/webappviewer/index.html?id=f0e4ac76fd0e4a53bebead89339ef3c9. Accessed August 25, 2025.

[118] Federal Emergency Management Agency. 2025. FEMA's National Flood Hazard (NFHL) Viewer. Website: https:// hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd. Accessed February 24, 2025.

[119] Federal Emergency Management Agency. 2025. Features of Flood Insurance Rate Maps. Website: https://www.fema.gov/flood-maps/coastal/insurance-rate-maps#:~:text=Zone%20AE%20indicates%20areas%20that,feet%20flows%20over%20sloping%20ground. Accessed August 14, 2025.

the implementation of the CWA and related federally mandated water quality requirements. In many cases, the federal requirements set minimum standards and policies and the laws, rules, and regulations adopted by the State and regional boards exceed the federal requirements.

National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973

The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 were enacted to reduce the need for flood protection structures and limit disaster relief costs by restricting development in floodplains. FEMA was established in 1979 and is responsible for predicting hazards from flooding events and forecasting the level of inundation under various conditions. As part of its duty to develop standards for delineating fluvial and coastal floodplains, FEMA provides information on Flood Insurance Rate Maps (FIRMs) about the potential for flood hazards and inundation and, where appropriate, designates regions as special flood hazard areas. Special flood hazard areas are defined as areas that have a 1 percent chance of flooding in a given year.

National Flood Insurance Program

As part of the National Flood Insurance Program (NFIP), FEMA conducts nationwide flood hazard mapping to identify flood-prone areas and to reduce flood damages. The maps identify the flood of that magnitude that have a 1 percent annual chance of being equaled or exceeded, called the "100 year flood." The NFIP also enables property owners in participating communities to purchase insurance as protection against flood losses in exchange for State and community floodplain management regulations that reduce future flood damages.

National Pollutant Discharge Elimination System

The NPDES permits all involve similar processes, which include submitting notices of intent for discharging to water in areas under the San Francisco Bay RWQCB's jurisdiction and implementing BMPs to minimize those discharges. The San Francisco Bay RWQCB may also issue site-specific WDRs, or waivers to WDRs, for certain waste discharges to land or waters of the State. The State Water Board stormwater general permit for construction activity (Order 2009-009-DWQ, as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ) applies to all construction activities that would disturb 1 acre of land or more. Construction activities subject to the general construction activity permit include clearing, grading, stockpiling, and excavation. Dischargers are required to eliminate or reduce non-stormwater discharges to storm sewer systems and other waters.

Through the NPDES and WDR processes, the State Water Board seeks to ensure that the conditions at a project site during and after construction do not cause or contribute to direct or indirect impacts on water quality (i.e., pollution and/or hydromodification) upstream and downstream. To comply with the requirements of the Construction General Permit, a project applicant must file a Notice of Intent (NOI) with the State Water Board to obtain coverage under the permit; prepare an SWPPP; and implement inspection, monitoring, and reporting requirements appropriate to the project's risk level as specified in the SWPPP. The SWPPP includes a site map, describes construction activities and potential pollutants, and identifies BMPs that will be employed to prevent soil erosion and discharge of other construction-related pollutants that could contaminate nearby water resources, such as petroleum products, solvents, paints, and cement. The permit also requires the discharger to consider using post-construction permanent BMPs that will remain in service to protect water

quality throughout the life of the project. All NPDES permits also have inspection, monitoring, and reporting requirements.

Stormwater

In November 1990, the EPA published regulations establishing NPDES permit requirements for municipal and industrial stormwater discharges. Phase I of the permitting program applied to municipal discharges of stormwater in urban areas where the population exceeded 100,000 persons. Phase II of the NPDES stormwater permit regulations, which became effective in March 2003, required that NPDES permits be issued for construction activity for projects disturbing 1–5 acres. Phase II of the municipal permit system (known as the NPDES General Permit for Small MS4s, Order No. 2003-0005-DWQ as amended by 2013-0001-DWQ) required small municipalities of fewer than 100,000 persons to develop stormwater management programs. This permit authorizes discharges of stormwater and some categories of non-stormwater that are not "significant contributors of pollutants."

Provision C.3 in the Municipal Regional Permit requires site designs for new developments and redevelopments to minimize the area of new roofs and paving, treat runoff, and, in some cases, control the rates and durations of site runoff. Where feasible, pervious surfaces should be used instead of paving so that runoff can infiltrate to the underlying soil. Runoff should be dispersed to landscaping where possible. Remaining runoff from impervious areas must be treated using bioretention or similar controls. In some developments, the rates and durations of site runoff must also be controlled. The C.3 requirements are separate from, and in addition to, requirements for erosion and sediment control and for pollution prevention measures during construction. In addition, project applicants must execute agreements to allow municipalities to verify that stormwater treatment and flow control facilities that are approved as part of new development are maintained in perpetuity.

Post-Construction Urban Runoff Management and Post-Construction Hydromodification Management Policies

City Council Policy 6-29 "Post-Construction Urban Runoff Management" requires all new development projects to incorporate site design and source control measures as a means to manage runoff. The policy requires projects creating 10,000 square feet or more of impervious surfaces to employ Low Impact Development (LID) measures.

City Council Policy 8-14 "Post-Construction Hydromodification Management" addresses the management of stormwater runoff to minimize erosion and sedimentation in local waterways through the use of post-construction hydromodification management.

Municipal Regional Stormwater NPDES Permit

The EPA has delegated oversight of NPDES requirements for municipal urban runoff discharges in California to the State Water Board and the nine RWQCB offices. In 2009, the San Francisco Bay RWQCB issued a regional NPDES permit (NPDES Permit Order R2-2009-0074, NPDES Permit No. CAS612008) for stormwater, consolidating requirements for all Bay Area municipalities and flood control agencies that discharge directly to San Francisco Bay. Some provisions require regional action

and collaboration, but others relate to specific municipal activities over which the municipalities have individual responsibility and control.

Under the Municipal Regional Stormwater NPDES Permit (also referred to as MRP), development projects that create, add, or replace 10,000 square feet or more of impervious surface area are required to control post-development stormwater runoff through source control, site design, and treatment control BMPs. Additional requirements must be met by certain large projects that create one acre or more of impervious surfaces (see Hydromodification discussion below). Beginning December 1, 2011, the impervious surface threshold for Regulated Projects decreased from 10,000 square feet to 5,000 square feet for special land use categories (e.g., auto services facilities, gas stations, restaurants, parking lots) and most Regulated Projects have to treat stormwater runoff with additional treatment measures, such as harvesting and reuse, infiltration, evapotranspiration, or biotreatment.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes goals, policies, and actions for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following policies are specific to hydrology and water quality and are relevant to this analysis.

Envision San José 2040 General Plan Relevant Hydrology and Water Quality Policies

Policies	Description
Policy IN-3.7	Design new projects to minimize potential damage due to stormwater and flooding to the site and other properties.
Policy IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's NPDES permit.
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
Policy ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Standards Code and Municipal Code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.

4.10.2 - Environmental Checklist and Impact Discussion

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

Impact Discussion

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

Less than significant impact. The proposed project would involve demolition, excavation, grading and other construction-related activities. Demolition and ground-disturbing activities related to construction would temporarily increase the amount of debris on-site. Grading activities may increase erosion and sedimentation that could be carried by runoff into local waterways, such as Coyote Creek. The proposed project would be required to adhere to all applicable laws and regulations as well as other requirements, including the Standard Permit Condition listed below, which includes measures to reduce potential construction-related water quality impacts and is based on RWQCB recommendations. The proposed project, for example, would suspend earthmoving or dust-producing activities during periods of high winds, watering all exposed or disturbed soil surfaces, and vegetating disturbed areas as quickly as possible. The proposed project would also be required to obtain a permit prior to any grading activities, per the City's Grading Ordinance, and

adhere to all conditions attached thereto by the City. The grading permit would require, among other things, drainage and erosion control measures and reporting.

The proposed project would result in an increase of on-site impervious area from approximately 225,602 square feet to 231,009 square feet, or approximately 5,407 square feet. This would not represent a substantial increase in impervious areas on the project site that would lead to increased runoff rates and durations from storm events, as the project site is currently primarily developed with impervious areas.

In addition, during operation, the proposed project could create potential sources of polluted runoff associated with motor vehicle traffic and the use of fertilizers for landscaped areas. Pollutants that may be transported in runoff from parking areas and roadways include sediment, metals, organic compounds including diesel, gasoline and oil, and trash and debris. Additionally, the proposed project would direct runoff from roads and sidewalks to landscaped areas and would plant trees adjacent to and in impervious areas. Because the project would create or replace 10,000 square feet or more of impervious surface, it would be required to comply with applicable provisions of the NPDES MRP, which includes LID requirements for source control, site design, stormwater treatment, and hydromodification management. Therefore, the proposed project would include several source control measures and treatment systems such as bioretention areas and flow-through planters. It would also be required to adhere to all other applicable laws, regulations and other standards, including SPC HYD-1, which would ensure the proposed project would not violate any applicable water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. As such, impacts would be less than significant.

Standard Permit Conditions

SPC HYD-1 Construction Water Quality

Construction related water quality.

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

- Ditches shall be installed to divert runoff around excavations and graded areas if necessary.
- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.
- The Permittee shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction

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

Less than significant impact. The Santa Clara Valley aquifer is a groundwater aquifer located in the southern San Francisco Bay Area. The Santa Clara Groundwater Subbasin encompasses the City of San José, including the project site. The Valley Water District manages the Santa Clara Subbasin. Valley Water has about 144,000 acre-feet per year (AFY) of managed recharge capacity, including more than 90 miles of in stream recharge and 102 off-stream recharge ponds.[120] Runoff is captured in Valley Water's reservoirs and released into both in-stream and off-stream recharge ponds for percolation into the groundwater basin.[121] In addition, imported water is delivered by the raw water conveyance system to streams and ponds for groundwater recharge. As of 2021 the Santa Clara Subbasin is not designated as being in a condition of chronic overdraft, and long-term yields were determined to meet statutory requirements.[122] Based on the Geotechnical Engineering Report, groundwater was encountered at a depth of 8 to 10 feet bgs. The historic high depth to groundwater level according to the Santa Clara Valley Water District ranges from 5 to 10 feet bgs, and variations in rainfall, temperature, and other factors can affect water levels.

Development of the proposed project would marginally increase impervious surface area on the project site. However, as stated in Section 4.10.1–Environmental Setting, the project site is not located within an identified groundwater recharge area. The proposed project would be required to direct runoff from roads and sidewalks to landscaped areas and would plant trees adjacent to and in impervious areas. The proposed project would also include bioretention areas and flow-through planters to facilitate groundwater percolation. Since the Santa Clara Subbasin is not designated as being in a condition of chronic overdraft, the project site is not located in an identified groundwater recharge area, and the proposed project would include measures to facilitate water flow to pervious areas, proposed project operations would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge. As such, the proposed project would not interfere with groundwater recharge such that it may impede sustainable groundwater management of a basin. Impacts would be less than significant.

[120] City of San José. 2021. 2020 Urban Water Management Plan. Website: https://www.sanjoseca.gov/home/showpublisheddocument/422/637602045327100000. Accessed February 24, 2025.
[121] Ibid.
[122] Ibid.

As stated in 4.10.1–Environmental Setting, the project site is not located within an identified groundwater recharge area.

3) Would the project substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

(a) result in substantial erosion or siltation on- or off-site;

Less than significant impact. According to the Geotechnical Engineering Report, the project site is relatively flat. During construction and operation, the proposed project would be required to adhere to the recommendations set forth in the Geotechnical Engineering Report, which involve general site preparation procedures including the stabilization of surface soils, particularly those disturbed during construction, by vegetation, or by other means during and following construction in order to protect the project site from erosion or siltation damage.

Additionally, projects that disturb one or more acres of soil are required to obtain the General Permit for Discharges of Stormwater Associated with Construction Activity (Construction General Permit), issued by the State Water Board. The project site is approximately 14.26 acres and therefore would require a Construction General Permit. As such, the proposed project would be subject to the permit requirements and would implement BMPs and LID elements to reduce runoff and erosion. The proposed condition peak flow drainage would be required to mimic the existing condition to the maximum extent possible in accordance with applicable standards and requirements.

Depending on the timing for grading, the proposed project may be required to comply with General Plan Policy EC-4.5, which requires the preparation of an Erosion Control Plan for any grading occurring between October 1 and April 30. The proposed project would also be required to conform to Standard Permit Condition HYD-1, which requires covering of stockpiled and excavated soils and the installing of ditches to divert runoff around excavations and graded areas. Therefore, erosion during grading activities would be further reduced to ensure impacts in this regard would be less significant.

Once operational, the City would require the proposed project to comply with all applicable laws and regulations to reduce erosion. As discussed in Section 4.10, Hydrology and Water Quality, of this IS/MND, the proposed project incorporates specific design features, including bioretention basins, designed to retain stormwater or reduce runoff from entering local waterways. The proposed project also includes landscaping and drainage throughout the project site, which would further reduce the potential for soil erosion across the project site. Therefore, impacts would be less than significant.

(b) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

Less than significant impact. As discussed under Impact 4.10(3a) above, the proposed project would not substantially alter the existing site drainage pattern or the existing drainage of the surrounding area. The proposed project would involve replacement of impervious surfaces. However, the proposed project would be required to install a storm drainage system that adheres to all applicable design criteria, standards and other requirements under applicable laws and regulations to prevent

flooding on- and off-site during construction and operation. In accordance with the MRP, the proposed project would be required to implement LID stormwater management methods into the on-site storm drainage system. These various design features would ensure that stormwater is retained on-site and released at a rate and amount no greater than the pre-development condition of the project site in accordance with applicable standards and requirements. The proposed project would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. Therefore, impacts would be less than significant.

(c) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

Less than significant impact. With respect to potential flooding during construction, the proposed project would be required to implement a SWPPP as part of its Construction General Permit, as well as adhere to all other applicable laws, regulations, standards and requirements to ensure that additional sources of polluted runoff would be prevented during construction. In addition, the proposed project would be required to adhere to applicable provisions of the Municipal Code, which establishes permit review procedures, designates and identifies the duties of the floodplain administrator (the City Engineer), provides provisions for flood hazard reduction such as standards of construction, and identifies variance procedures.[123]

With respect to operational activities, as discussed under Impact 4.10(3a) above, the proposed project would not substantially alter the existing drainage pattern or the existing drainage in the surrounding area. Although the proposed project would increase impervious surface areas by approximately 9,200 square feet, LID stormwater management measures including bioretention areas, as well as the installation and maintenance of trees, and other landscaping are included in the project design to allow for infiltration and treatment before being discharged to the storm drain system. The proposed project would utilize existing storm drain lines. As such, the proposed project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or create substantial increases in additional sources of polluted runoff. Therefore, impacts would be less than significant.

(d) impede or redirect flood flows?

Less than significant impact. Based on the FEMA FIRMs, the project site is located within a river or stream flood hazard area and an area with a 1 percent or greater chance of shallow flooding each year, usually in the form of sheet flow (Zone AO).[124] The project site does not have an identified Base Flood Elevation, but has a depth of 1 foot which indicates flood waters could reach up to 1 foot during a flood event. The proposed project would not change the existing drainage pattern or direction of flows on the project site and the proposed project includes site design, source control, and treatment measures to manage stormwater on the project site. The proposed project would be required to adhere to all applicable laws, regulations and other standards, and would include

[123] City of San José. City of San José Municipal Code Chapter 17.08. https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT17BUCO_CH17.08SPFLHAARRE. Accessed August 13, 2025.

[124] Federal Emergency Management Agency (FEMA). 2025. FEMA's National Flood Hazard (NFHL) Viewer. Website: https:// hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd. Accessed February 24, 2025.

bioretention areas and landscaping to maximize runoff dispersal throughout the bioretention areas. Further, the proposed project would not increase impervious area on the project site as compared to existing conditions. Thus, the proposed project would not impede or redirect flood flows and impacts would be less than significant.

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

Less than significant impact. The project site is approximately 28 miles from the Pacific Ocean and is approximately 8.9 miles from San Francisco Bay; therefore, the project site is not at risk of inundation from a tsunami or seiche.

The project site is located within a river or stream flood hazard area and an area with a 1 percent or greater chance of shallow flooding each year, usually in the form of sheet flow (Zone AO).[125] The project site would be required to comply with additional regulatory requirements, including, but not limited to, the Code of Federal Regulations, Title 49, Transportation, specific to the transport of hazardous materials; California Code of Regulations Titles 8, 22, and Title 26 and their enabling legislation set forth in California Health and Safety Code Division 20 and Chapter 6.95, Hazardous Materials Release Response Plans and Inventory, which would ensure safety standards related to the use and storage of hazardous materials are implemented. As such, impacts related to the potential risk of release of pollutants due to project inundation would be less than significant.

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

Less than significant impact. As discussed under Impact 4.10-1 and 4.10-3 above, the proposed project would not significantly impact water quality during construction and operation. The project site is located within the Santa Clara Subbasin, which is managed under Valley Water's 2021 Groundwater Management Plan.[126] The Santa Clara Subbasin has not been identified as being over drafted in the 2021 Groundwater Management Plan. As discussed under Impact 4.10(2) above, the proposed project would be served by the San José Water Company (San José Water), which has adequate supplies to serve the proposed project in addition to existing and other planned uses, and would not substantially deplete groundwater resources. As such, implementation of the proposed project would not conflict with or obstruct implementation of the Valley Water 2021 Groundwater Management Plan. Therefore, impacts would be less than significant.

4.10.3 - Conclusion

Based on the foregoing, upon compliance with all applicable laws, regulations and other standards as well as adherence to the Standard Permit Condition discussed above, impacts to hydrology and water quality would be less than significant.

[125] Federal Emergency Management Agency. 2025. FEMA's National Flood Hazard (NFHL) Viewer. Website: https:// hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd. Accessed February 24, 2025.

[126] Valley Water. 2021. Groundwater Management Plan for the Santa Clara and Llagas Subbasins. Website: https://s3.us-west-1.amazonaws.com/valleywater.org.us-west-1/s3fs-public/2021_GWMP.pdf. Accessed August 14, 2025.

4.11 - LAND USE

This section describes the existing setting with respect to land use and planning and potential effects from implementation of the proposed project on the project site and its surrounding area. Descriptions and analysis in this section are based on, in part, review of the City of San José General Plan (General Plan) and Municipal Code, and review of formal project submittal information.

4.11.1 - Environmental Setting

Existing Conditions On-Site

The project site is currently developed with an approximately 130,752-square-foot Office/Research and Development building. Figure 3: Existing Project Site Photos provides photos of the existing project site. The existing structure was developed in the early 1980s and used as a data center and contains numerous server rooms, control rooms, electrical rooms, and office space. Currently, the building is vacant and considered functionally obsolete.

Access to the project site is provided by two existing driveways on Trade Zone Boulevard and one driveway from Lundy Place. Surface parking is provided along the project site boundaries and within a designated parking lot on the northwestern portion of the project site. The project site has existing landscaping along all site boundaries and within landscape medians of surface parking areas. There are approximately 155 trees on the project site, with evergreen ash representing approximately 54 percent of all species. The project site also contains existing site-lighting fixtures.

The project site is mostly flat, with a gradual slope to the northwest, with primarily impervious surfaces. The project site maintains connections to existing wet and dry utilities within Lundy Place and Trade Zone Boulevard.

General Plan

The Envision San José 2040 General Plan (General Plan) designates the project site as TEC. This designation is applied to areas planned for intensive job growth because of their importance as employment districts to the City and high degree of access to transit and other facilities and services. Allowable uses in this designation include research and development, manufacturing, assembly, testing, and offices, as well as limited residential uses in some areas. This designation permits development with retail and service commercial uses on the first two floors; office, research and development, or industrial use on upper floors; as well as wholly office, research and development, or industrial projects. Development in the TEC designation is to reflect a transit-oriented land use pattern. The TEC designation allows a maximum density of a FAR of 12.0. The TEC land use designation also applies to surrounding properties to the east, south, southwest, and west.

