FCS
An ADEC Innovation

Montague Point Industrial Project
DRAFT
Environmental Impact Report

State Clearinghouse Number 20260201414

PREPARED FOR:

City of San José
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, Third Floor Tower
San José, CA 95113
408.535.5658

Contact: Charlotte Yuen, Planner

PREPARED BY:

FirstCarbon Solutions
2999 Oak Road, Suite 250
Walnut Creek, CA 94597
925.357.2562

Contact: Janna Waligorski, Project Director
Prathna Maharaj, AICP, Project Manager

October 26, 2026

THIS PAGE INTENTIONALLY LEFT BLANK

Table of Contents

Acronyms and Abbreviations i

Executive Summary ES-1

Purpose ES-1
Project Summary ES-1
Significant Unavoidable Adverse Impacts ES-2
Summary of Project Alternatives ES-2
Areas of Controversy ES-3
Public Review of the Draft EIR ES-5
Executive Summary Matrix ES-5

1.0 - Introduction 1-1

1.1 - Overview of the CEQA Process 1-1
1.2 - Scope of the EIR 1-2
1.3 - Documents Incorporated by Reference 1-5
1.4 - Documents Prepared for the Proposed Project 1-6
1.5 - Review of the Draft EIR 1-6
1.6 - Final Environmental Impact Report 1-7

2.0 - Project Description 2-1

2.1 - Existing Project Site 2-1
2.2 - Proposed Development 2-13
2.3 - Project Objectives 2-36
2.4 - Intended Uses of this Draft EIR 2-37

3.0 - Environmental Impact Analysis 3-1

Organization of Issue Areas 3-1
Issues Addressed in this Chapter 3-1
Organization of the Draft EIR 3-1
Level of Significance 3-2
Impact Analysis and Mitigation Measure Format 3-3
Cumulative Impacts 3-3
3.1 - Aesthetics, Light, and Glare 3.1-1
3.2 - Air Quality 3.2-1
3.3 - Biological Resources 3.3-1
3.4 - Cultural Resources 3.4-1
3.5 - Energy 3.5-1
3.6 - Geology, Soils, and Seismicity 3.6-1
3.7 - Greenhouse Gas Emissions 3.7-1

3.8 - Hazards and Hazardous Materials 3.8-1
3.9 - Hydrology and Water Quality 3.9-1
3.10 - Land Use and Planning 3.10-1
3.11 - Noise 3.11-1
3.12 - Population and Housing 3.12-1
3.13 - Public Services 3.13-1
3.14 - Recreation 3.14-1
3.15 - Transportation 3.15-1
3.16 - Tribal Cultural Resources 3.16-1
3.17 - Utilities and Service Systems 3.17-1

4.0 - Effects Found not to be Significant 4-1

4.1 - Introduction 4-1
4.2 - Environmental Effects Found not to be Significant 4-1

5.0 - Other CEQA Considerations 5-1

5.1 - Significant Unavoidable Impacts 5-1
5.2 - Growth-Inducing Impacts 5-1
5.3 - Significant Irreversible Environmental Changes 5-3

6.0 - Alternatives to the Proposed Project 6-1

6.1 - Introduction 6-1
6.2 - Project Objectives 6-2
6.3 - Alternatives to the Proposed Project 6-3
6.4 - Environmentally Superior Alternative 6-7

7.0 - Persons and Organizations Consulted/List of Preparers 7-1

7.1 - Lead Agency 7-1
7.2 - List of Preparers 7-1

Appendices

Appendix A: NOP and NOP Comments

Appendix B: Air Quality, Greenhouse Gas Emissions, and Energy Supporting Information

B.1 - Air Quality, Greenhouse Gas Emissions, and Energy Modeling Outputs
B.2 - GHGRS Project Consistency Checklist

Appendix C: Biological Resources Supporting Information

C.1 - Biological Resources Memorandum
C.2 - Arborist Report

Appendix D: Geology and Soils Supporting Information

Appendix E: Hazards and Hazardous Materials Supporting Information

Appendix F: Noise Supporting Information

Appendix G: Transportation Supporting Information

Tables

Table ES-1: Executive Summary Matrix ES-6
Table 1-1: NOP Comment Letters 1-2
Table 2-1: Proposed Building Specifications Summary 2-13
Table 2-2: Parking Summary 2-21
Table 2-3: Estimated Construction Schedule 2-36
Table 3-1: Cumulative Projects 3-5
Table 3.2-1: Local Air Monitoring Data (2022–2024) 3.2-3
Table 3.2-2: State and National Criteria Pollutant Standards and SFBAAB Attainment 3.2-5
Table 3.2-3: Bay Area Air District Air Quality Thresholds of Significance (Project Level) 3.2-22
Table 3.2-4: Project Consistency with the Bay Area Air District 2017 Clean Air Plan 3.2-24
Table 3.2-5: Regional Criteria Pollutant Emissions–Construction 3.2-28
Table 3.2-6: Regional Criteria Pollutant Emissions–Operation 3.2-29
Table 3.2-7: Estimated Health Risks and $PM_{2.5}$ Concentrations–Project Construction 3.2-33
Table 3.2-8: Summary of the Cumulative Health Impacts–Project Construction at Maximally Exposed Receptors 3.2-34
Table 3.2-9: Estimated Health Risks and $PM_{2.5}$ Concentrations–Project Operation 3.2-36
Table 3.2-10: Summary of the Cumulative Health Impacts–Project Operation at Maximally Exposed Receptors 3.2-37
Table 3.3-1: Tree Replacement Ratios 3.3-18
Table 3.4-1: Cultural Resources Within 0.5-mile Radius of the Project Site 3.4-5
Table 3.4-2: Previous Investigations Within 0.5-mile Radius of the Project Site 3.4-5
Table 3.5-1: Operational Energy Consumption 3.5-10
Table 3.6-1: Approximate Fault Distances 3.6-3
Table 3.7-1: Description of Greenhouse Gases of Concern 3.7-2
Table 3.7-2: Bay Area Air District Air Quality Thresholds of Significance (Project Level) 3.7-17
Table 3.7-3: Proposed Project Construction GHG Emissions–Informational Purposes 3.7-18

Table 3.7-4: Operational Annual Greenhouse Gas Emissions–Informational Purposes 3.7-19
Table 3.11-1: Sound Terminology 3.11-3
Table 3.11-2: Typical Construction Equipment Maximum Noise Levels 3.11-5
Table 3.11-3: Existing Ambient Noise Levels on the Project Site 3.11-8
Table 3.11-4: Existing Traffic Noise Levels 3.11-8
Table 3.11-5: Federal Transit Administration Construction Vibration Impact Criteria 3.11-10
Table 3.11-6: Federal Transit Administration Construction Noise Impact Criteria 3.11-11
Table 3.11-7: Traffic Noise Increase Summary 3.11-20
Table 3.11-8: Stationary Source Operational Noise Levels (Sound Wall Option) 3.11-24
Table 3.11-9: Vibration Levels of Construction Equipment 3.11-26
Table 3.13-1: Fire Stations Within Approximately 3-mile Radius of Project Site 3.13-1
Table 3.15-1: Project Trip Generation Estimates 3.15-19
Table 6-1: Summary of Alternatives 6-7

Figures

Figure 2-1: Regional Location Map 2-3
Figure 2-2: Local Vicinity Map 2-5
Figure 2-3: Land Use Designations Map 2-9
Figure 2-4: Zoning Districts Map 2-11
Figure 2-5: Overall Site Plan 2-15
Figure 2-6: Proposed Project Elevations 2-19
Figure 2-7a: Landscape Plan 2-23
Figure 2-7b: Landscape Plan 2-25
Figure 2-7c: Landscape Plan 2-27
Figure 2-8a: Utility Plan 2-31
Figure 2-8b: Utility Plan 2-33
Figure 3-1: Cumulative Projects Map 3-7

ACRONYMS AND ABBREVIATIONS

µg/m^3	micrograms per cubic meter
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACE	Altamont Corridor Express
ACM	asbestos-containing material
ADT	Average Daily Traffic
AEI	AEI Consultants
AERMOD	American Meteorological Society/EPA Regulatory Model
ALUC	Airport Land Use Commission
ALUCP	Airport Land Use Compatibility Plan
AQP	Air Quality Plan
ARB	California Air Resources Board
ATCM	Airborne Toxic Control Measures
Bay Area Air District	Bay Area Air Quality Management District
BMP	Best Management Practice
BP	Before Present
C&D	construction and demolition
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CalEEMod	California Emissions Estimator Model
CAL FIRE	California Department of Forestry and Fire Protection
CALGreen	California Green Building Standards Code
Cal/OSHA	California Occupational Health and Safety Administration
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CAPCOA	California Air Pollution Control Officers Association
CBC	California Building Standards Code
CCA	Community Choice Aggregator
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act

CFR	Code of Federal Regulations
CH_4	methane
CMP	Congestion Management Plan
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CNPS Inventory	CNPS Inventory of Rare Plants
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalent
CRA	Cultural Resources Assessment
CRHR	California Register of Historical Resources
CTR	California Toxics Rule
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dB	decibel
dBA	A-weighted decibel
dBA/DD	A-weighted decibel per doubling of the distance
DNL	day-night level
DOF	California Department of Finance
DPM	diesel particulate matter
DPR	California Department of Parks and Recreation
DTSC	California Department of Toxic Substances Control
DWR	California Department of Water Resources
EDD	California Employment Development Department
EIR	Environmental Impact Report
EMFAC	Emission Factors mobile source emission model
EO	Executive Order
EOP	Emergency Operations Plan
EPA	United States Environmental Protection Agency
EV	electric vehicle
FAR	floor area ratio
FCS	FirstCarbon Solutions
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zone
FHWA	Federal Highway Administration

FIRM	Flood Insurance Rate Map
FTA	Federal Transit Administration
GHG	greenhouse gas
GHGRS	Greenhouse Gas Reduction Strategy
GWh	gigawatt-hours
GWP	global warming potential
HARP2	Hot Spots Analysis and Reporting Program Version 2
HCP	Habitat Conservation Plan
HFC	hydrofluorocarbon
HMBP	Hazardous Materials Business Plans
HOV	High Occupancy Vehicle
HRA	Health Risk Assessment
IEPR	Integrated Energy Policy Report
kW	kilowatts
kWh	kilowatt-hours
LCI	California Governor's Office of Land Use and Climate Innovation
L_{dn}	day/night average sound level
L_{eq}	equivalent sound level
L_{max}	maximum sound level
LOS	Level of Service
LRA	Local Responsibility Area
LRT	light rail transit
LTA	Local Transportation Analysis
LUST	Leaking Underground Storage Tanks
MEIR	Maximally Exposed Individual Resident
MEIW	Maximally Exposed Individual Worker
mgd	million gallons per day
MM	Mitigation Measure
MMT	million metric tons
mph	miles per hour
MPO	Metropolitan Planning Organization
MRP	Municipal Regional Permit
MTC	Metropolitan Transportation Commission
Muni Water	San José Municipal Water System
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards

NAHC	Native American Heritage Commission
NEHRP	National Earthquake Hazards Reduction Program
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NISL	Newby Island Sanitary Landfill
NO_2	nitrogen dioxide
NOC	Notice of Completion
NOP	Notice of Preparation
NO_x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NTR	National Toxics Rule
NWIC	Northwest Information Center
O_3	ozone
OSHA	Occupational Safety and Health Administration
PFC	perfluorocarbon
PG&E	Pacific Gas and Electric Company
Phase I ESA	Phase I Environmental Site Assessment
PM_{10}	particulate matter less than 10 microns in diameter
$PM_{2.5}$	particulate matter less than 2.5 microns in diameter
ppm	parts per million
PPV	peak particle velocity
PRC	Public Resources Code
PRNS	Parks, Recreation & Neighborhood Services
R&D	research and development
RCRA	Resource Conservation and Recovery Act
REC	Recognized Environmental Condition
ROG	reactive organic gases
RWF	Regional Wastewater Facility
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SBWR	South Bay Water Recycling
SCCDEH	Santa Clara County Department of Environmental Health
SCUSD	Santa Clara Unified School District
SCVHP	Santa Clara Valley Habitat Plan
SCVWD	Santa Clara Valley Water District

SF_6	sulfur hexafluoride
SFBAAB	San Francisco Bay Area Air Basin
SFPUC	San Francisco Public Utilities Commission
SIP	State Implementation Plan
SJCE	San José Clean Energy
SJFD	San José Fire Department
SJPL	San José Public Library
SO_2	sulfur dioxide
SPC	Standard Permit Condition
SR	State Route
SRA	State Responsibility Area
State Water Board	California State Water Resources Control Board
SWPPP	Storm Water Pollution Prevention Plan
TAC	toxic air contaminants
TDM	Transportation Demand Management
TMDL	Total Maximum Daily Load
US-101	United States Highway 101
USACE	United States Army Corps of Engineers
USC	United States Code
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
Valley Air District	San Joaquin Valley Air Pollution Control District
VMT	Vehicle Miles Traveled
VTA	Valley Transportation Authority
WDR	Waste Discharge Requirements
ZEV	Zero-Emission Vehicle

THIS PAGE INTENTIONALLY LEFT BLANK

EXECUTIVE SUMMARY

Purpose

This Draft Environmental Impact Report (Draft EIR) is prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the implementation of the Montague Point Industrial Project (State Clearinghouse No. 2026020144). This document is prepared in conformance with CEQA (Public Resources Code [PRC] § 21000, *et seq*.) and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, § 15000, *et se*q.).

The purpose of this Draft EIR is to inform decision makers, representatives of affected and responsible agencies, the public, and other interested parties of the potential environmental effects that may result from implementation of the proposed Project. This Draft EIR describes potential impacts relating to a wide variety of environmental issues and methods by which these impacts can be mitigated or avoided.

Project Summary

Project Location

The Project site is located on an approximately 23.75-acre site comprised of five parcels located at 3050 Zanker Road, 2840-2880 Junction Avenue, and 411 East Plumeria Drive (Assessor's Parcel Numbers 101-31-001, 101-31-002, 101-31-003, 101-31-004, and 101-31-005) in the City of San José (see Figure 2-1 and Figure 2-2). The Project site is bounded by Montague Expressway to the north and east, East Plumeria Drive to the east and south; Junction Avenue to the south; and Zanker Road to the west. The Project site is located on the San José, California United States Geological Survey (USGS) 7.5-minute Topographic Quadrangle (Latitude 39° 50' 56" North; Longitude 95° 55' 41" West).

Project Description

The proposed Project would include demolition of all existing structures and the creation of three new speculative warehouse buildings for a range of potential uses, including Research and Development (R&D) and manufacturing. Specifically, Building 1 would be located on the southeast corner of Montague Expressway and Zanker Road, Building 2 would be located centrally on the Project site to the right of Building 1, and Building 3 would be located on the western corner of the East Plumeria Drive and Montague Expressway intersection. The proposed Project would construct a 10-foot-high sound wall that would visually buffer the loading dock doors along Building from the residential receptors, located approximately 200 feet to the northeast, across Montague Expressway.

The proposed Project would construct a total of approximately 359,501 square feet of warehouse area and approximately 78,000 square feet of office space, for a total of approximately 437,501

square feet. The proposed Project buildings would cover approximately 39 percent of the total Project site. Additionally, the proposed Project would connect to the existing water, wastewater, and stormwater drainage facilities within Junction Avenue. The proposed warehouse buildings would not include cold storage or data centers. Given that there are no identified tenants at this time, the Draft EIR describes and analyzes a reasonable anticipated mix of industrial uses, including R&D, manufacturing, and office, that are likely to occur.

Project Objectives

The objectives of the proposed Project are to:

- Develop a modern flexible industrial warehouse facility range of uses, including R&D, manufacturing, logistics, warehousing, distribution, and other light industrial tenants, in an urban setting.
- Provide building design and scale that supports different industries and market needs over time, including anticipated growing demand for R&D, advanced manufacturing, and distribution, in an economically feasible way.
- Maximize site and operational efficiency through strategic building placement, circulation design for truck and employee access, and integration of loading docks, trailer parking, and drive-in doors to prioritize safety, accessibility, and seamless movement of goods and personnel.
- Redevelop an industrial infill site with employment generating uses near housing and that reduce vehicle miles traveled by locating such uses in San José proximate to multiple freeway corridors.
- Replace functionally outdated office space on the Project site with speculative first-class facilities and replenish the supply of employment-generating industrial space in the City.
- Utilize existing infrastructure efficiently including utilities and circulation consistent with the surrounding IP zoning district.
- Incorporate architectural and landscaping designs that are compatible with the scale and mass character of the surrounding area.
- Design and construct buildings that meet applicable City sustainability and green building standards.

Significant Unavoidable Adverse Impacts

The proposed Project would not result in any significant unavoidable impacts.

Summary of Project Alternatives

Below is a summary of the alternatives to the proposed Project considered in Chapter 6, Alternatives to the proposed Project.

No Project Alternative

Under the No Project Alternative, the proposed Project would not be developed, and the five existing buildings on the Project site would remain in their current state, and no off-site infrastructure improvements would occur. Existing Project site operations would remain. While there would be no construction-related impacts under the No Project Alternative, operational impacts related to energy and GHG emissions could occur at a greater level of impact as compared to the proposed Project due to older building stock, lower energy efficiency, lack of electrification, and enrollment in San José Clean Energy (SJCE) GreenSource. Moreover, with respect to transportation, this alternative would not include bike and pedestrian infrastructure improvements. As such, consistency with the City's Better Bike Plan and City's Complete Street Guidelines would not be realized. Of the eight Project objectives identified, the No Project Alternative would only meet two, which include: utilizing existing infrastructure efficiently, including utilities and circulation, consistent with the surrounding IP zoning district; and incorporating architectural and landscaping designs that are compatible with the scale and character of the surrounding area. As such, the No Project Alternative would not fully meet all the Project objectives.

Reduced Size Alternative

Under the Reduced Size Alternative, the existing structures on the Project site would still be demolished. However, only Buildings 1 and 2 would be developed on the Project site and the total square footage of industrial/warehouse buildings would therefore be reduced from approximately 401,301 square feet under the proposed Project to approximately 248,856 square feet under this alternative. Off-site infrastructure improvements would still be constructed under this alternative. Overall, the lesser extent of ground disturbing activities would reduce the potential for impacts to cultural resources and Tribal Cultural Resources as well as the potential for inadvertent discovery of these resources. The Reduced Size Alternative would still include ground disturbance, similar mitigation would be required, and the significance determinations would remain the same with respect to cultural resources, hazards and hazardous materials, noise, and Tribal Cultural Resources. Of the eight project objectives identified, the Reduced Size Alternative would only meet five, which include: developing modern industrial warehouses, redeveloping an industrial infill site, replacing functionally outdated office space, utilizing existing infrastructure, and constructing buildings that meet applicable City sustainability and green building standards. As such, the Reduced Size Alternative would not fully meet all the Project objectives.

Areas of Controversy

Pursuant to CEQA Guidelines Section 15123(b), a summary section must address areas of controversy known to the Lead Agency, including issues raised by agencies and the public, and it must also address issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects.

A Notice of Preparation (NOP) for the proposed Project was issued on February 2, 2026. The NOP describing the original concept for the project and issues to be addressed in the EIR was distributed to the State Clearinghouse, responsible agencies, and other interested parties for a 30-day public review period extending from February 2, 2026, through March 5, 2026. The NOP identified the potential for significant impacts on the environment related to the following topical areas:

- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems

Disagreement Among Experts

This Draft EIR contains substantial evidence to support all the conclusions presented herein. It is possible that there will be disagreement among various parties regarding these conclusions, although the City is not aware of any disputed conclusions at the time of this writing. Both the CEQA Guidelines and case law clearly provide the standards for treating disagreement among experts. Where evidence and opinions conflict on an issue concerning the environment, and the lead agency knows of these controversies in advance, the EIR must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information to allow the public and decision-makers to make an informed judgment about the environmental consequences of the proposed Project.

Potentially Controversial Issues

Below is a list of potentially controversial issues that may be raised during the public review and hearing process of this Draft EIR:

- Air quality impacts related to the construction phase.
- Noise impacts related to the construction phase and during operations.
- Transportation impacts concerning traffic congestion and truck trips during operations.

It is also possible that evidence will be presented during the 45-day, statutory Draft EIR public review period that may create disagreement. Decision-makers would consider this evidence during the public hearing process.

In rendering a decision on a project where there is disagreement among experts, the decision-makers are not obligated to select the most environmentally preferable viewpoint. Decision-makers are vested with the ability to choose whatever viewpoint is preferable and need not resolve a dispute among experts. In their proceedings, decision-makers must consider comments received concerning the adequacy of the Draft EIR and address any objections raised in these comments. However, decision-makers are not obligated to follow any directives, recommendations, or suggestions presented in comments on the Draft EIR and can certify the Final EIR without needing to resolve disagreements among experts.

Public Review of the Draft EIR

Upon completion of the Draft EIR, the City filed a Notice of Completion (NOC) with the Governor's Office of Land Use and Climate Innovation (LCI) to begin the public review period (PRC § 21161). Concurrent with the NOC, this Draft EIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the Draft EIR in accordance with Public Resources Code 21092(b)(3). During the public review period, the Draft EIR, including the technical appendices, is available for review at the City of San José offices and the Alviso Branch Library. The address for each location is provided below:

City of San José
Planning Division
200 East Santa Clara Street
Third Floor Tower
San José, CA 95113-1905

San José Alviso Branch Library
5050 North First Street
San José, CA 95002

Agencies, organizations, and interested parties have the opportunity to comment on the Draft EIR during the 45-day public review period. Written comments on this Draft EIR should be addressed to:

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

Submittal of electronic comments in Microsoft Word or Adobe PDF format is encouraged. Upon completion of the public review period, written responses to all significant environmental issues raised will be prepared and made available for review by the commenting agencies at least 10 days prior to the public hearing before the City on the proposed Project, at which the certification of the Final EIR will be considered. Comments received and the responses to comments will be included as part of the record for consideration by decision-makers for the proposed Project.

Executive Summary Matrix

Table ES-1 below summarizes the impacts, mitigation measures, and resulting levels of significance after mitigation for the relevant environmental issue areas evaluated for the proposed Project. The table is intended to provide an overview; narrative discussions for the issue areas are included in the corresponding section of this EIR. Table ES-1 is included in the EIR as required by CEQA Guidelines Section 15123(b)(1).

Table ES-1: Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 3.1—Aesthetics, Light, and Glare		
Impact AES-3: The proposed Project would not conflict with applicable zoning and other regulations governing scenic quality.	No mitigation measures required.	Less than significant impact.
Impact AES-4: The proposed Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	No mitigation measures required.	Less than significant impact.
Cumulative Impact	No mitigation measures required.	Less than significant impact.
Section 3.2—Air Quality		
Impact AIR-1: The proposed Project would not conflict with or obstruct implementation of the applicable air quality plan.	No mitigation measures required.	Less than significant impact.
Impact AIR-2: The proposed Project would not 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.	No mitigation measures required.	Less than significant impact.
Impact AIR-3: The proposed Project would not expose sensitive receptors to substantial pollutant concentrations.	No mitigation measures required.	Less than significant impact.
Impact AIR-4: The proposed Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.	No mitigation measures required.	Less than significant impact.
Cumulative Impact	No mitigation measures required.	Less than significant impact.
Section 3.3—Biological Resources		
Impact BIO-1: The proposed Project would not have a substantial adverse effect, either directly or through habitat modifications, on any	No mitigation measures required.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
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.		
Impact BIO-2: The proposed Project would not 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 mitigation measures required.	No impact.
Impact BIO-4:The proposed Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of wildlife nursery sites.	No mitigation measures required.	No impact.
Impact BIO-5: The proposed Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	No mitigation measures required.	Less than significant impact.
Impact BIO-6: 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.	No mitigation measures required.	Less than significant impact.
Cumulative Impact	No mitigation measures required.	Less than significant impact.
Section 3.4—Cultural Resources		
Impact CUL-2: The proposed Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.	**MM CUL-2a:** Prior to the issuance of demolition permit and/or grading permits (whichever occurs first), the applicant/project owner/project sponsor shall ensure that all construction personnel conducting ground disturbance at the site be provided a Worker Environmental Awareness Program cultural resources “tailgate”	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	training. The training shall include visual aids, a discussion of applicable laws and statutes relating to archaeological resources, types of resources that may be found within the Project site, and procedures to be followed in the event 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. This training is mandatory for all construction personnel conducting any ground-disturbance construction activities on-site throughout construction duration. A sign-in sheet for attendees of this training shall be recorded and submitted to the City within 48 hours of training implementation. An Archaeological Monitor reporting to the qualified Archaeologist shall be present for full-time monitoring during all grading and ground-disturbing activities in the project area. **MM CUL-2b:** Prior to the issuance of demolition permit and/or grading permits (whichever occurs first), a qualified Archaeologist shall develop an Archaeological Monitoring and Treatment Plan to address the details, timing and responsibility of all monitoring activities that will occur on the Project site. The plan shall be developed in coordination with the City and any consulting Native American Tribes. At a minimum, the plan shall include the following: 1. A detailed summary, avoidance, and protection plan for resource P-43-000451 that includes Environmentally Sensitive Area (ESA) fencing around the resource. The fencing shall be erected prior to grading and shall remain in place for the duration of project-related ground disturbance. 2. Scheduling, safety protocols, roles and responsibilities, and a summary of applicable laws governing the treatment and dispossession of archaeological resources.	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	3. An archaeological monitoring plan stipulating that all project-related ground disturbance shall be monitored by a qualified Archaeologist and a Tribal Monitor. The plan should also state that in the event a potentially significant cultural resource is encountered during subsurface earthwork activities, all construction activities within a 100-foot radius of the find shall cease and workers shall avoid altering the materials until the project Archaeologist has evaluated the situation. 4. Recordation and data-recovery procedures to be followed if the archaeological resource requires further examination or collection.	
Impact CUL-3: The proposed Project would not disturb human remains, including those interred outside of dedicated cemeteries.	No mitigation measures required.	Less than significant impact.
Cumulative Impact	No mitigation measures required.	Less than significant impact.
Section 3.5—Energy		
Impact ENER-1: The proposed Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.	No mitigation measures required.	Less than significant impact.
Impact ENER-2: The proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.	No mitigation measures required.	Less than significant impact.
Cumulative Impact	No mitigation measures required.	Less than significant impact.
Section 3.6—Geology, Soils, and Seismicity		
Impact GEO-1: The proposed Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:	No mitigation measures required.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii) Strong seismic ground shaking. iii) Seismic-related ground failure, including liquefaction. iv) Landslides.		
Impact GEO-2: The proposed Project would not result in substantial soil erosion or the loss of topsoil.	No mitigation measures required.	Less than significant impact.
Impact GEO-3: The proposed Project would not 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.	No mitigation measures required.	Less than significant impact.
Impact GEO-4: The proposed Project would not 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.	No mitigation measures required.	Less than significant impact.
Impact GEO-6: The proposed Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	No mitigation measures required.	Less than significant impact.
Cumulative Impact	No mitigation measures required.	Less than significant impact.
Section 3.7—Greenhouse Gas Emissions and Energy		
Impact GHG-1: The proposed Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	No mitigation measures required.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Impact GHG-2: The proposed Project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.	No mitigation measures required.	Less than significant impact.
Cumulative Impact	No mitigation measures required.	Less than significant impact.
Section 3.8—Hazards and Hazardous Materials		
Impact HAZ-1: 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.	**MM HAZ-1**: Prior to issuance of a grading permit, the project applicant shall retain a qualified environmental professional to complete a Phase II soil contamination investigation to evaluate potential impacts from historic agricultural use. The Phase II shall include soil sampling and analysis for organochlorine pesticides and pesticide-based metals, arsenic, and lead to determine if these chemicals are present above the regulatory environmental screening levels for construction worker safety and commercial/industrial uses. The results of the soil sampling and testing must 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 of San José's Environmental Services Department. If the Phase II results indicate soil concentrations of pesticides or metals above the environmental screening levels, the applicant must obtain regulatory oversight from the Department of Toxic Substances Control (DTSC) or the Santa Clara County Department of Environmental Health under their Site Cleanup Program. A Site Management Plan, Removal Action Plan, or equivalent document shall be prepared by a qualified environmental consultant under regulatory oversight and approval that identifies remedial measures and/or soil management practices to mitigate exposure risks to ensure construction worker safety and the health of future site occupants. The plan and evidence of regulatory oversight shall be provided to the Director of Planning, Building and Code Enforcement	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	or Director's designee and the Environmental Compliance Officer in the City of San José Environmental Services Department.	
Impact HAZ-2: The proposed Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.	No mitigation measures required.	Less than significant impact.
Impact HAZ-3: The proposed Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	No mitigation measures required.	Less than significant impact.
Impact HAZ-4: The proposed Project would not 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 not create a significant hazard to the public or the environment.	No mitigation measures required.	Less than significant impact.
Impact HAZ-5:The proposed Project is located within an airport land use plan but would not result in a safety hazard or excessive noise for people residing or working the project area.	No mitigation measures required.	Less than significant impact.
Impact HAZ-6: The proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	No mitigation measures required.	Less than significant impact.
Impact HAZ-7: The proposed Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.	No mitigation measures required.	Less than significant impact.
Cumulative Impact	No mitigation measures required.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 3.9—Hydrology and Water Quality		
Impact HYD-1: The proposed Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.	No mitigation measures required.	Less than significant impact.
Impact HYD-2: The proposed Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the proposed Project may impede sustainable groundwater management of the basin.	No mitigation measures required.	Less than significant impact.
Impact HYD-3: The proposed Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces in a manner which would: i) result in substantial erosion or siltation on- or off-site; (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or (iv) impede or redirect flood flows?	No mitigation measures required.	Less than significant impact.
Impact HYD-4: The proposed Project would not be located in a flood hazard zone, tsunami, or seiche zone or risk release of pollutants due to project inundation.	No mitigation measures required.	Less than significant impact.
Impact HYD-5: The proposed Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	No mitigation measures required.	Less than significant impact.
Cumulative Impact	No mitigation measures required.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 3.10—Land Use and Planning		
Impact LAND-2: The proposed Project would not 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.	No mitigation measures required.	Less than significant impact.
Cumulative Impact	No mitigation measures required.	Less than significant impact.
Section 3.11—Noise		
Impact NOI-1: The proposed Project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the proposed Project in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies.	**MM NOI-1**: 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 residents and other uses. As part of the noise logistics plan, the project applicant shall include, but is not limited to, the following Best Management Practices (BMPs): • 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.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	• 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.	
Impact NOI-2: The proposed Project would not result in generation of excessive groundborne vibration or groundborne noise levels.	No mitigation measures are required.	Less than significant impact.
Cumulative Impact	No mitigation measures are required.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 3.12—Population and Housing		
Impact POP-1: The proposed Project would not 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).	No mitigation measures are required.	Less than significant impact.
Cumulative Impact	No mitigation measures are required.	Less than significant impact.
Section 3.13—Public Services		
Impact PUB-1: The proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection.	No mitigation measures are required.	Less than significant impact.
Impact PUB-2: The proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection.	No mitigation measures are required.	Less than significant impact.
Impact PUB-3: The proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for schools.	No mitigation measures are required.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Impact PUB-4: The proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks.	No mitigation measures are required.	Less than significant impact.
Impact PUB-5: The proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for other public facilities.	No mitigation measures are required.	Less than significant impact.
Cumulative Impact	No mitigation measures are required.	Less than significant impact.
Section 3.14—Recreation		
Impact REC-1: The proposed Project would not 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.	No mitigation measures are required.	Less than significant impact.
Cumulative Impact	No mitigation measures are required.	Less than significant impact.
Section 3.15—Transportation		
Impact TRANS-1: The proposed Project would not conflict with a program plan, ordinance, or policy of the circulation system, including transit, roadway, bicycle, and pedestrian facilities.	No mitigation measures are required.	Less than significant impact.
Impact TRANS-2: The proposed Project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).	No mitigation measures are required.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Impact TRANS-3: The proposed Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	No mitigation measures are required.	Less than significant impact.
Impact TRANS-4: The proposed Project would not result in inadequate emergency access.	No mitigation measures are required.	Less than significant impact.
Cumulative Impact	No mitigation measures are required.	Less than significant impact.
Section 3.16—Tribal Cultural Resources		
Impact TCR-1: The proposed Project would not cause a substantial adverse change in the significance of a Tribal Cultural Resource that is listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).	Implementation of MM CUL-2a and MM CUL-2b	Less than significant impact.
Impact TCR-2: The proposed Project would not cause a substantial adverse change in the significance of a Tribal Cultural 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.	No mitigation measures are required.	Less than significant impact.
Cumulative Impact	No mitigation measures are required.	Less than significant impact.
Section 3.17—Utilities and Service Systems		
Impact UTIL-1: The proposed Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.	No mitigation measures are required.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Impact UTIL-2: The proposed Project would have sufficient water supplies available to serve the proposed Project and reasonably foreseeable future development during normal, dry, and multiple dry years.	No mitigation measures are required.	Less than significant impact.
Impact UTIL-3: The proposed Project would not result in a determination by the wastewater treatment provider which serves or may serve the proposed Project that it has inadequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.	No mitigation measures are required.	Less than significant impact.
Impact UTIL-4: The proposed Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.	No mitigation measures are required.	Less than significant impact.
Cumulative Impact	No mitigation measures are required.	Less than significant impact.