Zoning

The project site is zoned LI; allowable uses in this zoning district include warehouses, light manufacturing, wholesaling, and construction yards. The project site is surrounded by lands zoned IP to the northeast, south, and southwest. The area to the west is also zoned LI, and a portion of the land to the south is zoned TEC. The project site is also bordered to the northwest by lands zoned by the City of Milpitas as Multi-family Residential.

Northwest/West

Land uses northwest of the project site consist of developed land and are bound by Lundy Place. The area beyond Lundy Place lies outside of the City of San José boundary, and is within the City of Milpitas and is zoned as Multi-family Residential. Existing residences are located approximately 150 feet from the project site. Additionally, a medical supply store, Prosurg, is located on the corner of Trade Zone Blvd and Lundy Place, to the west of the project site.

Northeast/East

The land immediately adjacent to the northeast of the project site is designated in the General Plan as IP and is currently occupied by the Sheet Metal Workers Local 104 Labor Union. To the northeast lies primarily, industrial buildings, restaurants, and a concrete-lined stormwater drainage channel. Land immediately east of project site is designated IP and is bound by a BART train line, planned residential development, and industrial buildings. A residential neighborhood is located approximately 600 feet from the project site.

South

Land use designations south of the project site include IP and TEC. The project site is bounded by Trade Zone Boulevard, with industrial and commercial buildings, medical offices, and a church across the street.

Applicable Plans, Policies, Laws, and Regulations

Sustainable Communities Strategy/Plan Bay Area

Plan Bay Area, published by the MTC and ABAG, is a long-range integrated transportation and land use/housing strategy through 2050 for the Bay Area, adopted in October 2021, that serves as the Bay Area's Sustainable Communities Strategy/Regional Transportation Plan (SCS/RTP). Plan Bay Area 2050 is a 30-year plan for nine counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma. Plan Bay Area 2050 connects the elements of housing, the economy, transportation, and the environment through 35 strategies that will make the Bay Area more equitable for residents and more resilient in the face of unexpected challenges.

The 35 strategies are divided among four elements—Housing, Economy, Transportation, and the Environment—that lay out a $1.4-trillion vision for the Bay Area. Based on extensive analysis and modeling conducted over nearly four years of planning work by MTC and ABAG, Plan Bay Area 2050 is forecasted to make significant progress in tackling the greatest challenges facing the region, from housing affordability to the intensifying impacts of global climate change. Plan Bay Area calls for focused housing and job growth around high-quality transit corridors, particularly within areas identified by local jurisdictions as Priority Development Areas (PDAs). As shown in Map 1-1 in Plan Bay Area 2050, the currently adopted plan, the project site is within a PDA. This land use strategy is anticipated to enhance mobility and economic growth by linking the location of housing and jobs with transit, thus offering a more efficient land use pattern around transit and greater return on existing and planned transit investments.

Envision San José 2040 General Plan

The General Plan designates the project site as TEC. This designation is applied to areas planned for intensive job growth because of their importance as employment districts to the City and high degree of access to transit and other facilities and services. This designation is intended for a wide variety of employment-generating uses, such as research and development, manufacturing, assembly, testing, and offices as well as limited residential uses in some areas. All surrounding areas of the project site are also designated as TEC by the General Plan.

The Envision San José 2040 General Plan includes goals, policies, and actions for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following policies are specific to land use and are relevant to this analysis.

Envision San José 2040 General Plan Relevant Land Use Policies

Policies	Description
Policy CD-2.10	Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land use regulations to require compact, low-impact development that efficiently uses land planned for growth, especially for residential development which tends to have a long lifespan. Strongly discourage small-lot and single-family detached residential product types in Growth Areas.
Policy LU-1.1	Foster development patterns that will achieve a complete community in San José, particularly with respect to increasing jobs and economic development and increasing the City's jobs-to-employed resident ratio while recognizing the importance of housing and a resident workforce.
Policy LU-1.2	Encourage Walking. Create safe, attractive, and accessible pedestrian connections between developments and to adjacent public streets to minimize vehicular miles traveled.
Policy LU-1.6	With new development or expansion and improvement of existing development or uses, incorporate measures to comply with current Federal, State, and local standards.
Policy LU-2.1	Provide significant job and housing growth capacity within strategically identified "Growth Areas" in order to maximize use of existing or planned infrastructure (including fixed transit facilities), minimize the environmental impacts of new development, provide for more efficient delivery of City services, and foster the development of more vibrant, walkable urban settings.
Policy LU-6.1	Prohibit conversion of lands designated for light and heavy industrial uses to non-industrial uses. Prohibit lands designated for industrial uses and mixed industrial-commercial uses to be converted to nonemployment uses.
Policy LU-7.2	Seek out industrial uses that are environmentally sustainable or create environmentally beneficial products in order to maintain a healthful environment and preserve natural resources.
Policy LU-8.1	In areas that are designated for mixed industrial and commercial uses, allow only commercial uses that are compatible with industrial uses. Nonemployment uses are prohibited in these areas.
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).

Envision San José 2040 General Plan Relevant Land Use Policies	
Policies	**Description**
Policy TR-1.4	Through the entitlement process for new development, projects shall be required to fund or construct needed transportation improvements for all transportation modes giving first consideration to improvement of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand.

4.11.2 - Environmental Checklist and Impact Discussion

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

Impact Discussion

1) Would the project physically divide an established community?

No impact. The physical division of an already established community typically refers to construction of a linear feature, such as an interstate, railroad tracks, or the removal of a means of access that would impact mobility within an existing community and an outlying area. The project site has a General Plan land use designation of TEC and zoning of LI, and does not contain any existing residences. The nearest residential use to the project site is a multi-family residential development located approximately 150 feet northwest of the project site in the City of Milpitas. Additional multi-family residential uses are located approximately 600 feet to the west on Trade Zone Boulevard. The proposed project would occur on an already-developed infill site within an urbanized area, and involves the construction of an industrial building with associated parking and related improvements to serve the proposed light industrial and ancillary office uses. The proposed project would not involve construction of any type of linear feature that could impair mobility within the existing community, nor would it remove a means of access in a manner that could impede travel or otherwise constitute a physical division of the established community. For these reasons, the proposed project would not divide an established community and there would be no impacts.

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

Less than significant impact.

Table 15 evaluates the proposed project's consistency with goals and policies of the General Plan for the purpose of avoiding or mitigating an environmental effect. As shown below, the proposed project would be consistent with such policies.

Table 15: Land Use Consistency Analysis

General Plan Policy	Consistency Analysis
CD-2.10	**Consistent.** The proposed project would support compact, low-impact development within a designated Growth Area by replacing a functionally obsolete data center with a modern industrial facility. This maximizes land use efficiency and avoids low-density residential development, consistent with the policy.
LU-1.1	**Consistent.** The proposed project would foster economic development by introducing a new industrial building designed to attract advanced manufacturing, logistics, or warehouse/distribution tenants. This contributes to job creation and supports the City's goal of improving its jobs-to-employed resident ratio.
LU-1.2	**Consistent.** The proposed project would enhance pedestrian connectivity through the construction of new sidewalks, ADA-compliant paths, and landscape buffers. These improvements would promote walkability and reduce reliance on vehicular travel.
LU-1.6	**Consistent.** The project incorporates measures to comply with applicable federal, State, and local standards, including stormwater management systems, tree replacement requirements, and CALGreen Code compliance.
LU-2.1	**Consistent.** The proposed project would contribute to job growth within a Transit Employment Center and leverages proximity to public transit infrastructure, including BART and local bus routes, to minimize environmental impacts and support efficient service delivery.
LU-6.1	**Consistent.** The proposed project would maintain the industrial use of the site by replacing an outdated industrial facility with a new one, thereby preserving employment lands.
LU-7.2	**Consistent.** The proposed project incorporates sustainable features such as a solar ready roof, electric vehicle charging infrastructure, bioretention areas, and drought-tolerant landscaping, promoting environmental sustainability and resource conservation.
LU-8.1	**Consistent.** The proposed project would not introduce incompatible nonemployment uses into a mixed industrial-commercial area.
TR-1.1	**Consistent.** The proposed project would encourage non-automobile transportation modes through the inclusion of bicycle parking, pedestrian improvements, and contributions toward protected bike lanes.
TR-1.4	**Consistent.** The proposed project would fund and construct transportation improvements that prioritize pedestrian, bicycle, and transit infrastructure, including intersection safety enhancements, sidewalk reconstruction, and a monetary contribution toward the development of Class IV protected bike lanes.

Development of the proposed project would be subject to design review by the City to ensure that it meets applicable Industrial Design Guidelines and all applicable zoning code standards in accordance with the LI zoning district. By meeting the applicable requirements of the existing code, including, among others, FAR, setbacks, building heights, and landscape buffers, no land use conflicts with surrounding uses would occur. Consistency with other relevant General Plan goals, policies, and

actions adopted for the purpose of avoiding or mitigating environmental effects are discussed in the relevant resource sections throughout this IS/MND.

The proposed project would develop approximately 122,419 square feet of LI uses and would not exceed the development capacity allocated for industrial uses in the San José Citywide Design Standards and Guidelines. As described in previous sections of this IS/MND, the proposed project would not conflict with any land use plans adopted to avoid or mitigate environmental effects, including the 2017 Clean Air Plan (see Section 4.3, Air Quality), the SCVHP (see Section 4.4, Biological Resources), and the City's 2030 GHGRS (see Section 4.8, Greenhouse Gas Emissions). The project site is not located inside the Turning Safety Zone of the AIA of the San José Norman Y Mineta International Airport and therefore would not require an additional level of review by the County of Santa Clara Airport Land Use Commission (ALUC) for consistency with policies in the adopted Airport Comprehensive Land Use Plan In addition, as discussed in the noise section, the project site is also located well outside of the 65 dBA CNEL airport noise contours and is therefore compatible with the existing airport noise source environment. The proposed project, therefore, would not result in a significant impact due to conflict with any land use plan, policy, or regulation adopted to avoid or mitigate an environmental effect, and impacts would be less than significant.

4.11.3 - Conclusion

Impacts with respect to land use and planning would be less than significant.

4.12 - MINERAL RESOURCES

This section describes the existing setting with respect to mineral resources and potential effects from implementation of the proposed project on the project site and its surrounding area. Descriptions and analysis in this section are based, in part, on the City of San José General Plan.

4.12.1 - Environmental Setting

According to the General Plan, the project site is not located within an area of San José containing known mineral resources that would be of value to the region or the residents of the State. Other than in the Communications Hill area, neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of Statewide significance or the significance of which requires further evaluation, including the project site. Therefore, other than the Communications Hill area, San José, including the project site, does not have mineral deposits subject to the Surface Mining and Reclamation Act (SMARA).

Applicable Plans, Policies, Laws and Regulations

Surface Mining and Reclamation Act

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

The State Mining and Geology Board under the SMARA has designated an area of Communications Hill in Central San José, bounded by the Union Pacific Railroad, Curtner Avenue, State Route (SR) 87, and Hillsdale Avenue, as a regional source of construction aggregate materials. Other than the Communications Hills area, San José does not have mineral deposits subject to SMARA.

4.12.2 - Environmental Checklist and Impact Discussion

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

Impact Discussion

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

No impact. According to the General Plan, the project site is not located within an area of San José containing known mineral resources that would be of value to the region or the residents of the State. As stated above, the California State Mining and Geology Board identified only one area within the City (Communications Hill in Central San José) as containing minerals of regional significance. The General Plan further states that neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of Statewide significance or of significance which requires further evaluation.[127] As such, no impact would occur.

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

No impact. As discussed in the General Plan, the project site is not located within a mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. The project site is located approximately 13 miles north of the only City-designated mineral resource recovery site (Communications Hill). As a result, the proposed project would not result in the loss of availability of a locally important mineral recovery site. No impact would occur.

4.12.3 - Conclusion

Impacts to mineral resources would be less than significant.

[127] City of San José. 2025. Envision San José General Plan 2040. Website: https://www.sanjoseca.gov/your government/departments/planning-building-code-enforcement/planning-division/citywide-planning/envision-san-jos-2040 general-plan. Accessed January 31, 2025.

4.13 - NOISE AND VIBRATION

This section describes the existing setting with respect to noise and vibration and the potential effects from implementation of the proposed project on the project site and its surrounding area. The analysis in this section is based, in part, on the project-specific noise modeling data provided in Appendix F. Information regarding mobile source noise was also obtained based on a review of the project-specific Transportation Analysis provided in Appendix G.

4.13.1 - Environmental Setting

Characteristics of Noise

Noise is defined as unwanted sound. Sound levels are usually measured and expressed in decibels (dB), with 0 dB corresponding roughly to the threshold of hearing. Most of the sounds that we hear in the environment do not consist of a single frequency but rather a broad band of frequencies, with each frequency differing in sound level. The intensities of each frequency add together to generate a sound. Noise is typically generated by transportation, specific land uses, and ongoing human activity.

The standard unit of measurement of the loudness of sound is the dB. The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of less than 3 dB are only perceptible in laboratory environments. A change of 3 dB is the lowest change that can be perceptible to the human ear in outdoor environments, while a change of 5 A-weighted decibels (dBA) is considered to be the minimum readily perceptible change to the human ear in outdoor environments.

Since the human ear is not equally sensitive to sound at all frequencies, the dBA scale was derived to relate noise to the sensitivity of humans. It gives greater weight to the frequencies of sound to which the human ear is most sensitive. The A-weighted sound level is the basis for a number of various sound level metrics, including the day/night sound level (L_{dn}) and the Community Noise Equivalent Level (CNEL), both of which represent how humans are more sensitive to sound at night. In addition, the equivalent continuous sound level (L_{eq}) is the average sound energy of time-varying noise over a sample period and the L_{max} is the maximum instantaneous noise level occurring over a sample period.

4.13.2 - Existing Conditions

The project site is bounded by Trade Zone Boulevard to the south, the BART railway corridor to the east, and Lundy Place to the west. Existing development to the north includes commercial and industrial uses, with multi-family residential to the northwest[128], and to the south, beyond Trade Zone Boulevard, similar commercial and industrial developments. The dominant noise sources in the project vicinity include traffic on local roadways, primarily from traffic on Trade Zone Boulevard, which runs along the southern boundary of the project site. Other observed noise sources in the project vicinity included temporary construction activity and occasional train passings. However, the train noise is not a dominant noise source on the project site because the rail line is below grade

[128] The project site has long been planned for and developed with transit-oriented employment-generating uses, including light industrial, consistent with the proposed project. The nearest residential sensitive receptors are not located in the City of San Jose but rather in the adjacent City of Milpitas, which has recently sought to transition this adjacent area from industrial to residential uses.

adjacent to the project site which provides substantial noise shielding. An ambient noise monitoring effort was conducted to document ambient noise levels on the project site.

Ambient Noise

FCS conducted three short-term noise measurements on March 25, 2025, from 1:15 p.m. to 2:15 p.m. Because the on-site and surrounding land uses have not changed since the time of these measurements, these ambient noise measurements are still considered to be adequately representative of the existing ambient noise environment. For purposes of a conservative analysis, the noise measurements were taken during the midday hours, as the midday hours typically have the highest daytime noise levels in urban environments. It should be noted that peak noise hours often vary slightly from peak traffic hours, as peak noise hours more closely align with high volume traffic that is still free flowing while peak traffic hours often result in slower vehicle speeds due to the volume of traffic on the roadway. The short-term existing noise measurement results are summarized in Table 16.

Table 16: Existing Ambient Noise Levels on the Project Site

Site ID #	Description	L_{eq}	L_{min}	L_{max}
ST-1	Northwestern corner of the project site	65.8	53.1	78.0
ST-2	Southwestern corner of project site	67.3	58.9	80.4
ST-3	Eastern corner of the project site	74.4	58.9	81.7

Notes:
L_{eq} = equivalent sound level
L_{min} = minimum noise/sound level
L_{max} = maximum noise level
Source: FirstCarbon Solutions (FCS). 2025.

Sensitive Receptors

The closest noise-sensitive receptors to the project site are the multi-family residences located approximately 50 feet away across Lundy Place from the project site, located in the City of Milpitas.

Applicable Plans, Policies, Laws and Regulations

The project site lies within the City of San José, although the nearest sensitive receptors are directly across Lundy Place from the project site and are located within the City of Milpitas. Therefore, for purposes of a conservative analysis and full disclosure, this analysis identifies the most restrictive standards of both the City of San José and the City of Milpitas. However, because only the City of San José standards would govern construction and operation of the proposed project, the San José standards are utilized herein for purposes of making significance determinations.

Federal

Federal Noise Control Act

In 1972 Congress enacted the Noise Control Act. This act authorized the United States Environmental Protection Agency (EPA) to publish descriptive data on the effects of noise and establish levels of

sound "requisite to protect the public welfare with an adequate margin of safety." These levels are separated into health (hearing loss levels) and welfare (annoyance levels). The EPA cautions that these identified levels are not standards because they do not take into account the cost or feasibility of the levels. The EPA activity and interference guidelines are designed to ensure reliable speech communication at about 5 feet in the outdoor environment. For outdoor and indoor environments, interference with activity and annoyance should not occur if levels are below 55 dBA and 45 dBA, respectively.

Federal Transit Administration Standards and Guidelines

The Federal Transit Administration (FTA) has established industry-accepted standards for vibration impact criteria and impact assessment. These guidelines are published in its Transit Noise and Vibration Impact Assessment document. The FTA guidelines include thresholds for construction vibration impacts for various structural categories.

State

The State of California has established regulations that help prevent adverse impacts to occupants of buildings located near noise sources. In addition to the following documents, the State has also established land use compatibility guidelines for determining acceptable noise levels for specified land uses.

California General Plan Guidelines

Established in 1973, the California Department of Health Services Office of Noise Control was instrumental in developing regularity tools to control and abate noise for use by local agencies. One significant model is the "Land Use Compatibility for Community Noise Environments Matrix," which allows local jurisdictions to delineate compatibility of sensitive uses with various incremental levels of noise. Government Code Section 65302 mandates that the legislative body of each county and city in California adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines published 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.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes goals, policies and actions for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following are the noise goals and policies established by the Envision San José 2040 General Plan[129] that are relevant to this analysis:

Envision San José 2040 General Plan Relevant Noise and Vibration Policies

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

[129] City of San José. 2018. Envision San José 2040 General Plan. November.

Envision San José 2040 General Plan Relevant Noise and Vibration Policies

Policies	Description
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. (*See below for additional information as to the detailed applicable standards and guidelines for land uses in San José set forth in this Policy EC-1.1*.)
Policy EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels 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 Day-Night Average Sound Level (L_{dn}) at noise-sensitive receptors to increase by five A-weighted decibel (dBA) L_{dn} or more where the noise levels would remain "Normally Acceptable"; or • Cause the L_{dn} at noise-sensitive receptors to increase by three dBA L_{dn} or more where noise levels would equal or exceed the "Normally Acceptable" level.
Policy EC-1.3	Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise-sensitive residential and public/quasi-public land uses.
Policy EC-1.6:	Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.
Policy EC-1.7	Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would: • Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise, and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
Policy EC-1.9	Require noise studies for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART, or other single-event noise sources, implement mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms.
Policy EC-2.1	Near light and heavy rail lines or other sources of groundborne vibration, minimize vibration impacts on people, residences, and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration. Require new development within 100 feet of rail lines to demonstrate prior to project approval that vibration experienced by residents and vibration sensitive uses would not exceed these guidelines.
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

Envision San José 2040 General Plan Relevant Noise and Vibration Policies	
Policies	**Description**
	in/sec (peak particle velocity) PPV will be used to minimize the potential for cosmetic damage to a building. 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.

The City's land use compatibility standards are shown in Table 17.

Table 17: Land Use Compatibility Guidelines for Community Noise in San José

Exterior Noise Exposure (L_{dn} in Decibels (DBA))										
Land Use Category	**55**	**60**		**65**		**70**		**75**		**80**
1. Residential, Hotels and Motels, Hospitals and Residential Care[1]										
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds										
3. Schools, Libraries, Museums, Meeting Halls, Churches										
4. Office Buildings, Business Commercial, and Professional Offices										
5. Sports Arena, Outdoor Spectator Sports										
6. Public and Quasi-Public Auditoriums, Concert Halls, Amphitheaters										

Key:

Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable: Specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features included in the design.

Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.

Note:
[1] Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.
Source: City of San José. 2011. Envision San José 2040 General Plan, Noise Element. November 1.

City of San José Municipal Code

The City's noise environment for development review is regulated by the Zoning Ordinance. Table 20-135 of the Zoning Ordinance outlines the maximum sound pressure level thresholds as measured at the receiving property lines. For adjacent properties used or zoned for residential purposes, the San José Municipal Code Ordinance 20.30.700 establishes a noise performance standard for combined noise generated on a project site as measured at any receiving property line, not to exceed a maximum of 55 dBA L_{eq}.[130]

According to the San José Municipal Code, construction hours within 500 feet of a residential unit are limited to the hours of 7:00 a.m. to 7:00 p.m. on Monday through Friday, unless otherwise expressly allowed by a Development Permit or other planning approval. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.[131]

City of Milpitas General Plan

The following are the noise goals and policies established by the City of Milpitas General Plan 2040[132] and are provided for informational purpose to demonstrate that the standards of the City of San José are equivalent or more restrictive than the standards of the City of Milpitas. Therefore, for purposes of this analysis, the standards of the City of San José have been applied to this project.

Goal N-1 **Preserve a nuisance-free noise environment for existing and future land uses by minimizing exposure to harmful and excessive noise Levels.**

N 1-6 For projects that are required to prepare an acoustical study to analyze noise impacts, the following criteria shall be used to determine the significance of those impacts:

Stationary and Non-Transportation Noise Sources

- A significant impact will occur if the project results in an exceedance of the noise level standards contained in this element. In instances where the ambient noise level is already above the standards contained in this element, a significant impact will occur if the project will result in an increase in ambient noise levels by more than 3 dB. This does not apply to temporary construction activities.

Transportation Noise Sources

- Where existing traffic noise levels are 60 dB Ldn or less at the outdoor activity areas of noise-sensitive uses, a +5 dB Ldn increase in roadway noise levels will be considered significant;

[130] City of San José. 2019. City of San José Municipal Code. July.
[131] Although as noted above, General Plan Policy EC-1.7 provides that the City considers significant construction noise impacts to occur if a projected located within 500 feet of residential 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.
[132] City of Milpitas. 2021. City of Milpitas General Plan 2040. March.

- Where existing traffic noise levels are greater than 60 dB Ldn and up to 65 dB Ldn at the outdoor activity areas of noise-sensitive uses, a +3 dB Ldn increase in roadway noise levels will be considered significant; and
- Where existing traffic noise levels are greater than 65 dB Ldn at the outdoor activity areas of noise-sensitive uses, a + 1.5 dB L_{dn} increase in roadway noise levels will be considered significant.

N 1-8 Require construction activities to comply with standard best practices to reduce noise exposure to adjacent sensitive receptors (see Action N 1d in the General Plan).

Non- Transportation Noise Sources

N 1-12 Require non-transportation related noise from site-specific noise sources to comply with the standards shown in Table N-2 (Table 18 below) of the General Plan.

Table 18: Stationary (Non-Transportation) Noise Source Standards

Land Use receiving the Noise	Hourly Noise Level Descriptor	Exterior Noise Level Standard (dBA)	
		Daytime (7:00 a.m.-10:00 p.m.)	Nighttime (10:00 p.m.-7:00 a.m.)
Residential	L_{eq} L_{max}	55 70	45 65

Notes:
a) The residential standards apply to all properties that are zoned for residential use. The exterior noise level standard is to be applied at the property line of the receiving land use or at a designated outdoor activity area. For mixed-use projects, the exterior noise level standard may be waived in conjunction with Policy N 2-2 (at the discretion of the decision-making body) if the residential portion of the project does not include a designated activity area and mitigation of property line noise is not practical.
b) Each of the noise levels specified above shall be lowered by 5 dBA for tonal noises characterized by a whine, screech, or hum, noises consisting primarily of speech or music, or recurring impulsive noises. In no case shall mitigation be required to a level that is less than existing ambient noise levels, as determined through measurements conducted during the same operational period as the subject noise source.
c) In situations where the existing noise level exceeds the noise levels indicated in the above table, any new noise source must include mitigation that reduces the noise level of the noise source to the existing level plus 3 dB.

City of Milpitas Municipal Code

For informational purposes, following is a description of noise standards established by the City of Milpitas Municipal Code; as noted above, while these standards would not govern the proposed project (which is located in and thus governed by San José standards), the standards set forth in the City of Milpitas Municipal Code are less restrictive than the City of San José standards in several respects.

4.13.3 - Environmental Checklist and Impact Discussion

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
2. Generation of 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, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Impact Discussion

The City, in its discretion, has elected to utilize the significance thresholds set forth in Appendix G of the CEQA Guidelines. Because the project site is located in the City of San José, it serves as the local land use agency and its standards set forth in the Envision San José General Plan and the San José Municipal Code would govern the proposed project and are utilized herein for purposes of making significance determinations. However, because the closest sensitive receptors are located in the City of Milpitas, to facilitate full disclosure, the City, as lead agency, has elected to indicate City of Milpitas standards in this analysis for informational purposes only.

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

Less than significant impact.

Construction Impacts

For purposes of this analysis, a significant impact would occur if construction activities would result in a substantial temporary increase in ambient noise levels in excess of the City's established standards applicable to construction noise. For purposes of this analysis, the following standards are considered:

The San José Municipal Code noise ordinances limit the permissible hours for construction activity to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday. No construction is permitted on Saturdays, Sundays, or federal holidays, unless otherwise expressly allowed by a Development Permit or other planning approval.

Policy EC-1.7 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.

While the City of San José does not establish quantitative noise level thresholds for construction activities, this analysis uses the noise limits established by the FTA to identify the potential for impacts due to substantial temporary construction noise. The FTA identifies construction noise limits in the Transit Noise and Vibration Impact Assessment Manual.[133] During daytime hours, an exterior threshold of 80 dBA $L_{eq(8\text{-hour})}$ shall be enforced at residential land uses, 85 dBA $L_{eq(8\text{-hour})}$ at commercial land uses and 90 dBA $L_{eq(8\text{-hour})}$ at industrial land uses.

Construction-related Traffic Noise

Noise impacts from construction activities associated with the proposed project would be a function of the noise generated by construction equipment, equipment location, sensitivity of nearby land uses, and the timing and duration of the construction activities. One type of short-term noise impacts that could occur during project construction would result from the increase in traffic flow on local streets associated with the transport of workers, equipment, and materials to and from the project site.

The transport of workers and construction equipment and materials to the project site would incrementally increase noise levels on a temporary basis on access roads leading to and from the project site. Because workers and construction equipment would use existing routes, noise from passing trucks and cars would be similar to existing vehicle-generated noise on these local roadways. Typically, a doubling of the Average Daily Traffic (ADT) hourly volumes on a roadway segment is required in order to result in an increase of 3 dBA in traffic noise levels, which is the lowest change that can be perceptible to the human ear in outdoor environments (as explained above).

Based on the Traffic Analysis prepared for the proposed project by Hexagon Transportation Consultants Inc. (see Appendix F), existing traffic conditions on Lundy Place adjacent to the project site, has approximately 149 PM peak-hour trips. Existing traffic conditions on Trade Zone Boulevard adjacent to the project site has approximately 1,743 PM peak-hour trips. Based on the air quality analysis prepared for this proposed project, construction of the proposed project could require up to approximately 90 total worker trips per day and up to 75 truck haul trips per day during any phase of project construction activities. This equates to less than eight total worker trips per hour, or six truck haul trips per hour over the course of a standard construction workday. Typically, an approximate doubling of traffic volumes is required to cause 3 dBA noise increases, which are considered barely noticeable. The proposed project's addition of less than eight total trips per hour and six truck trips per hour would not double PM peak-hour trips or the total daily trips. While total project construction could last for approximately 13 months,[134] construction-related traffic noise would not be considered substantial noise generating activities.

[133] Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual. September.

[134] As detailed more fully in Section 3, Project Description, this approximate 13-month time frame includes all construction activities, including, without limitation, demolition of the existing building and related improvement.

As such, the proposed project's maximum daily construction trips would not result in noticeable (much less substantial) noise increases along surrounding roadways. Moreover, project construction activities (including those that are traffic-related) would adhere to all applicable construction hour limitations. Based on the foregoing, this impact would be less than significant.

Construction Equipment Noise

The second type of short-term noise impact is related to noise generated during construction on the project site. As noted above, project construction is anticipated to take a total of approximately 13 months, which would occur entirely within permitted construction hours.[135]

Construction is completed in discrete steps and involving distinct activities, each of which has its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on the project site and, therefore, the noise levels surrounding the project site as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full-power operation followed by 3 or 4 minutes at lower power settings. Impact equipment, such as impact pile drivers, would not be used during construction of the proposed project.

The loudest phases of construction are the site preparation, demolition and grading phases, as that is when the loudest pieces of heavy construction equipment would operate on the project site. For example, the maximum noise level generated by each scraper is assumed to be 85 dBA L_{max} at 50 feet from this equipment. Each bulldozer would also generate 85 dBA L_{max} at 50 feet. The maximum noise level generated by graders is approximately 85 dBA L_{max} at 50 feet.

A conservative but reasonable worst-case assumption is that multiple pieces of this equipment would operate simultaneously and continuously over at least a 1-hour period near the project boundary closest to existing residential receptors. The equipment would then move incrementally across the site as they perform their operations. A characteristic of sound is that each doubling of sound sources with equal strength increases a sound level by 3 dBA. Assuming that each piece of construction equipment operates at some distance from the other equipment, a reasonable worst-case combined noise level during this phase of construction would be 90 dBA L_{max} at a distance of 50 feet from the acoustic center of a construction area. The acoustical center reference is used because construction equipment must operate at some distance from one another on a project site, and the combined noise level as measured at a point equidistant from the sources (acoustic center) would be the reasonable worst-case maximum noise level. These operations would be expected to result in a reasonable worst-case hourly average of 86 dBA L_{eq} at a distance of 50 feet from the acoustic center of a construction area. These reasonable worst-case construction noise levels would only occur during the site preparation, demolition, and grading phases of development as that is when the loudest pieces of heavy construction equipment would operate on the project site.

[135] As permitted under the City's Municipal Code, the project applicant is seeking approval to allow for construction to take place on Saturdays, from 9:00 a.m. to 5:00 p.m. (as well as Monday-Friday).

The closest noise-sensitive receptors to the project site are the multi-family residences located across Lundy Place from the project site, located in the City of Milpitas. The property line of this closest receptor would be located approximately 110 feet from where the closest piece of heavy construction equipment would potentially operate at the project site during the reasonable worst-case scenario. At this distance, and assuming a reasonable distance between each piece of operating equipment, the reasonable worst-case construction noise levels could range up to approximately 78 dBA L_{max}, intermittently and could have an hourly average of up to 73 dBA L_{eq}, at the façade of the nearest multi-family residential unit. Therefore, the calculated reasonable worst-case 8-hour average noise level for construction would be 68 dBA $L_{eq(8\text{-}hour)}$ as measured at the nearest residential receptor. These calculated reasonable worst-case construction noise levels do not exceed the FTA's 80 dBA $L_{eq(8\text{-}hour)}$ threshold as measured at the nearest residential property line. This calculation conservatively assumes no shielding for any temporary sound barriers that may be used during construction. It should be noted that these noise levels would be temporary, only occurring during the site preparation phase when construction equipment operates adjacent to the project boundaries.

As described in the San José General Plan Policy EC-1.7, 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. However, it should be noted that demolition, grading, and site preparation phases of the proposed project are expected to last only approximately 50 days, and the proposed project would not include any pile driving. However, since the project construction would last for more than 12 months, in compliance with General Plan Policy EC 1.7, mitigation is required 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. These measures must be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

Therefore, project construction noise impacts would be less than significant with implementation of MM NOI-1.

Operational Noise Impacts

For purposes of this analysis, a significant impact would occur if the proposed project during operation would result in a substantial permanent increase in ambient noise levels in excess of the City's established mobile source operational standard. For purposes of this analysis, the following standards are considered:

- Mobile source operational noise: Pursuant to. City of San José General Plan Policy EC-1.2 defines a substantial increase as one that would cause the DNL at noise-sensitive receptors to increase by:
  - 5 dBA or more where the noise levels would remain "Normally Acceptable"; or
  - 3 dBA or more where noise levels would equal or exceed the "Normally Acceptable" level.

"Normally Acceptable" noise levels are defined in Policy EC-1.1. Normally acceptable noise levels for surrounding commercial and industrial uses and residential uses is 70 dBA DNL and 60 dBA DNL, respectively. [136]

Typically, a doubling of the ADT hourly volumes on a roadway segment is required in order to result in an increase of 3 dBA in traffic noise levels, which, as discussed in the characteristics of noise discussion above, is the lowest change that can be perceptible to the human ear in outdoor environments. Therefore, for the purposes of this analysis, a doubling of the existing ADT volumes would result in a substantial permanent increase in traffic noise levels.

Mobile Sources

Based on the Transportation Analysis prepared by Hexagon on March 6, 2025, existing traffic on Lundy Place adjacent to the project site has approximately 149 PM peak-hour trips, which would produce a minimum of approximately 1,490 average daily trips. Existing traffic conditions on Trade Zone Boulevard adjacent to the project site has approximately 1,743 PM peak-hour trips, which would produce a minimum of approximately 17,430 average daily trips. According to this Transportation Analysis the proposed project would generate approximately 593 daily vehicle trips, with 79 trips occurring during the PM peak-hour. As a result, the proposed project's net new trips would not double existing hourly or daily trips on roadway segments adjacent to the project site and the resulting increase in hourly or daily traffic noise levels would be less than 3 dBA. The traffic count data sheets are provided in Appendix F.

Therefore, since the proposed project would not double PM peak-hour or average daily trips on any roadway adjacent to the project site, it would not generate a 3 dBA increase in traffic noise levels. Therefore, the proposed project would not result in a substantial permanent increase in ambient noise levels from project-generated traffic trips and mobile source operational noise impacts would be less than significant.

Stationary Source

For purposes of this analysis, a significant impact would occur if operational noise levels generated by stationary noise sources at the proposed project site would result in a substantial permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies. For purposes of this analysis, the following stationary source operational standards are considered:

- Pursuant to San José General Plan Policy EC-1.2, a substantial increase as one that would cause the DNL at noise-sensitive receptors to increase by:
  - 5 dBA or more where the noise levels would remain "Normally Acceptable"; or
  - 3 dBA or more where noise levels would equal or exceed the "Normally Acceptable" level.

[136] For informational purposes, it is noted that these applicable San Jose standards are consistent with, or slightly more conservative than, the transportation noise source standards for the City of Milpitas.

"Normally Acceptable" noise levels are defined in Policy EC-1.1. Normally acceptable noise levels for surrounding commercial, industrial uses and residential uses are 70 dBA DNL and 60 dBA DNL, respectively.

Pursuant to San José General Plan Policy EC-1.3 new nonresidential land uses operational noise levels are restricted to 55 dBA DNL at the adjoining property lines when located adjacent to existing or planned noise-sensitive residential and public/quasi-public land uses.
The primary new stationary noise sources associated with implementation of the proposed project would be the new mechanical ventilation systems, truck loading and unloading activity, and parking lot activity. Potential impacts associated with these noise sources are analyzed below.

Mechanical Equipment Operations
Noise levels for commercial-grade mechanical ventilation equipment systems range up to approximately 78 dBA L_{eq} at a distance of 3 feet. Proposed mechanical ventilation systems could be located as close as approximately 100 feet from the nearest commercial sensitive receptor, a medical supply store located across Lundy Place from the project site. The nearest residential sensitive receptor is the multi-family residences located approximately 110 feet away, across Lundy Place from the project site, in the adjacent city of Milpitas.

At this distance, for purposes of a conservative analysis, there is assumed to be minimal shielding from the proposed project's rooftop parapet, the noise generated by rooftop mechanical ventilation equipment would attenuate to 31 dBA L_{eq} as measured at the property line of the nearest residential land use and 35 L_{eq} dBA as measured at the property line of the nearest commercial land use. The calculation sheet is provided in Appendix F.

These noise levels would not exceed the San José Municipal Code operational noise performance thresholds of 60 dBA L_{max} as measured at the nearest receiving commercial property, nor would they exceed the threshold of 55 dBA L_{max} at any receiving residential property line.[137]

Furthermore, these noise levels would not exceed the existing ambient noise levels (which range from 65.8 dBA to 74.4 dBA L_{eq}) documented by the ambient noise measurement effort on the project site.

Therefore, operation-related mechanical ventilation equipment noise would not exceed established thresholds nor exceed existing ambient noise levels as measured at the nearest noise-sensitive land use property lines and the impact would be less than significant.

Truck Loading Activities
Noise would be also generated by truck loading and unloading activities at the loading docks along the northern side of the proposed building. Typical noise levels from truck loading and unloading activity range from 70 dBA to 80 dBA L_{max} as measured at 50 feet. This maximum noise level range

[137] For informational purposes only, it is noted that these noise levels would also not exceed the City of Milpitas's most restrictive noise performance standard, the nighttime noise threshold of 45 L_{eq} dBA as measured at receiving residential land uses.

includes noise from associated truck loading/unloading activity, including trucks maneuvering, truck trailer loading, truck trailer unloading, backup alarms or beepers, and truck docking noise.

The proposed loading docks could be located as close as approximately 270 feet from the nearest residential sensitive receptor, a multi-family residence located across Lundy Place from the project site. The nearest commercial sensitive receptor is a medical supply store located approximately 280 feet away, also across Lundy Place from the project site. The loading docks would be located on the opposite side of the proposed building from these sensitive receptors. Therefore, due to distance attenuation and shielding provided by the intervening structure, reasonable worst-case noise levels from truck loading and unloading activities would attenuate to 41 dBA L_{eq} as measured at the property line of the nearest residential land use and 36 L_{eq} dBA as measured at the property line of the nearest commercial land use. The calculation sheet is provided in Appendix F.

These noise levels would not exceed the San José Municipal Code operational noise performance thresholds of 60 dBA L_{max} as measured at the nearest receiving commercial property, nor would they exceed the threshold of 55 dBA L_{max} at any receiving residential property line.

Furthermore, these noise levels would not exceed the existing ambient noise levels (which range from 65.8 dBA to 74.4 dBA L_{eq}).

Therefore, noise generated by truck loading and unloading activities would not exceed established standards nor exceed existing ambient noise levels as measured at the nearest noise-sensitive land use property line and the potential impact would be less than significant.

Parking Lot Activities

Typical parking lot activities include people conversing, doors shutting, and vehicles idling which generate noise levels ranging up to 60 dBA L_{max} at 50 feet. These activities are expected to occur sporadically throughout the day as visitors and staff arrive and leave parking lot areas at the project site.

The nearest residential sensitive receptor, a multi-family residence located across Lundy Place, would be located approximately 120 feet from the nearest acoustic center of the nearest proposed parking areas. The nearest commercial land use receptor is a medical supply store that is located approximately 285 feet from the nearest acoustic center of the nearest proposed parking areas. However, due to distance attenuation and shielding provided by the proposed 8-foot concrete sound wall, noise levels from typical parking lot activity would attenuate to 41 dBA L_{eq} as measured at the property line of the nearest residential land use and 29 L_{eq} dBA as measured at the property line of the nearest commercial land use. The calculation sheet is provided in Appendix F.

These noise levels would not exceed the San José Municipal Code operational noise performance thresholds of 60 dBA L_{max} as measured at the nearest receiving commercial property, nor would they exceed the threshold of 55 dBA L_{max} at any receiving residential property line.