CHAPTER 1

1.0 - INTRODUCTION

1.1 - Overview of the CEQA Process

This Draft Environmental Impact Report (Draft EIR) is prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the implementation of the Montague Point Industrial Project (Project, proposed Project) (State Clearinghouse No. 2026020144). This document is prepared in conformance with CEQA (California Public Resources Code [PRC], § 21000, *et seq*.) and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, § 15000, *et seq*.). This Draft EIR is intended to serve as an informational document for the public agency decision-makers and the public regarding the proposed Project.

1.1.1 - Overview

The proposed Project consists of five parcels located at 3050 Zanker Road (Assessor's Parcel Number [APN] 101-31-001), 2840 Junction Avenue (APN 101-31-004), 2860 Junction Avenue (APN 101-31-003), 2880 Junction Avenue (APN 101-31-002), and 411 East Plumeria Drive (APN 101-31-005) in the City of San José (City) (Figure 2-1 and Figure 2-2). Chapter 2, Project Description, provides a complete description of the proposed Project. The Project would involve demolition of all existing buildings and construction of three new speculative industrial buildings, totaling approximately 328,701 square feet of warehouse space and 72,600 square feet of office space.

The Project site is located in the North San José Development Policy Area, a Growth Area identified in the General Plan, which allows for 26.7 million square feet of new industrial development and was adopted in 2005. The Project site is located in an urban area with a mix of surrounding uses including commercial, office, industrial, and residential. Chapter 2, Project Description, provides a complete description of the proposed Project. The City as the Lead Agency has the primary responsibility for approving the proposed Project and certifying the EIR.

1.1.2 - Purpose and Authority

This Draft EIR provides a project-level analysis of the environmental effects of the Montague Point Industrial Project. The Draft EIR analyzes the environmental impacts of the proposed Project to the appropriate level of detail in accordance with CEQA Guidelines Section 15146. This document addresses the potentially significant adverse environmental impacts that may be associated with the planning, construction, or operation of the proposed Project. It also identifies appropriate and feasible mitigation measures and alternatives that may be adopted to significantly reduce or avoid these impacts.

CEQA requires that an EIR contain, at a minimum, certain specific elements, as noted below:

- Table of Contents

- Executive Summary
- Introduction
- Project Description
- Environmental Setting, Significant Environmental Impacts, and Mitigation Measures
- Cumulative Impacts
- Significant Unavoidable Adverse Impacts
- Alternatives to the Proposed Project
- Growth-inducing Impacts
- Effects Found not to be Significant
- Areas of Known Controversy

1.1.3 - Lead Agency Determination

The City is designated as the Lead Agency for the proposed Project. CEQA Guidelines Section 15367 defines the lead agency as ". . . the public agency, which has the principal responsibility for carrying out or approving a project." Other public agencies may use this Draft EIR in the decision-making or permit process and consider the information in this Draft EIR along with other information that may be presented during the CEQA process.

1.2 - Scope of the EIR

The City issued a Notice of Preparation (NOP) for the proposed Project on February 2, 2026, which circulated between February 2, 2026, to March 5, 2026, for the statutory 30-day public review period. Additionally, a joint EIR Scoping Meeting and Community Meeting was held virtually on February 12, 2026, by the City. The scope of this Draft EIR includes the potential environmental impacts identified in the NOP and issues raised by agencies and the public in response to the NOP. The NOP is contained in Appendix A of this Draft EIR.

Four comment letters were received in response to the NOP. They are listed in Table 1-1 and provided in Appendix A of this Draft EIR. Relevant NOP comments are addressed in the appropriate topical sections.

Table 1-1: NOP Comment Letters

Agency/Organization	Author	Date	Comment Summary Coverage in the Draft EIR	Coverage in the Draft EIR
State Agencies				
Native American Heritage Commission (NAHC)	Matthew Lin, Cultural Resources Analyst	February 5, 2026	• Listed Senate Bill (SB) 18's provisions. • Recommended that the proposed Project contacts the appropriate regional	• Section 3.4, Cultural Resources • Section 3.16, Tribal Cultural Resources

Agency/Organization	Author	Date	Comment Summary Coverage in the Draft EIR	Coverage in the Draft EIR
			California. Historical Research Information System. • States that an archaeological inventory survey is required. • Recommends contacting the NAHC for a Sacred Lands File Search and a Native American Tribal Consultation List. • States that the lack of surface evidence of archaeological resources does not preclude their subsurface existence.	
Department of Justice	Christie Vosburg, Supervising Deputy Attorney General	February 23, 2026	• States various environmental impacts of warehouses on the surrounding communities where they are located. • Encourages that the "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act" published by the Attorney General Office's Bureau of Environmental Justice be referenced in the Draft EIR.	• Section 3.2, Air Quality • Section 3.11, Noise
Local Agencies				
County of Santa Clara Roads and Airports Department	Benyam Aghegnehu, Principal Planner	February 26, 2026	• Identifies Montague Expressway for a future Class 1 shared use path pursuant to the County's Active Transportation Plan. • Requests that the Draft EIR evaluate how the Project frontage would accommodate this facility, including right-of-way needs, frontage improvements, and compatibility with future implementation.	• Section 3.15, Transportation

Agency/Organization	Author	Date	Comment Summary Coverage in the Draft EIR	Coverage in the Draft EIR
			• Lists the intersections along Montague Expressway to be included in the Local Transportation Analysis. • States that the transportation analysis should follow the latest VTA Congestion Management Plan, Traffic Operations Analysis, and Traffic Impact Analysis Guidelines.	
Santa Clara Valley Water District	Jaeho Han, PE; Associate Engineer	March 2, 2026	• States that Valley Water does not have any facilities or land rights within the Project site, and that no encroachment permits from Valley Water would be required. • States that there are no wells within the Project site based on Valley Water's records. • Identifies processes for well destruction and registration in case previously undocumented wells are present on-site.	• Section 3.9, Hydrology and Water Quality • Section 3.17, Utilities and Service Systems
Source: Compiled by FirstCarbon Solutions (FCS). 2026.				

1.2.1 - Environmental Issues Determined not to be Significant

The NOP identified topical areas that were determined not to be significant. An explanation of why each area is determined not to be significant is provided in Chapter 4, Effects Found not to be Significant. These topical areas are as follows:

- Agriculture and Forestry Resources
- Mineral Resources
- Wildfire

In addition, the following issues within various topical areas were determined not to be significant:

- Scenic Vistas
- State Scenic Highways
- Wetlands and Jurisdictional Features

- Septic or Alternative Wastewater Disposal Systems
- Division of an Established Community
- Excessive Noise Levels from Airport Activity
- Housing Displacement/Replacement Housing

An explanation of why each issue is determined not to be significant is provided in Chapter 4, Effects Found not to be Significant.

1.2.2 - Potentially Significant Environmental Issues

The NOP found that the following topical areas may contain potentially significant environmental issues that will require further analysis in the EIR. These sections are as follows:

- Aesthetics, Light, and Glare
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems

1.3 - Documents Incorporated by Reference

As permitted by CEQA Guidelines Section 15150, this Draft EIR has referenced several technical studies, analyses, and previously certified environmental documentation. Information from the documents, which have been incorporated by reference, has been briefly summarized in the appropriate section(s). The relationship between the incorporated part of the referenced document and the Draft EIR has also been described. The documents and other sources that have been used in the preparation of this Draft EIR include but are not limited to:

- Envision San José 2040 General Plan (General Plan)
- City of San José Municipal Code

In accordance with CEQA Guidelines Section 15150(b), the General Plan and Municipal Code, are available for review at the City of San José at the address shown in Section 1.6 below.

1.4 - Documents Prepared for the Proposed Project

The following technical studies and analyses were prepared for the proposed Project:

- Air Quality Assessment, Greenhouse Gas Emissions and Energy Assessment, and Health Risk Assessment, attached as Appendix B, prepared by FCS in 2026.
- Biological Resources Memorandum, attached as Appendix C, prepared by FCS in 2025. .
- Cultural Resources Assessment CONFIDENTIAL, attached as Appendix D, prepared by FCS in 2025.
- Geotechnical Investigation, attached as Appendix E, prepared by Cornerstone Earth Group in 2025.
- Phase I Environmental Site Assessment, attached as Appendix F, prepared by AEI Consultants in 2025.
- Noise Impact Analysis, attached as Appendix G. prepared by FCS in 2026.
- Local Transportation Analysis, attached as Appendix H, prepared by Hexagon Transportation Consultants, Inc. in 2025.

1.5 - Review of the Draft EIR

Upon completion of the Draft EIR, the City filed a Notice of Completion (NOC) with the California Governor's Office of Land Use and Climate Innovation (LCI) to begin the public review period (PRC § 21161). Concurrent with the NOC, this Draft EIR has been distributed to responsible and trustee agencies, other affected agencies, and interested parties, as well as all parties requesting a copy of the Draft EIR in accordance with Public Resources Code 21092(b)(3). During the public review period, the Draft EIR, including the technical appendices, is available for review at the locations below. The address for each location is provided below:

City of San José
Planning Division
200 East Santa Clara Street
Third Floor Tower
San José, CA 95113-1905

Dr. Martin Luther King Jr. Library
150 East San Fernando Street
San José, CA 95112

San José Public Library,
Alviso Branch Library
5050 North First Street
San José, CA 95002

The Draft EIR and appendices are also available for review at the following website: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/h25-035-and-er25-206-montague-point-industrial-project#!/.

Agencies, organizations, and interested parties have the opportunity to comment on the Draft EIR during the 45-day public review period. Written comments on this Draft EIR should be addressed to:

Charlotte Yuen, Planner
200 East Santa Clara Street, 3rd Floor
San José, CA 95113-1905
Charlotte.Yuen@sanjoseca.gov

1.6 - Final Environmental Impact Report

Upon completion of the public review period, written responses to all significant environmental issues raised will be prepared and made available for review by the commenting agencies at least 10 days prior to the public hearing before the Planning Commission on the proposed Project, at which the certification of the Final EIR will be considered. Comments received and the responses to comments will be included as part of the record for consideration by decision-makers for the proposed Project.

THIS PAGE INTENTIONALLY LEFT BLANK

CHAPTER 2

2.0 - PROJECT DESCRIPTION

2.1 - Existing Project Site

2.1.1 - Project Location

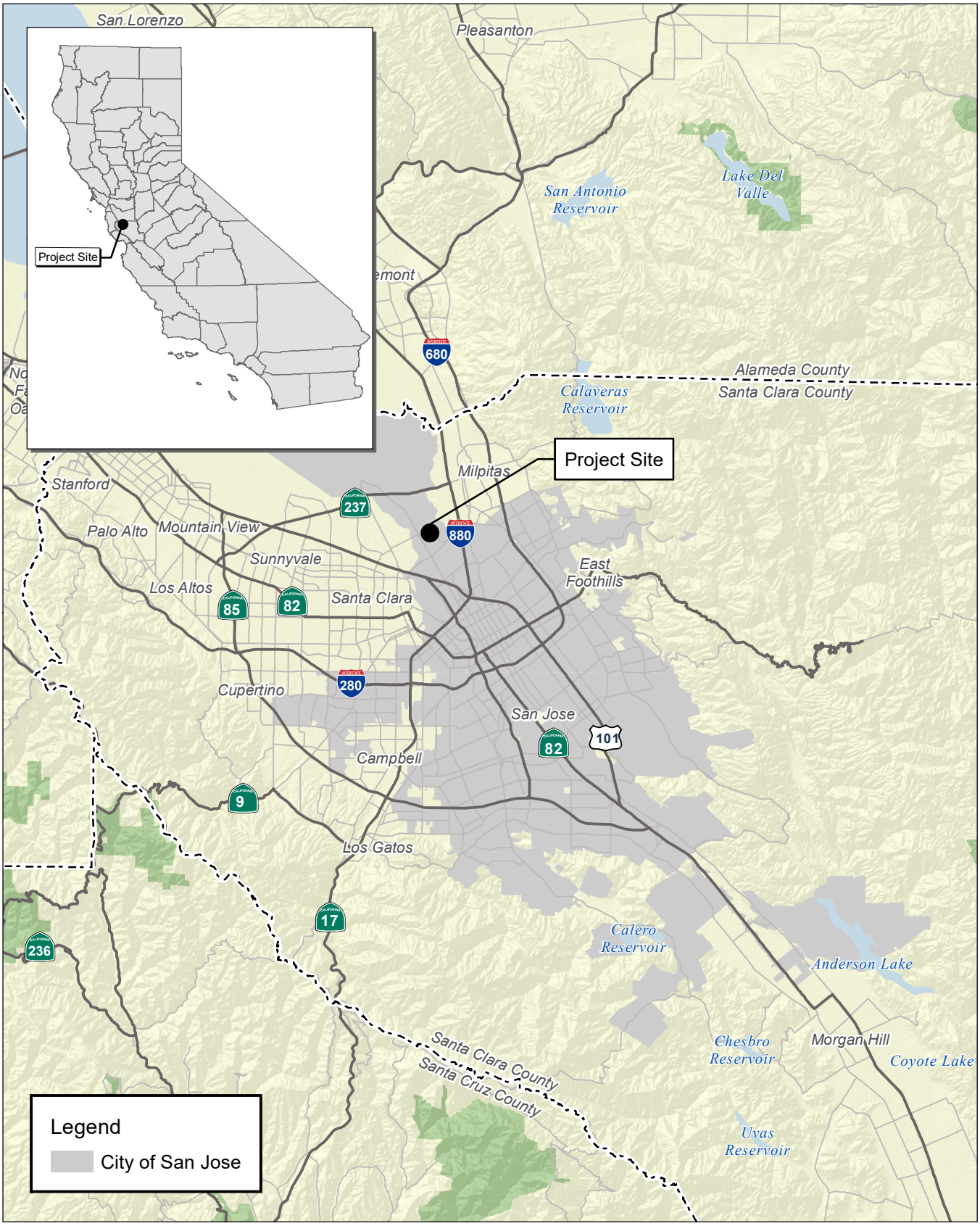
The approximately 23.75-acre Project site is comprised of five parcels located at 3050 Zanker Road, 2840-2880 Junction Avenue, and 411 East Plumeria Drive (Assessor's Parcel Numbers 101-31-001, 101-31-002, 101-31-003, 101-31-004, and 101-31-005) in the City of San José (see Figure 2-1 and Figure 2-2). The Project site is bounded by Montague Expressway to the north and east; East Plumeria Drive to the east and south; Junction Avenue to the south; and Zanker Road to the west. The Project site is located on the *San José, California* United States Geological Survey (USGS) 7.5-minute Topographic Quadrangle (Latitude 39° 50' 56" North; Longitude 95° 55' 41" West).

2.1.2 - Project Site Vicinity

The Project site is located in an urban area with a mix of surrounding uses, including commercial, office, industrial, and residential. Across Montague Expressway, the Project site is bounded by the Broadcom corporate office buildings and surface parking, as well as the Elan at River Oaks Apartments. Commercial uses within the River Oaks Plaza mall, additional Elan at River Oaks Apartments, and industrial uses in the Montague Oaks Business Center are located to the east of the Project site. Across Junction Avenue the Project site is bounded by occupied industrial, office, and commercial buildings. Uses to the west of the Project site include electronics part suppliers and other industrial buildings.

California State Route (SR) 237 runs in a west–east orientation and is approximately 1.5 miles north of the Project site. Interstate 880 (I-880) runs in a north–south orientation approximately 0.8 mile east of the Project site. The nearest transit stop is Valley Transportation Authority's (VTA's) 20 Route bus stop, located immediately adjacent to the Project site at the corner of East Plumeria Drive and Montague Expressway. This transit line has service from Sunnyvale Transit Center to the Milpitas Bay Area Rapid Transit station, located approximately 4 miles northeast of the Project site. Additionally, the Montague Expressway transit stop, which serves the westbound VTA Altamont Corridor Express Brown Bus with service to the Great America Altamont Corridor Express (ACE) Amtrak Station, is located approximately 140 feet east of the Project site on the northern corner of Montague Expressway and River Oaks Parkway. Another westbound ACE Brown Bus stop is located on the northeastern corner of Montague Expressway and Zanker Road, approximately 340 feet west of the Project site.

THIS PAGE INTENTIONALLY LEFT BLANK



Source: Census Data, The California Spatial Information Library (CaSIL). City of San Jose.

5 2.5 0 5 Miles

Figure 2-1
Regional Location Map

THIS PAGE INTENTIONALLY LEFT BLANK



Source: ESRI World Imagery. Kier & Wright Civil Engineers and Surveyors, Inc., 08/22/2025.

1,000 500 0 1,000 Feet

Figure 2-2
Local Vicinity Map

THIS PAGE INTENTIONALLY LEFT BLANK

2.1.3 - Existing Conditions

The Project site is currently developed with five 2-story office/research and development (R&D) buildings ranging from 74,586 to 101,725 square feet, with a total building square footage of approximately 422,635 square feet. The buildings range from approximately 40 to 45 feet high. The existing buildings were developed in the 1980s. Currently, three of the buildings are vacant (411 East Plumeria Drive, 3050 Zanker Road, and 2860 Junction Avenue) and two are occupied. The existing uses consist of office and R&D related to technical hardware.

Existing vehicular access to the Project site is provided by one driveway on Zanker Road, five driveways on Junction Avenue, and one driveway on East Plumeria Drive. A total of approximately 1,449 surface parking spaces are available throughout the Project site. The Project site has existing mature trees and perimeter landscaping along all site boundaries and within landscape medians of surface parking areas, including approximately 416 trees.

2.1.4 - General Plan Land Use

Development on the Project site is subject to the North San José Area Development Policy (NSJADP), which allowed for 26.7 million square feet of new industrial development and was initially adopted in June 2005 and amended most recently in May 2022. The General Plan designates the Project site as Industrial Park (IP). The IP designation is intended to allow a wide variety of industrial uses, such as R&D, manufacturing, assembly, testing, and office. IP-designated areas “may contain a very limited number of supportive and compatible commercial uses, when those uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area.” The General Plan further indicates that such commercial uses would typically be located within a larger industrial building. The IP designation allows a maximum floor area ratio (FAR) of up to 10.0 and maximum height allowance from 2 to 15 stories. Figure 2-3 displays the land use designations for the Project site and the surrounding Project area.

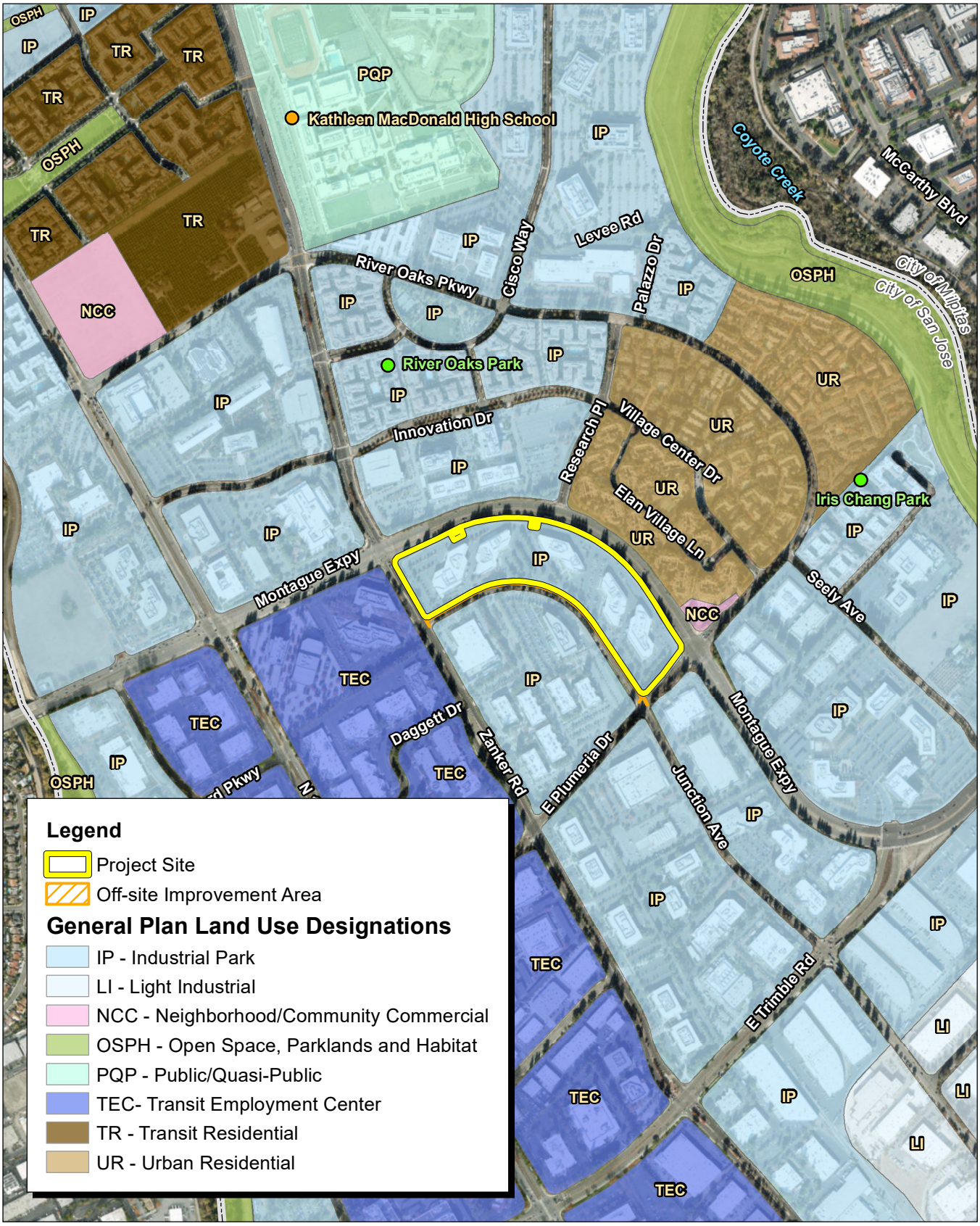
The General Plan designates areas to the north and south of the Project site as IP. Areas to the east are designated as Urban Residential and Neighborhood/Community Commercial, and areas to the west are designated as IP and Transit Employment Center (TEC).

2.1.5 - Zoning

The zoning district for the Project site is IP, intended for a wide variety of industrial users, such as R&D, manufacturing, assembly, testing, and offices. A minimum lot area of 10,000 square feet applies in the IP zoning district. The range of uses contemplated for the speculative development Project, including R&D, manufacturing, assembly, testing, and offices, are allowed in the IP General Plan land use designation and zoning district, subject to the North San José Area Design Guidelines. Figure 2-4 identifies the zoning district for the Project site and the surrounding Project area.

The areas to the north, east and south of the Project site are zoned Industrial Park (IP). Areas to the northeast are zoned Planned Development (PD), and areas to the west are zoned as IP Transit Employment Center (TEC).

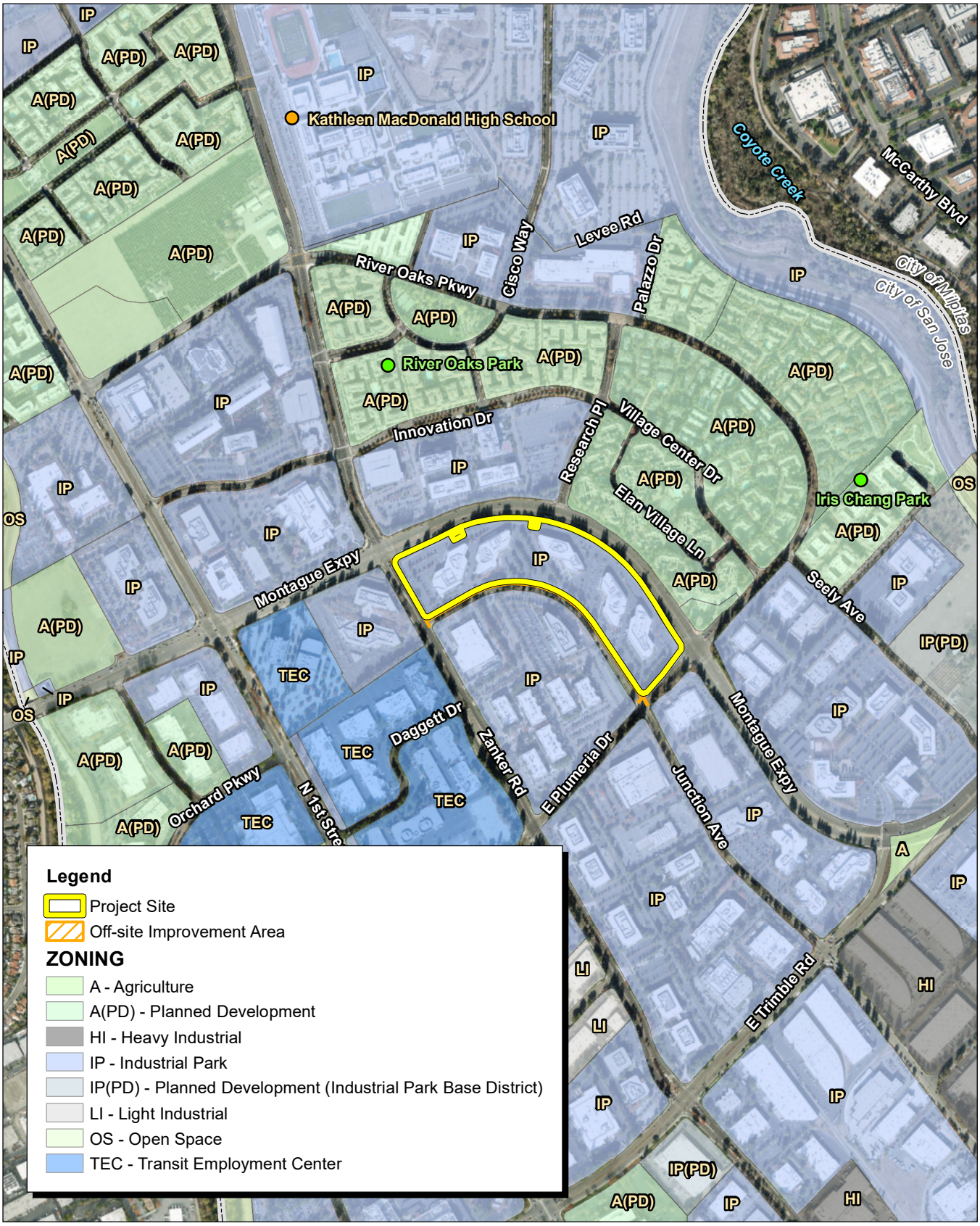
THIS PAGE INTENTIONALLY LEFT BLANK



Source: ESRI World Imagery. Kier & Wright Civil Engineers and Surveyors, Inc., 08/22/2025. San Jose 2040 General Plan.

Figure 2-3
Land Use Designations Map

THIS PAGE INTENTIONALLY LEFT BLANK



Source: ESRI World Imagery. Kier & Wright Civil Engineers and Surveyors, Inc., 08/22/2025. City of San Jose Zoning Districts.