Furthermore, these noise levels would not exceed the existing ambient noise levels (which range from 65.8 dBA to 74.4 dBA L_{eq}) documented by the ambient noise measurement effort on the project site.

Therefore, noise generated by parking lot activities would not exceed established standards nor exceed existing ambient noise levels as measured at the nearest noise-sensitive land use property line and the potential impact would be less than significant.

Combined Stationary Source Operational Noise Impact Conclusion

Table 19, below, provides a summary of the calculated 24-hour average stationary source operational noise levels and the resulting combined stationary operational noise level from the simultaneous operation of all on-site stationary noise sources as measured at the nearest residential property line. It should be noted that, because decibels are logarithmic units, they cannot be added or subtracted by ordinary arithmetic means, but rather through logarithmic addition. For example, if one noise source produces a noise level of 70 dB, the addition of another noise source with the same noise level would not produce 140 dB; rather, they would combine to produce a noise level of 73 dB.

Table 19: 24-hour Average Stationary Source Operational Noise Levels

Source	24-hour Average Noise Levels dBA, DNL	Noise Performance Threshold dBA, DNL*	Exceed Threshold? (Yes/No)
Mechanical Ventilation Equipment	37	55	No
Truck Loading and Unloading Activities	47	55	No
Parking Lot Activities	47	55	No
Combined Noise Levels	50	55	No

Notes:
dBA = A-weighted decibel
DNL = day/night average sound level
Source: FirstCarbon Solutions (FCS). 2025.

As shown in Table 19, the combined stationary source operational noise levels as measured at the nearest residential property line would be 50 dBA DNL. As a result, these combined stationary source operational noise levels would not exceed the City of San José's 24-hour noise performance standard of 55 dBA DNL.

Therefore, noise levels from combined stationary source operational noise levels would not generate a substantial temporary or permanent increase in ambient noise levels in the project vicinity in excess of standards established in the local general plan or noise ordinance and the impact would be less than significant.

Impact NOI-1

Proposed project construction is anticipated to last for more than 12 months at a location within 500 feet of residential uses.

Mitigation Measures

MM NOI-1 **Construction Noise Logistics Plan**. A construction noise logistics plan shall be prepared 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. The construction noise logistics plan will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring commercial uses. Project construction operations shall incorporate the City's Standard Permit Conditions, which include the following:

- Pile Driving is prohibited.
- Construction hours shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Any variance from these hours, such as the approval to work on Saturdays, must be approved by the City prior to issuance of building permits.
- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise generating equipment when located near adjoining sensitive land uses.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

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

Less than significant impact. This section analyzes both construction and operational groundborne vibration and noise impacts. Groundborne vibrations consist of rapidly fluctuating motions within the ground that have an average motion of zero. Vibrating objects in contact with the ground radiate

vibration waves through various soil and rock strata to the foundations of nearby buildings. Groundborne noise is generated when vibrating building components radiate sound, or noise generated by groundborne vibration. Groundborne noise is an effect of groundborne vibration and only exists indoors, since it is produced from noise radiated from the motion of the walls and floors of a room and may also consist of the rattling of windows or dishes on shelves. If groundborne vibration levels do not exceed levels considered to be perceptible, then groundborne noise levels would not be perceptible in most interior environments. Therefore, this analysis focuses on determining exceedances of groundborne vibration levels.

Short-term Construction Vibration Impacts

A significant impact would occur if the proposed project would generate excessive groundborne vibration or groundborne noise levels. According to Policy EC-2.3 of the General Plan, a vibration limit of 0.08 inches per second (in/sec) peak particle velocity (PPV) shall be used to minimize the potential for cosmetic damage to sensitive historical structures and a vibration limit of 0.20 in/sec PPV shall be used to minimize damage at buildings of normal conventional construction.

Typical vibration source levels from construction equipment are shown in Table 20, below.

Table 20: Vibration Source Levels for Construction Equipment

Equipment		PPV at 25 ft, in/sec	Approximate Lv* at 25 ft
Pile Driver (impact)	upper range	1.518	112
	typical	0.644	104
Pile Driver (sonic)	upper range	0.734	105
	typical	0.17	93
Clam shovel drop (slurry wall)		0.202	94
Hydromill (slurry wall)	in soil	0.008	66
	in rock	0.017	75
Vibratory Roller		0.21	94
Hoe Ram		0.089	87
Large bulldozer		0.089	87
Caisson drilling		0.089	87
Loaded trucks		0.076	86
Jackhammer		0.035	79
Small bulldozer		0.003	58

Notes
* RMS velocity in decibels, VdB re 1 micro-in/sec
Source: Federal Transit Administration, 2018. Transit Noise and Vibration Impact Assessment Manual, Table 7-4. September.

The proposed project would not include pile driving of any kind or slurry wall equipment. Therefore, of the variety of equipment that will be used during demolition or construction, the large vibratory rollers anticipated to be used in the site preparation phase of construction would produce the greatest groundborne vibration levels. Large vibratory rollers produce groundborne vibration levels ranging up to 0.201 inch per second (in/sec) PPV at 25 feet from the operating equipment.

The nearest off-site structure is the sheet metal industrial warehouse (which is not a sensitive historic structure) located north of the project site, approximately 55 feet from the nearest construction footprint where a large vibratory roller would potentially operate. At this distance, groundborne vibration levels could range up to 0.03 in/sec PPV from operation of a large vibratory roller. This is below the City's standard of 0.08 in/sec PPV for sensitive historic structures and well below the 0.2 in/sec PPV for structures of normal conventional construction.

Therefore, the proposed project would not generate groundborne vibration and impacts would be less than significant.

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?

No Impact. A significant impact would occur if the proposed project would expose people residing or working in the project area to excessive noise levels for a project located within the vicinity of a private airstrip or an Airport Land Use Compatibility Plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport.

The nearest airport to the project site is the Norman Y. Mineta San José Airport located approximately 3.3 miles southwest of the project site. The project site is located well outside of the 65 dBA CNEL airport noise contours. While aircraft noise is occasionally audible on the project site from aircraft flyovers, aircraft noise associated with nearby airport activity would not expose people residing or working near the project site to excessive noise levels. Therefore, implementation of the proposed project would not expose persons residing or working in the project vicinity to noise levels from airport activity that would be in excess of normally acceptable standards for residential land use development, and there would be no project impact associated with airport noise.

4.13.4 - Conclusion

With adherence to Standard Permit Conditions and implementation of MM NOI-1 to reduce potential construction noise impacts, all project-related construction and operational noise and vibration impacts would be less than significant.

4.14 - POPULATION AND HOUSING

This section describes the existing setting with respect to population and housing and potential effects from implementation of the proposed project on the project site and its surrounding area. The analysis in this section is based, in part, on the 2020 Census prepared by the United States Census Bureau and the ABAG and MTC.

4.14.1 - Environmental Setting

The population of the City of San José was approximately 979,415 persons as of January 1, 2025.[138] The California Department of Finance estimates 2.86 residents per household in San José.[139] According to the General Plan EIR, the City estimates approximately 138,442 additional households in San José by 2035, for a total of 429,350 households.

Applicable Plans, Policies, Laws and Regulations

California Housing Element Law

Since 1969, California has required that all local governments (cities and counties) adequately plan to meet the housing needs of everyone in the community. California's local governments meet this requirement by adopting housing elements as part of their "general plan" (also required by the State). General plans serve as the local government's "blueprint" for how the city and/or county will grow and develop and include seven elements: land use, transportation, conservation, noise, open space, safety, and housing. The law mandating that housing be included as an element of each jurisdiction's general plan is known as "housing element law." This plan must include a housing element that identifies housing needs for all economic segments and provides opportunities for housing development to meet that need. The amount of housing that must be accounted for in a local housing element is determined through a process called the Regional Housing Needs Allocation (RHNA). In the RHNA process, the State gives each region a number representing the amount of housing needed based on existing need and expected population growth.

Senate Bill 375

Senate Bill (SB) 375, adopted in October 2008, calls upon each of California's Metropolitan Planning Organizations (MPOs) to develop an integrated transportation, land use, and housing plan known as a Sustainable Communities Strategy (SCS). The SCS must demonstrate how the region will reduce greenhouse gas (GHG) emissions through long-range planning. SB 375 also requires the RHNA, which anticipates housing need for local jurisdictions, to conform to the SCS, which is an opportunity to advocate for increased access to and distribution of affordable housing across the region. Plan Bay Area 2050 is the SCS for the Bay Area.

Association of Bay Area Governments

The ABAG is the official comprehensive planning agency for the San Francisco Bay region, which is composed of the nine counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma and contains 101 municipalities. The ABAG is responsible for taking

[138] State of California, Department of Finance. 2025. E-1 Cities, Counties, and the State Population and Housing Estimates with Annual Percent Change. — January 1, 2024–2025.

[139] State of California, Department of Finance. 2022. E-5 Population and Housing Estimates for Cities, Counties and the State — January 1, 2021–2022. May.

the overall Regional Housing Needs Allocation provided by the State and preparing a formula for allocating that housing need by income level across its jurisdiction. The ABAG produces regional growth forecasts so that other regional agencies, including the MTC and the Bay Area Air District, can use the forecast to make project funding and regulatory decisions.

Plan Bay Area 2050

The MTC/ABAG Plan Bay Area: Strategy for a Sustainable Region is the Bay Area's Regional Transportation Plan/Sustainable Community Strategy. Plan Bay Area is therefore the long-range transportation and land use/housing strategy through 2040 for the Bay Area, pursuant to SB 375, the Sustainable Communities and Climate Protection Act. It lays out a development scenario for the region which, when integrated with the transportation network and other transportation measures and policies, would reduce greenhouse gas emissions from transportation (excluding goods movement) below the per capita reduction targets identified by the ARB. Plan Bay Area 2050 connects the elements of housing, the economy, transportation, and the environment through 35 strategies that will make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges. In the short-term, the Plan identifies more than 80 specific actions for MTC, ABAG, and partner organizations to take over the next 5 years to make headway on each of the 35 strategies.

Envision San José 2040 General Plan

The General Plan includes goals, policies and actions for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following policies are specific to population and housing and are relevant to this analysis.

Envision San José 2040 General Plan Relevant Population and Housing Policies

Policies	Description
Policy IE-1.13	Achieve goals related to Quality Neighborhoods, including diverse housing options, a walkable/bikeable public street and trail network and compact, mixed-use development where infrastructure exists to distinguish San José as a livable and attractive city, to promote interaction among community members, and to attract talented workers to the City.
Policy H-3.2	Design high density residential and mixed residential/commercial development, particularly development located in identified Growth Areas, to: 1. Create and maintain safe and pleasant walking environments to encourage pedestrian activity, particularly to the nearest transit stop and to retail, services, and amenities. 2. Maximize transit usage. 3. Allow residents to conduct routine errands close to their residence, especially by walking, biking, or transit. 4. Integrate with surrounding uses to become a part of the neighborhood rather than being an isolated project. 6. Provide residents with access to adequate on- or off-site open space.

4.14.2 - Environmental Checklist and Impact Discussion

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

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

Impact Discussion

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

Less than significant impact. Because of the urbanized and already developed nature of the project site that has available, existing infrastructure, and further given that the proposed project contemplates a redevelopment of uses that is consistent with the planning vision set forth in the General Plan, it is not anticipated that the proposed project would induce substantial unplanned population growth in an area, either directly or indirectly.

The proposed project involves the removal of existing nonresidential uses and the construction of a light industrial building and ancillary office space along with related improvements, and does not propose construction of residential units that could directly induce population growth. The proposed light industrial use(s) are consistent with the long-range planned land use vision for the project site under the applicable TEC General Plan land use designation and LI zoning, and thus have been contemplated in the City's planned population growth.

Based on the ITE Trip Generation Manual for General Light Industrial Projects (ITE Code 110), the average number of employees anticipated to be generated by the proposed project during operations would range from approximately one employee per 1,175 to 1,160 square feet. Applying this range to the proposed project's building area of approximately 132,419 square feet, the proposed project would have between 108 and 113 employees upon project implementation, in

addition to delivery drivers to support on-site operations.[140] It is likely that most of the employees on the project site would come from the City and surrounding areas and would not relocate to the City as a result of the project. Though the proposed project would result in employment opportunities, it would introduce employment opportunities near transit and major transportation corridors in an area designated by the General Plan for light industrial uses.

The population of the City of San José was approximately 979,415 persons as of January 1, 2025 The California Department of Finance estimates 2.86 residents per household in San José.[141] According to the General Plan EIR, the City estimates approximately 138,442 additional households in San José by 2035, for a total of 429,350 households. Conservatively assuming that all 113 new jobs would be filled by people moving into the City, the proposed project would result in only a minor increase in the population of the City. Therefore, the proposed project would be within the population growth projects, and is not of the scope or scale to induce substantial unplanned population growth. Furthermore, the proposed project would be infill in nature and would locate employment opportunities near existing public transit facilities and major transportation corridors within already developed areas of the City that are served by existing services and infrastructure.

Although the proposed project includes new utility infrastructure to serve the proposed use, this would connect to existing infrastructure and would only support the proposed use and would not be extended off-site. Therefore, the proposed project would not induce substantial unplanned population growth directly or indirectly. A less than significant impact would occur.

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

No impact. The proposed project would include demolition of an existing industrial use building and related improvements, and would involve any displacement of people or housing since there are no existing residential units on-site. Therefore, project implementation would not necessitate the construction of replacement housing. No impact would occur.

4.14.3 - Conclusion

A less than significant impact to population and housing would occur.

[140] Institute of Transportation Engineers (ITE). 2021. Trip Generation Manual, 11th Edition.
[141] State of California, Department of Finance. 2022. E-5 Population and Housing Estimates for Cities, Counties and the State — January 1, 2021–2022. May.

4.15 - PUBLIC SERVICES

This section describes the existing setting with respect to public services and potential effects from implementation of the proposed project on the project site and its surrounding area. The San José Fire Department provides fire protection to the project site. The San José Police Department provides police protection to the project site. The project site is located within the Berryessa Union Elementary School District for elementary schools and within the East Side Union High School District for high school. The City of San José Department of Parks, Recreation and Neighborhood Services Department (PRNS) owns and maintains parks in the project vicinity and provides community and recreational services within the City.

4.15.1 - Environmental Setting

The project site is located in a TEC designated area and is bound by Trade Zone Boulevard, IP, Planned Development, and the City of San José/City of Milpitas city limit line.

Applicable Plans, Policies, Laws and Regulations

California Building Code

The State of California provides a minimum standard for building design through the CBC, which is in Part 2 of Title 24 of the California Code of Regulations. The CBC is based on the 1997 Uniform Building Code but has been modified for California conditions; it is considered to reflect some of the most stringent standards in the nation. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local, City, and County building officials for compliance with the CBC. Typical fire safety requirements of the CBC include: the installation of sprinklers in all high-rise buildings; the establishment of fire-resistant standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildfire hazard areas.

California Fire Code

The California Fire Code incorporates, by adoption, the International Fire Code of the International Code Council, with California amendments. This is the official Fire Code for the State and all political subdivisions. It is in Part 9 of Title 24 of the California Code of Regulations. The California Fire Code is revised and published every three years by the California Building Standards Commission.

California Health and Safety Code

California Health and Safety Code, Sections 13100–13135, establish the following policies related to fire protection:

Section 13100.1 The functions of the office of the State Fire Marshal, including the California Department of Forestry and Fire Protection (CAL FIRE), shall be to foster, promote, and develop strategies to protect life and property against fire and panic.

Section 13104.6 The Fire Marshal has the authority to require fire hazards to be removed in accordance with the law relating to removal or public nuisances on tax-deeded property.

California Senate Bill 50

Senate Bill (SB) 50 (funded by Proposition 1A, approved in 1998) limits the power of cities and counties to require mitigation of school facilities impacts as a condition of approving new development and provides instead for a standardized developer fee. SB 50 generally provides for a 50/50 State and local school facilities funding match. SB 50 also provides for three levels of statutory impact fees. The application level depends on whether State funding is available, whether the school district is eligible for State funding and whether the school district meets certain additional criteria involving bonding capacity, year-round school, and percentage of movable classrooms in use.

SB 50 added the following language to Government Code Section 65996:

(b) The provisions of this chapter are hereby deemed to provide full and complete school facilities mitigation and, notwithstanding Section 65858, or Division 13 (commencing with Section 21000) of the Public Resources Code, or any other provision of State or local law, a State or local agency may not deny or refuse to approve a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or any change in governmental organization or reorganization, as defined in Section 56021 or 56073, on the basis that school facilities are inadequate.

(c) For purposes of this section, "school facilities" means any school-related consideration relating to a school district's ability to accommodate enrollment.

(d) Nothing in this chapter shall be interpreted to limit or prohibit the ability of a local agency to utilize other methods to provide school facilities if these methods are not levied or imposed in connection with, or made a condition of, a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or a change in governmental organization or reorganization, as defined in Section 56021 or 56073. Nothing in this chapter shall be interpreted to limit or prohibit the assessment or reassessment of property in conjunction with ad valorum taxes, or the placement of a parcel on the secured roll in conjunction with qualified special taxes as that term is used in Section 50079.

California Government Code, Section 65995(b) and Education Code, Section 17620

SB 50 amended Section 65995 of the California Government Code, which contains limitations on Section 17620 of the Education Code, the statute that authorizes school districts to assess development fees within school district boundaries. Section 65995(b)(3) of the Government Code requires the maximum square footage assessment for development to be increased every 2 years, according to inflation adjustments. School districts may levy higher fees if they apply to the State and meet certain conditions.

Mitigation Fee Act

The Mitigation Fee Act requires any local agency establishing, increasing, or imposing an impact fee as a condition of development to identify the purpose of the fee and the use to which the fee is to be put. The agency must also demonstrate a reasonable relationship between the fee and the purpose for which it is charged, and between the fee and the type of development project on which it is to be levied.

Envision San José 2040 General Plan

The General Plan includes goals, policies and actions for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following are policies established by the Envision San José 2040 General Plan and are relevant to this analysis:

Envision San José 2040 General Plan Applicable Public Services Policies

Policies	Description
Policy CD-5.5	Include design elements during the development review process that address security, aesthetics, and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular and pedestrian facilities and other standards set forth in local, State, and federal regulations.
Policy ES-3.1	Provide rapid and timely Level of Service response time to all emergencies: 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of 11 minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
Policy ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly visible and accessible spaces.
Policy ES-3.11	Ensure that adequate water supplies are available for fire suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.
Policy PR-1.3	Provide 500 square feet per 1,000 population of community center space.

4.15.2 - Environmental Checklist and Impact Discussion

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

Impact Discussion

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

   a) Fire protection?

Less than significant impact. The City of San José Fire Department (SJFD) provides fire protection services for the project site and vicinity as well as to residents and visitors throughout the City. The SJFD also responds to hazardous materials spills. During Fiscal Year 2023–2024, SJFD's 38 fire stations responded to approximately 110,300 emergency incidents.[142] The General Plan identifies a service goal for total response time of 8 minutes and total travel time of 4 minutes or less for 80 percent of emergency incidents. The closest fire station to the project site is Station 23 located at 1771 Vía Cinco de Mayo, approximately 0.7 mile to the southeast The estimated travel time would be approximately 5 minutes, well within the response time target of 8 minutes.

As discussed in Section 4.14, Population and Housing, the proposed project could result in a minor increase in the residential population of San José. However, an increase in residential population related to the proposed project would be within the population growth projection for the City and would not be of scope or scale to induce substantial unplanned population growth. Similarly, the proposed project could increase calls for service to a certain extent given the increase in nonresidential population, although this increase would be nominal at most due to the nature of the proposed light industrial use. Further, the project site is within an urbanized environment with existing uses that are currently adequately served from a fire station less than ¾ of a mile from the project site (and estimated 5 minutes), and it is not anticipated that it would require the need for new or expanded facilities in order to maintain applicable response times. Furthermore, the proposed project is consistent with the project site's General Plan land use designation and would not substantially increase demand for fire protection services beyond what was assumed in the General Plan EIR and can be accommodated by the Fire Department's current facility planning. The proposed project would not require the construction of new or alteration of existing fire protection facilities to maintain an adequate level of fire protection services. The Fire Department would review the proposed project plans for adequate emergency access as part of the entitlement process.