1,000 500 0 1,000 Feet

Figure 2-4
Zoning Districts Map

THIS PAGE INTENTIONALLY LEFT BLANK

2.2 - Proposed Development

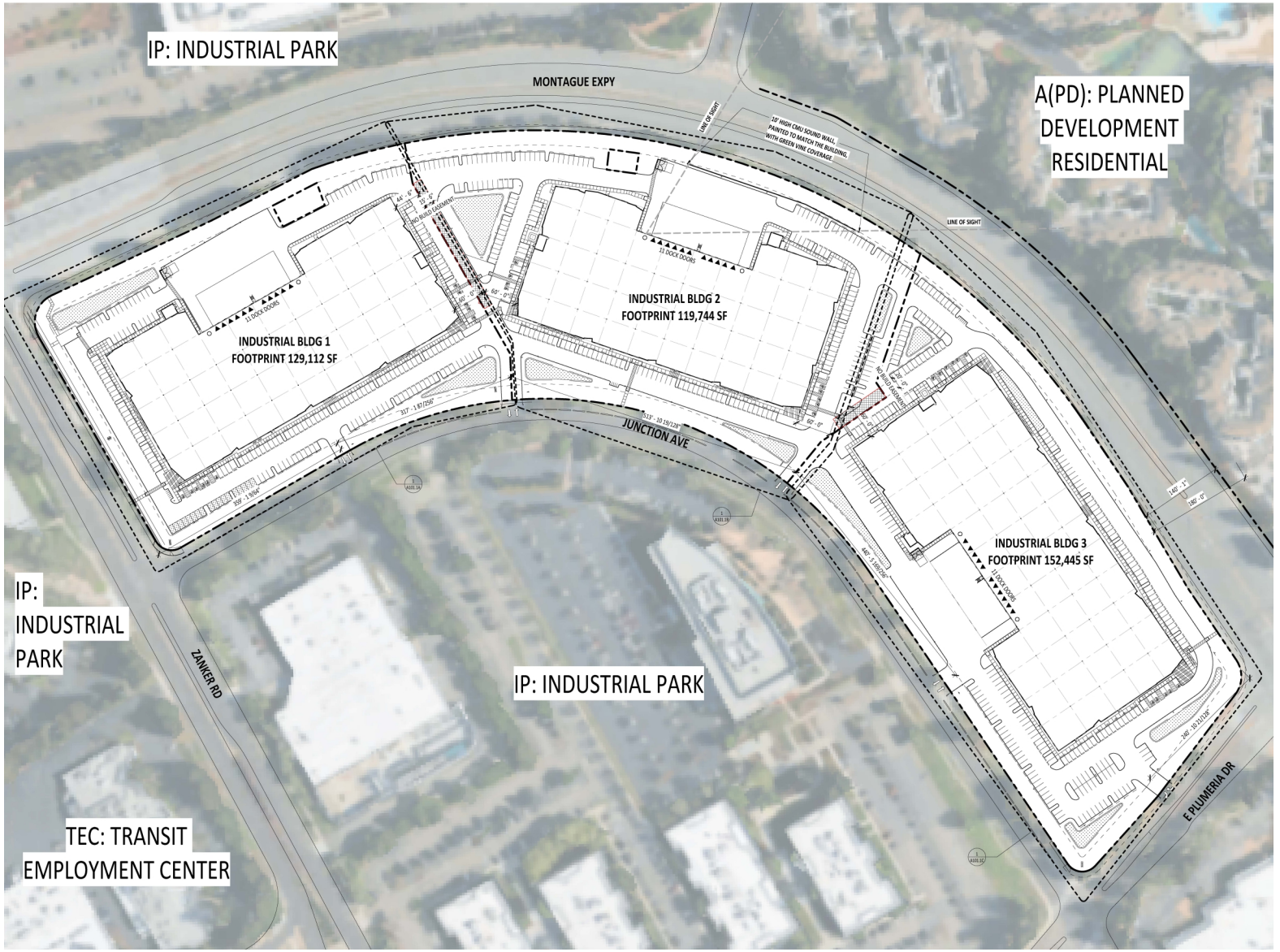
The proposed Project would result in the demolition of all existing buildings and construction of three new speculative industrial warehouse buildings for a range of potential uses, including R&D and manufacturing, as shown in Figure 2-5. Specifically, Building 1 would be located on the southeast corner of Montague Expressway and Zanker Road, Building 2 would be located centrally on the Project site to the right of Building 1, and Building 3 would be located on the western corner of the East Plumeria Drive and Montague Expressway intersection. As shown in Figure 2-5, the proposed Project would construct a 10-foot-high sound wall that would visually buffer the loading dock doors along Building 2 from the residential receptors, located approximately 200 feet to the northeast, across Montague Expressway. Table 2-1 below provides a summary of the proposed specifications for all three buildings.

Given that there are no identified tenants at this time, the Draft EIR describes and analyzes a reasonable anticipated mix of industrial uses, including R&D, manufacturing, and office, that are likely to occur based on the allowable uses within the IP land use designation and zoning and that represent reasonably conservative assumptions about possible environmental impacts. The proposed warehouse buildings would no include cold storage or data centers. The tenant-use square footage mix based on an IP land use for the purpose of the proposed Project's environmental review is identified in Table 2-1.

Table 2-1: Proposed Building Specifications Summary

Specifications	Building 1	Building 2	Building 3	Total
Total Square Footage (including Office Space)	142,112 square feet	132,744 square feet	162,745 square feet	437,601 square feet
Office Square Footage	26,000 square feet	26,000 square feet	20,600 feet	72,600 square feet
Maximum Height	47 feet	47 feet	47 feet	N/A
Dock Doors	11	11	11	33
At-Grade Doors	2	2	2	6
Orientation of Loading Docks	North (facing Montague Expressway)	North (facing Montague Expressway)	Southwest (facing Junction Avenue)	N/A
Source: Lowney Architecture, Kier & Wright Civil Engineers and Surveyors, Inc., HMH Engineers. January 30, 2026.				

THIS PAGE INTENTIONALLY LEFT BLANK



Source: Lowney Architecture, Kier & Wright Civil Engineers and Surveyors, Inc., HMH Engineers, 01/30/2026.

Figure 2-5
Overall Site Plan

THIS PAGE INTENTIONALLY LEFT BLANK

The proposed Project would include construction of a total of approximately 328,701 square feet of warehouse area and approximately 72,600 square feet of office space, for a total of approximately 437,601 square feet. The proposed buildings would have a maximum height of approximately 47 feet and would cover approximately 39 percent of the total Project site. Rooftop mechanical ventilation systems would be located on each of the buildings. The proposed buildings would be constructed primarily out of concrete tilt-up panels and would incorporate multiple recesses between adjoining building elements to break down the scale of the buildings. Additionally, the proposed buildings would include glass windows and skylights to provide natural light in the warehouse area. Figure 2-6 shows proposed building elevations. Building entrances would have tinted glazing and overhead steel frame canopies. The proposed Project would include signage on buildings and monument signage to denote future occupants. Monuments signs would be located at the driveway entrance between Building 1 and Building 2, between Buildings 2 and 3, and at the corners of the Project site at the intersections of Junction Avenue with each of East Plumeria Drive and Zanker Drive.

Currently, the Project site surrounds two infrastructure areas located immediately adjacent to Montague Expressway. These infrastructure areas are denoted by black rectangles on Figure 2-5, with one area adjacent to Building 1 and the other adjacent to Building 2. Both infrastructure areas are property of the City and are not considered as part of the Project site. The westernmost infrastructure area contains an above ground storage tank and electrical boxes. The easternmost area contains electrical infrastructure. The proposed Project would not include any alteration, construction, or disturbance of these areas.

Access, Circulation, and Parking

Access to the Project site would be provided via one driveway on East Plumeria Drive and four driveways along Junction Avenue. Hauler trucks associated with proposed Project operations would utilize the three easternmost driveways of the four driveways along Junction Avenue to access the loading docks for each building. Emergency vehicle access would be provided by the six driveways along Junction Avenue and the single driveway on East Plumeria Drive. A fire access route would extend throughout the entirety of the Project site. Curbs along the fire access route would be painted red and marked as “Fire Lane–No Parking.”

THIS PAGE INTENTIONALLY LEFT BLANK



Source: Lowney Architecture, Kier & Wright Civil Engineers and Surveyors, Inc., HMH Engineers, 09/19/2025.

Figure 2-6
Proposed Project Elevations

THIS PAGE INTENTIONALLY LEFT BLANK

The proposed Project would include approximately 651 total parking spaces throughout the Project site. Table 2-2 below provides a summary of the proposed parking spaces.

Table 2-2: Parking Summary

Parking	Building 1	Building 2	Building 3	Total
Parking Spaces	228	184	239	651
Accessible Parking Spaces	7	6	7	20
Electric Vehicle Charging Station Spaces	92	74	96	262
Short-term Bicycle Parking	24	22	28	74
Long-term Bicycle Parking	6	6	6	18
Source: Lowney Architecture, Kier & Wright Civil Engineers and Surveyors, Inc., HMH Engineers, January 30, 2026.				

Concrete sidewalks would be constructed along the façade of each building and associated pedestrian crosswalk striping would be applied throughout the Project site to indicate pedestrian path of travel. Existing pedestrian access to the Project site via sidewalks and crosswalks would be maintained along Montague Expressway, Zanker Road, and Junction Avenue. The proposed Project would include construction of Class IV bicycle lanes along the Project site frontage on Junction Avenue and Zanker Road.

Landscaping

The proposed Project would require the removal of approximately 244 trees. As shown in Figure 2-7a through 2-7c, the proposed Project would include approximately 230,000 square feet of landscaping throughout the Project site, including in surface parking areas and around the perimeter of buildings. The landscaping plan includes approximately 212 new 24-inch box trees. Proposed tree species include southern magnolia, Chinese pistache, strawberry tree, western redbud, and autumn gold maiden hair. Additional landscaping throughout the site would include grasses, shrubs, and ground cover. The proposed landscape plan would include very low to moderate water use plant species. Drip irrigation would be installed for landscaping maintenance.

Sustainability Features

The proposed Project would include electric vehicle (EV) charging station spaces throughout the Project site. The proposed Project would also include heat-reflecting roof material, water efficient landscaping, a high-performance envelope, energy-efficient mechanical systems and low volatile organic compound emitting sealants, adhesives, coating, floorings, and wood materials. Additional sustainability measure includes a solar "ready" roof to accommodate future solar arrays on the roof, as desired by future tenant(s).

THIS PAGE INTENTIONALLY LEFT BLANK



Source: Lowney Architecture, HMH Engineers, 09/18/2025.

Figure 2-7a
Landscape Plan

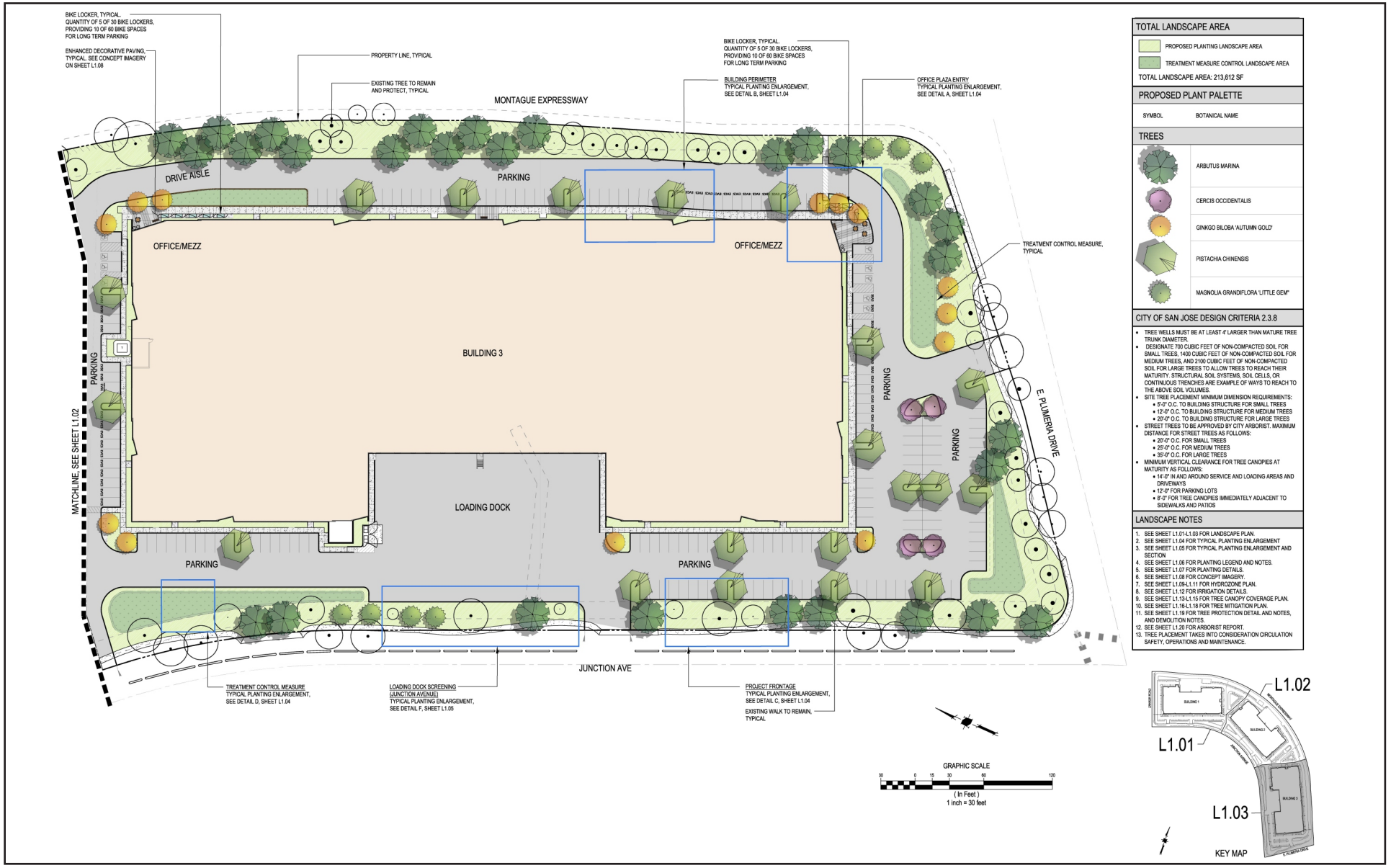
THIS PAGE INTENTIONALLY LEFT BLANK



Source: Lowney Architecture, HMH Engineers, 09/18/2025.

Figure 2-7b
Landscape Plan

THIS PAGE INTENTIONALLY LEFT BLANK



Source: Lowney Architecture, HMH Engineers, 09/18/2025.

Figure 2-7c
Landscape Plan

THIS PAGE INTENTIONALLY LEFT BLANK

Utilities

The proposed Utility Plan and Stormwater Control Plan are provided as Figure 2-8a and 2-8b. The proposed Project includes connections to existing water, wastewater, and stormwater drainage facilities within Junction Avenue.

Water

Water service would be provided by San José Municipal Water System. The proposed Project would reuse existing 3-inch domestic water mains within Junction Avenue. The proposed Project would also include new 12-inch fire service lines and associated water valves throughout the Project site.

Wastewater

The City's Environmental Services Department is responsible for managing wastewater. The proposed Project would connect to the existing sanitary sewer facilities within Junction Avenue, Zanker Road, East Plumeria Drive, and Montague Expressway. In addition, construction of a new 6-inch sanitary sewer laterals is proposed throughout the Project site to connect to existing sanitary sewer manholes along Junction Avenue.

Stormwater

Stormwater runoff from the Project site is currently captured by an existing storm drain system in the Project area that is owned and operated by the City. The proposed Project would include the installation of new 12-inch storm drain lines within the Project site, connecting to existing 24-inch and 30-inch storm drain lines within Junction Avenue. Manholes would be located at the connection point for the storm drainpipes.

On-site stormwater management features would include 15 drainage management areas with bioretention areas along the edge of the Project site and between each of the proposed buildings, as indicated on the proposed landscape plan (Figures 2-7a through 2-7c). These areas would include features such as catch basins, storm drain inlet protections, and silva cell tree stormwater management systems.

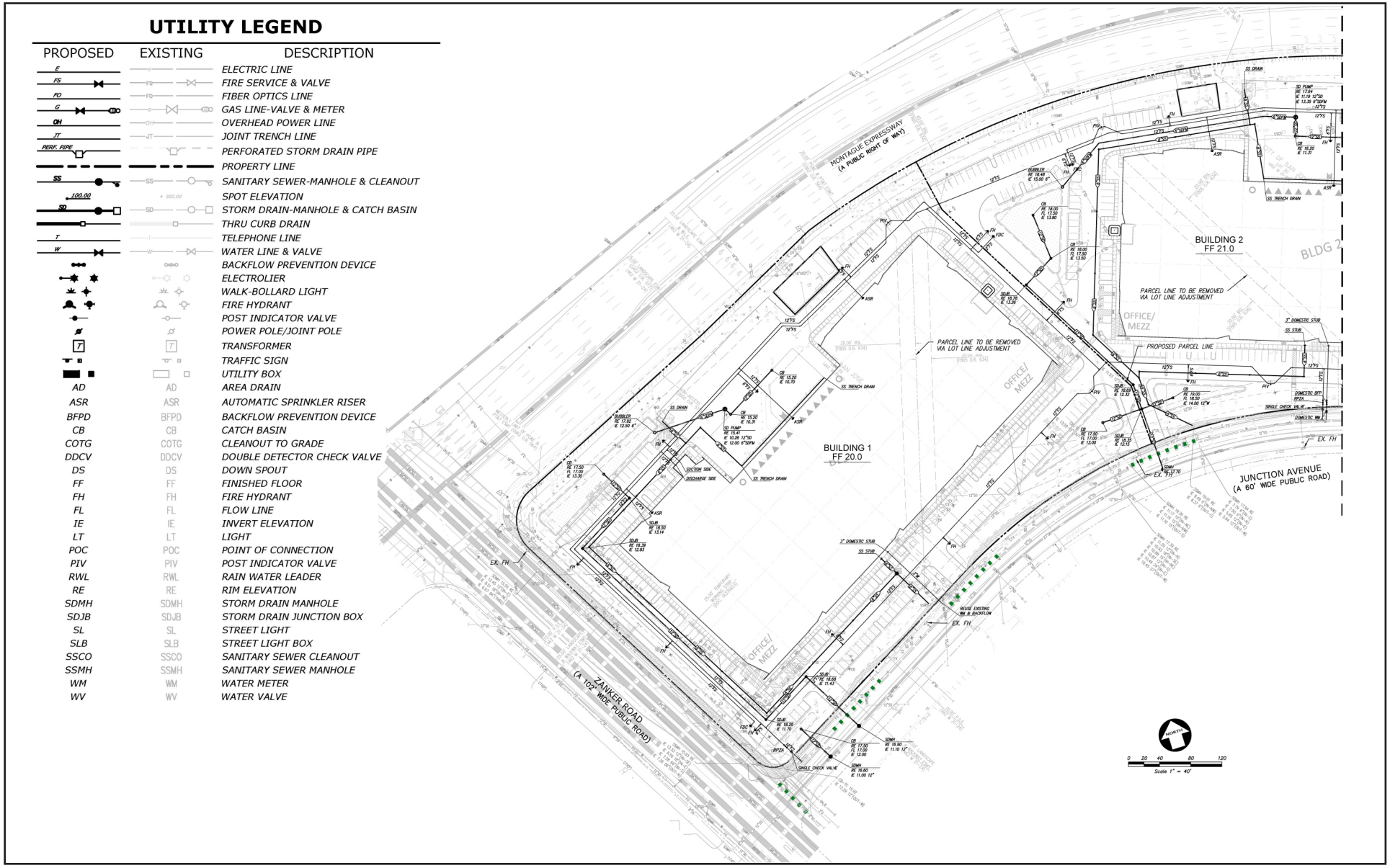
Solid Waste

Solid waste collection services for the Project site would be provided by Republic Services. Recycling collection services would be provided by California Waste Solutions. The proposed Project would include trash enclosures to store waste receptacles.

Electricity and Telecommunications

Electricity at the Project site would be provided by Pacific Gas and Electric Company (PG&E). The proposed Project would utilize existing electrical, telephone, and fiber optic lines connections along Zanker Road. The proposed Project would be all-electric. Three new electrical transformers would be constructed on the Project site, one adjacent to each proposed building.

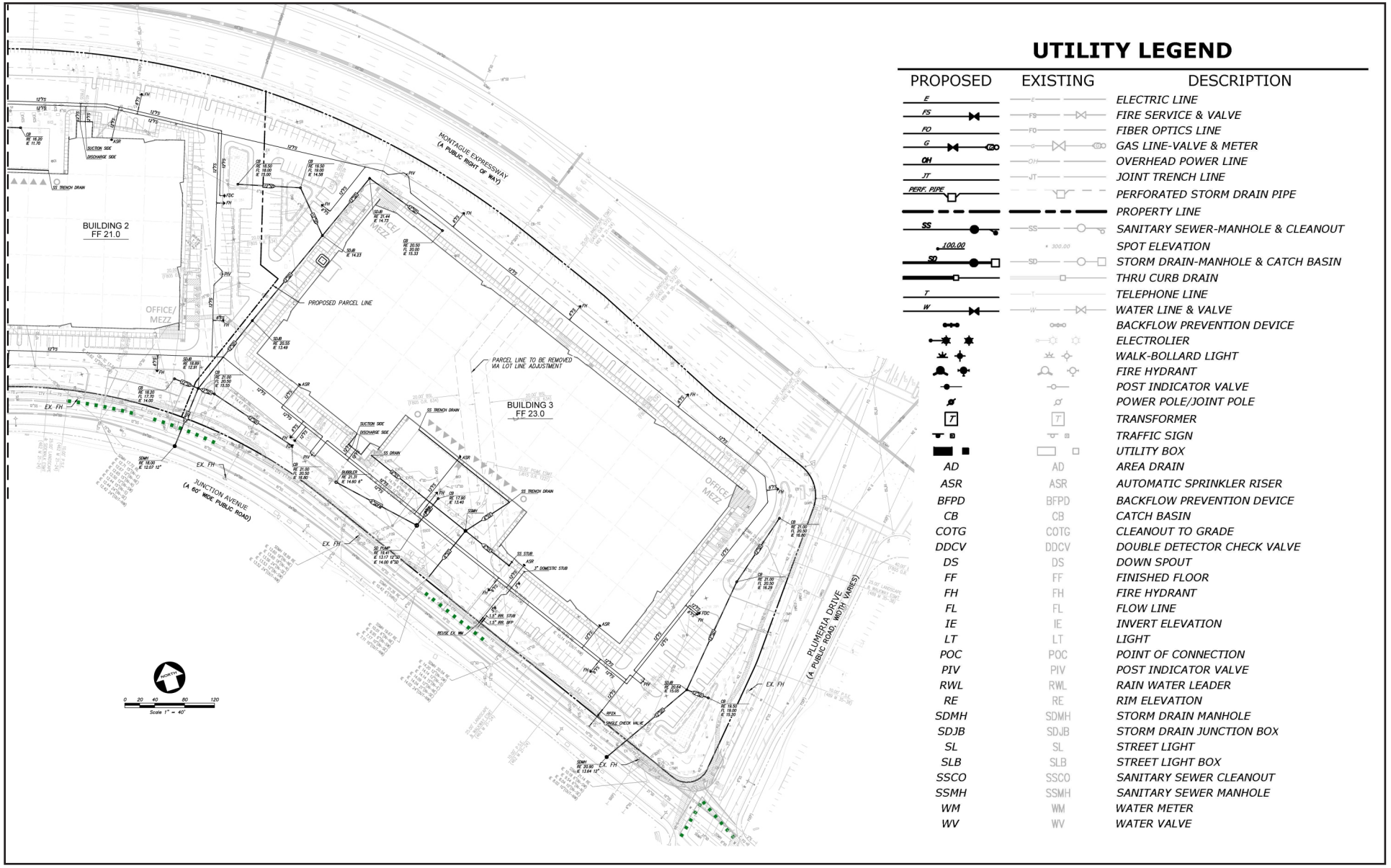
THIS PAGE INTENTIONALLY LEFT BLANK



Source: Kier & Wright Civil Engineers and Surveyors, Inc., 09/19/2025.

Figure 2-8a
Utility Plan

THIS PAGE INTENTIONALLY LEFT BLANK



UTILITY LEGEND

PROPOSED	EXISTING	DESCRIPTION
E	E	ELECTRIC LINE
FS	FS	FIRE SERVICE & VALVE
FO	FO	FIBER OPTICS LINE
G	G	GAS LINE-VALVE & METER
OH	OH	OVERHEAD POWER LINE
JT	JT	JOINT TRENCH LINE
PERF. PIPE		PERFORATED STORM DRAIN PIPE
		PROPERTY LINE
SS	SS	SANITARY SEWER-MANHOLE & CLEANOUT
100.00	300.00	SPOT ELEVATION
SD	SD	STORM DRAIN-MANHOLE & CATCH BASIN
		THRU CURB DRAIN
T	T	TELEPHONE LINE
W	W	WATER LINE & VALVE
		BACKFLOW PREVENTION DEVICE
		ELECTROLIER
		WALK-BOLLARD LIGHT
		FIRE HYDRANT
		POST INDICATOR VALVE
		POWER POLE/JOINT POLE
T	T	TRANSFORMER
		TRAFFIC SIGN
		UTILITY BOX
AD	AD	AREA DRAIN
ASR	ASR	AUTOMATIC SPRINKLER RISER
BFPD	BFPD	BACKFLOW PREVENTION DEVICE
CB	CB	CATCH BASIN
COTG	COTG	CLEANOUT TO GRADE
DDCV	DDCV	DOUBLE DETECTOR CHECK VALVE
DS	DS	DOWN SPOUT
FF	FF	FINISHED FLOOR
FH	FH	FIRE HYDRANT
FL	FL	FLOW LINE
IE	IE	INVERT ELEVATION
LT	LT	LIGHT
POC	POC	POINT OF CONNECTION
PIV	PIV	POST INDICATOR VALVE
RWL	RWL	RAIN WATER LEADER
RE	RE	RIM ELEVATION
SDMH	SDMH	STORM DRAIN MANHOLE
SDJB	SDJB	STORM DRAIN JUNCTION BOX
SL	SL	STREET LIGHT
SLB	SLB	STREET LIGHT BOX
SSCO	SSCO	SANITARY SEWER CLEANOUT
SSMH	SSMH	SANITARY SEWER MANHOLE
WM	WM	WATER METER
WV	WV	WATER VALVE

Source: Kier & Wright Civil Engineers and Surveyors, Inc., 09/19/2025.

Figure 2-8b
Utility Plan

THIS PAGE INTENTIONALLY LEFT BLANK

Off-site Improvements

The proposed Project would include construction of Class IV bicycle lanes along the Project site frontage on Junction Avenue and Zanker Road. These bicycle lanes would include green conflict paint at driveway intersection locations. The proposed bicycle lane along Junction Avenue would connect to the existing bicycle lane on East Plumeria Drive. The proposed Project would relocate the segment of the existing six-foot-wide bicycle lane on East Plumeria Drive that currently runs in front of the bus stop so that it would instead travel behind the bus stop before reconnecting to the existing bicycle lane. This realignment would be made possible by removing portions of the existing landscaped areas.

The proposed Class IV bike lanes along Zanker Road would include a six-foot-wide park strip with new landscaping (for bioretention), a five-foot-wide raised bike lane, a one-foot-wide buffer, and a six-foot-wide pedestrian thru zone (standard sidewalk). The proposed Class IV separated bike lane along Junction Avenue would include a one-and-one-half-foot-wide Class IV bikeway raised island and a minimum seven-foot-wide bike lane, including the existing gutter and curb. Additionally, the proposed Project would reconstruct the portions of sidewalk on the Project site frontage along Zanker Road. The northern sidewalk and curb cut at the intersection of Junction Avenue and East Plumeria Drive would also be reconstructed.

Finally, the proposed Project would improve the Montague Expressway and Zanker Road intersection, located immediately northwest of the Project site. Improvements would occur primarily along the eastern extent of the intersection. At the southeastern corner, adjacent to the Project site, the curb, gutter, and sidewalk would be reconstructed to improve roadway alignment. At the northeastern corner, the existing pork chop island would be removed, the traffic signal would be relocated, and associated curb improvements would be completed. The curb-return geometry would be modified to accommodate vehicle turning movements while maintaining accessible pedestrian connections. Crosswalks between the eastern corners would be reconstructed to reflect these improvements, including removal of a portion of the central island between the westbound and eastbound travel lanes on Montague Expressway. Crosswalks connecting the improved eastern corners to the western intersection corners would also be restriped to align with the revised intersection configuration.

Construction

For the purposes of this analysis, construction of the proposed Project is assumed to start in July 2026 and be completed by January 2028, lasting approximately 18 months. This provides a conservative analysis by assuming an earlier construction start date, although the construction timeline is subject to change. Table 2-3 provides an estimated construction schedule and outlines the duration of each construction phase. Construction activities would begin with demolition, site preparation, grading, construction, paving, and finishing with architectural coating.

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. The construction staging

area would be located entirely on-site. No soil export or import is anticipated for construction of the proposed Project.

Table 2-3: Estimated Construction Schedule

Phase Type	Approximate Start Date	Approximate End Date	Days Per Week	Workdays Per Phase
Demolition	7/13/2026	8/21/2026	5	30
Site Preparation	8/24/2026	9/4/2026	5	10
Grading	9/7/2026	10/23/2026	5	35
Linear, Grading, and Excavation	9/7/2026	10/9/2026	5	25
Linear, Drainage, Utilities, and Sub-Grade	10/10/2026	11/4/2026	5	18
Linear, Paving	11/5/2026	11/13/2026	5	30
Building Construction	10/26/2026	1/21/2028	5	325
Paving	11/29/2027	1/21/2028	5	40
Architectural Coating	9/6/2027	1/21/2028	5	100
Source: California Emission Estimator Model (CalEEMod) Version 2022.1.1				

Operation

While no specific end-user has been identified, the proposed Project would be constructed to allow for operation of advanced manufacturing, R&D, technology, some warehouse, and office uses. Operation of the proposed Project is based on the anticipated tenant use mix analyzed in this Draft EIR. There would be an estimated 507 on-site employees.[1] Hours of operation for the proposed Project are generally anticipated to occur between 7:00 a.m. and 7:00 p.m., Monday through Friday. Nighttime operations are not anticipated to occur.

Outdoor activity at the Project site would typically involve the arrival and departure of trucks and employees. The proposed Project is estimated to result in approximately 210 daily truck trips to support operations. Loading operations would involve trucks pulling up and parking at the loading dock roll-up doors. Unloading and re-loading of materials and products would occur inside the buildings. All storage is anticipated to occur inside the building space; no materials or products would be stored outdoors. No back-up generators or boilers would be utilized for the proposed Project operations.

2.3 - Project Objectives

The objectives of the proposed Project are to:

[1] Institute of Transportation Engineers (ITE). Trip Generation Manual, 11th Edition. 2021. Accessed January 8, 2026.

- Develop a modern and flexible industrial warehouse facility that accommodates a range of uses, including R&D, manufacturing, logistics, warehousing, distribution, and other light industrial tenants, in an urban setting.
- Provide building design and scale that supports different industries and market needs over time, including anticipated growing demand for R&D, advanced manufacturing, and distribution, in an economically feasible way.
- Maximize site and operational efficiency through strategic building placement, circulation design for truck and employee access, and integration of loading docks, trailer parking, and drive-in doors to prioritize safety, accessibility, and seamless movement of goods and personnel.
- Redevelop an industrial infill site with employment generating uses near housing and that reduce vehicle miles traveled s by locating such uses in San José proximate to multiple freeway corridors.
- Replace functionally outdated office space on the Project site with speculative first-class facilities and replenish the supply of employment-generating industrial space in the City.
- Utilize existing infrastructure efficiently including utilities and circulation, consistent with the surrounding IP zoning district.
- Incorporate architectural and landscaping designs that are compatible with the scale and character of the surrounding area.
- Design and construct buildings that meet applicable City sustainability and green building standards.

2.4 - Intended Uses of this Draft EIR

This Draft EIR is being prepared by the City of San José to assess the potential environmental impacts that may arise in connection with actions related to implementation of the proposed Project. Pursuant to CEQA Guidelines Section 15367, the City of San José is the Lead Agency for the proposed Project and has discretionary authority over the proposed Project and Project approvals. The Draft EIR is intended to address all public infrastructure improvements and all future development within the parameters of the proposed Project.

2.4.1 - Discretionary and Ministerial Actions

Discretionary approvals and permits are required by the City of San José for implementation of the proposed Project. The proposed Project would require the following discretionary approvals and actions, including:

- Certification of Final EIR
- Site Development Permit
- Tree Removal Permit
- Grading Permit

Subsequent ministerial actions would be required for the implementation of the proposed Project, including issuance of building and occupancy permits.

2.4.2 - Responsible and Trustee Agencies

A number of other agencies in addition to the City of San José will serve as Responsible and Trustee Agencies, pursuant to CEQA Guidelines Section 15381 and Section 15386, respectively. This Draft EIR will provide environmental information to these agencies and other public agencies, which may be required to grant approvals or coordinate with other agencies as part of Project implementation. These agencies may include, but are not limited to, the following:

- Bay Area Air Quality Management District
- San Francisco Bay Regional Water Quality Control Board

CHAPTER 3

3.0 - ENVIRONMENTAL IMPACT ANALYSIS

Organization of Issue Areas

This Draft EIR provides analysis of impacts for those environmental topics where it was determined in the NOP, or through subsequent analysis that the proposed Project would result in "potentially significant impacts." Sections 3.1 through 3.17 discuss the environmental impacts that may result with approval and implementation of the proposed Project.

Issues Addressed in this Chapter

The following environmental issues are addressed in Chapter 3:

- Aesthetics, Light, and Glare
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology, Soils, and Seismicity
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems

Organization of the Draft EIR

This Draft EIR is organized into the following main sections:

- **Chapter ES: Executive Summary.** This chapter includes a summary of the proposed Project and alternatives to be addressed in the Draft EIR. A brief description of the areas of controversy and issues to be resolved, and overview of the Mitigation Monitoring and Reporting Program, in addition to a table that summarizes the impacts, mitigation measures, and level of significance after mitigation, are also included in this section.

- **Chapter 1: Introduction.** This chapter provides an introduction and overview describing the purpose of this Draft EIR, its scope and components, and its review and certification process.

- **Chapter 2: Project Description.** This chapter includes a detailed description of the proposed Project, including its location, site, and project characteristics. A discussion of the Project objectives, intended uses of the Draft EIR, Responsible Agencies, and approvals that are needed for the proposed Project are also provided.

- **Chapter 3: Environmental Impact Analysis.** This chapter analyzes the environmental impacts of the proposed Project. Impacts are organized into major topic areas. Each topic area includes a description of the environmental setting, methodology, significance criteria, impacts, mitigation measures, and significance after mitigation.

- **Chapter 4: Effects Found not to be Significant.** This chapter contains analysis of the topical sections and certain individual issues not addressed in Chapter 3.

- **Chapter 5: Other CEQA Considerations.** This chapter provides a summary of significant environmental impacts, including unavoidable and growth-inducing impacts. This chapter discusses the cumulative impacts associated with the proposed Project, including the impacts of past, present, and probable future projects. In addition, the proposed Project's energy demand is discussed.

- **Chapter 6: Alternatives to the Proposed Project.** This chapter compares the impacts of the proposed Project with alternatives. In addition, alternatives initially considered but rejected from further consideration are discussed.

- **Chapter 7: Persons and Organizations Consulted/List of Preparers.** This chapter also contains a full list of persons and organizations that were consulted during the preparation of this Draft EIR. This chapter also contains a full list of the authors who assisted in the preparation of the Draft EIR, by name and affiliation.

- **Appendices.** The Draft EIR appendices include all notices and other procedural documents pertinent to the Draft EIR, as well as all technical material prepared to support the analysis.

Level of Significance

Determining the severity of project impacts is fundamental to achieving the objectives of CEQA. CEQA Guidelines Section 15091 requires that decision makers mitigate, as completely as is feasible, the significant impacts identified in the Draft EIR. If the EIR identifies any significant unmitigated impacts, CEQA Guidelines Section 15093 requires decision makers in approving a project to adopt a statement of overriding considerations that explains why the benefits of the project outweigh the adverse environmental consequences identified in the EIR.

The level of significance for each impact examined in this Draft EIR was determined by considering the predicted magnitude of the impact against the applicable threshold. Thresholds were developed using criteria from the CEQA Guidelines and checklist; State, federal, and local regulatory schemes; local/regional plans and ordinances; accepted practice; consultation with recognized experts; and other professional opinions.

Impact Analysis and Mitigation Measure Format

The format adopted in this Draft EIR to present the evaluation of impacts is described and illustrated below.

Summary Heading of Impact

Impact AES-1:	**An impact summary heading appears immediately preceding the impact description (Summary Heading of Impact in this example). The impact number identifies the section of the report (AES for Aesthetics, Light, and Glare in this example) and the sequential order of the impact (1 in this example) within that section. To the right of the impact number is the impact statement, which identifies the potential impact.**

Impact Analysis

A narrative analysis follows the impact statement. In some cases, the impact discussion will reference State and federal regulations and agency policies that would fully or partially reduce the impact. In addition, policies and programs from applicable local land use plans that partially or fully address impacts may be cited and the proposed Project would be evaluated in the context of these requirements.

Mitigation Measures

Project-specific mitigation measures, beyond requirements contained in other documents or applicable by law, are set off with a summary heading and described using the format presented below:

IMPACT AES-1 Statement of the potentially significant impact.

MM AES-1 Project-specific mitigation is identified that would reduce the impact to the lowest degree feasible. The mitigation number links the particular mitigation to the impact it is associated with (AES-1 in this example); mitigation measures are numbered sequentially.

Level of Significance

This section identifies the resulting level of significance of the impact.

Cumulative Impacts

"Cumulative impacts" refers to two or more individual impacts that, when considered together, are considerable, or that compound or increase other environmental impacts (CEQA Guidelines § 15355). Cumulative impacts can result from individually minor but collectively significant impacts taking place over time (40 Code of Federal Regulations [CFR] 1508.7). If the analysis determines that the potential exists for the proposed Project, taken together with other past, present, and reasonably foreseeable

future projects, to result in a significant or adverse cumulative impact, the analysis then determines whether the proposed Project's incremental contribution to any significant cumulative impact is itself significant (i.e., "cumulatively considerable"). The cumulative impact analysis is guided by the requirements of CEQA Guidelines Section 15130. Key principles established by this section include:

- An EIR shall discuss the cumulative impact of a project only when the project's incremental effect is "cumulatively considerable"– when the proposed Project's impacts are analyzed together with other projects' impacts.
- An EIR should not discuss cumulative impacts that do not result from a proposed Project.
- When the combined cumulative impact from the increment associated with the proposed Project and other projects is not significant, an EIR need only briefly explain why the impact is not significant; detailed explanation is not required.
- The discussion of impact severity and likelihood of occurrence need not be as detailed as for effects attributable to the project alone.
- An EIR may determine that a project's contribution to a cumulative effect impact would be rendered less than cumulatively considerable if a project is required to implement or fund its fair share of mitigation intended to alleviate the cumulative impact.

The cumulative impact analysis relies on these principles as the basis for determining the significance of the proposed Project's cumulative contribution to various impacts.

The cumulative impact analysis for each individual resource topic is presented in each resource section of this chapter immediately after the description of the direct and indirect project-specific impacts and mitigation measures. Table 3-1 lists the cumulative projects considered for the environmental analysis and Figure 3-1 shows locations of cumulative projects. The cumulative analysis for the proposed Project primarily uses the list-based approach per CEQA Guidelines Section 15130(b)(1)(A). This approach is appropriate for the proposed Project due to its size and scale and the localized nature of the proposed Project's environmental effects. The selected list includes nearby projects with overlapping development timelines or environmental footprints and provides a reasonable basis for assessing impacts.

While the cumulative analysis is described below, generally, more detailed discussion of the geographic scope is provided within individual topical sections, where the extent of analysis is further refined based on the specific resource area being evaluated. Generally, a 1.5-mile radius was chosen to generally identify potential cumulative projects because it captures the most likely zone within which other past, present and reasonably foreseeable projects could combine with the proposed Project's environmental effects and as this is the location in which similar aesthetic, biological, land use, public service and public utility elements to the Project site may exist. This distance reflects a standard practice for infill projects in urbanized areas and provides a reasonable extent of geographic influence for cumulative impacts based on the nature and scope of the proposed Project. The geographic scope is further detailed within the Cumulative Analysis section of individual chapters, as applicable to individual resource topics.

Table 3-1: Cumulative Projects

#	Jurisdiction	Project	Characteristics	Location	Distance from Project Site	Quantity	Units	Status
1	City of San José	211-281 River Oaks Parkway Residential (H23-041, T23-028, and ER23-253; 3-04954)	Multi-family Residential	211-281 River Oaks Parkway	0.32 mile	737	Dwelling Units	Approved
2	City of San José	0 Seely Ave Mixed-Use (PDC21-035, PD22-002, PT22-003 and ER21-284)	Mixed-Use	681 East Trimble Road/0 Seely Avenue	0.43 mile	1,480 54,000	Dwelling Units (residential) Square Feet (commercial)	Under Construction
3	City of Milpitas	1851 McCarthy Boulevard (P-SD19-0012)	Commercial (Hotel)	1851 McCarthy Boulevard	0.57 mile	210 115,950	Units (hotel) Square Feet (retail)	Planning Permit Approved
4	City of San José	Baypointe Residential Development (H22-037 and ER22-234)	Multifamily Residential	210 Baypointe Parkway	0.82 mile	292	Dwelling Units	Under Construction
5	City of Santa Clara	3575 De La Cruz Boulevard Residential (PLN22-00518, PRE22-00061, PRE21-00081)	Multifamily Residential	3575 De La Cruz Boulevard	1.00 mile	15	Dwelling Units	Approved
6	City of Milpitas	475 Sycamore Drive (P-SD22-0002)	Light Industrial	475 Sycamore Drive	1.02 miles	293,422	Square Feet	Planning Permit Approved
7	City of San José	Trimble Road Data Centers (CP23-008)	Research and Development	370 West Trimble Road	1.20 miles	630,000	Square Feet	Planning Review

#	Jurisdiction	Project	Characteristics	Location	Distance from Project Site	Quantity	Units	Status
8	City of Milpitas	N/A (P-SD19-0005)	Hotel	521 Alder Drive	1.24 miles	155	Dwelling Units	Planning Permit Approved
9	City of Milpitas	N/A (P-PP21-0007)	Multi-Family Residential	Intersection of South Main Street and Cedar Way	1.48 miles	1,911,902.1	Square Feet	Under Construction

Source:
City of San José. 2026. Public GIS Viewer–Planning Permits. Website: https://gis.sanjoseca.gov/maps/publicgisviewer/. Accessed January 7, 2025.
City of San José. 2026. Proposed Major Development Projects. Website: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/major-development-projects. Accessed January 7, 2026.
City of Milpitas. 2024. Milpitas Planning Projects Pipeline. Website: https://milpitas-gis-milpitas.hub.arcgis.com/apps/24fe9a09abcc4639913968f21309e510/explore. Accessed January 7, 2026.
City of Santa Clara. 2026. City of Santa Clara: Development Projects Map. Website: https://missioncity.maps.arcgis.com/apps/MapTour/index.html?appid=5afdbed13fad458cb6288c46a0bad060#. Accessed January 7, 2026.



Source: ESRI World Imagery. Kier & Wright Civil Engineers and Surveyors, Inc., 08/22/2025.

2,000 1,000 0 2,000
Feet

Figure 3-1
Cumulative Projects Map

THIS PAGE INTENTIONALLY LEFT BLANK

3.1 - Aesthetics, Light, and Glare

3.1.1 - Introduction

This section describes the existing aesthetics, light, and glare setting in the project area, as well as the relevant regulatory framework. This section evaluates the potential impacts related to aesthetics that could result from implementation of the proposed Project. Descriptions and analysis in this section are based on site reconnaissance conducted by FirstCarbon Solutions (FCS), as well as review of the General Plan.

3.1.2 - Environmental Setting

Visual Character

City of San José

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.

Project Site

The Project site is currently developed with 5 two-story office/R&D buildings totaling 422,653 square feet and approximately 47 feet high. Surface parking is available throughout the Project site, along with landscape medians and ornamental landscaping along all site boundaries.

Light and Glare

City of San José

The City is defined under the California Code of Regulations Title 14 Section 15191(m)(1) as an urbanized area, which is an incorporated city that either by itself or in combination with two contiguous incorporated cities has a population of at least 100,000 persons. Because of its urbanized environment, the City has a variety of sources generating illumination, including multi-story office buildings and residential units, streetlights and freestanding light fixtures along roads and in parking lots, and headlights from vehicular traffic throughout the City.

Project Site

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 and surrounding buildings, as well as vehicle headlights and traffic signals. Existing off-site sources of light and glare also include vehicle headlights and traffic signals from vehicles entering and exiting the Project site, as well as vehicles traveling on nearby roadways.

3.1.3 - Regulatory Framework

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 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 (CBC) (California Code of Regulations [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 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.

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. 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.

3.1.4 - Methodology

This analysis provides a discussion of the visual impacts associated with the proposed Project and its potential effect upon the area surrounding the Project site. FCS evaluated potential project impacts on aesthetics, light, and glare through site reconnaissance which took place on on May 30, 2025, and review of applicable plans and policies. The General Plan and Municipal Code were reviewed to determine applicable policies and design requirements (identified in Section 3.1.3, Regulatory Framework) for the proposed Project, and Project plans were reviewed to determine compliance with the requirements of the General Plan and Municipal Code.

3.1.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the CEQA Guidelines Appendix G Environmental Checklist to determine whether impacts to aesthetics are significant environmental effects.

Except as provided in Public Resources Code Section 21099, would the project:

a) Have a substantial adverse effect on a scenic vista. (Refer to Chapter 4, Effects Found not to be Significant)

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway. (Refer to Chapter 4, Effects Found not to be Significant)

c) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

3.1.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed Project and provides mitigation measures where appropriate. Further environmental review determined that impacts pertaining to Scenic Vistas and State Scenic Highways would have no impact and are further discussed in detail in Chapter 4, Effects Found not to be Significant.

Visual Character or Applicable Zoning and Other Regulations

Impact AES-3:	**The proposed Project would not conflict with applicable zoning and other regulations governing scenic quality.**

Impact Analysis

The proposed Project involves the redevelopment of an urban infill site that is currently developed with five two-story office/R&D buildings that range from approximately 40 to 45 feet high.

The City of San José Municipal Code Title 20 (Zoning Code) Chapter 20.50, Part 3, Section 200, includes other development standards for the industrial zoning districts to assist in ensuring scenic quality such as minimum lot area, minimum setbacks, and minimum street frontage. Pursuant to the Zoning Code, the maximum height for the IP zoning district is 50 feet. The proposed buildings would have a maximum height of approximately 47 feet (to top of parapet) and would not exceed the maximum allowed building height. While the proposed buildings would be nominally taller than existing structures, this difference would not be of the scale to notably change the visual setting of the Project site. The proposed height would also be consistent and thus compatible with adjacent existing industrial and commercial uses.

The proposed Project FAR would be approximately 0.42, which does not exceed the maximum allowable FAR of 10. 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. The proposed project would redevelop an existing industrial site with industrial warehouse buildings that are consistent with the scale, height, massing, and character of surrounding industrial and commercial

development, would not exceed the 50-foot height limit for the IP zoning district, and would be subject to the City's design review process, thereby ensuring high-quality architecture and site design consistent with Policies CD-1.1, CD-1.13, CD-1.17, CD-1.18, CD-1.23, and CD-1.24.

Thus, implementation of the proposed Project would conform with existing policies, regulations, and adopted plans governing visual quality; therefore, impacts would be less than significant.

Level of Significance

Less than significant impact.

Light and Glare

Impact AES-4: The proposed Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Construction

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 would cease upon development of the proposed Project.

Operation

The proposed Project would have a significant impact if substantial new sources of light or glare would be generated and would adversely affect nighttime or daytime views 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. City Council Policy 4-3 promotes energy-efficient lighting while reducing light pollution and sky glow. The proposed Project would comply with policy by incorporating the following requirements: no skyward directed light sources would be on-site, and all light sources that produce more than 4,050 lumens would be fully shielded. The proposed Project would not include the use of materials known to cause glare, such as mirrored/reflective glass; instead, the building exteriors would be painted with a non-reflective coating. Lastly, similar light sources already exist both on-site and off-site.

Therefore, the proposed Project would not substantially increase the amount of light and glare compared to existing conditions, and impacts would be less than significant.

Level of Significance

Less than significant impact.

3.1.7 - Cumulative Impacts

The relevant cumulative setting or geographic area for potential cumulative impacts related to aesthetics is the area surrounding the Project site. This analysis includes the foreseeable development projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1: Cumulative Projects, that may have a cumulative impact on aesthetics in addition to the proposed Project.

Visual Character or Applicable Zoning and Other Regulations

The Project site and the surrounding area have been planned to accommodate a range of commercial and industrial uses, as outlined in the General Plan and Zoning Code. The proposed Project is consistent with the General Plan land use designation and zoning for the Project site and would be developed in accordance with applicable zoning and other regulations related to aesthetics.

Cumulative projects would be reviewed for consistency with Municipal Code and zoning regulations and standards, pertaining to scenic quality, lighting, and glare. Because the cumulative projects listed would adhere to applicable regulations, the cumulative projects would have a less than significant impact on applicable zoning and other regulations. Therefore, cumulative development, when combined with the proposed Project, would not result in a cumulatively considerable impact on conflicting with applicable zoning or regulations governing scenic quality and would be less than significant.

Light and Glare

The past, present, and reasonably foreseeable developments near the Project site have contributed to—and will continue to contribute to—ambient light and glare in the project vicinity.

The proposed Project would introduce new stationary and mobile light sources typical of industrial development; however, these sources would be comparable in type, intensity, and distribution to existing light sources on the Project site and in the surrounding area. The proposed Project would be required to comply with applicable City regulations governing outdoor lighting, relevant Municipal Code provisions, and the California Building Energy Efficiency Standards, which limit light spillover, require shielding and cutoff fixtures, and reduce unnecessary nighttime illumination.

While cumulative projects would generate new stationary and mobile sources of light and glare during operations, all cumulative projects would be subject to the same regulatory standards in the CBC, Title 24, Part 6 of the California Code of Regulations Building Energy Efficiency Standards regulating lighting characteristics, and Zoning Ordinance Section 20.40.530 to prevent spill light onto adjacent properties.

Therefore, the proposed Project, in conjunction with other past, present, and reasonably foreseeable projects in the applicable geographic area, would not have a cumulatively significant impact related to light and glare.

Level of Cumulative Significance

Less than significant impact.

THIS PAGE INTENTIONALLY LEFT BLANK

3.2 - Air Quality

3.2.1 - Introduction

This section describes existing air quality setting regionally and locally as well as the relevant regulatory framework. This section then evaluates the possible impacts related to air quality that could result from implementation of the proposed Project. Information included in this section is based on project-specific air quality modeling results as described in the Methodology section below. Additional details are provided in Appendix B1.

3.2.2 - Existing Setting

Regional Air Basin Overview–San Francisco Bay Area

The Project site is within the San Francisco Bay Area Air Basin (SFBAAB), which covers Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, and parts of Solano and Sonoma counties and is under the Bay Area Air Quality Management District's (Bay Area Air District) jurisdiction. The SFBAAB is bordered by the Pacific Ocean to the west and surrounded by coastal and inland mountain ranges that influence local airflow and pollutant dispersion.

The region has a Mediterranean climate with mild, wet winters and warm, dry summers. Prevailing westerly and northwesterly winds, driven by marine influences, generally help disperse pollutants inland. In summer and early fall, high temperatures and sunlight promote ozone formation, and occasional inversions can trap this pollution near the surface, particularly in inland valleys. In winter, strong temperature inversions are more frequent, limiting vertical air mixing and allowing fine particulate matter ($PM_{2.5}$) from wood-burning, traffic, and other sources to accumulate. Topography and seasonal weather create distinct microclimates; coastal areas benefit from stronger ventilation, while sheltered interior areas are more prone to pollutant buildup.

Air Pollutants and Health Effects

Criteria Air Pollutants

Criteria pollutants are a group of common air pollutants identified by the United States Environmental Protection Agency (EPA) and the California Air Resources Board (ARB) based on their widespread presence and potential to harm public health and the environment. These include ozone (O_3), particulate matter (PM_{10} and $PM_{2.5}$), nitrogen dioxide (NO_2), carbon monoxide (CO), sulfur dioxide (SO_2), and lead. Unlike the other criteria pollutants, ozone is not directly emitted but is formed secondarily in the atmosphere through photochemical reactions involving nitrogen oxides (NO_X) and reactive organic gases (ROG) in the presence of sunlight. Criteria air pollutants primarily originate from combustion processes, such as vehicle and equipment exhaust, industrial activities, and natural sources like wildfires.

Scientific evidence has linked exposure to these criteria air pollutants with significant health effects, especially in sensitive populations such as children, the elderly, and individuals with preexisting respiratory or cardiovascular conditions. Ozone and particulate matter are particularly harmful, as they can trigger asthma attacks, reduce lung function, and increase the risk of heart and lung disease. Carbon monoxide can impair oxygen delivery in the body, leading to dizziness, fatigue, and in severe cases, death. Nitrogen dioxide and sulfur dioxide can irritate the respiratory system and worsen conditions like bronchitis and asthma with prolonged exposure. Overall, epidemiological and toxicological studies show that exposure to criteria air pollutants can cause or worsen respiratory and cardiovascular disease, impair lung development in children, and increase the risk of premature death.

Toxic Air Contaminants

Toxic air contaminants (TACs) are pollutants known or suspected to cause serious health effects, including cancer and neurological damage, even at low exposure levels. TACs encompass a wide variety of chemicals, such as diesel particulate matter, benzene, and formaldehyde, that come from specific industrial processes, vehicle emissions, solvent use, and other sources.

Exposure to TACs has been linked through epidemiological and toxicological studies to increased lifetime cancer risk, respiratory irritation, and developmental impacts. Unlike criteria pollutants, TACs have no ambient air quality standards; instead, the ARB and local air districts implement control measures and permitting programs to reduce emissions and minimize public exposure. While criteria pollutants are regulated with established ambient air quality standards to protect public health broadly, TACs are managed through targeted risk assessments and control measures focused on reducing exposure to the most harmful pollutants.

Regional Sources of Air Pollution

Air pollution from criteria air pollutants and TACs arises from a combination of sources in the SFBAAB. Mobile sources, including on-road vehicles and off-road equipment, generate significant emissions of NO_X, ROG, CO, and particulate matter. Diesel particulate matter (DPM)—the primary TAC in the SFBAAB—is emitted from diesel engines, including trucks and off-road equipment. Mobile sources are the largest contributors to ozone precursors and localized air pollution in the SFBAAB. Stationary sources, such as industrial facilities, refineries, power plants, and manufacturing operations, emit criteria pollutants and TACs. Although emissions from these sources have declined over time due to regulatory controls, they remain important contributors, especially to localized TACs. Area sources are smaller, dispersed sources, such as residential wood-burning, architectural coatings, and consumer products contribute to regional pollutant levels. Natural sources are vegetation and wildfires, which also intermittently contribute to particulate matter and ozone precursor emissions, especially during dry, warm conditions.

Local Sources of Air Pollution

Local sources of air pollution (within 1,000 feet of the Project site boundaries) are existing sources of criteria air pollutants and TACs. Sources include on-road vehicles traversing the surrounding roadway network including Montague Expressway, Zanker Road, and West Plumeria Drive, as well as

stationary sources from nearby commercial and industrial facilities. The stationary sources are primarily backup diesel generators at commercial establishments; however, there are light industrial uses nearby as well, including machine manufacturing and semiconductor manufacturing.

Air Quality in the San Francisco Bay Area Air Basin

Air Monitoring

To assess air pollution levels and overall air quality in the SFBAAB, the Bay Area Air District operates an extensive network of ambient air quality monitoring stations distributed across the nine-county region. The monitoring network plays a critical role in measuring ambient air pollutant levels and tracking trends. These data support the development of air quality management strategies. The stations continuously measure concentrations of key pollutants, including:

- O_3
- PM_{10} and $PM_{2.5}$
- NO_2
- CO
- SO_2

Data from these stations are collected, validated, and reported on an ongoing basis to provide a comprehensive understanding of air quality. The network employs standardized measurement techniques and adheres to protocols set by the ARB and the EPA to ensure accuracy and comparability of data.

The air monitoring station closest to the proposed Project is located at 158B Jackson Street in San José, approximately four miles southwest of the Project site. Ambient monitoring data showing the maximum concentrations along with the number of days the measurements exceeded the California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS) are summarized below in Table 3.2-1.

Table 3.2-1: Local Air Monitoring Data (2022–2024)

Air Pollutant	Averaging Time	Item	2022	2023	2024
Ozone (O_3)[1]	1-hour	Max 1 Hour (ppm)	0.09	0.087	0.04
		Days > State Standard (0.09 ppm)	0	0	0
	8-hour	Max 8 Hour (ppm)	0.074	0.068	0.035
		Days > Standard (0.070 ppm)	1	0	0
Nitrogen Dioxide (NO_2)[1]	Annual	Annual Average (ppm)	0.009	0.009	*
	1-hour	Max 1 Hour (ppm)	0.0468	0.0587	0.0378
		Days > State Standard (0.18 ppm)	0	0	0

Air Pollutant	Averaging Time	Item	2022	2023	2024
Coarse Particulate Matter (PM_{10})[2]	Annual	National Annual Average ($\mu g/m^3$)	20.5	*	*
	24-hour	Highest State 24 Hour ($\mu g/m^3$)	**41.1**	*	*
		Days > State Standard (50 $\mu g/m^3$)	**0**	0	**1**
		Days > National Standard (150 $\mu g/m^3$)	0	0	0
Fine Particulate Matter ($PM_{2.5}$)[1]	Annual	State Annual Average (12 $\mu g/m^3$)	**10.2**	8.2	8
	24-hour	Highest Daily 24 Hour ($\mu g/m^3$)	36.2	49	**39.7**
		Days > National Standard (35 $\mu g/m^3$)	2	1	**1**

Notes:
> = exceed
$\mu g/m^3$ = micrograms per cubic meter
Bold = exceedance
max = maximum
National Standard = National Ambient Air Quality Standard (NAAQS)
"*" = no data
ppm = parts per million
State Standard = California Ambient Air Quality Standard (CAAQS)

[1] Data is extracted from station at intersection of 158B Jackson Street, San José, approximately four miles southwest of the Project site.

[2] In February 2024, the United States Environmental Protection Agency (EPA) announced the agency's proposed rule change of reducing the primary annual $PM_{2.5}$ NAAQS from 12 $\mu g/m^3$ to 9 $\mu g/m^3$. Meanwhile, the monitoring data available before year 2024 would be compared with the previous standard of 12 $\mu g/m^3$.

Source: California Air Resources Board (ARB). Top Four Summary. Website: https://www.arb.ca.gov/adam/topfour/topfour1.php. Accessed October 15, 2025.

Analysis of recent data (typically the past three to five years) from across Bay Area Air District's entire monitoring network indicates:

- **Ozone**: The SFBAAB frequently experiences exceedances of both State and federal 8-hour ozone standards, especially during summer months when photochemical reactions peak. Ozone remains a key pollutant of concern in the region.
- **Particulate Matter**: Occasional exceedances of PM standards occur, often linked to wildfire smoke, construction activity, and atmospheric conditions limiting dispersion. $PM_{2.5}$ levels are closely monitored due to their health impacts.
- **Nitrogen Dioxide, Carbon Monoxide, and Sulfur Dioxide**: Concentrations of these pollutants have generally remained below State and federal standards in recent years, reflecting effective emission control programs.

Table 3.2-2 summarizes the applicable California and federal ambient air quality standards for criteria pollutants, their averaging times, and the SFBAAB's attainment status with respect to each standard. Because of periodic exceedances of ozone and particulate matter standards, the SFBAAB is designated as a **nonattainment** area under both California and federal Clean Air Act requirements (described in greater detail under Regulatory Context).

Table 3.2-2: State and National Criteria Pollutant Standards and SFBAAB Attainment

Pollutant	Averaging Time	California Standards		National Standards	
Ozone (O_3)	1-hour	0.09 ppm	Nonattainment	—	See footnote [1]
	8-hour	0.070 ppm	Nonattainment	0.070 ppm	Nonattainment
Particulate Matter (PM_{10})	AAM	20 µg/m^3	Nonattainment	—	—
	24-hour	50 µg/m^3	Nonattainment	150 µg/m^3	Unclassified
Fine Particulate Matter ($PM_{2.5}$)	AAM	12 µg/m^3	Nonattainment	9.0 µg/m^3	Unclassified
	24-hour	—	—	35 µg/m^3	Nonattainment
Carbon Monoxide (CO)	1-hour	20 ppm	Attainment	35 ppm	Attainment
	8-hour	9.0 ppm	Attainment	9 ppm	Attainment
Nitrogen Dioxide (NO_2)	AAM	0.030 ppm	Attainment	0.053 ppm	Attainment
	1-hour	0.18 ppm	Attainment	0.100 ppm	See footnote [2]
Sulfur Dioxide (SO_2)	AAM	—	—	0.030 ppm	See footnote [3]
	24-hour	0.04 ppm	Attainment	—	—
	1-hour	0.25 ppm	Attainment	0.075 ppm	See footnote [3]
Lead	30-day average	1.5 µg/m^3	Attainment	—	—
	Calendar quarter	—	—	1.5 µg/m^3	Attainment
	Rolling 3month average	—	—	0.15 µg/m^3	See footnote [4]
Sulfates	24-hour	25 µg/m^3	Attainment	No Federal Standards	
Hydrogen Sulfide	1-hour	0.03 ppm (42 µg/m^3)	Unclassified		
Vinyl Chloride	24-hour	0.01 ppm (42 µg/m^3)	No information available		
Visibility-Reducing Particle Matter	8-hour	See footnote [5]	Unclassified		

Notes:
µg/m^3 = micrograms per cubic meter
AAM = annual arithmetic mean
ppm = parts per million

Pollutant	Averaging Time	California Standards	National Standards

[1] The national one-hour ozone standard was revoked by United States Environmental Protection Agency (EPA) on June 15, 2005.
[2] To attain this standard, the three-year average of the 98th percentile of the daily maximum one-hour average at each monitor within an area must not exceed 0.1 ppm (effective January 22, 2010).
[3] On June 2, 2010, the EPA established a new one-hour SO_2 standard, effective August 23, 2010, which is based on the three-year average of the annual 99th percentile of one-hour daily maximum concentrations. The existing 0.03 ppm annual and 0.14 ppm 24-hour SO_2 National Ambient Air Quality Standards (NAAQS), however, must continue to be used until one year following EPA initial designations of the new one-hour SO_2 NAAQS.
[4] National lead standard, rolling three-month average: final rule signed October 15, 2008. Final designations effective December 31, 2011.
[5] Statewide Visibility-Reducing Particles Standard (except Lake Tahoe Air Basin): Particles in sufficient amount to produce an extinction coefficient of 0.23 per kilometer when the relative humidity is less than 70 percent. This standard is intended to limit the frequency and severity of visibility impairment due to regional haze and is equivalent to a 10-mile nominal visual range.

Source: Bay Area Air Quality Management District (Bay Area Air District). Air Quality Standards and Attainment Status. Website: https://www.baaqmd.gov/about-air-quality/research-and-data/air-quality-standards-and-attainment-status#fourteen. Accessed January 5, 2026.