The proposed project would be required to comply with all applicable codes, ordinances, and regulations regarding fire prevention and suppression measures, fire hydrants and sprinkler systems, emergency access, and other related fire safety requirements. The internal drive aisles would serve as fire access lanes and would be designed to meet applicable SJFD access width and turnaround requirements. Moreover, the project applicant would be required to pay applicable development impact fees to ensure a proportionate fair share contribution toward any future fire protection

[142] City of San José. 2024. Annual Report on City Services FY 2023-24. Website: https://www.sanjoseca.gov/home/showpublisheddocument/80634/637753535120900000. Accessed January 31, 2025.

facilities needed to serve the SJFD area. Therefore, the proposed project's potential impacts with respect to fire protection services would be less than significant and no mitigation is required.

b) Police protection?

Less than significant impact. Police protection services for the project site are provided by the San José Police Department (SJPD). During the Fiscal Year 2023–2024, the SJPD employed 1,173 authorized sworn positions and 577 authorized civilian positions. There were 121 authorized sworn positions per 100,000 residents, which is an 11 percent increase from 10 years ago.[143] Offices and civilian employees are assigned to one of four Bureaus, 11 divisions, and more than 50 specialized units. Some of these specialized units include Airport Police, Bomb Squad, Crime Prevention, Internal Affairs, and Patrol.

Officers are dispatched from police headquarters, located at 201 West Mission Street, which is approximately 5.4 miles southwest of the project site. During Fiscal Year 2023–2024, SJPD responded to 614,800 emergency calls. The project site is located in SJPD District M. The current average response time (Fiscal Year 2023–2024) in District M is 7.5 minutes. The General Plan identifies a service goal of 6 minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (non-emergency) calls. Based on the distance of the project site from the police headquarters, response time would be approximately 10 to 15 minutes. However, as the project site is located within an already urbanized area and the SJPD's patrol area, it is likely that the project site would be served by patrol vehicles which would reduce overall response times and would be within the service goal for District M.

As discussed in Section 4.14, Population and Housing, the proposed project could result in a minor increase in the residential population of San José. However, an increase in residential population related to the proposed project would be within the population growth projection for the City and would not be of scope or scale to induce substantial unplanned population growth. Similarly, the proposed project would likely increase calls for service to a certain extent given the increase in nonresidential population; this increase would be nominal at most due to its light industrial nature. Further, the project site is within an urbanized environment with existing uses that are currently adequately served by a police station (within 10-15 minute range) and likely regular police patrols; therefore, it is not anticipated that the proposed project would require the need for new or expanded facilities in order to maintain applicable response times. Furthermore, the proposed project is consistent with the project site's General Plan land use designation and would not substantially increase demand for police protection services provided by the SJPD beyond what was assumed in the General Plan EIR and can be accommodated by the Police Department's current facility planning. The net increase in demand for police protection services is also not anticipated to generate the need for new sworn officers, nor would it require construction of new or physically altered police protection facilities to maintain adequate levels of service.

The proposed project would comply with all applicable codes, ordinances and requirements related to public safety protection. Furthermore, it is anticipated that the project site would incorporate

[143] City of San José. 2024. Annual Report on City Services FY 2023–24. Website: https://www.sanjoseca.gov/home/showpublisheddocument/80634/637753535120900000. Accessed February 5, 2025.

adequate lighting for safety and security purposes, as well as appropriate security monitoring and fencing/gates to limit site access to only authorized individuals. Moreover, the project applicant would be required to pay applicable development impact fees to ensure a proportionate fair share contribution toward any future police protection facilities needed to serve the SJPD service area. Impacts would be less than significant and no mitigation measures are required.

c) Schools?

Less than significant impact. The proposed project does not propose development of new housing. As discussed in Section 4.14, Population and Housing, given that the proposed project is estimated to result in up to 113 employees, there could potentially be a nominal increase in K–12 enrollment due to employment generated on-site and the associated potential for population increase. However, an increase in population related to the proposed project would be within the population growth projection for the City and would not be of scope or scale to induce substantial unplanned population growth. There are over 10 schools within a 3-mile radius of the project site to support the expected increase in enrollment and it is likely that most employees on the project site would come from the existing workforce in the region (and thus not result in net new student generation). Moreover, the project applicant would be required to pay applicable development impact fees pursuant to SB 50 to ensure a proportionate fair share contribution toward any future school facilities needed to serve the City, which constitutes full mitigation of all school facilities impacts in any event. As a result, the proposed project would not require construction of new or physically altered school facilities to maintain adequate levels of service. No impacts would occur.

d) Parks?

Less than significant impact. The proposed project does not propose development of new housing and, therefore, would not directly increase demand for parks. Any potential increase in residential population related to the proposed project would be within the population growth projection for the City and would not be of scope or scale to induce substantial unplanned population growth. Visitors and on-site employees may visit nearby park facilities (such as Northwood Park) occasionally; however, given the likely low number of visitors and significant existing planned park and recreational facilities throughout the City, it is not expected that the proposed project would impact the City's parkland ratios such that new or expanded park facilities would be necessary to maintain adequate levels of service. Impacts would be less than significant.

e) Other public facilities?

Less than significant impact. There are several public facilities within the City, such as multiple library branches, sports facilities, and community centers. The proposed project does not include a residential land use component and no public facilities are located within a 0.5-mile radius of the project site. Any potential increase in residential population related to the proposed project would be within the population growth projection for the City and would not be of scope or scale to induce substantial unplanned population growth. A certain number of visitors and on-site employees may visit nearby public facilities occasionally; however, given the likely low number of visits and significant other public facilities throughout the City, it is not expected that the proposed project

would substantially impact the levels of service at such facilities in a manner that would trigger new or expanded facilities to maintain adequate levels of service. Impacts would be less than significant.

4.15.3 - Conclusion

Impacts to public services would be less than significant.

4.16 - RECREATION

This section describes the existing recreation setting and the potential impacts from project implementation on the project site and its surrounding area. The City of San José Department of Parks, Recreation and Neighborhood Services Department owns and maintains parks in the project vicinity and provides community and recreational services within the City. The analysis set forth in this section is based, in part, on information from the City of San José Department of Parks, Recreation and Neighborhood Services Department.

4.16.1 - Environmental Setting

The City of San José operates and maintains a wide array of recreational facilities to provide a high quality life in the City. The City's Parks, Recreation and Neighborhood Services (PRNS) department manages a total of 215 parks, 46 community centers (including Neighborhood Center Partner Program sites), approximately 64.93 miles of trails, and over 3,621 acres of parkland and open space. The PRNS also manages the Happy Hollow Park and Zoo.

Nearby recreational facilities include Brooktree Park approximately 0.6 mile southeast of the project site, Northwood Park approximately 0.38 mile northeast of the site, and Flickinger Park is approximately 1.32 miles northwest of the site. Cataldi Park is approximately 0.7 mile east of the site. A section of the Berryessa Creek Trail from Morrill Avenue to Piedmont Road is located approximately 1.15 miles northeast of the project site.

Applicable Plans, Policies, Laws and Regulations

Mitigation Fee Act

The Mitigation Fee Act requires any local agency establishing, increasing, or imposing an impact fee as a condition of development to identify the purpose of the fee and the use to which the fee is to be put. The agency must also demonstrate a reasonable relationship between the fee and the purpose for which it is charged, and between the fee and the type of development project on which it is to be levied.

Envision San José 2040 General Plan

The General Plan includes goals, policies and actions for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following are the policies established by the Envision San José 2040 General Plan that are relevant to this analysis:

Envision San José 2040 General Plan Applicable Recreation Policies

Policies	Description
Policy PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a 3/4 mile radius of the project site that generates the funds.
Policy PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, dog parks, sport fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

4.16.2 - Environmental Checklist and Impact Discussion

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

Impact Discussion

As noted above, the City offers numerous recreational facilities, including a number of facilities near the project site. See also Section 4.15, Public Services, for additional information.

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

Less than significant impact. A certain number of visitors and on-site employees may visit nearby recreational facilities (such as Northwood Park) occasionally; however, given the likely low number of visits and significant existing and planned recreational facilities throughout the City, it is not expected that the proposed project would not substantially impact the City's parkland ratios such that new or expanded park facilities would be necessary to maintain adequate levels of service. Impacts would be less than significant.

As discussed in Section 4.14, Population and Housing, the proposed project does not involve the construction of new residential units; however, the proposed project could result in a minor increase in the residential population of the City as a result of employees moving to the City. A minor increase in residential population related to the proposed project would be within the population growth projection for the City and would not be of scope or scale to induce substantial unplanned population growth. As such, the increase in demand for and use of existing neighborhood and regional parks or other recreational facilities is not anticipated to be substantial. Therefore, the proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of recreational facilities would occur or be accelerated. Impacts would be less than significant.

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

No impact. As discussed above, the proposed project does not include recreational facilities or involve the construction of new residential units. Any indirect increase in population as a result of the proposed project would be within the City's population growth projection and therefore would not generate new residents that could increase the demand for and use of nearby parks or recreational facilities. Thus, construction or expansion of recreational facilities would not be required. No impact would occur.

4.16.3 - Conclusion

Impacts to recreation would be less than significant.

4.17 - TRIBAL CULTURAL RESOURCES

This section describes the existing tribal cultural resources setting and potential effects from project implementation on the project site and its surrounding area. The following discussion is based, in part, on a records search at the NWIC received March 2025, contact with the NAHC in February 2025, and a cultural resources pedestrian survey conducted by FirstCarbon Solutions (FCS) in March 2025. The non-confidential NWIC records search, pedestrian survey photographs, and NAHC correspondence are included in Appendix C.

4.17.1 - Environmental Setting

The project site is located on the *San José, California* USGS 7.5-minute Quadrangle, Township 2 North, Range 6 East.

Cultural Resources Background Setting

The following is a brief summary of the pre-contact and historic background of the general San José area, which provides context to understand the relevance of cultural resources that may be located on or in proximity to the project site. This section is not intended to be a comprehensive review of the current resources available throughout the City; rather, it serves as a general overview. Unless otherwise stated, the following cultural resources setting and analysis is based on information provided by the NAHC, NWIC, the current inventories of the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), California Historic Landmarks (CHL) list, California Points of Historical Interest (CPHI) list, and the California Built Environment Resource Directory (BERD) for Santa Clara County.

The Ohlone

At the time of European contact in the 18th century, the San José region was inhabited by the Ohlone people, part of the broader Costanoan linguistic family. This family included six to eight distinct but related languages, which were geographically distributed across the San Francisco and Monterey Bay areas. Though native speakers no longer exist, varieties like Mutsun, Rumsen, and Chocheño were documented by 20th-century linguists. The term “Costanoan” comes from the Spanish “costeños” (coastal people), but “Ohlone” became more popular after Malcolm Margolin’s 1978 book The Ohlone Way. While the two terms are often used interchangeably today, not all descendants of Costanoan speakers accept the label “Ohlone.”

The Ohlone and Miwok peoples are believed to have migrated into California’s Delta region around 4,500 years ago, displacing earlier Hokan-speaking groups. Prior to European colonization, the Ohlone lived in independent political units called tribelets, each led by a headman—typically male and patrilineal—who oversaw village affairs, ceremonies, and resource distribution. Tribelets consisted of semi-permanent villages with populations ranging from 50 to 150 people, and temporary camps scattered throughout their territories. Their social organization resembled that of southern California tribes like the Salinan and Chumash more than other Penutian-speaking groups.

The Ohlone economy was based on hunting, gathering, and trade. Women gathered plant foods while men hunted animals such as deer, elk, and waterfowl. Acorns were a dietary staple, supplemented by fish like salmon and sturgeon. The Ohlone traded goods like abalone shells, salt,

and Olivella shells with neighboring tribes such as the Miwok and Yokuts, receiving pine nuts, feather blankets, and tools in return. They built reed watercraft, used bows and arrows, and lived in dome-shaped dwellings made from tule reeds and grasses. By 1776, their territory spanned roughly 17,350 square kilometers from San Francisco to south of Monterey Bay and inland to the Diablo Range, with an estimated population between 7,000 and 16,000.

Native American Heritage Commission

On February 12, 2025, FCS contacted the NAHC to determine whether any sacred sites are listed on its SLF for the project site. A response was received on February 13, 2025, indicating that the SLF search produced a negative result for the presence of Native American cultural resources within the project site. The NAHC included a list of 25 Tribal representatives available to provide additional information pertaining to Tribal Cultural Resources (TCRs). To ensure that all Native American knowledge and concerns over potential TCRs that may be affected by the proposed project are addressed, a letter containing proposed project information and requesting any additional information about TCRs was sent to each Tribal representative on March 26, 2025. One response was received from the Muwekma-Ohlone Tribe on March 27, 2025, expressing their interest in consulting on the proposed project. No additional responses have been received to date.

The City of San José sent AB 52 Notification letters to Kanyon Sayers-Roods of the Indian Canyon Mutsun Band of Costanoan (Kanyon Konsulting), Charlene Nijmeh of Muwekma-Ohlone Tribe, Chairwoman Quirina Geary of Tamien Nation, and Andrew Galvan of the Ohlone Tribe on January 14, 2024. The City consulted with Kanyon on April 16, 2025 and Tamien Nation on March 12th, 2025.

Applicable Plans, Policies, and Regulations

State Laws and Regulations Regarding Cultural Resources

Archaeological and historical sites are protected by several State laws and regulations under the California Public Resources Code ([PRC] § 5024.1), CEQA Guidelines Section 15064.5(a), California Code of Regulations (CCR) (Title 14 § 1427, 4852), and California Health and Safety Code Section 7050.5. California Public Resources Code Sections 5097.9-5097.991 require notification of discoveries of Native American remains and provides for the treatment and disposition of human remains and associated grave goods. Both State law and City of San José Municipal Code require that the Santa Clara County Coroner be notified if cultural remains are found on a site. If the Coroner determines the remains are those of Native Americans, the NAHC and a "most likely descendant" must also be notified.

Public Resources Code Section 5024.1 and CEQA Guidelines Section15064.5(a)–Definition of a Historic Resource (CCR Title 14 § 4852)

Public Resources Code Section 5024.1 and CEQA Guidelines Section 15064.5(a), in Title 14 of the California Code of Regulations, define a "historical resource" as a resource that:

(1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.

(2) Is associated with the lives of persons important in our past.

(3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

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

CEQA Guidelines 15064.5(c)–Effects on Archaeological Resources (CCR Title 14 § 1427)

The CEQA Guidelines state that a resource need not be listed on any register to be found historically significant. The CEQA Guidelines direct lead agencies to evaluate archaeological sites to determine whether they meet the criteria for listing in the CRHR. If an archaeological site is a historical resource, in that it is listed or eligible for listing in the CRHR, potential adverse impacts to it must be considered. If an archaeological site is considered not to be a historical resource but meets the definition of a "unique archaeological resource" as defined in Public Resources Code Section 21083.2, then it would be treated in accordance with the provisions of that section.

Health and Safety Code Section 7050.5 (Treatment of Human Remains)

Section 7050.5 of the Health and Safety Code sets forth provisions related to the treatment of human remains. As the code states, "every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor" except under circumstances as provided in Section 5097.99 of the Public Resource Code. The regulations also provide guidelines for the treatment of human remains found in locations other than a dedicated cemetery including responsibilities of the Coroner.

Public Resources Code Section 5097.98 (Discovery of Human Remains)

Section 5097.98 provides protocol for the discovery of human remains. It states that "whenever the commission receives notification of a discovery of Native American human remains from a County Coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify persons believed to be most likely descended from the deceased Native American." It also sets forth provisions for descendants' preferences for treatment of the human remains and what should be done if the commission is unable to identify a descendant.

California Public Resources Code Section 5097.91—Native American Heritage Commission

Section 5097.91 of the Public Resources Code established the NAHC, whose duties include the inventory of places of religious or social significance to Native Americans and the identification of known graves and cemeteries of Native Americans on private lands. Under Section 5097.91 of the Public Resources Code, a State policy of noninterference with the free expression or exercise of Native American religion was articulated along with a prohibition of severe or irreparable damage to Native American sanctified cemeteries, places of worship, religious or ceremonial sites or sacred shrines located on public property. Section 5097.98 of the Public Resources Code specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a County Coroner. Section 5097.5 defines as a misdemeanor the unauthorized disturbance or removal of archaeological, historic, or paleontological resources located on public lands.

Tribal Cultural Resources

A Tribal Cultural Resource (TCR) can be a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. It also must be either on or eligible for the CRHR, a local historic register, or the lead agency, at its discretion, chooses to treat the resource as a TCR. The Public Resources Code requires lead agencies to participate in formal consultations with California Native American tribes during the CEQA process, if requested by any tribe, to identify TCRs that may be subject to significant impacts by a project. Where a project may have a significant impact on a TCR, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. Consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a TCR or when it is concluded that agreement cannot be reached.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following policies are specific to cultural resources and are relevant to this analysis.

Envision San José 2040 General Plan Relevant Cultural Resource Policies

Policies	Description
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 prehistoric resources.

4.17.2 - Environmental Checklist and Impact Discussion

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

Impact Discussion

This evaluation focuses on whether the proposed project would impact TCRs (archaeological resources or human remains). A development project may have an impact on TCRs if construction of the project would impair a resource's eligibility for inclusion in the CRHR. If an identified impact would leave a resource no longer able to convey its significance, meaning that the resource would no longer be eligible for listing in the CRHR, then the project's impact would be considered a significant adverse change. According to CEQA Guidelines Section 15126.4(b)(1), if a project adheres to the Secretary of Interior standards, the project's impact "shall generally be considered mitigated below a level of significance and thus is not significant." A development project may have an impact on TCRs (archaeological resource or human remains) if construction of the project would physically damage or destroy these o resources.

1) Would the project cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

Less than significant impact with mitigation incorporated. A review of the CRHR, local registers, historic resources, and a records search conducted with the NWIC indicate there are no recorded historic or pre-contact cultural resources on the project site or within the 0.5-mile radius. Additionally, the NAHC SLF search results and outreach to Tribal representatives and the results of

Tribal consultation was negative for the presence of TCRs within the project boundary. The CRHR and local registers did not list any TCRs for the project site. Furthermore, the pedestrian survey failed to identify any pre-contact or historic resources or indicators thereof within the project site. While it is highly unlikely that any TCRs exist within or near the project site, there is always a possibility that subsurface construction activities associated with the proposed project, such as grading or trenching, could potentially damage or destroy previously undiscovered TCRs, which would be considered a significant impact. Therefore, should any previously undiscovered TCRs be encountered during project construction, implementation of Standard Permit Conditions for Subsurface Cultural Resources, Standard Permit Conditions for Human Remains, and MM CUL-1 would reduce potential impacts to a less than significant level.

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

Less than significant with mitigation incorporated. Pursuant to AB 52 Tribal consultation efforts conducted by the City of San José pursuant to AB 52 to identify additional significant TCRs meeting the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1 was initiated on January 14, 2025. The City sent AB 52 Notification letters to Kanyon Konsulting, Charlene Nijmeh of Muwekma-Ohlone Tribe, Chairwoman Quirina Geary of Tamien Nation, and Andrew Galvan of the Ohlone Tribe. The City consulted with Kanyon on April 16th, 2025 and Tamien Nation on March 12th, 2025. During the consultation meeting with Kanyon Konsulting, it was requested that cultural awareness training for construction workers for the project be included for construction workers for the project, including post-discovery training if resources are discovered. Should any undiscovered TCRs be encountered during project construction, implementation of Standard Permit Conditions and MM CUL-1 will reduce potential impacts to a less than significant level.