Sensitive Receptors

The Bay Area Air District defines sensitive receptors as facilities or land uses that include those members of the population who are particularly sensitive to the effects of air pollutants, including children, elderly people, and people with preexisting serious health problems. Examples include land uses such as schools, daycare facilities, nursing homes, hospitals, and residential areas. Land uses such as schools, day care centers, hospitals, and nursing homes are considered sensitive to poor air quality because the population groups associated with these uses have increased susceptibility to respiratory distress. Residential uses are considered sensitive because these individuals could be present there and are often at home for extended periods of time, so they can be exposed to pollutants in the area for long periods.

Sensitive receptors located within 1,000 feet of the project site include residences to the north across Montague Expressway; workers located to the north across Montague Expressway and to the south and southwest; and the HeadsUp Montessori Preschool (also known as the Emerson Montessori School) to the south of the project site.

3.2.3 - Regulatory Context

As outlined above, a variety of emission sources contribute to the formation of air pollution from criteria air pollutants and TACs. Exposure to these pollutants is linked by extensive scientific evidence to respiratory and cardiovascular disease, cancer risk, developmental impacts, and premature mortality, particularly among sensitive populations. To address these risks and reduce air pollution, air quality is regulated at the federal, State, regional and local levels, as described below.

Federal

United States Environmental Protection Agency

At the federal level, air quality is primarily governed by the Clean Air Act (CAA), originally enacted in 1970 and most recently amended in 1990. The EPA is responsible for implementing the CAA and establishing NAAQS for the six criteria pollutants described above. These standards are designed to protect public health and the environment and are used to determine whether geographic areas are in attainment or nonattainment for each pollutant.

Local land use projects are indirectly regulated under the federal framework through State Implementation Plans (SIPs), which outline how each state will achieve and maintain compliance with NAAQS. Local air districts, such as the Bay Area Air District, enforce SIP-approved rules and regulations affecting construction, transportation, and stationary sources.

While the CAA does not directly regulate land development, federal air quality goals influence indirect source review, general conformity requirements, and transportation planning, particularly in nonattainment areas. For large projects, particularly those receiving federal funding or permits, the General Conformity Rule may apply, requiring a demonstration that the project will not interfere with a state's plan to meet federal air quality standards. Additionally, Title V of the CAA establishes permitting requirements for major stationary sources of air pollution. Most local land use development projects do not reach this threshold unless they involve large industrial components.

State

California Air Resources Board

The ARB, part of the California Environmental Protection Agency (Cal/EPA), is the primary agency responsible for air quality regulation in California. The ARB oversees the implementation of the SIP, enforces both federal and State air quality laws, and regulates emissions from mobile and stationary sources, including motor vehicles and fuels sold in California.

Criteria Air Pollutants

ARB establishes CAAQS, which cover the same criteria pollutants as the federal NAAQS, and include additional pollutants such as sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particulates. In most cases, CAAQS are more stringent than the federal standards and are legally enforceable under the California Clean Air Act (CCAA). ARB implements programs to reduce criteria pollutant emissions from mobile sources through fuel regulations, emission standards, and clean vehicle mandates that indirectly reduce air quality impacts from land use development. These regulations often have the co-benefit of reducing TAC emissions as well as greenhouse gas (GHG) emissions.

Title V Operating Permit Program

In accordance with the federal CAA, Title V permits are required for major stationary sources. The Bay Area Air District region is currently designated nonattainment for several pollutants, including national and State ozone standards and State and national $PM_{2.5}$ and PM_{10} standards. Because the

SFBAAB is classified as nonattainment for ozone under both the State and federal standards and is designated marginal nonattainment for the federal 8-hour ozone NAAQS, the major-source threshold for VOCs and NO_X remains lower than in attainment areas. It is subject to more stringent permitting thresholds applicable to nonattainment areas, including enhanced monitoring, compliance demonstrations, public participation, and recordkeeping requirements for Title V facilities.

Toxic Air Contaminants

TACs have no ambient air quality standards and are evaluated based on health risk thresholds (e.g., cancer risk of 10 in 1 million).

Tanner Air Toxics Act

The Tanner Act (1983) authorized the ARB to identify and control TACs in California. Once identified, ARB developed (and continues to develop) Airborne Toxic Control Measures (ATCMs), which are described below, to reduce public exposure.

Air Toxics "Hot Spots" Program (Assembly Bill 2588)

Enacted in 1987, AB 2588 requires certain facilities to report emissions of TACs, perform Health Risk Assessments (HRAs), notify the public if significant health risks are identified, and reduce emissions if necessary.

Key Airborne Toxic Control Measures

ARB has adopted several ATCMs that apply to land use and construction-related activities:

- **Diesel Idling Restrictions:** Limits idling of diesel vehicles over 10,000 pounds to 5 minutes.
- **Stationary Compression Ignition Engine ATCM:** Requires Best Available Control Technology (BACT) and operational limits for stationary diesel engines.
- **In-use Off-road Diesel Vehicle Regulation:** Targets diesel-fueled off-road fleets (e.g., bulldozers, excavators, cranes) by requiring fleet modernization and emissions reductions. Amendments adopted in 2022 ban older high-emitting vehicles from fleets and include additional opportunities to encourage and incentivize zero-emission adoption where feasible.

Assembly Bill 98 (2024) and Senate Bill 415 (2025)

AB 98, signed into law in September 2024, established California's first comprehensive statewide design and operational standards for new and expanded logistics developments, including warehouses and distribution centers. In response to implementation challenges, SB 415 was adopted in 2025 to clarify and refine AB 98's provisions. Key requirements for logistics projects include the installation of energy-saving features such as solar panels and electric vehicle charging stations (EVCSs), a mandated transition to zero-emission forklifts by 2030, and mandatory setbacks for loading bays, especially when located within 900 feet of sensitive receptors like homes, schools, and hospitals. SB 415 also affirms that screening walls, landscape buffers, and tree planting are baseline, non-waivable mitigation measures. In addition, the laws require cities and counties to update their general plan circulation elements by 2028 to identify and designate truck routes that minimize impacts

on nearby communities. These laws are part of the State's broader effort to reduce emissions, address environmental justice concerns, and improve public health in communities disproportionately impacted by freight activity. The requirements do not apply to existing logistics facilities or to projects that had completed the local entitlement process prior to September 30, 2024, nor do the requirements apply to logistics facilities smaller than 100,000 square feet.

As stated in Chapter 2, Project Description, the proposed Project's end use could be R&D, industrial/manufacturing, or warehouse/distribution. If the final use of the proposed Project is a warehouse/distribution use, it would be required to comply with the requirements of AB 98.

Community Air Protection Program (AB 617)

AB 617 targets reductions of air pollution in disadvantaged communities. It requires community air monitoring programs; emission reduction plans; and enhanced enforcement of air quality regulations.

While the proposed Project is not located within an AB 617-identified community, the legislation reflects California's focus on cumulative exposure and environmental justice.

ARB Air Quality and Land Use Handbook (2005)

This ARB guidance document provides recommended buffer distances between sensitive land uses (e.g., schools, homes) and sources of TACs, such as freeways and industrial facilities. Although not regulatory, it is widely used in CEQA practice to inform land use planning and the need for HRAs.

Regional

Bay Area Air District

The Bay Area Air District is the local air district responsible for regulating air pollution within the nine-county SFBAAB, including both stationary source permitting and CEQA guidance for local agencies and project applicants. The Bay Area Air District implements federal and State air quality laws and adopts regional air quality plans, such as the 2017 Clean Air Plan, to demonstrate compliance with SIP requirements.

CEQA Thresholds and Guidance

For CEQA and land use development projects, the Bay Area Air District provides a critical regulatory and technical framework, most notably through its 2022 CEQA Air Quality Guidelines. These guidelines establish thresholds of significance for criteria air pollutants, ozone precursors, and TACs. The thresholds of significance are supported by substantial evidence and were adopted by the Bay Area Air District's Board of Directors.

Bay Area Air District Rules and Regulations

The following regulations would be applicable to the proposed Project:[1]

[1] Bay Area Air Quality Management District (Bay Area Air District). Current Rules. Website: https://www.baaqmd.gov/en/rules-and-compliance/current-rules. Accessed November 25, 2025.

- **Regulation 2, Rule 1; Regulation 2, Rule 2; and Regulation 2, Rule 5–General Permit Requirements, New Source Review, and New Source Review of Toxic Air Contaminants:** Under these rules, all stationary sources that have the potential to emit TACs above a certain level are required to obtain permits. These rules provide guidance for the review of new and modified stationary sources of TAC emissions, including evaluation of health risks and potential mitigation measures. As of December 2024, the Bay Area Air District requires that all new or replacement emergency standby diesel engines greater than or equal to 50 brake horsepower meet EPA Tier 4 emission standards for NO_X, CO, precursor organic compounds, and PM.[2,3] However, these apply only to non-direct drive fire pumps as BACT for direct-drive fire pumps remains Tier 3.
- **Regulation 6, Rule 1–Particulate Matter and Visible Emissions:** Limits visible emissions and fugitive dust from construction activities. Projects are required to Implement Best Management Practices (BMPs) such as water application, wind fencing, and covering of haul trucks to control dust.
- **Regulation 6, Rule 5–Fugitive Dust Emissions from Construction or Demolition**: Controls fugitive dust emissions generated during construction, demolition, and related activities within the Bay Area Air District. Any construction or demolition activity that disturbs soil, generates dust, or moves material, including excavation, grading, site clearing, and demolition, must comply and implement Best Available Control Measures (BACM) to reduce dust emissions.
- **Regulation 6, Rule 6–Prohibition of Trackout**: Limits the quantity of PM in the atmosphere through control of trackout of solid materials onto paved public roads outside the boundaries of large construction sites.
- **Regulation 8, Rule 3–Architectural Coatings:** Limits the quantity of volatile organic compounds in architectural coating supplied, sold, offered for sale, applied, solicited for application, or manufactured within the Bay Area Air District jurisdiction.
- **Regulation 9, Rule 8–Nitrogen Oxides and Carbon Monoxide from Stationary Internal Combustion Engines:** Regulates emissions of NO_X and CO from stationary internal combustion engines and limits the hours of operation for emergency standby engines.
- **Regulation 11, Rule 2–Asbestos Demolition, Renovation and Manufacturing**: Aims to control emissions of asbestos to the atmosphere during demolition, renovation, milling, and manufacturing and establishes appropriate waste disposal procedures.

Permitting Requirements

If a project includes stationary sources such as diesel generators, boilers or water heaters above certain thresholds, or fuel storage tanks, it may require an Authority to Construct and Permit to

[2] Bay Area Air Quality Management District (Bay Area Air District). Current Rules. Website: https://www.baaqmd.gov/permits/permitting-manuals/bact-tbact-workbook. Accessed January 7, 2026.

[3] Bay Area Air Quality Management District (Bay Area Air District). IC Engine – Compression Ignition, Emergency >50 hp and <1000 hp. https://www.baaqmd.gov/~/media/files/engineering/bact-tbact-workshop/combustion/96-1-3.pdf. Accessed January 7, 2026.

Operate from the Bay Area Air District under Regulation 2 and compliance with applicable Best Available Control Technology. The proposed Project is anticipated to include a direct-drive diesel fire pump in each building. A diesel fire pump is a fire protection pump powered by a diesel engine, designed to deliver high-pressure water (or foam) to firefighting systems; direct-drive diesel fire pumps are often installed in areas where electricity is unavailable or unreliable so that in an emergency the operation does not rely on electrical power. The diesel engine component of each fire pump would be subject to Bay Area Air District permit requirements as described above.

Community Risk and Sensitive Receptors

The Bay Area Air District maintains Community Air Risk Evaluation maps and supports the goals of AB 617, identifying communities with elevated exposure to TACs and cumulative air pollution. Projects located in or near these areas may be subject to more stringent review, particularly for diesel emissions and exposure to sensitive receptors such as schools, residences, and healthcare facilities. The proposed Project is not located within an AB 617 community.

Local

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, adopted on November 1, 2011, and amended on March 16, 2020, lays out 12 interrelated, mutually supportive major strategies that provide a basis for the City's vision for future development. The strategies relate to economic development through job creation, providing more housing so that people who work in San José will also reside there, and developing Downtown as a social and cultural center. The General Plan also describes five major strategies directly related to air quality.[4]

The Environmental Sustainability chapter of the General Plan contains the following goals and policies regarding air quality that are applicable to the proposed Project.

GOAL MS-10	Air Pollutant Emission Reduction. Minimize air pollutant emissions from new and existing developments.
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 emission reduction measures.

[4] City of San José. 2024. Envision San José 2040, General Plan. October 24.

Policy MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
Policy MS-10.5	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-10.7	Encourage regional and statewide air pollutant emission reduction through energy conservation to improve air quality.
GOAL MS-11	Toxic Air Contaminants. Minimize exposure of people to air pollution and toxic air contaminants such as ozone, carbon monoxide, lead, and particulate matter.
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.
GOAL MS-12	Objectionable Odors. Minimize and avoid exposure of residents to objectionable odors.
GOAL MS-13	Construction Air Emissions. Minimize air pollutant emissions during demolition and construction activities.
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At 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 2040 Municipal Code

Components of Chapter 17.84.220, Green Building Compliance Requirements, of the City of San José Municipal Code that are applicable to the proposed Project include:

A. No building permit shall be issued for a tier one project unless the application for the building permit contains a completed GreenPoint Rated Checklist or Leadership in Energy and Environmental Design (LEED®) Checklist.

B. All tier two commercial industrial projects for which this chapter is applicable must receive the minimum green building certification of LEED® Silver and tier two residential projects shall receive the minimum green building certification of LEED® Certified or GreenPoint Rated.

These green building requirements are further regulated through the City's Reach Code, which is a building code that is more advanced than required by the State. The Reach Code encourages building electrification and energy efficiency, requires solar readiness on nonresidential buildings, and requires EV readiness and installation of EV equipment.[5]

As of October 2019, Chapter 24 (24.10.200) of the City's Municipal Code requires that for all nonresidential buildings, 10 percent of total parking spaces shall be EV supply equipment spaces and an additional 40 percent shall be EV Capable spaces. The new requirements are designed to accelerate the installation of vehicle chargers to address demand. The replacement of gasoline and diesel vehicles with electric vehicles will reduce criteria air pollutant emissions associated with traditional vehicle fuel combustion.

On December 1, 2020, City Council approved an updated ordinance prohibiting natural gas infrastructure in all new construction in San José, starting on August 1, 2021. Accordingly, the proposed Project would be an all-electric development with no natural gas infrastructure.

3.2.4 - Methodology

This section describes the methodologies used in the impact analyses relating to air quality, GHG emissions, and energy use for the proposed Project. The methodologies follow the guidance and recommendation of the Bay Area Air District, ARB, EPA, and the Office of Environmental Health Hazard Assessment (OEHHA).

[5] City of San José. 2025. San José Reach Code. Website: https://www.sanjoseca.gov/your-government/departments-offices/energy/climate-smart-san-jose/san-jos-reach-code. Accessed November 26, 2025.

Criteria Pollutants Assessed

Because of the SFBAAB's nonattainment status for particulate matter and ozone, the following criteria air pollutants are assessed in this analysis:

- ROG (ozone precursor)
- NO_X (ozone precursor)
- PM_{10}
- $PM_{2.5}$
- CO

The proposed Project would emit ozone precursors (ROG and NO_X). As discussed above, ozone is not directly emitted; however, it is formed in the atmosphere during the photochemical reaction of these precursors. While the SFBAAB is in attainment for CO, the Bay Area Air District recommends considering CO during the environmental review process due to the potential for elevated localized concentrations of CO (also known as hot spots) which can pose localized health risks.

Both the regional and the localized emissions of $PM_{2.5}$ and PM_{10} are analyzed and discussed.

Toxic Air Contaminants Assessed

The following TACs are assessed in this analysis:

- DPM
- $PM_{2.5}$

DPM is the most significant TAC in the SFBAAB, accounting for roughly 85 percent of the cancer risk from air toxics in the region.

Model Selection

California Emission Estimator Model

California Emission Estimator Model (CalEEMod) Version 2022.1.1 was used to calculate criteria air pollutants (including ozone precursors), TACs, and GHG emissions from construction and operational activities from all facets of the proposed Project. CalEEMod provides a uniform platform for government agencies, land use planners, and environmental professionals to calculate emissions from land use development and linear projects in California. Use of CalEEMod is recommended by the Bay Area Air District.

CalEEMod provides default values for estimating construction and operational emissions based on land use type, site and building size. These defaults were utilized in the analysis unless indicated otherwise. Modifications or off-model calculations were made to the analysis, as described below. The CalEEMod output, included in Appendix B1, includes notes as well as references to additional calculations.

EMFAC 2021-Project Level

EMFAC 2021 Project Level refers to a mode within ARB's Emission Factors (EMFAC) model that calculates localized, project-specific vehicle emissions rather than regional averages. It is designed for detailed air quality analysis of transportation or development projects.

EMFAC Project Level was used to supplement emissions estimates from CalEEMod to determine project-specific truck emissions for operations, including vehicle emission factors on a localized project level basis, such as idling emission rates specific to Santa Clara County for each truck type as well as emission rates at specific ranges of lower speeds representative of maneuvering, on-site, and local travel. The EMFAC Project Level truck emission factors were used to develop emission rates for the operational HRA, as further discussed below.

American Meteorological Society/Environmental Protection Agency Regulatory Model

The American Meteorological Society/EPA Regulatory Model (AERMOD) is a steady-state air dispersion model developed by the American Meteorological Society/EPA Regulatory Model Improvement Committee for predicting how air pollutants disperse in the atmosphere and is the preferred EPA-approved air dispersion model and is recommended for use by the Bay Area Air District.

AERMOD Version 24142 was used to estimate concentrations of air pollutants at sensitive receptor locations from the proposed Project's construction and operation diesel PM_{10} exhaust emissions. The construction emissions are from diesel-fueled off-road construction equipment, on-road medium heavy-duty, and heavy heavy-duty diesel vendor and haul trucks. Project-specific AERMOD output reports as well as inputs such as terrain elevations, meteorological data, receptor grid, and sources of emissions are described in Appendix B.

Hot Spots Analysis and Reporting Program Version 2

Hot Spots Analysis and Reporting Program Version 2 (HARP2) is a software system developed by the ARB to support the preparation of HRAs. HARP2 was used to calculate cancer risks associated with construction and operation of the proposed Project. It is the recommended tool under AB 2588 for conducting HRAs and is widely accepted for use in CEQA analyses. HARP2 follows the OEHHA guidance methodology and provides a standardized framework for calculating and presenting health risk results, including cancer risk, chronic and acute hazard indices, and spatial exposure modeling.

The analysis used the Air Dispersion Modeling and Risk Tool and the Risk Assessment Stand-alone Tool version of the HARP release dated April 28, 2022. Project-specific HARP2 inputs and outputs are available in Appendix B.

Modeling Parameters and Assumptions

Regional Criteria Pollutant Emissions

Construction Emissions

Calculated construction emissions are shown in the CalEEMod reports included in Appendix B1.The calculations of pollutant emissions from the construction equipment account for the type of equipment, horsepower and load factors of the equipment, and the duration of equipment use, which are available in Appendix B. Off-road equipment was modeled using the "Average" option, which uses Statewide average fleetwide emission factors from ARB's OFFROAD2017 model for the Project construction year.[6]

Construction Schedule

For purposes of this analysis, construction activities are anticipated to begin in July 2026 and would last approximately 18 months, ending in January 2028. Buildout of the proposed Project would occur in one phase beginning with demolition, site preparation, and grading, followed by building construction. It was assumed that paving and architectural coating would occur concurrently with building construction. Although it does not form the basis of the evaluation or conclusion in this document, it is reasonable to assume that future improvements in technology would be incorporated into regulatory requirements related to equipment and fuels. Accordingly, should the construction schedule move to later years or take longer, construction emissions would be expected to decrease because of mandatory compliance with improvements in technology and more stringent regulatory requirements that would affect future construction equipment and fuels. Therefore, this analysis represents a worst-case, conservative approach. A detailed construction schedule is available in Appendix B.

Construction Activities

Demolition

Demolition activities would include demolition of the existing buildings (totaling 422,635 square feet) and existing pavement and hardscape (totaling 529,545 square feet), which would result in 39,424 cubic yards of demolition debris.

Site Preparation and Grading

Site preparation and grading activities were assumed to occur across the 23.75-acre Project site following demolition. Site preparation would be followed by grading. Site preparation activities would include vegetation clearing (including the removal of 222 trees), removal of debris, and minor earthmoving. The removal of the trees was estimated to result in an additional 12 one-way vendor trips per day during the site preparation phase. Grading activities include soil compaction, trenching, and excavation. There would be no soil import or export.

[6] California Air Pollution Control Officers Association (CAPCOA), 2022. California Emission Estimator Model (CalEEMod): Appendix C Emission Calculation Details for CalEEMod. April.

Building Construction and Off-site Improvements

Building construction would include the construction of the three warehouse buildings totaling 437,601 square feet and associated hardscape and parking areas. Off-site improvements would include the construction of Class IV bicycle lanes as well as sidewalk reconstruction along the Project site frontage on Junction Avenue and Zanker Road. The northern sidewalk and curb cut at the intersection of Junction Avenue and East Plumeria Drive would also be reconstructed.

Architectural Coating and Paving

Architectural coating activities represent the application of paints, primers, sealants, and other surface coatings to building interiors and exteriors.

Paving activities include the installation of asphalt for roads, parking lots, and other paved surfaces on 9.4 acres of the Project site. For the purposes of a conservative analysis, it was assumed that the entirety (one acre) of the off-site improvements would be asphalt paved.

Operational Emissions

Operational activities associated with the proposed Project would result in emissions of criteria pollutants and GHGs were quantified and estimated using CalEEMod Version 2022.1 for the operational scenario for the proposed Project. Calculated construction emissions are shown in the CalEEMod reports included in Appendix B1. Operational emissions are expected to occur from the following sources:

- Area Sources
- Energy Sources
- Mobile Sources
- Stationary Sources

Area Sources

Architectural Coatings

Area source emissions include occasional architectural coating activities for repainting of buildings or parking lots associated with the proposed Project. These activities produce emissions resulting from the evaporation of solvents contained in paints, varnishes, primers, and other surface coatings. The analysis utilized CalEEMod default assumptions based on the proposed Project's characteristics, including its land use and size.

Consumer Products

Other area source emissions include consumer products such as (but not limited to) detergents, cleaning compounds, polishes, personal care products, and lawn and garden products. Many of these products contain organic compounds when released in the atmosphere and can react to form ozone and other photochemically reactive pollutants. The analysis utilized CalEEMod default assumptions based on the proposed Project's characteristics, including its land use and size.

Landscape Maintenance Equipment

Landscape maintenance equipment would generate emissions from fuel combustion and evaporation of unburned fuel. Equipment in this category would include lawnmowers, grinders, trimmers, and chain saws used to maintain the landscaping of the proposed Project. CalEEMod emissions are based on OFFROAD inventories that assume a gasoline-only landscaping fleet inventory. As stated under the Regulatory Framework, AB 1346 aims to phase out the sale of new gasoline-powered equipment under 25 gross horsepower beginning in 2024. Therefore, the analysis represents a conservative estimate of the landscaping-related emissions that continue to decline, phasing out almost entirely by 2040.

Energy

Energy sources would include those associated with building energy use. CalEEMod calculates building energy use by estimating electricity and natural gas consumption. It incorporates climate zone data, utility-specific emission factors, and building characteristics to model operational energy demand accounting for heating, cooling, lighting, and appliance usage and translates energy consumption into GHG emissions. CalEEMod calculates default criteria air pollutant emissions from natural gas use as well. Building operations would result in indirect emissions related to electricity use and production, which is discussed below.

The proposed Project would be all-electric and adjustments were made in CalEEMod to zero-out natural gas usage. To account for the additional electricity demand resulting from electrification, the analysis applied methods from the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity.[7] Specifically, California Commercial End-use Survey data were used to estimate electricity consumption for commercial building end uses that would otherwise rely on natural gas, including space heating, water heating, cooking, and other appliances. These adjustments follow the methodology outlined in Appendix E-15 of the CAPCOA Handbook for Analyzing Greenhouse Gas. Additional information is available in Appendix B1.

Mobile Sources

Motor vehicle emissions refer to exhaust and road dust emissions from the motor vehicles that would travel to and from and within the Project site. The proposed Project's operational-related air quality emissions from vehicle trips would be those generated by trucks, workers, and visitors traveling to and from the site. In total, it was assumed that the proposed project would include 1,357 daily vehicle trips including 210 truck trips and 1,147 passenger vehicle trips.

[7] California Air Pollution Control Officers Association (CAPCOA). 2024. Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity. October.

Light-duty (Passenger) Vehicles

The trip generation rates for light-duty passenger vehicles were prepared for the proposed Project by Hexagon Transportation Consultants, Inc. (Hexagon) and were utilized for the CalEEMod modeling.[8] The trip generation estimates were based on average rates contained in the Institute of Transportation Engineers Trip Generation Manual, 11th Edition for "Industrial Park" (Land Use Code 130) located in a general urban/suburban setting.

The traffic study adjusted the trip generation based on location-based mode share and assumed removal of the existing in-operation buildings, resulting in 882 **net** daily project trips. However, for the air quality analysis, a conservative approach was applied by using the **total** project trips (1,357 daily) rather than the net trips. This ensures that potential emissions are not underestimated and reflects a worst-case scenario for evaluating air quality impacts.

Passenger vehicle trip lengths were based on CalEEMod defaults.

Trucks

Truck trips (210 one-way trips per day) were estimated based on building square footage according to the Institute of Transportation Engineers Trip Generation Manual, 12th Edition, for "Industrial Park" (Land Use Code 130).

The type of trucks associated with the proposed Project was assumed to be comprised of 39.66 percent medium heavy-duty trucks and 60.34 percent heavy heavy-duty trucks. The final tenant and commercial activity associated with the proposed Project are unknown; therefore, the percentages of medium heavy-duty trucks and heavy heavy-duty trucks are based on the City of Fontana Truck Trip Generation Study, which represents a conservative, worst-case assessment of potential truck activity.[9]

As stated, the proposed Project has no identified tenants at the time of this writing. The overall Project site offers approximately 440,000 square feet of warehouse space and is strategically located in San José with efficient access to South Bay population centers, San José Mineta International Airport, and major freight corridors such as US-101 and I-880, making it well suited for last-mile and regional distribution. Based on industry benchmarks, last-mile trips typically range from 5 to 15 miles, regional trips from 30 to 60 miles, and port trips to Oakland (from the Project site) are, on average, approximately 40 miles.[10] To represent a conservative scenario for regional distribution, it was assumed that 45 miles would be the average truck trip length, reflecting the upper end of regional delivery distances while accounting for the site's strong connectivity to Bay Area freight networks.

[8] Hexagon Transportation Consultants, Inc. (Hexagon). 2026. Montague Pointe Industrial Development Draft Local Transportation Analysis. September 16.

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

[10] The modeling assumed approximately 440,000 sf of warehouse space, which is slightly larger than the anticipated square footage noted in the Project Description, and therefore represents a worst-case, conservative modeling scenario.

Stationary Sources

According to applicant-provided information, each building would include a 300-horsepower fire pump directly powered by a diesel engine. The emissions associated with the diesel engines were modeled in CalEEMod. Pursuant to current Bay Area Air District regulations, the diesel engines would be required to comply with Tier 3 emissions standards and operate up to 50 hours per year for regular testing and maintenance and were modeled as such.

Localized Emissions

Localized air emissions, including $PM_{2.5}$ and DPM, can pose significant health risks to nearby sensitive receptors due to their concentrated exposure levels. Unlike regional emissions, which contribute to broader air quality trends, a localized emissions analysis focuses on site-specific risks like cancer and respiratory effects, ensuring that sensitive receptors adjacent to a project are adequately protected.

Sensitive receptors are land uses where occupants may be more vulnerable to air pollutants due to age, health status, or long-term exposure. These typically include residences, schools, daycare centers, hospitals, senior facilities, and parks. Within approximately 1,000 feet of the project area, the closest sensitive receptors include residences, places of employment, and the HeadsUp Montessori Preschool (also known as the Emerson Montessori School).

Health Risk Assessment

An HRA was conducted using dispersion modeling and exposure assumptions to estimate cancer and non-cancer health risks from construction and operational emissions, consistent with OEHHA guidance. AERMOD was run using five years of representative meteorological data (San José Mineta International Airport, 2013–2017) to estimate downwind DPM concentrations at sensitive receptors. Cancer risks (expressed as excess cases per million) were calculated for construction (18-month duration averaged over 70 years) and operations based on OEHHA/Bay Area Air District-recommended exposure durations (30 years for residents, 25 years for workers, and up to 10 years for students), with exposure frequency assumptions of 350 days/year for residents and 250 days/year for workers and students. Risks were evaluated at the maximally exposed individual resident, worker, and student receptors, including the nearby Montessori preschool and schools, with methodologies accounting for age sensitivity and exposure timing. AERMOD outputs were adjusted using a factor of 4.2 to align continuous model results with actual exposure periods (8 hours/day, 5 days/week), ensuring conservative overlap of emissions and receptor presence. Health risks were calculated using HARP2, and chronic non-cancer hazards were evaluated based on modeled annual DPM concentrations.

The following sources of emissions were included in the HRAs:

Construction

DPM and $PM_{2.5}$ emissions were quantified using CalEEMod for off-road construction equipment, as well as on-road mobile source emissions from construction vehicles including workers, vendors, and haul trucks traveling on roadways within 1,000 feet of the Project site.

Construction equipment exhaust emissions were represented as area sources and exhaust from on-road diesel trucks travel paths within 1,000 feet if the site were represented as a line-volume source in AERMOD to estimate DPM concentrations in the surrounding area.

Operation

DPM emissions were quantified from medium heavy-duty trucks and heavy heavy-duty trucks serving the warehouse. Trucks were assumed as 60.34 percent heavy heavy-duty diesel trucks and 39.66 percent medium heavy-duty diesel trucks based on truck trip generation studies for warehouses.[11] All vehicle emission factors are based on EMFAC2021, as contained within CalEEMod for the initial operation year of 2028.

A total of three 300-horsepower diesel fire pumps would be installed, one at each of the warehouse buildings. The diesel fire pumps would be required to comply with Bay Area Air District permit requirements which include meeting Tier 3 engines (at minimum). The modeling assumed that each of the 300-horsepower diesel fire pumps would operate up to a maximum of 50 hours per year based on the allowable limit for maintenance and testing. The diesel fire pumps are modeled as point sources.

Additional details on the modeling parameters and assumptions utilized in the construction and operational HRAs are included in Appendix B.

3.2.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the CEQA Guidelines Appendix G Environmental Checklist to determine whether impacts to air quality are significant environmental effects. The proposed Project could have a potentially significant impact if it would:

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

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard.

c) Expose sensitive receptors to substantial pollutant concentrations.

d) Create objectionable odors affecting a substantial number of people.