4.17.3 - Conclusion

With adherence to Standard Permit Conditions and MM CUL-1, impacts to TCRs would be less than significant.

4.18 - TRANSPORTATION

This section describes the existing setting as well as the relevant regulatory framework with respect to transportation and potential effects from implementation of the proposed project on the project site and its surrounding area. The following discussion is based, in part, on a Transportation Analysis (TA) prepared by Hexagon Transportation Consultants on June 5, 2025. This report is included as Appendix G.

4.18.1 - Environmental Setting

Existing pedestrian and bicycle facilities in the project vicinity consist of sidewalks, crosswalks, pedestrian signals at signalized intersections, and bike lanes on Trade Zone Boulevard. Sidewalks are currently missing along the west side of Lundy Place, south of Trade Zone Boulevard, which is the location of the bus stop for southbound buses operating along Lundy Place. The San José Better Bike Plan 2025 indicates that a variety of bicycle facilities are planned within the vicinity of the project site, including along Lundy Place and Trade Zone Boulevard.

The project site is designated as TEC and is served directly by VTA Frequent Bus Lines 60 and 77 and the Altamont Corridor Express Violet Shuttle, which operates along Lundy Avenue and Trade Zone Boulevard. A bus stop for these bus routes is located near the northwest and southwest corners of the Lundy Avenue/Trade Zone Boulevard intersection. Additionally, BART operates the Orange and Green Lines with services to the Milpitas Transit Center in the vicinity of the project site.

Applicable Plans, Policies, Laws, and Regulations

Senate Bill 375

Senate Bill (SB) 375 provides guidance regarding reducing emissions from cars and light trucks. There are four major components to SB 375. First, SB 375 requires regional greenhouse gas (GHG) emission targets. These targets must be updated every 8 years in conjunction with the revision schedule of the housing and transportation elements of local general plans. Second, MPOs are required to create a SCS that provides a plan for helping to achieve regional targets. Third, SB 375 requires housing elements and transportation plans to be synchronized on 8-year schedules. Finally, MPOs must use transportation and air emissions modeling techniques that are consistent with the guidelines prepared by the California Transportation Commission. The applicable SCS for the nine-county Bay Area Region is Plan Bay Area 2050, which was adopted in 2021 by the ABAG/MTC.

Senate Bill 743

Passed in 2013, SB 743 changes the focus of transportation impact analysis in CEQA Guidelines from measuring impacts to drivers to measuring the impact of driving. The change was made to replace LOS (delay-based impacts) with VMT (distance-based impacts). This shift in transportation impact focus is intended to better align transportation impact analysis and mitigation outcomes with the State's goals to reduce GHG emissions, encourage infill development, and improve public health through development of multimodal transportation networks. LOS or other delay metrics may still be used to evaluate the impact of projects on drivers in a non-CEQA context as part of land use entitlement review and impact fee programs. In December 2018, the Natural Resources Agency finalized updates to Section 15064.3 of the CEQA Guidelines, including the incorporation of SB 743 provisions. The changes to the CEQA Guidelines were approved by the Office of Administrative Law

and, as of July 1, 2020, and are in effect Statewide. To help aid lead agencies with SB 743 implementation, LCI produced the Technical Advisory on Evaluating Transportation Impacts in CEQA that provides guidance about the variety of implementation questions lead agencies face with respect to shifting to a VMT metric. Key guidance from this document includes the following:

- VMT is the most appropriate metric to evaluate a project's transportation impact.
- LCI recommends tour- and trip-based travel models to estimate VMT but ultimately defers to local agencies to determine the appropriate tools.
- LCI recommends measuring VMT for residential and office projects on a "per rate" basis.
- LCI recommends that a per resident or per employee VMT that is 15 percent below that of existing development may be a reasonable threshold. In other words, a residential or office project that generates VMT per resident or employee that is more than 85 percent of the regional VMT average could result in a significant impact. LCI notes that this threshold is supported by evidence that connects this level of reduction to the State's emissions goals.
- LCI recommends that where a project replaces existing VMT-generating land uses, if the replacement leads to a net overall decrease in VMT, the project would lead to a less than significant transportation impact. If the project leads to a net overall increase in VMT, then the thresholds described above should apply.

Lead agencies have the discretion to set or apply their own significance thresholds.

Regional Transportation Planning

The MTC is the transportation planning, coordinating, and financing agency for the nine county San Francisco Bay Area, including Santa Clara County. The 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. The MTC and ABAG adopted Plan Bay Area 2050 in October 2021, which includes the region's SCS (integrating transportation, land use, and housing to meet GHG reduction targets set by the ARB) and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, State, regional, and local sources over the next 30 years). Plan Bay Area 2050 connects the elements of housing, the economy, transportation, and the environment through 35 strategies that will make the Bay Area more equitable for residents and more resilient in the face of unexpected challenges.

Santa Clara Valley Transportation Authority Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the Congestion Management Program (CMP), a program aimed at reducing regional traffic congestion. The relevant State legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gas tax revenues. The CMP legislation requires that each CMP contain the following five mandatory elements: (1) a system definition and traffic Level of Service (LOS) standard element; (2) a transit service and standards element; (3) a trip reduction and TDM element; (4) a land use impact analysis program element; and (5) a capital improvement element. The Santa Clara County CMP includes the five mandated elements and three additional elements

including: (1) a Countywide transportation model and database element; (2) an annual monitoring and conformance element; and (3) a deficiency plan element. The Santa Clara VTA has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.

City of San José's Transportation Analysis Policy (City Council Policy 5-1)

In March 2018, City Council Policy 5-1, "Transportation Analysis Policy," replaced City Council Policy 5-3, "Transportation Impact Policy" as the Policy for transportation development review in the City of San José. Council Policy 5-1 aligns the City's transportation analysis with California Senate Bill 743 (SB 743) and the City's goals as set forth in the Envision San José 2040 General Plan. Council Policy 5-1 establishes the thresholds for transportation impacts under CEQA by removing LOS and replacing it with VMT.

The intent of this change is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway auto capacity to a reduction in vehicle emissions and the creation of robust multimodal networks that support integrated land uses. The new transportation policy aligns with the currently adopted General Plan, which seeks to focus new development growth within Planned Growth Areas, bringing together office, residential, and supporting service land uses to internalize trips and reduce VMT.

City of San José Better Bike Plan 2025

The City approved the Better Bike Plan 2025 in October 2020. The Better Bike Plan 2025 seeks to make bicycling safe and convenient for all ages and abilities in all parts of the City. The Better Bike Plan 2025 outlines building new bikeways, enhancing existing bikeways, and implementing supportive programs and policies.

Envision San Jos 2040 General Plan

The City General Plan includes goals, policies and actions for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following policies are specific to transportation and are relevant to this analysis.

Envision San José 2040 General Plan Relevant Transportation Policies

Policy TR-1.1	Accommodate and encourage the use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and VMT.
Policy TR-1.3	Increase substantially the proportion of commute travel using modes other than the single-occupant vehicle in order to meet the City's mode split targets for San José residents and workers.
Policy TR-1.4	Through the entitlement process for new development, projects shall be required to fund or construct needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand.
Policy TR-1.8	Actively coordinate with regional transportation, land use planning, and transit agencies to develop a transportation network with complementary land uses that encourage travel by bicycling, walking and transit, and ensure that regional greenhouse gas emissions standards are met.

Policy TR-2.1	Coordinate the planning and implementation of citywide bicycle and pedestrian facilities and supporting infrastructure. Give priority to bicycle and pedestrian safety and access improvements at street crossings and near areas with higher pedestrian concentrations (school, transit, shopping, hospital, and mixed-use areas).
Policy TR-2.2	Provide a continuous pedestrian and bicycle system to enhance connectivity throughout the City by completing missing segments. Eliminate or minimize physical obstacles and barriers that impede pedestrian and bicycle movement on City streets. Include consideration of grade-separated crossings at railroad tracks and freeways. Provide safe bicycle and pedestrian connections to all facilities regularly accessed by the public, including the Mineta San José International Airport.
Policy TR-2.5	Integrate the financing, design and construction of pedestrian and bicycle facilities with street projects. Build pedestrian and bicycle improvements at the same time as improvements for vehicular circulation.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
Policy TR-8.1	Promote transit-oriented development with reduced parking requirements and promote amenities around appropriate transit hubs and stations to facilitate the use of available transit services.
Policy TR-8.3	Support using parking supply limitations and pricing as strategies to encourage the use of non-automobile modes.
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-8.6	Allow reduced parking requirements for mixed-use developments and for developments provided shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Urban Villages and other Growth Areas.
Policy TR-8.9	Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.
Policy CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

4.18.2 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Conflict with a program plan, ordinance, or policy of 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?	☐	☐	☒	☐

Impact Discussion

To analyze the proposed project's potential environmental impacts under the foregoing significance thresholds, the City, in its discretion, has established thresholds related to traffic circulation, bicycle and pedestrian circulation, transit service, VMT, design feature hazards, and emergency access. Relevant information in support of these thresholds can be found in the General Plan, the Municipal Code, and the above-referenced Council Policies. The relevant regulatory framework is provided above. These specific thresholds of significance are described in more detail below and additional information is provided in the attached TA (Appendix G).

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.

Pedestrian and Bicycle Facilities

As discussed in Section 3.0, Project Description, the proposed project would install additional pedestrian walkways (that would serve as Americans with Disabilities [ADA] compliant paths of travel) connecting each of the building's entrances to a new proposed sidewalk along the proposed project's frontage on Trade Zone Boulevard. The proposed project would demolish the existing sidewalks along its frontage (where applicable) and construct new sidewalks along its entire frontage. The new sidewalks would be 10 feet wide (5-foot-wide pedestrian path and 5-foot-wide park strip) along Lundy Place and 15 feet wide (10-foot-wide pedestrian path and 5-foot-wide park strip) along Trade Zone Boulevard pursuant to applicable Standards.

The existing bikeways within the vicinity of the project site would remain unchanged under project conditions. Currently, Trade Zone Boulevard has bike lanes that would provide connections to other bicycle facilities in the project vicinity. The San José Better Bike Plan 2025 indicates that a variety of bicycle facilities are planned in the study area, some of which would benefit the proposed project

and adhere to the goals of the Envision 2040 General Plan. Of the planned facilities, the following are relevant to the proposed project.

Class III Bike Routes Are Planned For:

- Lundy Place, north of Trade Zone Boulevard

Class IV Protected Bike Lanes Are Planned For:

- Trade Zone Boulevard, along its entire length
- Ringwood Avenue, between Trade Zone Boulevard and Murphy Avenue
- Lundy Place, along its entire length
- Montague Expressway, west of Trade Zone Boulevard

The planned improvements are intended to provide for a balanced transportation system as outlined in the Envision 2040 General Plan goals and policies. The proposed project would not impede the implementation of the planned bicycle facilities. Moreover, the full implementation of the above-listed improvements is beyond the means of the proposed project given that they may require right-of-way from multiple adjacent properties and would exceed legal nexus requirements.

Additionally, as part of the TDM plan prepared for the proposed project, as required by the City's TDM Ordinance, the proposed project would be required to remove the pork-chop islands on the northeast and northwest corners of the Lundy Place/Trade Zone Boulevard intersection along with signal modification work which would improve pedestrian crossing safety at the intersection. Furthermore, the proposed project would be required to provide a monetary contribution for an in lieu fee of $144 per linear foot to construct the Class IV 7-foot protected bike lanes along the project frontages on Trade Zone Boulevard per the City of San José Better Bike Plan 2025. Alternatively, the proposed project may construct the Class IV protected bike lane along the project frontage as part of the required Lundy Place/Trade Zone Boulevard intersection improvements.

As such, the proposed project would enhance the project vicinity with additional pedestrian sidewalk improvements and would not remove any bicycle or pedestrian facilities, nor would it conflict with any adopted plans or policies for new bicycle or pedestrian facilities. Therefore, impacts would be less than significant.

Transit Services

With the proximity of bus stops and transit facilities, it can be assumed that some employees of the proposed project would utilize the existing transit services. Applying an estimated 3 percent transit mode share, which is a conservative estimate that could be expected for the proposed project, equates to at most approximately three new transit riders during either of the peak-hours. VTA operations reports indicate that the bus routes listed above as well as several other bus routes in the area currently experience less than ideal ridership. Therefore, new riders generated by the proposed project could be accommodated by the currently available capacity of the bus service in the study area, and improvement of the existing transit service would not be necessary. As such, impacts would be less than significant.

Construction Activities

Typical activities related to the construction of any development could include temporary lane narrowing and/or lane closures, sidewalk and pedestrian crosswalk closures, and bike lane closures. In the event of any type of temporary construction closure, clear signage (e.g., closure and detour signs) must be provided to ensure vehicles, pedestrians, and bicyclists are able to adequately reach their intended destinations safely. Per City standard practice, the proposed project would be required to submit a construction management plan for City approval that addresses the construction schedule, street closures and/or detours, construction staging areas and parking, and planned truck routes. Impacts would be less than significant.

Overall

The proposed project would not alter or disrupt the existing transit, bike, or pedestrian infrastructure, create a demand that cannot be accommodated by the existing facilities, or conflict with any program, plans or policies or ordinances addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities and impacts would be less than significant.

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

Less than significant impact. Per San José Council Policy 5-1, the effects of the proposed project on VMT were evaluated using the methodology outlined in the City's Transportation Analysis Handbook. VMT is the total miles of travel by personal motorized vehicles a project is expected to generate in a day. VMT measures the full distance of personal motorized vehicle trips with one end within the project.

The project-level impact analysis under CEQA uses the VMT metric to evaluate a project's transportation impact by comparing against the VMT thresholds of significance as established in the Transportation Analysis Policy. The San José VMT Evaluation Tool is used to estimate the project VMT based on the project location (APN), type of development, Project Description, and proposed trip reduction measures. The threshold of significance for industrial employment uses was used for the VMT analysis.

Per the City of San José VMT screening criteria, industrial uses of 30,000 square feet or less are considered small infill projects and do not require a CEQA VMT evaluation since the VMT generated by such small projects would likely not result in a significant impact to VMT. Industrial buildings typically contain small amounts of supporting office space. The office space usually comprises less than 10 to 15 percent of the total building space. The proposed building will include approximately 10,000 square feet of ancillary office space, which equates to no more than 4 percent of the total building space. Therefore, the ancillary office space is considered as part of the overall industrial space when evaluating VMT. The proposed approximately 132,419 square feet industrial building would not meet the screening criterion. Therefore, a CEQA-level transportation analysis that evaluates the proposed project's effects on VMT is required.

The City's Transportation Policy identifies an impact threshold for industrial projects to be the regional average per employee VMT of 16.53. The results of the VMT evaluation, using the City's VMT Evaluation Tool, indicate that the proposed project is projected to generate VMT per employee

of 16.10, which would not exceed the established impact threshold (Appendix G). In addition, the proposed project would be required to implement an approved TDM plan, which is anticipated to include multimodal network improvements and programmatic measures, such as alternative transportation benefits and rideshare programs. This would further reduce impacts related to VMT.

Therefore, the proposed project would not result in a significant impact on the transportation system based on the City's VMT impact criteria. Impacts would be less than significant.

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 TA evaluated vehicular site access and on-site circulation. Site access was evaluated to determine the adequacy of the project site's driveway with regard to the following: traffic volume, geometric design, sight distance, and operations (e.g., queueing and delay). On-site vehicular circulation and parking layout were reviewed in accordance with generally accepted traffic engineering standards and transportation planning principles.

Site Access

Vehicular access to the project site would be provided via a full access driveway along Trade Zone Boulevard. A left-turn lane would be installed present along Trade Zone Boulevard to facilitate left-turns into the project site while providing queueing space while vehicles wait for a gap in traffic to turn into the project site. A separate gated driveway would be installed along Lundy Place and would be for truck use only. According to the City of San José Department of Transportation Geometric Design Guidelines, the typical widths for a two-way driveway serving an industrial development is 32 feet. This provides adequate width for vehicular ingress and egress and a reasonably short crossing distance for pedestrians. The proposed project driveways along Trade Zone Boulevard and Lundy Place would be 40 feet wide. The proposed driveways provide adequate width for two-way vehicular operations.

Sight Distance at Unsignalized Project Driveways

The project driveways would be required to be kept free and clear of any obstructions to provide adequate sight distance, thereby ensuring that exiting vehicles can see pedestrians on the sidewalk, bicycles within the bike lane, and other vehicles traveling on Trade Zone Boulevard and Lundy Place. Project landscaping and signage would be located in such a way to ensure an unobstructed view for drivers exiting the project site.

Adequate sight distance (sight distance triangles) in accordance with the American Association of State Highway Transportation Officials (AASHTO) standards would be provided at the project driveways. Sight distance triangles would be measured approximately 10 feet back from the traveled way. Providing the appropriate sight distance reduces the likelihood of a collision at a driveway or intersection and would provide drivers with the ability to exit a driveway and locate sufficient gaps in traffic.

The minimum acceptable sight distance is often considered the AASHTO stopping sight distance. Sight distance requirements vary depending on the roadway speeds. Trade Zone Boulevard and Lundy Place have posted speed limits of 40 miles per hour (mph). It should be noted that speed limit

signs along Lundy Place are posted only south of Trade Zone Boulevard. In the neighborhood north of Trade Zone Boulevard, Lundy Place is narrow and residential in nature, limiting the travel speed of motorists. Therefore, it is likely most vehicles would be traveling at speeds of 25 mph or less.

The AASHTO stopping sight distance for facilities with posted speed limits of 40 mph is 305 feet. Thus, a driver exiting/entering the proposed project driveway on Trade Zone Boulevard must be able to see 305 feet in the direction with the conflicting movements. Similarly, a driver exiting the proposed project driveway on Lundy Place must be able to see 155 feet in the direction with the conflicting movements. Trade Zone Boulevard currently prohibits any on-street parking along the project frontage.

Based on the site plans and field observations, drivers exiting the project driveway along Trade Zone Boulevard would be able to see more than 305 feet in the direction of the conflicting movements. Therefore, adequate stopping sight distance would be provided at the Trade Zone Boulevard driveway. Based on the site plans and field observations, drivers exiting the proposed project driveway along Lundy Place would be able to see more than 155 feet in the direction of the conflicting movements. Therefore, adequate stopping sight distance would be provided at the Lundy Place driveway.

On-Site Circulation

On-site vehicular circulation was reviewed in accordance with the City of San José Zoning Code and generally accepted traffic engineering standards.

Upon entering the project site via the driveway along Trade Zone Boulevard, vehicles would proceed to the vehicular parking area located near the east side of the project site. There would be no dead-end aisles within the parking areas, and the proposed project would provide 90-degree parking stalls within the parking area. All drive aisles measure at least 26 feet in width, which meets City's Municipal Code standards (24-foot minimum for two-way driveway aisles) and provides adequate space for parked vehicles to back out into drive aisles.

Entry gates to the loading dock area at the rear of the building are proposed near the on-site parking area and at the Lundy Place driveway. The City requires developments to provide adequate on-site stacking space for at least two inbound vehicles (approximately 50 feet) between the face of curb and any entry gates or on-site drive aisles or parking spaces. This prevents vehicles from queueing onto the street and potentially blocking traffic. The loading area gates are shown to be located within the site and would provide more than 50 feet of stacking space.

Truck and Emergency Vehicle Access

The proposed project would include truck loading docks at north side of the project building. This area is enclosed by 8-foot-high metal gates with a Knox Box, per fire department standards. Additionally, the proposed project would include at least 50 feet of space between the project driveways and the gate, providing adequate space for a truck to yield on-site if the gates are closed. The proposed project would also include a trash enclosure for the building within the gated area. The proposed driveway along Trade Zone Boulevard will enable larger vehicles, such as garbage trucks, emergency vehicles, and delivery trucks, to access the site.