Where available, significance criteria established by the applicable air quality management or air pollution control district may be relied upon to assist in making significance determinations. The Bay Area Air District's 2022 CEQA Guidelines contain significance criteria for evaluating air quality impacts of projects and plans proposed within the Bay Area. These criteria are presented in Table 3.2-3, and were utilized for this analysis.

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

Table 3.2-3: Bay Area Air District Air Quality Thresholds of Significance (Project Level)

	Construction Related*	Operational Related	
Criteria Air Pollutants and Precursors (Regional)			
Pollutant	**Average Daily Emissions (lbs/day)**	**Average Daily Emissions (lbs/day)**	**Maximum Annual Emissions (tpy)**
ROG	54	54	10
NO_X	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
$PM_{10}/PM_{2.5}$ (fugitive dust)	Best Management Practices	None	
Local CO	None	9.0 ppm (8-hour average), 20.0 ppm (1-hour average)	
Local Risks and Hazards			
Risks and hazards for new sources and receptors (cumulative threshold)	Same as operational thresholds	Cancer Risk: > 100 in a million (from all local sources) Non-cancer: > 10.0 Hazard Index (chronic, from all sources) $PM_{2.5}$: >0.8 ug/m^3 annual average (from all local sources) OR Compliance with Qualified Risk Reduction Plan	
Risks and hazards for new sources and receptors (individual project)	Same as operational thresholds	Cancer Risk: > 10.0 in a million (from all local sources) Non-cancer: > 1.0 Hazard Index (chronic, from all sources) $PM_{2.5}$: >0.3 ug/m^3 annual average (from all local sources) OR Compliance with Qualified Risk Reduction Plan	
Accidental release of acutely hazardous air pollutants			
—	None	Storage of use of acutely hazardous materials locating near receptors or new receptors locating near stored or used acutely hazardous materials considered significant.	

	Construction Related*	Operational Related
Criteria Air Pollutants and Precursors (Regional)		
Odors		
—	None	Five confirmed complaints per year averaged over 3 years.

Notes:
ug/m^3 = micrograms per cubic meter
CO = carbon monoxide
lb/day = pounds per day
ppm = parts per million
ROG = reactive organic gases
NO_X = oxides of nitrogen
PM_{10} = particulate matter 10 micrometers or less
$PM_{2.5}$ = particulate matter 10 micrometers or less
tpy = tons per year
Source: Bay Area Air Quality Management District (Bay Area Air District). 2022. CEQA Air Quality Guidelines. April.

3.2.6 - Project Impacts and Mitigation Measures

Consistency with Air Quality Management Plan

Impact AIR-1: The proposed Project would not conflict with or obstruct implementation of the applicable air quality plan.

The Bay Area Air District has adopted several air quality policies and plans to address the attainment and maintenance of State and federal air quality standards. The current Bay Area Air District attainment plan is the 2017 Clean Air Plan, adopted in April 2017. The 2017 Clean Air Plan serves as the regional Air Quality Plan (AQP) for the SFBAAB for attaining federal AAQS. A project would be judged 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.

The Bay Area Air District's 2022 CEQA Guidelines outlines the following criteria that should be used for determining a project's consistency with the AQP.

- **Criterion 1:** Does the project support the primary goals of the AQP?
- **Criterion 2:** Does the project include applicable control measures from the AQP?
- **Criterion 3:** Does the project disrupt or hinder implementation of any AQP control measures?

Criterion 1: Primary Goals of the Air Quality Plan

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.

As discussed under Impact AIR-2 below, the proposed Project would not result in a cumulatively considerable net increase of any criteria pollutant during project construction or operation and, therefore, would not impede the 2017 Clean Air Plan's goal to attain air quality standards. Therefore, the proposed Project supports the 2017 Clean Air Plan's goal to attain air quality standards.

As discussed under Impact AIR-3 below, implementation of the proposed Project would not expose sensitive populations to unhealthy air during project construction or operation, and therefore, the proposed Project supports the 2017 Clean Air Plan's goal to reduce population exposure to unhealthy air and protect public health in the Bay Area.

Finally, the proposed Project would incorporate several attributes to reduce GHG. The proposed Project would replace older, less efficient structures with energy efficient warehouse buildings, and utilize an urban infill location already served by municipal infrastructure and transit. By situating the development near major employment centers and freight corridors, the proposed Project would minimize regional Vehicle Miles Traveled (VMT) compared to similar facilities in more remote areas, supporting regional efforts to reduce transportation-related GHG emissions. In addition, the proposed Project includes sustainability features such as all-electric design, solar ready roofs, and EV charging stations, further advancing clean energy goals. Therefore, the proposed Project supports the 2017 Clean Air Plan's goal to reduce GHG emissions and protect the climate.

The proposed Project supports the goals of the 2017 Clean Air Plan and would be consistent with Criterion 1.

Criterion 2: Applicable Control Measures

The 2017 Clean Air Plan contains 85 control measures that describe specific actions to reduce air pollutants and GHG emissions at the local, regional, and global levels. To establish compliance with the Clean Air Plan, the proposed Project would be required to comply with applicable Clean Air Plan control measures, listed in Table 3.2-4 below:[12]

Table 3.2-4: Project Consistency with the Bay Area Air District 2017 Clean Air Plan

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 California Green Building Standards Code (CALGreen; Title 24) building Energy Code and develop solutions to	**Consistent**. The proposed Project would comply with the current energy efficiency standards (set forth in the 2022 California Title 24 Energy Code and the 2025 CALGreen). Accordingly, the proposed Project would incorporate

[12] 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 January 16, 2026.

Control Measures	Measures Description	Project Consistency
	improve compliance. Work with Association of Bay Area Governments (ABAG) BayREN program and other partners to expand funding and reduce emissions from targeted building types.	applicable energy efficiency and other green building features designed to reduce project energy consumption. The proposed Project would be built as all-electric, which exceeds current energy efficiency and renewable energy standards in the building code.
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, which would help to mitigate the urban heat island effect. The proposed landscape plan would meet the City's landscape, tree protection, and irrigation requirements as set forth in Ordinance 15.11 and other relevant provisions in the City's Municipal Code.
EN1: Decarbonize Electricity Generation	Engage with Pacific Gas and Electric Company (PG&E), municipal utilities, and Community Choice Aggregations (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 enroll in San José Clean Energy (SJCE) as part of the Standard Permit Condition (SPC) AQ-1 applied to the project. Additionally, sustainability measures include a solar "ready" roof to accommodate future solar arrays on the roof, as desired by the tenant.
EN2: Decrease Electricity Demand	Work with local governments to adopt new energy efficiency policies and support their programs through best practices, model ordinances, and technical assistance. Collaborate with partners to develop messaging that helps reduce electricity demand during peak usage times.	**Consistent**. The proposed Project would comply with the applicable energy efficiency standards (set forth in the applicable California Title 24 Energy Code and the 2025 CALGreen Code) incorporating applicable energy efficiency and other green building features designed to reduce project energy consumption, including flat, solar ready roofs and new state-of-the-art construction incorporating energy-efficient and renewable elements,

Control Measures	Measures Description	Project Consistency
		which would replace the old, less efficient buildings. The proposed Project would include skylights to enhance natural lighting, thereby reducing energy needs.
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, and would meet the City's landscape, tree protection, and irrigation 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 Assembly Bill (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 SPC AQ-1 for fugitive dust mitigation, which would require the incorporation of Bay Area Air District's Basic Construction Mitigation Measures which reduces overall dust emissions by requiring on-site watering, covering of soil piles, and other dust-reduction measures.
TR9: Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans and fund bike lanes, routes, paths, and bicycle parking facilities.	**Consistent**. The proposed Project would include installation of Class IV bicycle lanes along the Project site frontage on Junction Avenue and

Control Measures	Measures Description	Project Consistency
		Zanker Road as well as reconstruction of portions of the sidewalk along Zanker Road frontage. It would also provide bicycle parking.
Source: Bay Area Air Quality Management District (Bay Area Air District). 2017. Final 2017 Clean Air Plan. April 19.		

The proposed Project would not conflict with any applicable measures under the 2017 Clean Air Plan given the application of Standard Permit Condition (SPC) AIR-1 for dust control measures; therefore, the proposed Project would be consistent with Criterion 2.

Criterion 3: Hindrance of Implementation of AQP Control Measures

The proposed Project would not preclude extension of a transit line or bike path, propose excessive parking beyond parking requirements, or otherwise create an impediment or disruption to implementing any AQP control measures, as discussed above. The proposed Project would not disrupt or hinder the implementation of any AQP control measures and would be consistent with Criterion 3.

Overall, the proposed Project would demonstrate consistency with the relevant and applicable AQP and impacts would be less than significant.

Level of Significance

Less than significant impact.

Criteria Air Pollutant Impacts

Impact AIR-2: The proposed Project would not 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.

Construction and operation of the proposed Project could result in exceedances of State or federal standards for which the SFBAAB is in nonattainment including ozone and PM_{10} and $PM_{2.5}$. Therefore, the following analysis assesses ozone (e.g., precursor emissions NO_X and ROG) and particulate matter (both PM_{10} and $PM_{2.5}$) emissions associated with the proposed Project.

Construction Emissions

Construction Emissions: Fugitive Dust

Construction-related activities, such as site preparation and 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) and would impact nearby sensitive receptors. 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 the Bay Area Air District's Basic BMPs. With the incorporation of the City's SPC AQ-1, the proposed Project would implement Basic BMPs 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. Therefore, the proposed Project's construction would have a less than significant impact related to emissions from fugitive dust.

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

Construction-related emissions for the proposed Project were estimated according to the methods and assumptions described in Section 3.2.4, Methodology Table 3.2-5 shows the proposed Project's average daily emissions from construction. As shown, 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 (as stated above) would be implemented by the proposed Project as enforced through the City's SPC AQ-1 to control dust at the Project site during all phases of construction. Therefore, the proposed Project's construction would have a less than significant impact related to emissions of ROG, NO_X, exhaust PM_{10}, and exhaust $PM_{2.5}$.

Table 3.2-5: Regional Criteria Pollutant Emissions–Construction

	Construction Emissions					
	ROG	**NO_X**	**PM_{10} (Exhaust)**	**$PM_{2.5}$ (Exhaust)**	**PM_{10} (Fugitive Dust)[1]**	**$PM_{2.5}$ (Fugitive Dust)[1]**
Construction Activity	**Average Working Daily Emissions (lbs/day)**					
2026	2.7	29.7	0.96	0.89	15.5	3.7
2027	16.0	13.1	0.40	0.37	2.06	0.50
2028	47.3	20.1	0.61	0.55	2.54	0.62
Significance Threshold (lbs/day)	**54**	**54**	**82**	**54**	**BMPs**	**BMPs**
Exceeds Significance Threshold?	**No**	**No**	**No**	**No**	**NA**	**NA**

Notes:
Lbs/day = pounds per day
NO_X = oxides of nitrogen
PM_{10} = particulate matter 10 micrometers or less in diameter

Construction Activity	Construction Emissions					
	ROG	NO_X	PM_{10} (Exhaust)	$PM_{2.5}$ (Exhaust)	PM_{10} (Fugitive Dust)[1]	$PM_{2.5}$ (Fugitive Dust)[1]
	Average Working Daily Emissions (lbs/day)					

$PM_{2.5}$ = particulate matter 2.5 micrometers or less in diameter
ROG = reactive organic gases
BMP = best management practices

Average daily emissions were calculated by dividing the pounds of emissions by the number of net workdays of construction for each construction year (124 days in 2026, 261 days in 2027 and 15 days in 2028).

[1] The numbers without parentheses are the emissions without the BMPs; the numbers within parentheses are the emissions after incorporation of the BMPs.

Source: California Emissions Estimator Model (CalEEMod) Output (see Appendix B).

Operational Emissions

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

Operational emissions for the proposed Project were estimated according to the methods and assumptions described in Section 3.2.4, Methodology, and compared against the Bay Area Air District's thresholds of significance. As shown in Table 3.2-6, the proposed Project would not exceed any of the Bay Area Air District's thresholds of significance for regional daily operational emissions. Therefore, the proposed Project's operation would have a less than significant impact related to emissions of ROG, NO_X, exhaust PM_{10}, and exhaust $PM_{2.5}$.

Table 3.2-6: Regional Criteria Pollutant Emissions–Operation

Year	ROG	NO_X	PM_{10} Total	$PM_{2.5}$ Total
2028–Project Buildout				
Area (lbs/day)	12	0.08	0.02	0.01
Energy, all-electric (lbs/day)	<0.005	<0.005	<0.005	<0.005
Mobile (lbs/day)	2.5	29	16	4.5
Stationary Sources, diesel engines (lbs/day)	0.20	0.57	0.03	0.03
Total (lbs/day)	**15**	**30**	**16**	**4.5**
Significance Threshold (lbs/day)	**54**	**54**	**82**	**54**
Exceeds Significance Threshold?	**No**	**No**	**No**	**No**
Annual Average (tpy)	2.4	5.3	1.8	0.54
Significance Threshold (tpy)	**10**	**10**	**15**	**10**
Exceeds Significance Threshold?	**No**	**No**	**No**	**No**

Year	ROG	NO_X	PM_{10} Total	$PM_{2.5}$ Total
Notes: Bay Area Air District = Bay Area Air Quality Management District lbs/day = pounds per day NO_X = nitrogen oxides 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 ROG = reactive organic gases tpy = tons per year Source: California Emissions Estimator Model (CalEEMod) Output (see Appendix B).				

Operational Emissions: Carbon Monoxide Hotspot

A CO hotspot is a localized concentration of CO that is above a CO Ambient Air Quality Standard. 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. The City's Transportation Analysis Handbook (2023) provides CEQA traffic analysis exemption screening criteria for development projects. The criteria are based on the type of project, characteristics, and location. If a project meets the City's screening criteria, the project is expected to result in less than significant VMT impacts and a detailed CEQA

VMT analysis is not required. The proposed Project would demolish existing office and R&D uses and construct new industrial uses, resulting in an overall reduction in square footage and associated VMT. It was determined that the proposed Project would not require a VMT analysis (and would be considered less than significant for VMT). 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 traffic analysis prepared by Hexagon for the proposed Project includes a study of the nearby intersections, including an analysis of AM and PM peak-hour traffic volumes. 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 Montague Expressway and Zanker Road with maximum AM peak-hour counts of 2,498 and maximum PM peak-hour trip counts of up to 1,769. 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 the second and third criterion.

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.

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, and impacts would be less than significant.

Standard Permit Conditions

SPC AQ-1 Construction-related Air Quality

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 miles per hour (mph).
- 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 (Bay Area Air District's) General Air Pollution Complaints number to ensure compliance with applicable regulations.

Level of Significance

Less than significant impact.

Sensitive Receptors Exposure to Pollutant Concentrations

Impact AIR-3:	**The proposed Project would not expose sensitive receptors to substantial pollutant concentrations.**

The proposed Project is within 1,000 feet of residential, worker and daycare receptors and the construction emissions have the potential to result in significant health risks due to DPM and/or $PM_{2.5}$ concentrations. Sensitive receptors are particularly affected by air pollution because they are persons that are ill, elderly, or have lungs that are not fully developed.

Health Risk Assessment–Project Construction

An HRA was conducted according to the methods discussed above and potential health risks from the proposed Project's construction were assessed at the nearby residential receptors, worker receptors, and the HeadsUp Montessori Preschool. The HRA identified a Maximally Exposed Individual Resident (MEIR) and a Maximally Exposed Individual Worker (MEIW) and evaluated health risks at the HeadsUp Montessori Preschool. The MEIR is the residential receptor that would experience the highest health effects from the project construction and is located northeast across Montague Expressway. The MEIW is the worker receptor that would experience the highest health effects from project construction and is located to the southeast across East Plumeria Road.

Table 3.2-7 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, the MEIW, and the

preschool. As shown, estimated health risks and $PM_{2.5}$ concentrations from DPM related to project construction would not exceed the single source significance thresholds established by Bay Area Air District at any of the receptors, and impacts would be less than significant

Table 3.2-7: Estimated Health Risks and $PM_{2.5}$ Concentrations–Project Construction

	Cancer Risk (risk per million)	Chronic Non-cancer Hazard Index	Acute Non-cancer Hazard Index	Maximum Annual $PM_{2.5}$ ($\mu g/m^3$)
Maximally Exposed Individual Receptor	4.4	<0.01	—	0.025
Maximally Exposed Individual Worker	0.43	<0.01	—	0.03
HeadsUp Montessori Preschool Emerson Montessori School	4.9	<0.01	—	0.006
Thresholds of Significance	**10**	**1**	**1**	**0.3**
Exceeds Individual Source Threshold?	**No**	**No**	**No**	**No**

Notes:
$\mu g/m^3$ = micrograms per cubic meter
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
[1] The Maximally Exposed Individual Receptor is located in the multi-family apartment building (Elan Village) directly east of the site to the site. The Maximally Exposed Individual Worker was found to be a worker to the southeast of the Project site across E. Plumeria Drive.
Risk was evaluated for diesel exhaust particulate matter, which does not have an established Acute Reference Exposure Level Emissions.
Source: Appendix B.

Health Risk Assessment–Cumulative (Project Construction and Existing Sources)

The Bay Area Air District recommends conducting a cumulative HRA to assess the cumulative impacts of the proposed Project's construction-related health risks and $PM_{2.5}$ concentrations in combination with existing sources of TACs and $PM_{2.5}$ concentrations within 1,000 feet of the proposed Project at the most impacted nearby receptors, including the MEIR, the MEIW, and the HeadsUp Montessori Preschool.

To conduct a cumulative HRA, the Bay Area Air District provides several tools for use in identifying the existing sources of air pollution and associated health risks nearby a project. These tools include the Stationary Source Screening Map,[13] which provides the location of all the stationary sources permitted by the Bay Area Air District, and the Mobile Screening Map (and associated data layers),

[13] 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 December 12, 2025.

which provides estimated cancer risk, hazards estimates, and $PM_{2.5}$ concentrations at varying distances from all Bay Area roadways, rail lines, and railyards. Outputs from the Bay Area Air District screening tools are documented in Appendix B.

The cumulative health risks at the maximally exposed receptors are summarized in Table 3.2-8. As shown, health risks and $PM_{2.5}$ concentrations would be below the Bay Area Air District's cumulative thresholds of significance (including when considered in combination with project operation) and impacts would be less than significant.

Table 3.2-8: Summary of the Cumulative Health Impacts–Project Construction at Maximally Exposed Receptors

Sources and Receptors	Cancer Risk (per million)	Chronic Hazard Index	Maximum Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)
Maximally Exposed Individual Resident (MEIR)			
Project Construction	4.4	<0.01	0.03
Stationary Sources[1]	18	0	0.03
Roadways	19.98	0.07	0.53
Cumulative Health Risks MEIR	**42.38**	**0.08**	**0.57**
Maximally Exposed Individual Worker (MEIW)			
Project Construction	0.43	<0.01	0.03
Stationary Sources[1]	10	0	0.01
Roadways	9.59	0.04	0.25
Cumulative Health Risks at MEIW	**20.02**	**<0.05**	**0.29**
HeadsUp Montessori Preschool (Emerson Montessori School)			
Project Construction	4.9	<0.01	0.01
Stationary Sources[1]	4	0.11	0.02
Roadways	7.02	0.03	0.26
Cumulative Health Risks at HeadsUp Montessori Preschool (Emerson Montessori School)	**15.92**	**<0.15**	**0.29**
Threshold of Significance	**100**	**10**	**0.8**
Threshold Exceedance?	**No**	**No**	**No**

Notes:
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
$\mu g/m^3$ = micrograms per cubic meter

Sources and Receptors	Cancer Risk (per million)	Chronic Hazard Index	Maximum Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)

[1] The stationary source associated with Facility ID 23806 (MediaTek USA Inc.) at 2840 Junction Avenue was assumed to be decommissioned (as part of the project demolition) and therefore the health risks from this stationary source are omitted.
[2] Stationary source cancer risks, hazards, and $PM_{2.5}$ concentrations are based on Bay Area Air Quality Management District (Bay Area Air District) values at the source centroid and represent a conservative estimate and screening evaluation of maximum cumulative impacts. The predicted values decrease with increasing distance from the Project site.
There are no rail lines or railyards in the vicinity of the Project site. Bay Area Air District raster data shows 0 cancer risk, chronic hazard index, and $PM_{2.5}$ concentration contributions from all identified locations.
Stationary sources within 1,000 feet of each receptor are reflected in the table, and therefore health risk values are different and representative of the varying locations of the MEIR, the MEIW, and the school.
Project and stationary source risks and hazards are for diesel exhaust, which does not have an established Acute Reference Exposure Level.
Source: Appendix B

Operation

Health Risk Assessment–Project Operation

As discussed above, the proposed Project would be associated with on-going, operational-related sources of TAC emissions from truck activity (on-site idling, truck maneuvering and roadway running exhaust) and diesel fire pumps (operating intermittently for testing and/or regular use). Accordingly, an HRA was conducted according to the methods discussed above and potential health risks from the proposed Project's operation were assessed at the nearby residential receptors, worker receptors, and the HeadsUp Montessori Preschool. The HRA identified a MEIR and a MEIW and evaluated health risks at the HeadsUp Montessori Preschool. The MEIR is the residential receptor that would experience the highest health effects from the proposed Project's operation and is located northeast across Montague Expressway. The MEIW is the worker receptor that would experience the highest health effects from proposed Project's operation and is located to the west across Junction Avenue.

Table 3.2-9 presents a summary of the proposed Project's operational cancer risk, chronic non-cancer hazard, and predicted annual $PM_{2.5}$ concentration impacts at the MEIR, the MEIW, and at the preschool. As shown, estimated health risks and $PM_{2.5}$ concentrations from DPM related to project operation would not exceed the single source significance thresholds established by Bay Area Air District at any of the receptors, and impacts would be less than significant.

Table 3.2-9: Estimated Health Risks and $PM_{2.5}$ Concentrations–Project Operation

	Cancer Risk (risk per million)	Chronic Non-cancer Hazard Index	Acute Non-cancer Hazard Index	Maximum Annual $PM_{2.5}$ ($\mu g/m^3$)
Maximally Exposed Individual Receptor	1.48	0	—	0
Maximally Exposed Individual Worker	0.18	0	—	0
HeadsUp Montessori Preschool Emerson Montessori School	0.17	0	—	0
Thresholds of Significance	**10**	**1**	**1**	**0.3**
Exceeds Individual Source Threshold?	**No**	**No**	**No**	**No**

Notes:
$\mu g/m^3$ = micrograms per cubic meter
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter

The Maximally Exposed Individual Resident is located in the multi-family apartment building (Elan Village) directly east of the site to the site. The Maximally Exposed Individual Worker was found to be a worker to the south of the Project site across Junction Avenue.

Risk was evaluated for Diesel Exhaust Particulate Matter which does not have an established Acute Reference Exposure Level.

Source: Appendix B1.

Health Risk Assessment–Cumulative (Project Operation and Existing Sources)

The Bay Area Air District recommends conducting a cumulative HRA to assess the cumulative impacts of the proposed Project's operational-related health risks and $PM_{2.5}$ concentrations in combination with existing sources of TACs and $PM_{2.5}$ concentrations within 1,000 feet of the proposed Project at the most impacted nearby receptors, including the MEIR, the MEIW, and the HeadsUp Montessori Preschool.

To conduct a cumulative HRA, the Bay Area Air District provides several tools for use in identifying the existing sources of air pollution and associated health risks nearby a project. These tools include the Stationary Source Screening Map,[14] which provides the location of all the stationary sources permitted by the Bay Area Air District, and the Mobile Screening Map (and associated data layers), which provides estimated cancer risk, hazards estimates, and $PM_{2.5}$ concentrations at varying

[14] 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 December 12, 2025.

distances from all Bay Area roadways, rail lines, and railyards. Outputs from the Bay Area Air District screening tools are documented in Appendix B1.

The cumulative health risks at the maximally exposed receptors are summarized in Table 3.2-10. As shown, health risks and $PM_{2.5}$ concentrations would be below the Bay Area Air District's cumulative thresholds of significance (including when in combination with construction-related health risks, as shown in Table 3.2-10) and impacts would be less than significant.

Table 3.2-10: Summary of the Cumulative Health Impacts–Project Operation at Maximally Exposed Receptors

Sources and Receptors	Cancer Risk (per million)	Chronic Hazard Index	Maximum Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)
Maximally Exposed Individual Resident (MEIR)			
Project Operation	1.48	0	0
Stationary Sources[1]	18	0	0.03
Roadways	19.98	0.07	0.53
Cumulative Health Risks MEIR	**39.46**	**0.07**	**0.56**
Maximally Exposed Individual Worker (MEIW)			
Project Operation	0.18	0	0
Stationary Sources[2]	0	0.11	0
Roadways	7.4	0.03	0.25
Cumulative Health Risks at MEIW	**7.58**	**0.14**	**0.25**
HeadsUp Montessori Preschool (Emerson Montessori School)			
Project Operation	0.17	0	0
Stationary Sources	4	0.11	0.02
Roadways	7.02	0.03	0.26
Cumulative Health Risks at HeadsUp Montessori Preschool (Emerson Montessori School)	**11.19**	**0.14**	**0.28**
Threshold of Significance	**100**	**10**	**0.8**
Threshold Exceedance?	**No**	**No**	**No**

Notes:
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
$\mu g/m^3$ = micrograms per cubic meter

Sources and Receptors	Cancer Risk (per million)	Chronic Hazard Index	Maximum Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)

[1] The stationary source associated with Facility ID 23806 (MediaTek USA Inc) at 2840 Junction Avenue was assumed to be decommissioned (as part of the project demolition) and therefore the health risks from this stationary source are omitted.

Stationary source cancer risks, hazards, and $PM_{2.5}$ concentrations are based on Bay Area Air District values at the source centroid and represent a conservative estimate and screening evaluation of maximum cumulative impacts. The predicted values decrease with increasing distance from the Project site.

There are no rail lines or railyards in the vicinity of the Project site. Bay Area Air District raster data shows 0 cancer risk, chronic hazard index, and $PM_{2.5}$ concentration contributions from all identified locations.

Stationary sources within 1,000 feet of each receptor are reflected in the table, and therefore health risk values are different and representative of the varying locations of the MEIR, the MEIW and the school.

Project and stationary source risks and hazards are for diesel exhaust, which does not have an established Acute Reference Exposure Level.

Source: Appendix B

The proposed Project would not expose sensitive receptors to substantial pollutant concentrations during project construction or project operation and impacts would be less than significant.

Level of Significance

Less than significant Impact.

Objectionable Odors Exposure

Impact AIR-4: The proposed Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

According to the Bay Area Air District 2022 CEQA Guidelines, odor impacts could occur if the proposed Project introduces a new odor source near existing receptors. The Bay Area Air District provides a list of recommended odor screening distances for specific odor-generating facilities. According to Bay Area Air District, warehouse uses such as the proposed Project are not odor-generating facilities.[15]

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

[15] Bay Area Air Quality Management District (Bay Area Air District). 2022. Bay Area Air District CEQA Guidelines, Chapter 5 Project-level Air Quality Impacts, Table 5-4, Odor Screening Distances. April 20.

temporary in nature. Thus, the proposed Project would not result in a new odor source adversely affecting a substantial number of nearby existing receptors.

The proposed Project would result in the operation of light industrial and ancillary office uses and related improvements. 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.

The proposed Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people, and impacts would be less than significant.

Level of Significance

Less than significant impact.

3.2.7 - Cumulative Analysis

The geographic scope of the cumulative air quality analysis is the SFBAAB, which covers all or portions of the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Sonoma, and Solano. Air quality is impacted by topography, dominant air flows, atmospheric inversions, location, and season; therefore, using the Air Basin represents the area most likely to be impacted by air emissions. The Bay Area Air District CEQA Guidelines cumulative significance criteria are used in the cumulative analysis of air quality.

In developing thresholds of significance for air pollutants, the Bay Area Air District established numerical thresholds for determining when a project‘s individual contributions would be cumulatively considerable. If a project does not exceed the identified significance thresholds, its emissions would not be cumulatively considerable, resulting in less than significant air quality impacts to the region’s existing air quality conditions.

Consistency with Air Quality Management Plan Cumulative Analysis

Regional air quality effects are inherently cumulative. The nonattainment status of regional pollutants results from multiple sources in the air basin, both past and present. Baseline air quality conditions represent a cumulative impact and there is potential for the proposed Project to result in significant criteria air pollutant emissions; therefore, a cumulatively considerable contribution to potential impacts associated with consistency with the AQP is addressed under Impact AIR-1, Impact AIR-2, and Impact AIR-3. Cumulative projects would be required to demonstrate consistency and adhere to all local, State and federal requirements.

The proposed Project would support the primary goals of the AQP, would include all applicable control measures from the AQP, and would not disrupt or hinder implementation of any AQP control measures. As discussed under Impact AIR-2, the proposed Project would not result in a cumulatively

considerable net increase of any criteria pollutant during project construction or operation and, therefore, would not impede the 2017 Clean Air Plan's goal to attain air quality standards. As discussed under Impact AIR-3, implementation of the proposed Project would not expose sensitive populations to unhealthy air during project construction or operation, and therefore, the proposed Project supports the 2017 Clean Air Plan's goal to reduce population exposure to unhealthy air and protect public health in the Bay Area.

Therefore, the potential impacts associated with implementation of the proposed Project would not result in a potentially significant cumulatively considerable contribution to the already significant cumulative impact in the project vicinity. Accordingly, the proposed Project would not have a cumulatively considerable contribution to impacts that would conflict with or obstruct implementation of the applicable AQP and impacts would be less than significant.

Criteria Pollutants

The cumulative analysis focuses on whether a specific project would result in cumulatively considerable emissions. According to Section 15064(h)(4) of the CEQA Guidelines, the existence of significant cumulative impacts caused by other projects alone does not constitute substantial evidence that the project's incremental effects would be cumulatively considerable. Rather, the determination of cumulative air quality impacts for construction and operational emissions is based on whether the project would result in emissions that exceed the Bay Area Air District's thresholds of significance for construction and operations on a project level. The thresholds of significance represent the allowable emissions each project can generate without generating a cumulatively considerable contribution to regional air quality impacts. Therefore, a project that would not exceed the Bay Area Air District's thresholds of significance on the project level also would not be considered to result in a cumulatively considerable contribution to these regional air quality impacts.

The proposed Project does not exceed the Bay Area Air District's project-level thresholds of significance for construction or operational-related emissions of criteria air pollutants and would not result in a cumulatively considerable net increase of any criteria pollutant during project construction or operation. Therefore, the potential impacts associated with implementation of the proposed Project would not result in a potentially significant cumulatively considerable contribution to the already significant cumulative impact in the project vicinity. Accordingly, the proposed Project would not have a cumulatively considerable contribution to impacts that would 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 and impacts would be less than significant.