Overall

The proposed project site plan shows adequate site access and on-site circulation for automobiles, trucks (including emergency vehicles), and pedestrians; the proposed project would have a less than significant impact with respect to substantially increasing hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

4) Would the project result in inadequate emergency access?

Less than significant impact. The SJFD requires that all portions of new buildings be within 150 feet of a fire department access road and requires a minimum 6-foot clearance from the property line along all sides of the buildings. The Fire Code also requires driveways to provide at least 20 feet of width for fire access.

The proposed project would meet all applicable standards and requirements in this regard. According to the project site plan, all areas of the building would be within 150 feet of a fire access road (i.e., drive aisle), and at least 6 feet of clearance would be provided around the perimeter of the building. The driveway widths as proposed would be adequate to accommodate emergency vehicles. Therefore, the proposed project would be required to comply with the City's Fire Code requirements and would not result in inadequate emergency access. Impacts would be less than significant.

Non-CEQA Effects

Project Trip Generation

Trip generation resulting from new development proposed within the City of San José typically is estimated using the trip rates published in the ITE Trip Generation Manual, 11th Edition (2021). Trips that would be generated by the proposed residential development were estimated using the ITE trip rates for "General Light Industrial" (ITE Land Use 110) and are shown in Table 21.

Table 21: Project Trip Generation Estimates

Land Use	Reduction Percent	Place Type	Size (approx.)	AM Peak-hour			PM Peak-hour			Daily	
				In	Out	Total	In	Out	Total	Rate	Trip
Proposed Land Uses											
#110– General Light Industrial	–	–	132,419	86	12	98	12	74	86	4.87	645
Location Based Reduction[1]	8%	Suburb with Multi-Family Homes	–	(7)	(1)	(8)	(1)	(6)	(7)	-	(52)
Net Project Trips				**79**	**11**	**90**	**11**	**68**	**79**	**-**	**593**
Source: ITE Trip Generation Manual, 11th Edition 2021. Notes:											

Land Use	Reduction Percent	Place Type	Size (approx.)	AM Peak-hour			PM Peak-hour			Daily	
				In	Out	Total	In	Out	Total	Rate	Trip

[1] The place type (Suburban with Multi-family Homes Place Type) for the project site is obtained from the City of San José VMT [Vehicle Miles Traveled] Evaluation Tool (December 23, 2024). The location-based vehicle mode shares are obtained from Table 6 of the City of San José Transportation Analysis Handbook (April 2020). The trip reductions are based on the percent of mode share for all of the other modes of travel beside vehicle.

[2] Existing and project VMTs were estimated using the City of San José VMT Evaluation Tool. It is assumed that every percent reduction in VMT per employee is equivalent to 1 percent reduction in peak-hour vehicle trips

As shown in Table 21, the proposed project qualifies for a location-based adjustment, in accordance with the City's Transportation Analysis Handbook. LI developments located within areas designated Suburban with Single-Family Homes have a vehicle mode share of 92 percent. Thus, an 8 percent reduction was applied to the project trip generation estimates based on the location-based vehicle mode share outputs produced from the San José Travel Demand Model.

After applying the ITE trip rates to the proposed project and applying the appropriate trip reduction, it is estimated that the proposed project would generate approximately 593 new daily trips, with 98 new trips (86 inbound and 12 outbound) occurring during the AM peak-hour and 86 new trips (12 inbound and 74 outbound) occurring during the PM peak-hour (see Table 21).

Trip Distribution and Trip Assignment

The trip distribution pattern for the proposed project was developed based on existing travel patterns on the surrounding roadway system and the locations of complementary land uses. The peak-hour vehicle trips generated by the proposed project were assigned to the roadway network in accordance with the trip distribution pattern, with an emphasis on freeway access and project driveway location.

Intersection Operation Analysis

Existing Intersection Operation Conditions

The results of the LOS analysis show that all study intersections are currently operating at acceptable levels of service under existing conditions during both the AM and PM peak-hours based on the applicable City of San José and CMP LOS standards. The intersection LOS calculation sheets are included in Appendix G.

Background Intersection Operation Conditions

The results of the LOS analysis show that all study intersections are currently operating at acceptable levels of service under background conditions during both the AM and PM peak-hours based on the applicable LOS standards. The intersection LOS calculation sheets are included in Appendix G.

Background Plus Project Intersection Operation Conditions

The results of the LOS analysis show that all study intersections would continue to operate at acceptable levels of service under background conditions during both the AM and PM peak-hours with the addition of project-generated trips. The addition of project traffic would not have an

adverse effect on intersection operations. The intersection LOS calculation sheets are included in Appendix G.

4.18.3 - Conclusion

Impacts related to transportation would be less than significant.

4.19 - UTILITIES AND SERVICE SYSTEMS

This section describes the existing setting with respect to utilities and service systems and potential effects from implementation of the proposed project on the project site and its surrounding area. This analysis is based, in part, on the Preliminary Utility Plan and Preliminary Stormwater Control Plan, which are included as Figure 9 and Figure 10, respectively.

4.19.1 - Environmental Setting

San José Water Company provides water service to the project site. San José Water Company relies on groundwater, imported treated water, and local surface water for its potable water supply.[144] Specifically, approximately 50 percent of its water supply is purchased from the Santa Clara Valley Water District, approximately 40 percent is pumped of its supply from the groundwater aquifer and the remaining approximately 10 percent is drawn from local surface water sources, on average.

The San José Santa Clara Regional Wastewater Facility maintains and operates the wastewater collection and treatment system of the City, including the project site. The San José Santa Clara Regional Wastewater Facility currently treats 110 million gallons of wastewater per day (mgd) on average and has the capacity to treat 167 mgd.

The City owns and maintains the municipal stormwater drainage system which serves the project site. Existing stormwater drainage facilities are located within Lundy Place and Trade Zone Boulevard

Republic Services would provide solid waste collection services and California Waste Solutions would provide recycling and junk pickup service to the project site.

Applicable Plans, Policies, Laws, and Regulations

Clean Water Act (National Pollutant Discharge Elimination System)

Pursuant to Section 402 of the CWA and the Porter-Cologne Water Quality Control Act, municipal stormwater discharges are regulated under the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit, Municipal Separate Storm Sewer System (MS4) Order No. 2013-001 (General Permit). In 1987, Congress amended the CWA to mandate controls on discharges from MS4s. Acting under the federal mandate and the California Water Code, the State Water Board require cities, towns, and counties to regulate activities that can result in pollutants entering their storm drains. All municipalities prohibit non-stormwater discharges to storm drains and require residents and businesses to use BMPs to minimize the amount of pollutants in runoff. The RWQCB oversees the NPDES. In 2013, the State Water Board reissued the Phase II Stormwater NPDES Permit for small MS4s. Provision E.12, "Post-Construction Stormwater Management Program," mandates municipalities to require specified features and facilities—to control pollutant sources, runoff volumes, rates, and durations and to treat runoff before discharge from the site—in development plans of projects that create or replace 5,000 square feet or more of impervious surface as conditions of approval. The new requirements continue a progression of increasingly stringent requirements since 1989.

[144] San José Water Company. Water Supply FAQs. Website: https://www.sjwater.com/customer-care/help-information/water-supply-faqs. Accessed August 28, 2025.

In 2014, the Bay Area Stormwater Management Agencies Association (BASMAA), through the BASMAA Phase II Committee, created the BASMAA Manual to assist applicants for development approvals to prepare submittals that demonstrate their projects comply with the NPDES permit requirements. Applicants who seek development approvals for applicable projects should follow the manual when preparing their submittals. The manual is designed to ensure compliance with the requirements and promote integrated LID design.

Section E.12.c of the General Permit pertains to LID and how it relates to hydromodification management. This General Permit provision requires that stormwater discharges not cause an increase in the erosion potential of the receiving stream over the existing condition. Increases in runoff flow and volume must be managed so that the post-project runoff does not exceed estimated pre-project rates and durations where such increased flow and/or volume is likely to cause increased potential for erosion of creek beds and banks, silt pollutant generation, or other adverse impacts on beneficial uses due to increased erosive force.

Title 40 of the Code of Federal Regulations

Title 40 of the Code of Federal Regulations, Part 258 (RCRA Subtitle D), contains regulations for municipal solid waste landfills and requires states to implement their own permitting programs incorporating the federal landfill criteria.

California Urban Water Management Planning Act

The Urban Water Management Planning Act (California Water Code §§ 10610–10656) requires that all urban water suppliers prepare Urban Water Management Plans (UWMPs) and update them every 5 years. The Urban Water Management Planning Act requires that UWMPs include a description of water management tools and options used by that entity that will maximize resources and minimize the need to import water from other regions. Specifically, UWMPs must:

- Provide current and projected population, climate, and other demographic factors affecting the supplier's water management planning;
- Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier;
- Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage;
- Describe plans to supplement or replace that source with alternative sources or water demand management measures;
- Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis (associated with systems that use surface water);
- Quantify past and current water use;
- Provide a description of the supplier's water demand management measures, including a schedule of implementation, programs to measure effectiveness of measures, and anticipated water demand reductions associated with the measures; and
- Assess the water supply reliability.

California Health and Safety Code

Section 64562 of the California Health and Safety Code establishes water supply requirements for service connections to public water systems. Before additional service connections can be permitted, enough water must be available to the public water system from its water sources and distribution reservoirs to adequately, dependably, and safely meet the total requirements of all water users under maximum-demand conditions.

San Jose Water Company 2020 Urban Water Management Plan

San Jose Water meets the definition of an urban water supplier and has prepared UWMPs since 1985. This 2020 UWMP documents information on water supply, water usage, recycled water, water conservation programs, water shortage contingency planning, and water supply reliability in San Jose Water's service area. It also serves as a resource for water supply planners and policy makers and addresses the water supply future of the City over the next 25 years. The 2020 UWMP updates and supersedes all previous UWMPs.[145]

California Integrated Waste Management Act (Assembly Bill 939)

To minimize the amount of solid waste that must be disposed of by transformation and land disposal, the State Legislature passed AB 939, the California Integrated Waste Management Act of 1989, effective January 1990. The legislation required each local jurisdiction in the State to set diversion requirements of 25 percent by 1995 and 50 percent by 2000; established a comprehensive Statewide system of permitting, inspections, enforcement, and maintenance for solid waste facilities; and authorized local jurisdictions to impose fees based on the types or amounts of solid waste generated. In 2007, the requirements were amended to introduce a new per capita disposal and goal measurement system that moves the emphasis from an estimated diversion measurement number to using an actual disposal measurement number as a per capita disposal rate factor. As such, the new disposal-based indicator (pounds per person per year) uses only two factors: (1) a jurisdiction's population (or in some cases employment) and (2) its disposal as reported by disposal facilities.

Assembly Bill 341

AB 341 sets forth the requirements of the Statewide mandatory commercial recycling program for businesses that generate 4 or more cubic yards of commercial solid waste per week and multi-family dwellings with five or more units in California. AB 341 sets a Statewide goal for 75 percent disposal reduction by the year 2020.

Assembly Bill 1826

AB 1826 sets forth the requirements of the Statewide mandatory commercial organics recycling program for businesses and multi-family dwellings with five or more units that generate 2 or more cubic yards of commercial solid waste per week. AB 1826 sets a Statewide goal for 50 percent reduction in organic waste disposal by the year 2020. California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling California adopted CALGreen in January 2020, which sets mandates for green building standards for all buildings in California and

[145] San José Water Company (San José Water). 2021. 2020 Urban Water Management Plan. June. Website: https://www.sjwater.com/sites/default/files/2021-06/2020%20UWMP%20FINAL%20with%20Appendices.pdf. Accessed July 14, 2025.

covers five categories: (1) planning and design, (2) energy efficiency, (3) water efficiency and conservation, (4) material conservation and resources efficiency, and (5) indoor environmental quality. The following mandatory set of measures are included in the standards which also includes more rigorous voluntary guidelines for new construction projects:

- Reducing indoor water use by 20 percent.
- Reducing wastewater by 20 percent.
- Recycling and/or salvaging 65 percent of nonhazardous Construction and Demolition (C&D) debris, or meeting the local C&D waste management ordinance, whichever is more stringent.
- Providing readily accessible areas for recycling by occupants. The City requires further waste reductions and requires 75 percent diversion of nonhazardous C&D for projects that qualify under CALGreen.

SB 1383 sets targets to achieve a 50 percent reduction in the level of Statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. This bill provides the California Department of Resources Recycling and Recovery (CalRecycle) the regulatory authority necessary to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of edible food that is currently disposed is recovered for human consumption by 2025.

California Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act of 1969 (Porter-Cologne Act) is California's statutory authority for the protection of water quality. Under the Porter-Cologne Act, the State must adopt water quality policies, plans, and objectives that protect the State's waters for the use and enjoyment of the people. Regional authority for planning, permitting, and enforcement is delegated to the nine RWQCBs. The Porter-Cologne Act sets forth the obligations of the State Water Board and the nine RWQCBs, which engage in several water quality functions in their respective regions and regulate all pollutant or nuisance discharges that may affect either surface water or groundwater. The San Francisco Bay RWQCB is responsible for the City.

California Model Water Efficient Landscape Ordinance

The MWELO was adopted by the Office of Administrative Law in September 2009 and requires local agencies to implement water-efficient measures as part of their review of landscaping plans. Local agencies can either adopt the MWELO or incorporate provisions of the Ordinance into code requirements for landscaping. Drought Executive Order of April 1, 2015 (Executive Order B-29-15) directed DWR to update the State's MWELO through expedited regulation. The California Water Commission approved the revised MWELO on July 15, 2015. New development projects that include landscape areas of 500 square feet or more are subject to the MWELO. This applies to residential, commercial, industrial, and institutional projects that require a permit, plan check, or design review. The previous landscape size threshold for new development projects ranged from 2,500 square feet to 5,000 square feet. The size threshold for existing landscapes that are being rehabilitated has not changed, remaining at 2,500 square feet. Only rehabilitated landscapes that are associated with a building or landscape permit, plan check, or design review are subject to the MWELO. General Plan Policy MS-3.1 states that development shall comply with the State of California MWELO.

California Health and Safety Code

Section 64562 of the California Health and Safety Code establishes water supply requirements for service connections to public water systems. Before additional service connections can be permitted, enough water must be available to the public water system from its water sources and distribution reservoirs to meet the total requirements of all water users adequately, dependably, and safely under maximum-demand conditions.

California Code of Regulations Title 24

Part 6 (Energy Efficiency Standards for Residential and Nonresidential Buildings)

California Code of Regulations Title 24 Part 6 (California's Energy Efficiency Standards for Residential and Nonresidential Buildings) 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 and are now considered some of the most stringent in the nation. Energy-efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The 2019 Building Energy Efficiency Standards went into effect on January 1, 2020. The 2022 Building Energy Efficiency Standards are scheduled to go into effect on January 1, 2023.

Part 11 (California Green Building Standards Code)

California Code of Regulations Title 24, Part 11, is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went into effect January 1, 2011. The code is updated on a regular basis with requirements that are now considered some of the most stringent in the nation, with the most recent update consisting of the 2019 California Green Building Standards Code (CALGreen) that became effective January 1, 2020. Local jurisdictions are permitted to adopt more stringent requirements, as State law provides methods for local enhancements. The code recognizes that many jurisdictions have existing C&D ordinances and defers to them as the ruling guidance if they provide a minimum 50 percent waste diversion requirement. The code also provides exemptions for areas not served by C&D recycling infrastructure. The CBC provides the minimum standard that buildings must meet to be certified for occupancy, which is enforced by the local building or planning departments with jurisdiction over the building.

San José Zero Waste Strategic Plan/Climate Smart San José

Climate Smart San José provides a comprehensive approach to achieving sustainability through new technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José foster a healthier community and achieve its Climate Smart San José goals, including 75 percent diversion of waste from the landfill by 2013 and zero waste by 2022. Climate Smart San José also includes ambitious goals for economic growth, environmental sustainability, and enhanced quality of life for San José residents and businesses.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes goals, policies, and actions for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following policies are specific to utilities and service systems and are relevant to this analysis.

Envision San José 2040 General Plan Relevant Utilities and Service System Policies

Policy	Description
Policy MS-1.4	Foster awareness in San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.
Policy MS-3.1	Require water efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
Policy MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.
Policy MS-3.3	Promote the use of drought-tolerant plants and landscaping materials for nonresidential and residential uses.
Policy MS-6.10	Expand programs and facilities that accept hazardous and hard to recycle materials.
Policy MS-9.6	Provide convenient locations for collection of household hazardous wastes and bulk wastes.
Policy IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
Policy IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than "D," or development which would be served by downstream lines already operating at a LOS lower than "D," to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.

City of San Jose Construction and Demolition Diversion Program

The City's C&D Diversion Program was implemented in 2001 as an incentive program to encourage the City's residents to recycle, reuse, and salvage construction debris and to deter disposing the C&D materials directly in landfills. The C&D Diversion Program encompasses Building Permit Holders, Authorized C&D Haulers, and City Certified C&D Facilities.

4.19.1 - Environmental Checklist and Impact Discussion

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

Impact Discussion

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

Less than significant impact. The proposed project would be constructed and operated on an already-developed site that is in an urbanized area near existing utility infrastructure and improvements.

Water

The proposed project would include construction of a new 8-inch domestic water line that would connect to an existing 12-inch water line located in Trade Zone Boulevard. The proposed use is consistent with the General Plan land use designation and zoning for the project site (i.e., TEC designation and LI zoning). The General Plan EIR concluded that, with the implementation of existing regulations and adopted General Plan policies and actions, any physical impacts resulting from construction of utilities and service systems to serve increased demands at buildout of the General Plan would be less than significant. The proposed project would not require the construction of new

or expanded water lines upstream of the project site. Impacts associated with the construction of this new line are evaluated throughout this IS/MND, which has confirmed that no significant environmental effects would occur.

The proposed project would not require or result in the relocation or construction of new or expanded water facilities, the construction of which could cause significant environmental effects. For these reasons, the proposed project would have a less than significant impact in this regard.

Wastewater

The proposed project would include construction of a new 6-inch sanitary sewer line that would connect to an existing sewer line in Trade Zone Boulevard. Impacts associated with the construction of this new line are evaluated throughout this IS/MND, which confirms that no significant environmental effects would occur. The proposed project would not require or result in the construction of new or expanded sewer lines downstream of the proposed project. The proposed project would not require or result in the construction of new or expanded wastewater treatment facilities beyond what was assumed in the General Plan EIR. For these reasons, the proposed project would have a less than significant impact in this regard.

Stormwater Drainage

As discussed in Section 4.10, Hydrology and Water Quality, of this IS/MND, the proposed project would increase impervious surface areas over existing conditions; however, the proposed project incorporates special design features to retain stormwater on-site and release it at a rate no greater than the pre-development condition of the project site. Based on proposed land use and acreage, three bioretention areas were designed with approximately sized outflow structures to meet the proposed project's hydromodification requirements. The proposed project would be required to comply with all applicable laws, regulations, and standards, including those that require the directing of stormwater runoff to the bioretention areas and other landscaping before being discharged to the storm drainage system. The new on-site storm drainage facilities would be designed and constructed to meet applicable requirements of the San Francisco Bay RWQCB Municipal Regional Stormwater NPDES Permit and City Policy 6-29.

As shown in Figure 9: Proposed Utility Plan, the proposed project includes the installation of new 12-inch storm drain lines within the project site, connecting to an existing 15-inch storm drain line within Trade Zone Boulevard. The proposed on-site stormwater runoff treatment process would not exceed the capacity of the City's existing storm drain system. Therefore, the proposed project would not require the construction or relocation of new or expanded stormwater drainage facilities, the construction of which could cause significant environmental impacts. For these reasons, the proposed project would have a less than significant impact in this regard.

Telecommunications and Electrical Facilities

The proposed project's building would not use natural gas. The project site is developed and maintains connections to existing telecommunications and electrical facilities located along Trade Zone Boulevard and Lundy Place. The proposed project would include underground telecommunications service lines along the southern edge of the project site along the project site's

frontage with Trade Zone Boulevard. The proposed project would also include electrical service lines along Trade Zone Boulevard.