Sensitive Receptors Exposure to Pollutant Concentrations

The geographic area of this cumulative analysis is a 1,000-foot boundary around the Project site, as recommended by the Bay Area Air District.[16] There are no projects identified in Chapter 3,

[16] Bay Area Air Quality Management District (Bay Area Air District). 2022. CEQA Guidelines, Appendix E. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/appendix-e-recommended-

Environmental Impact Analysis, Table 3-1 within the geographic scope of the proposed Project. Accordingly, cumulative impacts would be less than significant. Moreover, a cumulative HRA was conducted to assess potential health impacts from existing sources of TACs and/or $PM_{2.5}$ emissions in combination with the proposed Project's construction-related activities. The estimated health impacts at the identified nearby sensitive receptors are below the Bay Area Air District's thresholds of significance. Therefore, the proposed Project would not result in significant health risks to nearby receptors. From an operational standpoint, the proposed Project itself would not introduce new sources of TACs to the area that would exceed thresholds. Accordingly, the proposed Project would not have a cumulatively considerable contribution to impacts that would expose the public within the geographic area to substantial cumulative pollutant concentrations, and impacts would be less than significant.

Objectionable Odors Exposure

Odors are a localized impact, and the geographic scope is dependent on the type of odor-generated, the intervening land features, and local meteorology. Under the Bay Area Air District CEQA Guidelines,[17] odor screening distances for typical odor-generating sources generally range from approximately 1,000 feet to up to 2 miles, depending on the source type, emission characteristics, and potential to create objectionable odors at nearby sensitive receptors. The type of facilities that are considered to result in emissions leading to objectionable odors generally include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food processing facilities. The proposed Project does not include odor-generating uses, and no such uses are identified in Chapter 3, Environmental Impact Analysis, Table 3-1. As a result, there is no foreseeable cumulative condition related to objectionable odors within two miles of the Project site. Because the proposed Project would not generate odors and would not contribute to any odor-producing activity within the cumulative study area, it would not incrementally contribute to cumulative odor impacts. Accordingly, cumulative odor impacts would be less than significant, and the proposed Project's incremental contribution to impacts that would create objectionable odors affecting a substantial number of people would not be cumulatively considerable. Impacts would be less than significant.

Level of Cumulative Significance

Less than significant impact.

methods-for-screening-and-modeling-local-risks-and-hazards_final-pdf.pdf?rev=b8917a27345a4a629fc18fc8650951e4&sc_lang=en. Accessed January 2, 2026.

[17] Bay Area Air Quality Management District (Bay Area Air District). 2022. Bay Area Air District CEQA Guidelines, Chapter 5 Project-level Air Quality Impacts, Table 5-4, Odor Screening Distances. April 20.

THIS PAGE INTENTIONALLY LEFT BLANK

3.3 - Biological Resources

3.3.1 - Introduction

This section describes the existing biological setting in the Project area, as well as the relevant regulatory framework. This section then evaluates the potential impacts related to biological resources on the Project site and the surrounding area that could result from implementation of the proposed Project. Descriptions and analysis in this section are based in part on a Biological Memorandum prepared by FCS (Appendix C.1), an Arborist Report prepared by HMH (Appendix C.2), dated March 10, 2025, and a field survey performed by an FCS Biologist on May 30, 2025.

3.3.2 - Environmental Setting

Literature Review and Database

Existing environmental documentation for the Project site and immediate vicinity was reviewed. This documentation included the literature pertaining to the habitat requirements of special-status species potentially occurring on or near the Project site and Federal Register listings, protocols, and species data provided by the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW).

FCS Biologist(s) reviewed the *Milpitas, California* and eight surrounding quadrangles of the USGS 7.5-minute Topographic Quadrangle Map and aerial photographs as a preliminary analysis of the existing conditions within the Project site and immediate vicinity. Information obtained from the review of the topographic maps included elevation range, general watershed information, and potential aquatic feature locations. FCS also reviewed United States Department of Agriculture soil surveys to determine whether the soil conditions on-site are suitable for any special-status plant species.

Following the database review, a list of threatened, endangered, and otherwise special-status species previously recorded within the Project vicinity was compiled. The list was based on a search of the CDFW's California Natural Diversity Database (CNDDB), a special-status species and plant community account database;[1] the California Native Plant Society (CNPS) Inventory of Rare Plants (CNPS Inventory);[2] and a USFWS Information Planning and Conservation Report Search for the *Milpitas, California* USGS 7.5-minute Topographic Quadrangle Map. The literature review and database search results can be found in the previous Biological Memorandum Appendix C.1.

[1] California Department of Fish and Wildlife (CDFW). 2025. CNDDB RareFind 5 California Natural Diversity Database Query for Special-Status Species. Website: https://wildlife.ca.gov/Data/CNDDB/Maps-and-Data. Accessed June 2, 2025.

[2] California Native Plant Society (CNPS). 2025. California Native Plant Society Rare and Endangered Plant Inventory (CNPS Inventory). Website: http://www.rareplants.cnps.org/. Accessed June 2, 2025.

Field Survey

FCS Biologist Hannah Carney surveyed the Project site on May 30, 2025. The purpose of the survey was to assess general Project site conditions, identify vegetation and wildlife habitats, and identify any potentially suitable habitat areas for various special-status plant and wildlife species. Special-status species were identified during the literature review, and special attention was paid to sensitive habitats and areas potentially supporting special-status floral and faunal species.

Common plant species observed during the survey were identified by visual characteristics and morphology in the field and recorded in a field notebook. Uncommon and less familiar plants were identified later with the use of taxonomical guides.[3,4,5,6] Taxonomic nomenclature used in analysis follows The Jepson Manual: Vascular Plants of California.[7] Common plant names, when not available from The Jepson Manual, were taken from other regionally specific references.

Wildlife species detected during the field-level survey by sight, calls, tracks, scat, or other signs were recorded in a field notebook. Notations were made regarding suitable habitat for those special-status species determined to have the potential to occur within the Project site. Appropriate field guides were used to assist with species identification during surveys.

Findings

Physical Habitat/Vegetation

Habitat is an area consisting of a combination of resources (e.g., food, cover, water) and environmental conditions (e.g., temperature, precipitation, presence, or absence of predators and competitors) that promotes occupancy by individuals of a species and enables those individuals to survive and reproduce. Thus, habitat arises from interaction among soils, hydrology, climate, and vegetation. Soils, hydrology, and climate are addressed in other sections of this Draft EIR; this habitat discussion includes information regarding vegetation.

Santa Clara County/City of San José

Habitat communities in the San José area and greater Santa Clara County consist primarily of Mediterranean plant associations but vary depending on microclimate. Because of the large size of Santa Clara County, there are a variety of microclimates found within County boundaries, including, but not limited to, riparian woodlands, native grasslands, chaparral, coastal sage scrub, and valley oak woodlands.

---

[3] Clarke, O.F., D. Svehla, G. Ballmer, and A. Montalvo. 2007. Flora of the Santa Ana River and Environ: With References to World Botany. Berkeley, California: Heyday Books.

[4] Hitchcock, A. 1971. Manual of the Grasses of the United States in Two Volumes, Volume One. Second Edition. New York: Dover Publications, Inc.

[5] McAuley, M. 1996. Wildflowers of the Santa Monica Mountains. Second Edition. Canoga Park, California: Canyon Publishing Company.

[6] Munz, P. 1974. A Flora of Southern California. Berkeley: University of California Press.

[7] Baldwin, B. et al. 2012. The Jepson Manual: Vascular Plants of California. Berkeley: University of California Press. County of San Bernardino (Bernardino). 2007 (amended 2015).

Project Site

The Project site mainly consists of urbanized developed land. Developed lands include areas that have been constructed upon or physically altered to the extent that native or semi-natural vegetation is no longer supported and retains no soil substrate. Developed land is characterized by permanent or semi-permanent structures, pavement or other hardscape, and landscaped areas that require active management.

The entire Project site is developed and contains parking lots, ornamental vegetation, and preexisting buildings. Ornamental vegetation present within the Project site and along the right-of-way adjacent to the Project site consist of the myrtle (*Myrtus* sp.), trumpet vine (*Campsis radicans*), Mexican sage (*Salvia leucantha*), Ponderosa pine (*Pinus ponderosa*), Tasmanian blue gum (*Eucalyptus globulus*), coast live oak (*Quercus agrifolia*), Pittosporum (*Pittosporum* sp.), redwood (*Sequoia sempervirens*), roses (*Rosa* sp.), fountain grass (*Pennisetum setaceum*), spreading rush (*Juncus patens*), Peruvian pepper tree (*Schinus molle*), asparagus fern (*Asparagus densiflorus*), English ivy (*Hedera helix*), Bradford pear (*Pyrus calleryana*), Japanese maple (*Acer palmatum*), oleander (*Nerium oleander*), Ulmus (*Ulmus* sp.), coral bells (*Heuchera sanguinea*), and Podo yellow wood (*Podocarpus latifolius*).

Sensitive Biological Communities

Biological communities are assemblages of organisms that live within or use a variety of habitats for their range-of-life functions. Sensitive biological communities include habitats that fulfill special functions or have special values (e.g., greater biological diversity), such as wetlands, streams, and riparian habitat. Because wildlife is a major aspect of a biological community, this discussion of sensitive biological communities describes wildlife present in such communities.

Santa Clara County/City of San José

Sensitive biological communities present within the County are mainly areas associated with riparian woodlands and wetland habitat. Because of the County's large size, there are a variety of areas that may be considered sensitive biological communities, depending on the aggregations of plant and wildlife species that occur in these areas. They include, but are not limited to, mixed oak woodland, riparian woodland, evergreen forests, chaparral forests, redwood forests, and native grasslands.

Project Site

The Project site does not contain any sensitive biological communities such as wetlands, streams, or riparian habitat, as the Project site is fully developed.

Wetlands and Waters of the United States and the State

Wetlands and waters of the United States and waters of the State are protected as hydrological resources, but also often provide habitat for common and special-status species. Types of water features include open water, developed open water, tidal marsh, seasonal wetland, and wetland swales.

Santa Clara County/City of San José

Wetlands, waters of the United States, and waters of the State in the County occur primarily near the coast. Additionally, there are several rivers, such as the Guadalupe River, Coyote Creek, Uvas Creek, Llagas Creek, and several reservoirs, including, but not limited to, Almaden Reservoir, Anderson Reservoir, Calero Reservoir, Chesbro Reservoir, and Guadalupe Reservoir.

Project Site

Review of the historical imagery using Google Earth Pro provided no evidence of streams being diverted away from the Project site, or wetlands being converted to development, or any evidence that such habitats had been eliminated from the Project site. A review of the USGS National Hydrography Data Set shows no stream drainages occurring on the property. Review of the USFWS National Wetlands Inventory maps shows no wetlands or deep-water habitats mapped within the Project site. Field surveys conducted by FCS confirmed that no wetlands/waters of the United States or State were found on the Project site.

Common Wildlife Species

The Project site may provide habitat for generalist and opportunistic wildlife species that are able to tolerate high levels of habitat disturbance. Species observed on-site during the field survey include the Mallard duck (*Anas platyrhynchos*), house finch (*Haemorhous mexicanus*), dark-eyed junco (*Junco hyemalis*), American crow (*Corvus brachyrhynchos*), chestnut-backed chickadee (*Poecile rufescens*), Bewick's wren (*Thryomanes bewickii*), bushtit (*Psaltriparus minimus*), American goldfinch (*Spinus tristis*), and lesser goldfinch (*Spinus psaltria*).

The trees located on-site, and the immediate vicinity could provide suitable habitat for migratory or resident nesting birds. No signs of terrestrial animals were observed within the Project site and the lack of suitable habitat on-site, in addition to active roadways and developments surrounding the Project site preclude the likelihood of terrestrial movement through the Project site. No signs of bat roosts were observed during the field survey, including within the existing structures. Additionally, the lack of natural foraging habitat reduces the likelihood of bat use of this area.

Special-status Species

Habitat, whether aquatic or terrestrial, supports ecological functions and processes to preserve biological communities (i.e., wildlife) that live within it for all or a portion of their life cycle. 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, threatened, or endangered by the federal and/or State governments. The following discussion focuses on the occurrence or potential for the occurrence of special-status species at the Project site.

Special-status Plant Species

Of the 53 special-status plant species recorded in the regional vicinity of the Project site, eight special-status plant species have been recorded within a five mile radius of the Project site. These include:

1. robust spineflower (*Chorizanthe robusta*)
2. Hall's bushmallow (*Malacothamnus hallii*)
3. Hoover's button-celery (*Eryngium aristulatum var. hooveri*)
4. saline clover (*Trifolium hydrophilum*)
5. alkali milk-vetch (*Astragalus tener* var. *tener*)
6. Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*)
7. hairless popcornflower (*Plagiobothrys glaber*)
8. Point Reyes salty bird's-beak (*Chloropyron maritimum ssp. palustre*)

The plant species recorded within five miles of the Project site require specific habitats or conditions, including valley grasslands, cismontane woodlands, chaparral, or swamps and marshes. None of these habitat types are present on-site. The developed state of the Project site does not provide suitable habitat for any special-status plant species recorded in the CNDDB or CNPS Inventory due to the lack of natural vegetation and the lack of suitable substrate.

Special-status Wildlife Species

Of the 45 special-status wildlife species recorded in the regional vicinity of the Project site, 25 species-status wildlife species have been recorded within a five mile radius of the Project site. The vast majority of these species are not expected to occur on the Project site due to a lack of general habitat from previous development within the Project site and the immediate surrounding areas.

1. burrowing owl (*Athene cunicularia*)
2. white-tailed kite (*Elanus leucurus*)
3. saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*)
4. golden eagle (*Aquila chrysaetos*)
5. northwestern pond turtle (*Actinemys marmorata*)
6. salt-marsh harvest mouse (*Reithrodontomys raviventris*)
7. western bumble bee (*Bombus occidentalis*)
8. steelhead - Central California Coast District Population Segment [DPS] (*Oncorhynchus mykiss*)
9. California red-legged frog (*Rana draytonii*)
10. western snowy plover (*Charadrius nivosus*)
11. yellow rail (*Coturnicops noveboracensis*)
12. Townsend's big-eared bat (*Corynorhinus townsendii*)
13. Alameda song sparrow (*Melospiza melodia pusillula*)
14. salt-marsh wandering shrew (*Sorex vagrans halicoetes*)
15. foothill yellow-legged frog - Central Coast DPS (*Rana boylii*)
16. northern California legless lizard (*Anniella pulchra*)
17. California tiger salamander - Central California DPS (*Ambystoma californiense*)
18. tricolored blackbird (*Agelaius tricolor*)
19. western yellow-billed cuckoo (*Coccyzus americanus occidentalis*)
20. California black rail (*Laterallus jamaicensis coturniculus*)
21. California ridgway's rail (*Rallus obsoletus*)

22. pallid bat (*Antrozous pallidus*)
23. American peregrinefalcon (*Falco peregrinus anatum*)
24. Crotch's bumble bee (*Bombus crotchii*)
25. Swainson's hawk (*Buteo swainsoni*)

No special-status amphibian species are expected to occur on-site due to the lack of suitable aquatic or aestivation habitat. No reptilian species are expected to occur on-site due to the lack of suitable microhabitats such as beach dunes, chaparral, desert scrub, sandy washes, stream terraces, ponds, marshes, or rivers. Additionally, high levels of development on-site preclude the likelihood of reptilian presence on-site. The Project site does contain some mature trees, which could provide suitable nesting habitat for resident and migratory bird species protected under federal and State regulations. Abandoned structures on-site were heavily boarded up and, when toured during the Project site survey, contained no evidence of bat activity. The lack of habitat value and high levels of disturbance preclude the likelihood of presence of bats and other species on-site.

Wildlife Movement Corridors and Nursery Sites

The Project site is developed and is surrounded in all directions by extensive urban development, roadways and other man-made structures that serve as barriers to wildlife movement. The Project site was evaluated for evidence of wildlife movement corridors and nursery sites during the field survey. No significant breeding/nesting colonies were observed during the reconnaissance field survey. The Project site does not include a wildlife movement corridor, nor were significant breeding/nesting colonies observed during the reconnaissance field survey. However, individual nesting birds have the potential of being present on-site and within disturbance distance seasonally. For example, songbird species adapted to urbanized areas may nest in trees that occur within the Project site.

Regulated Trees

HMH conducted a project-specific arborist evaluation and prepared a subsequent report in March 2025 (Appendix C.2). The Project site contains a mixture of native and non-native tree species as a part of the existing ornamental landscaping. HMH evaluated a total of 416 trees, 244 of which are considered ordinance-sized trees (i.e., circumference of 38 inches or greater at 4.5 feet above ground) under the City of San José Tree Removal Permit regulations. The City's Tree Removal Policy protects street trees within the public right-of-way, heritage trees, and live trees located within private property parcels. The City considers a live tree that meets the minimum ordinance size (trunk of 38 inches or more in circumference at 4.5 feet above ground) as protected.

3.3.3 - Regulatory Framework

Federal

Endangered Species Act

The United States Congress passed the Endangered Species Act in 1973 to protect those species that are endangered or threatened with extinction. The Endangered Species Act is intended to

operate in conjunction with the National Environmental Policy Act to help protect the ecosystems upon which endangered and threatened species depend.

The Endangered Species Act prohibits the "take" of endangered or threatened wildlife species. "Take" is defined to include harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting wildlife species or any attempt to engage in such conduct (16 United States Code [USC] § 1531 *et seq*.). "Harm" is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns (50 CFR § 17.3). "Harass" is defined as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns (50 CFR § 17.3). Actions that result in take can result in civil or criminal penalties.

The Endangered Species Act and the Clean Water Act (CWA) Section 404 guidelines prohibit the issuance of wetland permits for projects that jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species. The United States Army Corps of Engineers (USACE) must consult with the USFWS and/or the National Marine Fisheries Service when threatened or endangered species under their jurisdiction may be affected by a proposed Project. In the context of the proposed Project, Endangered Species Act consultation would be initiated if development resulted in take of a threatened or endangered species or if issuance of a Section 404 permit or other federal agency action could result in take of an endangered species or adversely modify critical habitat of such a species.

Migratory Bird Treaty Act

Raptors (birds of prey), migratory birds, and other avian species are protected by a number of State and federal laws. The federal Migratory Bird Treaty Act (MBTA) prohibits the killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior.

Clean Water Act

Section 404

The agencies are in receipt of the U.S. Supreme Court's May 25, 2023, decision in the case of *Sackett v. Environmental Protection Agency*. In light of this decision, the agencies will interpret the phrase "waters of the United States" consistent with the Supreme Court's decision in the *Sackett* case. In *Sackett*, the Supreme Court adopted the *Rapanos* plurality's test for adjacent wetlands: only those wetlands with a continuous surface connection to other regulated waters, such that the two are indistinguishable.

The USACE administers Section 404 of the federal CWA, which regulates the discharge of dredge and fill material into waters of the United States of the CWA, the USACE regulates the discharge of dredged and/or fill material into waters of the United States. The term "waters of the United States" is defined in USACE regulations at 33 Code of Federal Regulations Part 328.3(a) as:

1. Waters which are:

a. Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
b. The territorial seas; or
c. Interstate waters;

2. Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under paragraph (a)(5) of this section;
3. Tributaries of waters identified in paragraphs (a)(1) or (2) of this section that are relatively permanent, standing or continuously flowing bodies of water;
4. Wetlands adjacent to the following waters:
   a. Waters identified in paragraph (a)(1) of this section; or
   b. Relatively permanent, standing or continuously flowing bodies of water identified in paragraph (a)(2) or (a)(3) of this section and with a continuous surface connection to those waters;
5. Intrastate lakes and ponds not identified in paragraphs (a)(1) through (4) of this section that are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3) of this section.

The following are not “waters of the United States”:

1. Waste treatment systems, including treatment ponds or lagoons, designed to meet the requirements of the CWA;
2. Prior converted cropland designated by the Secretary of Agriculture. The exclusion would cease upon a change of use, which means that the area is no longer available for the production of agricultural commodities. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with the EPA;
3. Ditches (including roadside ditches) excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water;
4. Artificially irrigated areas that would revert to dry land if the irrigation ceased;
5. Artificial lakes or ponds created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing;
6. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking dry land to retain water for primarily aesthetic reasons;
7. Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States; and

8. Swales and erosional features (*e.g.,* gullies, small washes) characterized by low volume, infrequent, or short duration flow.

Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with the EPA and/or USACE.

"Wetland" refers to areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and seasonal wetlands. Wetlands are considered jurisdictional if they fall under one of the categories of waters of the United States defined above. The USACE jurisdiction typically extends up to the ordinary high-water mark (OHWM).

In general, a USACE permit must be obtained before placing fill in wetlands or other waters of the United States. The type of permit depends on the impacted acreage, the purpose of the proposed fill, and other factors.

Section 401

Section 401 of the CWA states that "any applicant for a federal permit for activities that involve a discharge to waters of the State, shall provide the federal permitting agency a certification from the State in which the discharge is proposed that states that the discharge will comply with the applicable provisions under the federal Clean Water Act." Therefore, before the USACE will issue a Section 404 permit, applicants must apply for and receive a Section 401 Water Quality Certification from the Regional Water Quality Control Board (RWQCB).

State

California Endangered Species Act

The State of California enacted the California Endangered Species Act (CESA) in 1984. CESA pertains to State-listed endangered and threatened species. CESA requires State agencies to consult with the CDFW when preparing CEQA documents. The purpose of CESA 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 (Fish and Game Code [FGC] § 2080). CESA directs agencies to consult with CDFW on proposed Projects or actions that could affect listed species, directs CDFW to determine whether jeopardy would occur, and allows CDFW to identify "reasonable and prudent alternatives" to the proposed Project consistent with conserving the species. CESA allows CDFW to authorize exceptions to the State's prohibition against take of a listed species if the take is incidental to carrying out an otherwise lawful proposed Project that has been approved under CEQA (FGC § 2081).

California Fish and Game Code

The California Fish and Game Code defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" (FGC § 86). Except for take related to scientific research, all take of fully protected species is prohibited. Fully protected fish species are protected under Fish and Game Code Section 5515; fully protected amphibian and reptile species are protected under Section 5050; fully protected bird species are protected under Section 3511; and fully protected mammal species are protected under Section 4700. Fish and Game Code Section 3503 prohibits the killing of birds or the destruction of bird nests. Section 3503.5 prohibits the killing of raptor species and the destruction of raptor nests. Fish and Game Code Sections 2062 and 2067 define "endangered and threatened species."

California Department of Fish and Wildlife Species of Concern

In addition to formal listing under the Endangered Species Act and CESA, certain species receive additional consideration by 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 that tracks species in California whose numbers, reproductive success, or habitats may be threatened. In addition to Species of Special Concern, the CDFW identifies animals that are tracked by the CNDDB but warrant no federal interest and no legal protection. These species are identified as "California Special Animals."

Porter-Cologne Water Quality Control Act

The CDFW is a trustee agency that has jurisdiction under Fish and Game Code Section 1600, *et seq*. Under Fish and Game Code Sections 1602 and 1603, a private party must notify the CDFW if a proposed Project would "substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by the department, or use any material from the streambeds . . . except when the department has been notified pursuant to Section 1601." Additionally, the CDFW may assert jurisdiction over native riparian habitat adjacent to aquatic features, including native trees over four inches in diameter at breast height. If an existing fish or wildlife resource may be substantially adversely affected by the activity, CDFW may propose reasonable measures that will allow protection of those resources. If these measures are agreeable to the parties involved, they may enter into an agreement with CDFW identifying the approved activities and associated mitigation measures.

Section 13260(a) of the Porter-Cologne Water Quality Control Act (contained in the California Water Code) requires any person discharging waste or proposing to discharge waste, other than to a community sewer system, within any region that could affect the quality of the waters of the State (all surface and subsurface waters) to file a report of waste discharge. The discharge of dredged or fill material may constitute a discharge of waste that could affect the quality of waters of the State.

Historically, California relied on its authority under Section 401 of the CWA to regulate discharges of dredged or fill material to California waters, which requires an applicant to obtain "water quality certification" from the State Water Resources Control Board (State Water Board) through one of its nine RWQCBs to ensure compliance with State water quality standards before certain federal

licenses or permits may be issued. The permits subject to Section 401 include permits for the discharge of dredged or fill material (CWA Section 404 permits) issued by the USACE. Waste discharge requirements under the Porter-Cologne Water Quality Control Act were typically waived for proposed Projects requiring certification. With the recent changes that limited the jurisdiction of wetlands under the CWA, the State Water Board has needed to rely on the report of the waste discharge process.

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. Potential impacts to populations of CNPS ranked plants receive consideration under CEQA review. The following identifies 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 2A:** Plants presumed extirpated in California but common elsewhere
- **Rank 2B:** Plants rare, threatened, or endangered in California, but more numerous elsewhere
- **Rank 3:** Plants about which more information is needed
- **Rank 4:** Watch List: Plants of limited distribution

All plants appearing on CNPS List 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, the CNPS recommends that all Rank 3 and Rank 4 plants be evaluated for consideration under CEQA.

Local

Santa Clara Valley Habitat Plan

The proposed Project lies within the boundaries of the SCVHP Permit Area. The Project site is located within designated “Urban Areas (No Land Cover Fee)” within the SCVHP. The applicant will still be responsible for permit applications, permit processing fees, and any applicable technical reports. The parcel is not subject to any other land cover or sensitive habitat (such as serpentine area) development fees. The Project site does not lie within a SCVHP-defined plant or wildlife survey area.

Envision San José 2040 General Plan

The 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 biological resources and are relevant to this analysis.

Goal ER-4 **Special-status Plants and Animals.** Preserve, manage, and restore habitat suitable for special-status species, including threatened and endangered species.

Policy ER-4.1 Preserve and restore, to the greatest extent feasible, habitat areas that support special-status species. Avoid development in such habitats unless no feasible alternatives exist and mitigation is provided of equivalent value.

Policy ER-4.2 Limit recreational uses in wildlife refuges, nature preserves and wilderness areas in parks to those activities which have minimal impact on sensitive habitat.

Policy ER-4.3 Prohibit planting of invasive non-native plant species in natural habitats that support special-status species.

Policy ER-4.4 Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.

Goal ER-5 **Migratory Birds.** Protect migratory birds from injury or mortality.

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.

City of San José Municipal Code

Municipal Code Chapters 13.28 and 13.32 outlines the conditions and requirements of the City's tree preservation policy.

Chapter 13.28–Street Tees, Hedges and Shrubs

The City defines a Heritage Tree as, any tree which, because of factors including but not limited to its history, girth, height, species, or unique quality, has been found by the City Council to have a special significance to the community shall be designated a Heritage Tree. Such trees shall be placed on a Heritage Tree list which shall be adopted by the City Council by resolution, which resolution may be amended from time to time to add to or delete certain trees therefrom. Street trees are any trees planted within the right-of-way on a City-owned street. The City prohibits the pruning, planting, and/or removal of any street tree and/or heritage tree. Any proposed pruning, planting, and/or removal requires a project-specific arborist report and removal request, as a part of the larger development permit application.

Chapter 13.32–Tree Removal Controls

The City defines an ordinance-sized tree is 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. The City prohibits the removal of any protected tree from any private parcel. Tree removal

requires a project-specific arborist report and removal request, as a part of the larger development permit application.

3.3.4 - Methodology

Impacts on biological resources were evaluated based on the likelihood that special-status species, sensitive habitats, wildlife corridors, and protected trees are present on the Project site, and the likely effects of the proposed Project construction or operation on these resources. For the purposes of this EIR, the word "substantial" as used in the significance thresholds below is defined by the following three principal components:

- Magnitude and duration of the impact (e.g., substantial/not substantial),
- Uniqueness of the affected resource (rarity), and
- Susceptibility of the affected resource to disturbance.

The Project site is defined as all areas directly affected by the proposed Project development.

3.3.5 - Thresholds of Significance

Significance Criteria

The Lead Agency utilizes the criteria in the CEQA Guidelines Appendix G Environmental Checklist to determine whether biological resources impacts resulting from the implementation of the proposed Project would be considered significant if the proposed Project would:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.

c) Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. (Refer to Chapter 4, Effects Found not to be Significant)

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of wildlife nursery sites.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan.

3.3.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed Project and provides mitigation measures where appropriate.

Special-status Species

Impact BIO-1: **The proposed Project would not 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.**

An impact to special-status plants or wildlife species would be considered significant if construction or operations of the proposed Project would result in a substantial, adverse change in any of the physical conditions (such as habitat) within the area affected by the proposed Project. Each potential special-status species that has the potential to be impacted is discussed in detail below.

Construction

Construction activities would result in the demolition of all existing buildings within the Project site and construction of three new speculative industrial warehouse buildings. Vegetation removal would have the potential to negatively impact special-status wildlife species and their habitats.

Special-status Plant Species

Of the 53 special-status plant species recorded in the regional vicinity of the Project site, 8 special-status plant species have been recorded within a 5-mile radius of the Project site. However, these species require specific habitats or conditions, including valley grasslands, cismontane woodlands, chaparral, or swamps and marshes. None of these habitat types are present on the Project site. Therefore, no special-status plants are expected to occur on the Project site due to the developed nature of the Project site and the lack of suitable substrate. Additionally, no special-status plant species were observed on the property during field surveys conducted by FCS. As such, impacts to special-status plant species from the proposed Project construction would be less than significant.

Special-status Wildlife Species

Of the 45 special-status wildlife species recorded in the regional vicinity of the Project site, 25 species-status wildlife species have been recorded within a 5-mile radius of the Project site. Most of these species are not expected to occur on the Project site due to a lack of general habitat from previous development within the Project site and the immediate surrounding areas.

No special-status amphibian species are expected to occur due to the lack of suitable aquatic or aestivation habitat. No special-status reptilian species are expected to occur on-site due to the lack of suitable microhabitats such as beach dunes, chaparral, desert scrub, sandy washes, and stream terraces, ponds, marshes, or rivers. Additionally, high levels of development on-site preclude the likelihood of special-status reptilian presence on-site. Vacant structures on-site were heavily boarded

up and when toured during the Project site survey, contained no evidence of bat activity. Therefore, the lack of habitat value and high levels of disturbance preclude the likelihood of the presence of bats and other species on-site.

The Project site does contain some mature trees, which could provide suitable nesting habitat for resident and migratory bird species protected under federal and State regulations. Demolition and other construction activities, including tree removal, which 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, Migratory Bird Treaty Act, and General Plan Policy ER-5.1. 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 SPC BIO-1, which outlines avoidance and minimization measures to ensure that potential proposed Project impacts on nesting birds are reduced to a less than significant level. Through the implementation of SPC BIO-1, and due to the overall lack of habitat value due to anthropogenic disturbances, impacts to special-status wildlife species and nesting birds, during construction would be less than significant.

Operation

Potential indirect operation-related impacts to special-status bird species include excess noise, and/or light. As previously discussed in Section 3.1.6 above, the proposed Project would not include the use of materials known to cause glare, such as mirrored/reflective glass; instead, the building exteriors would be painted with a non-reflective coating. Therefore, the likelihood of bird strikes or deterrence of nesting birds during operation would be minimal. However, potential operational indirect impacts to special-status nesting birds due to the proposed Project operation are not considered significant, due to the urbanized nature of the Project site and surrounding land uses, including existing office buildings containing windows that produce glare during operation. No significant changes would occur to the Project site's existing conditions. Therefore, impacts would be less than significant.