No other relocations or expansions to existing wet or dry utilities are required to serve the proposed project. For all of the above reasons, the impact would be less than significant.

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

Less than significant impact. During construction, water would be required primarily for dust suppression and would also be used for soil compaction. Construction water volumes would be minimal and would not require new or expanded water supplies or entitlements. Furthermore, the proposed project is not considered a "Water Demand Project" under CEQA Guidelines Section 15155. Therefore, it does not require a project-level Water Supply Assessment (WSA).

The proposed project would increase water demands relative to existing conditions, as detailed further below. The new landscaping and bioretention areas would be irrigated using drip irrigation and tree bubbler technology. The design and construction of the irrigation system would be required to conform to the City's adopted water efficient landscape ordinance.

As part of the 2020 UWMP,[146] San José Water evaluated the water demand for business jobs, including the proposed project site. Based on these demand rates for the proposed project, the proposed project would have a water demand of approximately 14,464 gallons per day (GPD),[147] which is equivalent to approximately 16.2 AFY.[148]

Water demand associated with the proposed project would represent 0.01 percent of the 135,647.71 AFY projected San José water supply in 2025. Therefore, the increase in water demand as a result of the proposed project is within the anticipated increase accounted for in the 2020 UWMP and would remain consistent with what is anticipated in the General Plan. The existing and planned entitlements for water supplies to the City are sufficient to continue to meet the needs of existing and planned users within the City during normal, dry, and multiple dry years, in addition to the water demands generated by the proposed project. Accordingly, there would be sufficient water supplies available to serve the proposed project and reasonably foreseeable development during normal, dry, and multiple dry years. Therefore, impacts in this regard would be less than significant.

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

Less than significant impact. As discussed under Impact 4.18(1), the proposed project would include the construction of a new 6-inch sanitary sewer line that would connect to an existing sewer line in Trade Zone Boulevard.. The proposed project includes the development of a new speculative light

[146] San José Water Company (San José Water). 2021. 2020 Urban Water Management Plan. June. Website: https://www.sjwater.com/sites/default/files/2021-06/2020%20UWMP%20FINAL%20with%20Appendices.pdf. Accessed July 14, 2025.

[147] The 2020 UWMP assumed a business water demand factor of 128 gallons per day (GPD) per job. Total Water Demand = 128 GPD per employee*113 employees = 14,464 GPD

[148] 14,464 GPD * 365 days = 5,279,360 gallons per year * 1 acre-foot per 325,851 gallons = 16.2 AFY

industrial building, ancillary office, and related improvements. The proposed project would result in an increase in wastewater generation as compared to existing conditions.

Because the proposed use is consistent with the land use anticipated in the General Plan, wastewater generated by the proposed project is consistent with the service needs anticipated by the General Plan and would not require the construction of new or expanded treatment facilities. Wastewater flows from the proposed project would be conveyed to the San José Santa Clara Regional Wastewater Facility, which has sufficient operating capacity to handle the additional flows generated by the proposed project. The proposed project would result in approximately 13,017.6 total gallons of wastewater per day, which is equivalent to approximately 14.6 AFY.[150] Based on a total available daily wastewater treatment capacity of 167 mgd, the proposed project's wastewater generation would be approximately 0.008 percent of the total daily capacity, which is a nominal amount. The proposed project would result in a determination by the San José Santa Clara Regional Wastewater Facility that it has adequate capacity to serve the proposed project's demand in addition to existing commitments. Therefore, impacts would be less than significant.

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

Construction

Less than significant impact. Construction of the proposed project would involve the generation of construction debris from demolition of existing buildings and the removal of hardscaped surfaces, trees, and other landscaping. When acquiring building, utility, and site permits from the City, the proposed project would be required to comply with the City's C&D Diversion Program, which would ensure that at least 75 percent of the construction waste is diverted from landfills. Material that cannot be recycled or reused would be transported to the Newby Island Sanitary Landfill, located in the City, or to other appropriate regional landfills.

Operation

During the operational phase of the proposed project, solid waste would be collected by the City's exclusive franchise hauler, Republic Services. All solid waste generated by businesses in San José would be processed, and the residue would be landfilled at the Newby Island Landfill. Solid waste can be self-hauled to any landfill including Newby Island Sanitary Landfill. The proposed project would generate additional solid waste as compared to existing conditions. The Newby Island Landfill is permitted to receive 4,000 tons per day, and, as of January 31, 2020, the landfill had a remaining capacity of 16,400,000 cubic yards.[151]

For the purposes of this analysis, project demand was determined by applying the demand factor associated with "Manufacturing/Warehouse" uses, which are estimated to produce solid waste at a rate of 1.42 pounds per 100 square feet per day, and office uses are estimated to produce 6 pounds

[150] Based on the assumption that wastewater generated is approximately 90 percent of water use.
[151] California Department of Resources and Recycling (CalRecycle). 2025. SWIS Facility/Site Activity Details. Website: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1362?siteID=3388. Accessed March 24, 2025.

per 1,000 square feet per day.[152] Therefore, the proposed project, which involves 122,419 square feet of warehouse space; approximately 5,000 square feet of first floor ancillary office space; and approximately 5,000 square feet of second floor mezzanine ancillary office space, is expected to produce approximately 1,798 pounds, or 0.90 tons, of solid waste per day.[153] This equates to only 0.02 percent of the Newby Island Landfill's permitted capacity per day.

The General Plan EIR concluded that the increase in waste generated by full buildout under the General Plan would not cause the City to exceed the capacity of existing landfills that serve the City. Future increases in solid waste generation from development allowed under the General Plan would be avoided with ongoing implementation of the City's Zero Waste Strategic Plan. The City's Zero Waste Strategic Plan, in combination with other applicable laws, regulations, and programs, would ensure that full buildout of the General Plan would not result in significant impacts from the provision of landfill capacity to accommodate the City's increased service population. Therefore, implementation of the proposed project would have a less than significant impact on the solid waste disposal capacity. In addition, the proposed project would generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure or otherwise impair the attainment of solid waste reduction goals. Impacts would be less than significant.

5) Would the project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?

Less than significant impact. The proposed project would generate additional solid waste as compared to existing conditions. It would be required to comply with applicable federal, State, and local laws and regulations related to solid waste, such as AB 939, the City's C&D Diversion Program, which ensures that at least 75 percent of the construction waste would be diverted from landfills, and SB 1383, to achieve a 50 percent reduction in organic waste. Therefore, a portion of solid waste would be diverted from landfill through recycling, composting, and other methods in compliance with applicable federal, State, and local management and reduction statutes. Therefore, the proposed project would comply with applicable federal, State, and local management and reduction statutes and regulations related to solid waste, and impacts would be less than significant.

4.19.2 - Conclusion

Impacts with respect to utilities and service systems would be less than significant.

[152] California Department of Resources and Recycling (CalRecycle). 2025. Estimated Solid Waste Generation Rate. Website: https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates. Accessed March 24, 2025.

[153] (122,419/100=1,224.19) + (10,000/1000=10*6=60)=1,798 pounds per day

4.20 - WILDFIRE

This section describes the existing setting with respect to wildfire and potential effects from implementation of the proposed project on the project site and its surrounding area.

4.20.1 - Environmental Setting

The project site is relatively flat, developed with urbanized uses, and is located within an urban area and is surrounded by a mix of residential, commercial, and industrial uses. According to the California Department of Forestry and Fire Protection (CAL FIRE) Hazard Severity Zone maps, the project site is not located in or near an SRA and is not located within or near a VHFHSZ.[154] The closest VHFHSZ is located approximately 4.43 miles from the project site and is located in an SRA. The project site is located in an LRA (Figure 11). The project site does not have a history of wildfire impact, is deemed non-vegetated and non-agriculture and is not located in a WUI area.[155]

Applicable Plans, Policies, Laws, and Regulations

California Fire Code

The California Fire Code, codified as California Code of Regulations, Title 24, Part 9, includes provisions associated with emergency planning and preparedness, fire protection systems, and means of egress. In addition, the Fire Code provides appendices detailing fire-flow requirements for new buildings, fire hydrant locations and distribution, and fire apparatus access roads. Local governments administer the Fire Code. New development projects must demonstrate compliance with applicable Fire Code requirements prior to the issuance of building permits.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes goals, policies and actions for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following policies are specific to wildfire resources and are relevant to this analysis.

Envision San José 2040 General Plan Relevant Wildfire Policies

Policies	Description
EC-8.1	Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.
EC-8.2	Avoid actions which increase fire risk, such as increasing public access roads in very high fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.
EC-8.3	Avoid actions which increase fire risk, such as increasing public access roads in very high fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.
EC-8.4	Require use of defensible space vegetation management best practices to protect structures at and near the urban/wildland interface.

[154] California Department of Forestry and Fire Protection (CAL FIRE). 2008. Very High Fire Hazard Severity Zones in LRA. Website: https://gis.data.ca.gov/datasets/CALFIRE-Forestry::fire-hazard-severity-zone-viewer/about. Accessed February 18, 2025.

[155] United States Forest Service Geospatial Data Discovery GIS Viewer. 2020. Website: https://data-usfs.hub.arcgis.com/documents/7804d89ed1094ccb9aae753228e8d89a/explore. Accessed March 18, 2025.

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Source: World Street Map. County of Santa Clara. CAL FIRE FRAP.

1,000 500 0 1,000 Feet

Figure 11
Fire Hazard Severity Zones

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City of San José Municipal Code

The City of San José Municipal Code includes Chapter 17.12 (City of San José Fire Code) which outlines the requirements of compliance with the 2022 California Fire Code.[156] This chapter includes provisions on general precautions against fire, emergency planning and fire service, fire protection, construction requirements, etc.

City of San José Emergency Operations Plan

The City adopted the EOP in April 2024. The EOP is the emergency response plan for the City and provides an overview on how the City will effectively approach emergency operations and establishes procedures and strategies for the efficient preparation, response and recovery, and mitigation of both human-caused and natural disasters. The EOP also includes standard operating procedures for hazards, including urban/wildland fires.

4.20.2 - Environmental Checklist and Impact Discussion

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

Impact Discussion

1) Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

Less than significant impact. The City has adopted an Emergency Operations and Evacuation Plan, which includes, among other things, standard operating procedures for hazards, including urban/wildland interface fires. The project site is near major corridors, such as Capitol Avenue and I-680, which would serve as emergency access and evacuation routes, if necessary. As discussed in

[156] City of San José. 2020. City of San José Municipal Code – Chapter 17.12 City of San José Fire Code. Website: https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT17BUCO_CH17.12CISAJOFICO. Accessed February 7, 2025.

more detail in Section 4.9, Hazards and Hazardous Materials, the proposed project does not include permanent road closures or lane narrowing that would interfere with an emergency response plan or evacuation plan. According to Section 4.15, Public Services, the SJFD would be able to adequately serve the proposed project. Moreover, the proposed project would be required to comply with all applicable laws, regulations and standards set forth in the Fire Code and the City's Municipal Code to enhance fire safety and emergency access; as part of the building permit process, compliance with the foregoing would be confirmed by the Fire Department.

Therefore, based on the foregoing, including compliance with applicable provisions of the City Municipal Code and the California Fire Code, the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.

2) Due to slope, prevailing winds, and other factors, would the project exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Less than significant impact. The proposed project would not be located within or near an SRA or VHFSZ, and is generally flat, with a gradual slope to the northwest; it is considered non-vegetated, nonagricultural, with no history of wildfire impact.

The Bay Area Air District monitors wind speeds at locations in the Bay Area with the closest being in the San José-Jackson Street station, approximately 5.5 miles southwest of the project site. The average wind speeds at the San José-Jackson Street station in 2021 (which is the most recent available data) ranged from 3 to 4 mph.[157] As a result, the proposed project is not located on a project site with severe slopes or high prevailing winds that would further exacerbate wildfire risk. Moreover, the project site does not have severe slopes or other factors that would exacerbate wildfire risks.

Furthermore, the proposed project would be required to comply with applicable provisions of the California Fire Code with regards to emergency access and types of building materials, as well as other fire safety and suppression standards. The proposed project would not need to comply with the General Plan Policy EC-8.4 requiring defensible space, as the project site is deemed non-vegetated or agriculture and not located in a WUI area.[158] In addition, the proposed project would be required to comply with the applicable requirements stated in the City of San José Fire Code, including the requirement that plans for proposed projects be reviewed and approved by the SJFD to ensure that all requirements are satisfied.

Based on the foregoing, given the nature and location of the project site and with compliance with all applicable laws, regulations, and standards, including required fire protection measures set forth in the City of San José Municipal Code and the California Fire Code, the proposed project would not

[157] Bay Area Air Quality Management District (Bay Area Air District). 2021. Bay Area Air District – Air Quality Data – Santa Clara Valley. Website: https://www.baaqmd.gov/about-air-quality/current-air-quality/air-monitoring-data/#/met?date=2021-12 1&id=203&view=monthly&style=chart&zone=93773827-1afa-4151-9aa9-dcfc6d512a66. Accessed February 19, 2025.

[158] United States Forest Service Geospatial Data Discovery GIS Viewer. 2020. Website: https://data-usfs.hub.arcgis.com/documents/7804d89ed1094ccb9aae753228e8d89a/explore. Accessed March 18, 2025.

exacerbate wildfire risks and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Impacts would be less than significant.

3) Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Less than significant impact. The project site is not located within or near a VHFHSZ or an SRA. Project implementation would include approximately 20,312 square feet of off-site improvements including roadway improvements and utility connections near existing infrastructure. However, the proposed project would be required to comply with the applicable fire safety provisions of the CBC and Fire Code, as well as applicable provisions of the General Plan and Municipal Code, thereby further reducing the risk of damage from fire to the maximum extent practicable. Thus, the proposed project would not require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Impacts would be less than significant.

4) Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Less than significant impact. The project site is mostly flat, with a gradual slope to the northwest, and does not have a history of wildfire impact. The proposed project would include stormwater management features to reduce off-site flows. As discussed in Section 4.10, Hydrology and Water Quality. The proposed project would have a less than significant impact concerning flooding, runoff, and drainage. Therefore, the proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes. Impacts related to flooding or landslides. Impacts would be less than significant.

4.20.3 - Conclusion

Impacts related to wildfire would be less than significant.

4.21 - MANDATORY FINDINGS OF SIGNIFICANCE

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

4.21.1 - Project Impacts

Less than significant impact with mitigation incorporated. Based on the analysis provided in Section 4.4, Biological Resources, the proposed project would have a less than significant impact on candidate, sensitive, or special-status species through compliance with all applicable federal and State laws and regulations, and implementation of MM BIO-1, which outlines feasible avoidance and minimization measures to ensure that potential impacts on nesting birds are reduced to a less than significant level. The proposed project would have no impact related to riparian habitat or other sensitive natural communities. The proposed project would have no impact related to State or federally protected wetlands, and the proposed project's impacts to nesting birds and wildlife movement would be less than significant due to the project sites low potential to function as a suitable wildlife movement corridor. Impacts related to the removal of street trees or specimen trees would be less than significant through adherences to the provisions of the City's General Plan, Tree Ordinance, and SPC BIO-1. Finally, the proposed project would have a less than significant impact related to conflicts with adopted federal, State, or local habitat conservation plans with adherence to SPC BIO-1.

Based on the analysis provided in Section 4.5, Cultural Resources, the proposed project would have no impact related to historical resources. An NWIC records search indicated that there are four historic resources (three built environment, one archaeological) within a 0.5-mile radius of the

project, none of which are located within the project boundaries. Additionally, the building on the project site is less than 45 years old and is therefore not considered a potentially historic resource. The project site does not contain any buildings, structures or objects that could potentially qualify as historical resources under CEQA. Therefore, there would be no impacts to historical built environment resources. However, the buried site sensitivity analysis concluded that although the project site is geologically situated on Holocene-era deposits, the fact that it is fully developed and located approximately 1.5 miles from Coyote Creek indicates a low to moderate potential for the inadvertent discovery of cultural resources during ground-disturbing activities. Although the potential of encountering archaeological resources is low to moderate, it is possible that earth-disturbing activities associated with proposed project construction could encounter previously undiscovered archaeological resources. As such, City of San José Standard Permit Condition for Subsurface Cultural Resources and MM CUL-1 set forth the steps to be taken should any significant cultural resources be discovered during construction activities, which would ensure that potential impacts on cultural resources are reduce to a less than significant level.

Additionally, although there are no known human remains or cemeteries within or near the project site, there is always a potential that subsurface construction activities, such as grading or trenching, could potentially damage or destroy previously undiscovered human remains. CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and 5097.98 specifies the procedures to follow in the event human remains are uncovered. Standard Permit Conditions for Human Remains further specifies the procedures to follow in the event human remains are uncovered. Compliance with required guidelines and statutes along with SPC CUL-2 would reduce potential impacts on human remains to a less than significant level. In addition to reducing impacts on historic and prehistoric resources, implementation of MM CUL-1, SPC CUL-1, and SPC CUL-2 for additional procedures upon the accidental discovery of human remains, TCR objects, or human remains and associated funerary or ceremonial objects would also reduce any impacts on TCRs.

Based on the discussion provided above, compliance with required guidelines and statutes and implementation of the mitigation measures, the proposed project would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. Therefore, impacts would be less than significant with compliance with applicable laws and regulations and incorporation of MM BIO-1, MM CUL-1, SPC BIO-1, SPC CUL-1, and SPC CUL-2.

4.21.2 - Cumulative Impacts

Less than significant impact. The analysis in this IS/MND includes a review of the proposed project's potential impacts regarding air quality, biological resources, cultural resources, parks and recreation facilities, noise, and transportation, among other environmental issue areas. As presented throughout this IS/MND, the proposed project's cumulative impacts would either be less than significant with mitigation incorporated, less than significant, or there would be no impacts.

Section 2.3, Air Quality, analyzed cumulative impacts related to regional criteria pollutant emissions and determined that these cumulative impacts would be less than significant. The region is currently nonattainment for ozone, NO_X, PM_{10}, and $PM_{2.5}$. As discussed in Section 2.3, the proposed project's regional construction emissions would not exceed Bay Area Air District regional significance thresholds for VOC, NO_X, CO, SO_X, PM_{10}, or $PM_{2.5}$. Therefore, the cumulative impact of the proposed project's construction emissions on regional air quality would be less than significant. Furthermore, Section 2.3 determined that the proposed project's regional operations emissions would not exceed Bay Area Air District regional significance thresholds for VOC, NO_X, CO, SO_X, PM_{10}, or $PM_{2.5}$. Therefore, the cumulative impact of the proposed project's operations emissions on regional air quality would be less than significant, and no mitigation measures are needed. Section 2.13, Noise, determined that project-related traffic would not substantially contribute to any cumulatively considerable increases in future roadside ambient noise levels and that no mitigation measures are needed. Section 2.15, Public Services, determined that impacts to public services would be less than significant and that no mitigation measures are needed.

As discussed throughout this IS/MND, the proposed project's cumulative impacts would be less than significant. No additional mitigation measures would be required to reduce cumulative impacts. Therefore, the proposed project would contribute to less than significant cumulative impacts.

4.21.3 - Direct or Indirect Adverse Effects on Human Beings

Less than significant impact with mitigation incorporated. Based on the discussion provided in the Project Description and the analysis presented in Sections 4.1 through 4.20 of this IS/MND, the proposed project would not cause substantial adverse effects on human beings, either directly or indirectly, because the proposed project's potential impacts would either be less than significant (without mitigation) or any significant impacts would be mitigated to a less than significant level. Therefore, for the reasons set forth in this IS/MND including, without limitation, the implementation of MM BIO-1, MM CUL-1, MM HAZ-1, MM NOI-1, SPC CUL-1, SPC CUL-2, and SPC GEO-1, the proposed project would not result in substantial adverse effects on human beings. Impacts would be less than significant with mitigation incorporated.

SECTION 5: AUTHORS AND CONSULTANTS

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