Impact BIO-1 Impacts to Nesting Birds

Demolition and other construction activities which occur during the avian nesting season (generally February 1 to August 31) could impact nesting sites for bird species protected under the Fish and Game Code, MBTA, and General Plan Policy ER-5.1, which would result in a potentially significant impact.

City of San José Standard Permit Conditions

SPC BIO-1 Impacts to Nesting Birds

Prior to City approval of improvement plans or grading permits that may result in the removal of trees, the proposed Project would implement the following measures to avoid impacts to nesting migratory birds:

- **Avoidance:** Demolition, removal of vegetation (including trees), grading, and construction shall be scheduled to avoid the nesting season to the extent feasible.

The nesting season for most birds, including most raptors, in the San Francisco Bay Area, extends from February 1st through August 31st, inclusive.

- **Nesting Bird Surveys:** If demolition, vegetation removal, and construction cannot be scheduled outside of nesting season, a qualified Biologist shall complete pre-construction surveys to identify active raptor nests (i.e., nests containing eggs or young) of protected bird species that may be disturbed during Project implementation. This survey shall be completed no more than 7 days prior to the initiation of demolition/vegetation removal/grading, and construction activities. During this survey, the qualified Biologist shall inspect all vegetation, structures, trees and other possible nesting habitats substrate (including the ground) in and immediately adjacent to the construction areas, and within 300 feet (for raptors) and 100 feet (for non-raptors) of construction areas to the extent access permits, for active nests (i.e., nests with eggs or young). If an active nest is found in an area that will be disturbed by construction, the Ornithologist Biologist shall designate a construction-free buffer zone (typically 250 feet but the buffer zone depends on the species and Project site conditions) to be established around the nest. The buffer zone is typically 300 feet for raptors and 100 feet for non-raptors, though the buffer zone may be modified by the Biologist depending on the species and Project site conditions. The buffer would ensure that active nests of raptors and other protected birds or migratory bird nests shall not be disturbed directly or indirectly during Project construction.
- **Buffer Zones:** If an active nest is found within 250 feet to the work areas to be disturbed by construction, the Ornithologist, in consultation with CDFW, shall determine the extent of a construction fee buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during the proposed Project construction the no-disturbance buffer shall remain in place until the Ornithologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.
- **Reporting:** Prior to any tree removal or approval of any grading permits (whichever occurs first), the Project applicant shall submit the Ornithologist's report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement (PBCE) or the Director’s designee prior to issuance of any grading or building permits.

Level of Significance

Less than significant impact.

Sensitive Natural Communities or Riparian Habitat

Impact BIO-2:	**The proposed Project would not 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.**

Construction activities would take place within the fully developed Project site. The Project site currently contains structures but is primarily vegetated with grasses, shrubs, and trees planted for ornamental landscaping purposes around the building foundations. No sensitive natural communities or riparian habitat, as defined by the CNDDB or local County policies, were found on the property or in the Project vicinity. As such, no impacts to riparian habitat or other sensitive natural communities would occur during construction or operation of the proposed Project.

Level of Significance

No impact.

Fish and Wildlife Movement Corridors

Impact BIO-4:	**The proposed Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of wildlife nursery sites.**

The Project site is surrounded by urban development and does not serve as a wildlife corridor or nursery site. The proposed Project would redevelop an existing site with new warehouses and would not result in changes to the existing conditions. Therefore, no impact would occur.

Level of Significance

No impact.

Local Policies or Ordinances

Impact BIO-5:	**The proposed Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.**

General Plan Goal ER-4 and ER-5 protects special-status plant species, special-status wildlife species, migratory birds, and their habitat. Since the proposed Project would disturb marginally suitable habitat for special-status species and migratory birds, development may conflict with General Plan Goal ER-4 and ER-5. Additionally, Municipal Code Chapter 13.28 and 13.32 lists protected trees, permit requirements, and the process for tree removal. Implementation of SPC BIO-1 and SPC BIO-2 would meet the requirements of General Plan policies and municipal code. Therefore, the proposed Project would not conflict with local policies and ordinances, and impacts would be less than significant.

Standard Permit Conditions

SPC BIO-2 Trees removed for the project shall be replaced at ratios required by the City, as stated in Table 3.3-1 below, as amended:

Table 3.3-1: Tree Replacement Ratios

Circumference of Tree to be Removed	Replacement Ratios Based on Type of Tree to be Removed			Minimum Size of Each Replacement Tree*
	Native	Non-native	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

Notes:
*x:x = tree replacement to tree loss ratio
Trees greater than or equal to 38-inch circumference measured at 54 inches above natural grade shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-family residential, Commercial, and Industrial properties, a permit is required for removal of trees of any size.
A 38-inch tree equals 12.1 inches in diameter at breast height (DBH).
A 24-inch box replacement tree equals two 15-gallon replacement trees.
Single-family and two-dwelling properties may replace trees at a ratio of 1:1.

On-site, 244 trees would be removed and 194 trees would be preserved. Twelve native trees would be replaced at a 5:1 ratio, resulting in 60 replacement trees; 98 non-native trees would be replaced at a 4:1 ratio, resulting in 392 replacement trees; 53 non-native trees would be replaced at a 2:1 ratio, resulting in 106 replacement trees; and the remaining 81 non-native trees would be replaced at a 1:1 ratio, resulting in 81 replacement trees. The total number and size of replacement trees required to be planted on-site is 639 15-gallon replacement trees. The permittee does not require payment of the Off-site Tree Replacement Fees to the City, as all replacement trees can fit within the Project site, in addition to the 212 24-inch box trees proposed as a part of the Project landscaping design.

Prior to the issuance of building permit(s), the permittee shall pay Off-site Tree Replacement Fee(s) to the City for ## off-site replacement trees in accordance with the City Council approved Fee Resolution in effect at the time of payment.

In the event the Project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee, at the development permit stage:

- 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.

Local, Regional, or State Habitat Conservation Plan

Impact BIO-6: **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.**

A potentially significant impact would occur if the proposed Project would conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or State HCP. The proposed Project lies within the boundaries of the SCVHP Permit Area. Prior to building permits, the applicant would be required to complete a coverage screening form to determine whether the proposed Project is covered under the SCVHP. Additionally, the Project site is located within designated "Urban Areas (No Land Cover Fee)" within the SCVHP. The City of San José contains a Standard Permit Condition for adherence to the SCVHP, which is described in SPC BIO-2 below. With implementation of SPC BIO-3, the proposed Project would not conflict with any policies of the SCVHP. The Project site is not subject to any other land cover or sensitive habitat (such as serpentine area) development fees. The Project site does not lie within a SCVHP-defined plant or wildlife survey area. The land cover types and the absence of plant and wildlife survey areas have been confirmed on the ground through the general biological survey conducted by a FCS Biologist, as required by the SCVHP. With implementation of SPC BIO-3, the proposed Project would adhere to the SCVHP. Therefore, impacts would be minimized to a less than significant.

Standard Permit Condition

SPC BIO-3 Santa Clara Valley Habitat Plan. The proposed Project may be subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The Project applicant would be required to submit the SCVHP 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 SCVHP and supporting materials can be viewed at https://scv-habitatplan.org.

Level of Significance

Less than significant impact.

3.3.7 - Cumulative Impacts

The general geographic scope of the cumulative biological resources analysis is within the City of San José. There are 11 cumulative projects within 1.5 miles of the Project site. These planned

developments are predominantly located in areas that have already been disturbed and built out with limited potential to support special-status wildlife and plant species, wildlife corridors and wildlife nursery sites. Accordingly, there is a low likelihood of special-status wildlife or plants, wildlife corridors or nursery sites, or protected trees occurring within these urban cumulative project areas due to past ground disturbance.

Special-status Species

Cumulative projects within the cumulative geographic context would be required to comply with applicable federal, State, and local laws, regulations, and policies and all applicable permitting requirements of the regulatory and oversight agencies intended to address potential impacts on biological resources. Cumulative projects would be required to adhere to standard pre-construction surveys and implement, if necessary, avoidance procedures for projects with the potential to impact special-status species (see, MM BIO-1). Cumulative project adherence to SCVHCP requirements (SCP BIO-2) would minimize potential impacts to special-status species. Additionally, cumulative impacts to special-status species and habitats can be minimized through adherence to City's General Plan Policies, though high levels of development within the cumulative geographic context lower the likelihood of this. Furthermore, there is a low probability of special-status plants to occur on active schools and commercially development areas. Nonetheless, cumulative projects would be required to abide by laws and regulations related to the protection of special-status plant species and implement mitigation as needed. As such, it is reasonable to conclude that cumulative impacts related to special plant species would be less than significant. Furthermore, the proposed Project would not contribute to the less than significant cumulative impacts of the additional projects and would therefore not be cumulatively considered.

Given the already urbanized nature of the cumulative geographic context and because cumulative development would be required to comply with the above requirements and applicable General Plan, Standard Permit Condition, and Municipal Code requirements (as described in Section 3.3.3, Regulatory Framework), cumulative biological impacts related to special-status species would be less than significant. Moreover, the proposed Project's incremental contribution to less than significant cumulative impacts would not be cumulatively considerable. Similarly, the Project site is currently developed, and the implementation of SPC BIO-1 would reduce potential Project impacts to special-status wildlife species to a less than significant level. Potential Project-related impacts on protected active bird nests will be avoided through compliance with the Migratory Bird Treaty Act and Fish and Game Code and through implementation of SPC BIO-1. Therefore, the proposed Project is not expected to substantially affect regional populations and would not be cumulatively significant.

Sensitive Natural Communities or Riparian Habitat

Within the cumulative project areas, development would not directly and significantly impact riparian habitat or other sensitive natural communities and/or aquatic resources because they are largely located in previously developed or disturbed areas. Most of the current developments are designed to address future growth problems, prevent urban sprawl, and minimize developmental impacts to sensitive natural communities. Cumulative projects within the cumulative geographic context would be required to comply with applicable federal, State, and local laws, regulations, and policies relating

to riparian habitat or other sensitive natural communities. Therefore, cumulative impacts on sensitive natural communities or riparian habitat would be less than significant.

Additionally, the proposed Project would not have any contribution to this already less than significant cumulative impact. The proposed Project does not contain any sensitive natural communities or riparian habitats and would implement applicable General Plan and Municipal Code requirements (as described in Section 3.3.3, Regulatory Framework) and, therefore, would not have a significantly cumulative contribution to the less than significant cumulative impacts to riparian habitat or other sensitive natural communities.

Fish and Wildlife Movement Corridors

The cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, are predominantly located in areas that have already been built out or have limited potential to support wildlife nursey sites and wildlife movement corridors. Cumulative projects within the cumulative geographic context would be required to comply with applicable General Plan Policies, Standard Permit Conditions, Municipal Code requirements, and other applicable regulations (as described in Section 3.3.3, Regulatory Framework) that protect wildlife nursey sites. With implementation of these policies, cumulative projects would result in less than significant cumulative impact to wildlife nursery sites and wildlife movement corridors. Moreover, the proposed Project would comply with all federal, State and local requirements and would not have a cumulatively considerable contribution to the less than significant cumulative impacts.

Local Policies or Ordinances

It has been reported that other cumulative projects identified in Table 3-1 will result in the removal of trees, including ordinance-sized trees, which are governed by the applicable local protection ordinance, including the City's Tree Ordinance. Additionally, cumulative projects may impact special-status species and habitats which are protected under the General Plan Policies, though high levels of development within the cumulative geographic context lower the likelihood of this. Impacts to these biological elements would be in direct conflict with local and regional policies and ordinances. However, all projects within the cumulative geographic context would be required to adhere to applicable local and regional policies, ordinances, and mandates, including those listed in Municipal Code Chapter 13.28 and 13.32, the SCVHP, the City's Conditions of Approval, Standard Permit Conditions, and General Plan Goals 4 through 5. Accordingly, cumulative impacts would be less than significance. Similarly, the proposed Project would be required to comply with all applicable local and regional policies and ordinances and conditions of approval protecting biological resources. Specifically, implementation of SPC BIO-1 reduces impacts to protected trees and ensures impacts would be less than significant. As such, the proposed Project would not have a cumulatively considerable contribution to the already less than significant cumulative impact.

Local, Regional, or State Habitat Conservation Plan

The cumulative geographic context falls within the boundaries of the SCVHP Permit Area. Therefore, all cumulative projects are responsible for permit applications, permit processing fees, and any applicable technical reports required by the SCVHP thereby ensuring cumulative impacts would be

less than significant. The Project site does not lie within a SCVHP-defined plant or wildlife survey area and is not within a zone that contains a Land Cover Fee. With implementation of SPC BIO-2, the proposed Project would adhere to the SCVHP and would not have a cumulatively considerable contribution to the already less than significant cumulative impact.

Level of Cumulative Significance

Less than significant impact.

3.4 - Cultural Resources

3.4.1 - Introduction

This section describes the existing cultural resources setting, as well as the relevant regulatory framework. This section then evaluates the potential impacts related to cultural resources on the Project site and its surrounding area that could result from implementation of the proposed Project. In addition, recommendations pertaining to feasible mitigation of identified potential significant impacts to cultural resources are also addressed in this section. For an analysis of the potential effects related to Tribal Cultural Resources (TCRs), refer to Section 3.16, Tribal Cultural Resources.

The descriptions and analysis in this section are based, in part, on a Phase I Cultural Resources Assessment (Phase I CRA) completed for the proposed Project by FCS in December 2025. The Phase I CRA is a confidential report and withheld from public review pursuant to Public Resources Code, Sections 5097.9 and 5097.993..

3.4.2 - Environmental Setting

Overview

The term “cultural resources” encompasses historic resources, archaeological resources, paleontological resources, and burial sites, which are generally defined as follows:

- **Historic Resources:** Historic resources are associated with the recent past. In California, historic resources are typically associated with the Spanish, Mexican, and American periods in the State’s history and are generally less than 200 years old. Historic resources often take the form of buildings, structures, and other elements of the built environment.
- **Archaeological Resources:** Archaeology is the study of artifacts and material culture with the aim of understanding human activities and cultures in the past. Archaeological resources may be associated with pre-contact indigenous cultures as well as later historic periods.
- **Burial Sites and Cemeteries:** Burial sites and cemeteries are formal or informal locations where human remains have been interred. Burial sites may be associated with pre-contact indigenous cultures as well as later historic periods.

More specifically, cultural resources may be understood as resources that have been formally recognized by a lead agency and/or are listed or determined eligible for listing on the California Register of Historical Resources (CRHR) (PRC § 5024.1, Title 14 CCR § 4852). However, the fact that a resource is not yet identified as a historical resource or found eligible for the CRHR does not preclude a lead agency from determining that said resource is a historical resource pursuant to Public Resources Code Sections 5020.1(j) or 5024.1. Under CEQA Guidelines, a substantial adverse

change in the significance of a historical resource would constitute a significant effect on the environment.

Regional Historic Background

Following is a brief overview of the relevant historic background, providing context in which to understand the background and relevance of sites found in the general project vicinity. This section is not intended to be a comprehensive review of the current academic resources available; rather, it serves as a general overview. Unless otherwise stated, information contained in this section is drawn directly from the Phase I CRA conducted by FCS.[1] Further details can be found in ethnographic studies, mission records, and major published sources referenced in the Phase I CRA. Please also see Section 3.16, Tribal Cultural Resources, for pre-contact archaeological and Native American background summaries.

Santa Clara County

Santa Clara County derives its name from Mission Santa Clara de Asís, which was founded on January 12, 1777, and it is one of the original counties created at statehood, sharing its name with the City of Santa Clara. Santa Clara County was founded on February 18, 1850, but was originally named San José County a month prior. The California legislature decided to change the name after recommendations from General Mariana Guadalupe Vallejo's committee. Santa Clara County now comprises 15 cities, with San José serving as the county seat, and covers an area of 1,312 square miles.

After the transition of California to the United States, San José became California's first capital, before it was permanently relocated to Sacramento. As more and more settlers came to area, they found the climate and soil in Santa Clara County pristine for farming and agricultural, compounded with the underground wells underlying the entire valley, making the land particularly valuable. When the gold was discovered in California in 1848, it brought an influx of settlers to the region, prompting several cities and towns to be established in the County, thus expanding its borders. Some of the prominent individuals that helped in the growth of the valley were Martin Murphy Jr., who by 1849 controlled six of the county's largest ranchos, planted the valley's first orchards and helped institute Santa Clara University; Senator Leland Stanford, who established Leland Stanford Junior University in Palo Alto; and Rafael Soto, who helped layout Palo Alto's original townsite in 1888. The addition of several rail lines was pivotal in facilitating the growth of the agricultural business. After World War II, the communities in Santa Clara County experienced a population boom with thousands of veterans settling in the area seeking suburban bliss.

Today, Santa Clara County is synonymous with Silicon Valley and home to Apple, Facebook and Google, Tesla, etc. Its population of nearly 1.8 million is one of the largest in the State and the largest of the nine Bay Area counties. In addition to its technology leadership, Santa Clara County is also home to prestigious institutions like Stanford University, San José State University, and Santa Clara University, along with sports teams such as the San José Sharks. Santa Clara County is consistently

[1] FirstCarbon Solutions (FCS) 2025. Phase I Cultural Resources Assessment: Montague Point Industrial Project

listed as one of the best places to live in the US, celebrated for high standards of living and its natural diversity. As of 2024, the estimated population of Santa Clara County population was 1,926,325.

City of San José

San José's roots trace back to 1777 with the founding of The Pueblo of San José de Guadalupe by the Spanish government. The town, a small farming community founded by 68 colonists, was the first of three established in Alta California to help administer and coordinate the missions and presidios in the province. The original pueblo, established along the Guadalupe River near what is today, Taylor Street, had to be abandoned in 1785 due to severe winter flooding. By 1791, it had been reestablished on higher ground approximately 1 mile to the south, centering on what is today César Chávez Plaza.

In 1821, Mexico won independence from Spain and lands held in common, such as pueblo and mission lands, were granted to private individuals. In 1824, Mexico passed a law that allowed both foreign and Native citizens to petition the governor for ownership of unoccupied tracts of land in an effort to stimulate further colonization. Drawn by opportunities to establish farms and small-scale commercial operations under Mexican rule, Anglo-American settlers increasingly came to San José, and by the 1840s, the Native Californians found themselves in the minority. In 1846, the United States declared war on Mexico and acquired the Mexican province of California in the Treaty of Guadalupe Hidalgo two years later. The discovery of gold in the Sierra foothills precipitated a sudden influx of population to the State, and as a central supply station for prospectors during the Gold Rush, San José underwent a population explosion. This event accelerated California's path to statehood, and in 1850, California became the 31st state in the United States, with San José serving as the first State capital. A railroad line between San Francisco and San José was completed in 1864, followed a few years later by the Central Pacific line connecting San José with the transcontinental railroad in 1869. With the City now linked to national and international markets where the agricultural and manufactured goods of the valley could be sold, San José increasingly became a major center for farming, industrial, and commercial activity and exhibited steady growth over the following two decades.

Prior to World War II, San José, with its 18 canneries and 13 packinghouses, was the world's largest canning and dried-fruit packing center. It also pioneered the manufacture of specialized mechanical farm equipment in California. The war years had a major effect on the region, with the construction of the naval air station at Moffett Field and San Francisco acting as the gateway to the Pacific from 1941 to 1945.

Following World War II, San José shifted its focus away from agriculture in an attempt to attract new industries to the City. IBM had already established its West Coast headquarters in San José in 1943 and opened a new research and development facility in 1952. Both would prove to be forerunners of the City's future economy, as Reynold Johnson and his team would later invent RAMAC, the first commercial computer, as well as the hard disk drive.

During the 1950s and 1960s, San José entered a period of unprecedented growth, skyrocketing from a city of 95,000 people and 17 square miles in 1950 to the fourth largest city in California with more than 450,000 people and 137 square miles by 1969. This growth can be directly related to the appointment of City Manager A.P. "Dutch" Hamann, who annexed over 1,389 parcels into San José during his 19-year tenure. As orchards were replaced with residential subdivisions and commercial shopping centers and rural roads widened into freeways lined with restaurants and showrooms, an anti-growth reaction to the effects of rapid development emerged in the 1970s championed by Mayors Norman Mineta and Janet Gray Hayes.

This did not limit the growth of the City's fledgling computer industry. The 1970s saw a series of major innovations as San José electronics companies abandoned traditional vacuum tubes in favor of integrated circuits and silicon chips in the manufacture of computers and small electronics. The boom in production and consequent birth of the personal computer industry led Don C. Hoefler, then editor of Microelectronics News, to begin referring to the Santa Clara Valley as "Silicon Valley" for the first time in 1971. By 1980, over 3,000 electronics firms, including IBM, Intel, and Hewlett-Packard, had taken up residence in the area, and the region became the capital of a lucrative booming technological industry that attracted new residents to San José and neighboring towns by the thousands. The City of San José became synonymous with economic opportunity, jobs, and a high standard of living, attracting top engineers worldwide into the area. Boasting a population of over one million people as of 2019, San José is the largest city in Northern California by population and area. It serves as the urban political center of Silicon Valley and attracts both large transnational corporations and small entrepreneurial companies alike to its environs.

Records Searches and Pedestrian Survey to Identify Existing Cultural Resources

Northwest Information Center

On September 18, 2025, a records search for the project area and a 0.5-mile radius beyond the project boundaries was conducted at the Northwest Information Center (NWIC) located at Sonoma State University in Rohnert Park, California. The current inventories of the National Register of Historic Places (NRHP), CRHR, California Historical Landmarks (CHL) list, California Points of Historical Interest (CPHI) list, and the Built Environment Resources Directory (BERD) for the County of Santa Clara were also reviewed to determine the existence of previously documented local historical resources.

The results of the records search indicate that seven cultural resources (five pre-contact, two historic) have been recorded within the 0.5-mile search radius surrounding the Project site; one archaeological resource (P-43-000451) is located within the project boundaries (Table 3.4-1). In addition, 53 area-specific survey reports are on file with the NWIC for the Project site and its 0.5-mile search radius; seven reports (S-025173, S-006789, S-004347, S-005761, S-006785, S-007708, and S-019424) completely address the Project site (Table 3.4-2).

Table 3.4-1: Cultural Resources Within 0.5-mile Radius of the Project Site

Resource No.	Resource Description	Date Recorded
P-43-000285	CA-SCL-000276; Rincon 1; AP15 Habitation debris, AP16 Other, Pre-contact	1977, 2017
P-43-000308	CA-SCL-000300; OHP PRN–65000482; Other–Old San Jose-Alviso Road; Other–Charles Wade Ranch; OTIS Resource Number–598360; AP02 Lithic scatter, AP09 Burials, AP11 Hearths/pits, AP15 Habitation debris, Pre-contact	1978, 1979, 1984
P-43-000365	CA-SCL-000359; Montague/Guadalupe; AP15 Habitation debris Pre-contact	1979
P-43-000451	**CA-SCL-000450; (See PICRA for details)**	**1981**
P-43-000530	CA-SCL-000529H; SCVW-H1; AH04 Privies/dumps/trash scatters	1983
P-43-003726	Moitozo Farm Complex; HP03 Multiple family property, HP04 Ancillary building, HP33 Farm/ranch	1997
P-43-004165	SCVW-2; AP02 Lithic scatter Pre-contact	1983

Source: Northwest Information Center (NWIC) Records Search. September 18, 2025.
Resources listed in **Bold** are located within the Project site.

Table 3.4-2: Previous Investigations Within 0.5-mile Radius of the Project Site

Report No.	Report Title/Project Focus	Author	Date
S-004347	**An Archaeological Field Reconnaissance of the Southern Pacific Industrial Development Site (letter report)**	**David Chavez**	**1975**
S-004374	An Archaeological Field Reconnaissance on the Proposed Southern Pacific Industrial Development in Northeast San José, Santa Clara County, California	Miley Paul Holman	1976
S-004442	Archaeological Reconnaissance of Certain Portions of the Rincon de los Esteros Redevelopment Area, San José, California	Unknown	1977
S-004805	The Archeological Resources of the Wade Ranch	Robert Cartier	1977
S-004819	The Determination of the Boundaries of Archaeological Site CA-SCL-300, North First Street and Plumeria Drive, City of San José, California: A Further Clarification	Larry S. Kobori, James C. Bard, and Colin I. Busby	1979
S-004835	Archaeological Monitoring and Data Salvage of Archaeological Site CA-SCL-300, North First Street and Plumeria Drive, City of San José, California: Final Report	Larry S. Kobori and James C. Bard	1980

Report No.	Report Title/Project Focus	Author	Date
S-004957	Cultural Resources Monitoring in the Rincon de Los Esteros Redevelopment Project: Improvement District 146 SJ, San José, California	James C. Bard, John M. Findlay, Donna M. Garaventa, Colin I. Busby, and Larry S. Kobori	1981
S-004959	*Archaeological Salvage Excavations at Sites CA-SCL-300, 302, and 450, in the Rincon de los Esteros, San Jose, California*	*J.C. Bard, C.I. Busby, and L.S. Kobori*	*1981*
S-005342	A Cultural Resource Assessment of the Renco Parcel (Lots 107, 108, and 109), San José, California	James C. Bard and Patricia M. Ogrey	1982
S-005721	A Cultural Resources Assessment: Air Products and Chemicals, Inc., Proposed Nitrogen Pipeline Along North First Street/Plumeria Drive to About McCarthy Lane, City of San José, California	Donna M. Garaventa, Patricia M. Ogrey, and Colin I. Busby	1982
S-005722	A Cultural Resources Assessment: Orchard Properties Project 800, City of San José, California	Donna M. Garaventa and Patricia M. Ogrey	1982
S-005761	**Cultural Resource Evaluation of Lands at Junction Avenue and Plumeria Drive in the City of San José, County of Santa Clara**	**Robert Cartier**	**1982**
S-005885	Secondary, Subsurface Archaeological Evaluation of Lands at Junction Avenue and Plumeria Drive in the City of San José, County of Santa Clara	Robert Cartier	1983
S-006066	Data Recovery Plan for the Guadalupe Corridor Transportation Project, Santa Clara County, California	Unknown	1983
S-006066a	*Historic Property Survey Report, Guadalupe Transportation Corridor Project: Civic Center Area, Prehistoric Properties*	*Colin I. Busby, Donna M. Garaventa, and Larry S. Kobori*	*1983*
S-006066b	*Historic Property Survey Report, Guadalupe Transportation Corridor Project: Civic Center rea, Historic Properties*	*Colin I. Busby, Donna M. Garaventa, and Michael Corbett*	*1983*
S-006066c	*UMTA-Guadalupe Corridor Project: Determination of National Register of Historic Places Eligibility for Archaeological Properties*	*Thomas Rountree and Knox Mellon*	*1982*
S-006066d	*National Register of Historic Places, Prehistoric Properties Photographic Record, Guadalupe Transportation Corridor Project: Civic Center Area*	*Colin I. Busby, Donna M. Garaventa, and Larry S. Kobori*	*1983*
S-006066e	*Request for Determination of Eligibility for Inclusion in the National Register of Historic Places, Guadalupe Corridor Transportation Project, Santa Clara County Transportation Agency*	*Unknown*	*1983*

Report No.	Report Title/Project Focus	Author	Date
S-006174	Cultural Resource Evaluation of the North First Street and Plumeria Drive Project in the City of San José, Santa Clara County, California	Robert Cartier	1983
S-006176	Cultural Resource Evaluation of the Riveroaks and Seely Project in the City of San José, County of Santa Clara	Robert Cartier	1983
S-006310	Subsurface Archaeological Testing of the North First Street and Plumeria Drive Project in the City of San José, Santa Clara County, California	Robert Cartier	1983
S-006410	Archaeological Survey Report, Coyote Creek Flood Control Project Located Between San Francisco Bay to Montague Expressway, City of San José, Santa Clara County, California	Donna M. Garaventa, James C. Bard, Robert M. Harmon, Amy A. Gowan, and R. L. Anastasio	1984
S-006785	**A Backhoe Testing Program at CA-SCL-450, Sutter Hill Montague Park, San José, California**	**James C. Bard, Melody E. Tannam, Patricia M. Ogrey, Larry S. Kobori, J. A. Parsons, M. A. Siskin, S. A. Guedon, and R. L. Anastasio**	**1984**
S-006785a	*Appendix 1–CA-SCL-450*	*James C. Bard*	*1984*
S-006785b	*Appendix 2–CA-SCL-450:*	*Larry S. Kobori*	*1984*
S-006785c	*Soil Stratigraphy of Excavation Unit*	*Jeff A. Parsons, Larry S. Kobori, and Patricia M. Ogrey*	*1984*
S-006789	**Cultural Resources Survey of the Sutter Hill Montague Park Located Between Montague Expressway and Junction Avenue in the City of San José, Santa Clara County, California**	**James C. Bard, Donna M. Garaventa, and Patricia M. Ogrey**	**1984**
S-007708	**Final Report from CA-SCL-450, Sutter Hill Montague Park, San José, California**	**Sharon L. Brock**	**1985**
S-008375	Cultural Resources Monitoring in the Rincon de los Esteros Redevelopment Project: Improvement District 153 SJ, San José, California	James C. Bard, John M. Findlay, Donna M. Garaventa, Colin I. Busby, and Larry S. Kobor	1980
S-008387	Archaeological Resources Assessment for the Guadalupe Corridor Alternatives Analysis Draft Environmental Impact Statement: Santa Clara County, California	David Chavez	1980

Report No.	Report Title/Project Focus	Author	Date
S-008387a	*An Evaluation of the Applicability of Section 4 (f) of the Department of Transportation Act to the Guadalupe Corridor Transportation Plan Alternatives*	*William Roop*	*1981*
S-008387b	*Prehistoric Archaeological Survey Report, Guadalupe Transportation Corridor, Santa Clara County, California*	*William Roop, Christian Gerike, and Margaret Duddy*	*1982*
S-008487	Cultural Resource Evaluation of the Renco 5 and 6 Project, South Montague Expressway in the City of San José, County of Santa Clara	Robert Cartier	1981
S-008523	Cultural Resource Evaluation of a Parcel on River Oaks Parkway in the City of San José, County of Santa Clara	Robert Cartier	1981
S-008575	A Cultural Resource Assessment of the Atari Inc. Campus Site, San José, California	Colin I. Busby, Robert M. Harman, David J. Fee, and Beverly K. Lewis	1981
S-008626	Cultural Resources Investigation, Second Expansion of Rincon de los Esteros Redevelopment Project	Dorothea J. Theodoratus, Clinton M. Blount, Ruth M. Begell, Billy J. Peck, Richard D. Ambro, Lynn L. Marshall, Ann H. Johnson, and Mary Agnes Dougherty	1980
S-008694	Archaeological investigations within the Rincon de los Esteros Redevelopment Project area in San José, California (letter report)	Stephen A. Dietz	1977
S-010857	Cultural Resources Evaluation of Five Proposed Locations for the Agnews Development Center (East) Cogeneration Facility in the City of San José, County of Santa Clara	Robert Cartier	1989
S-013201	A Cultural Resources Assessment of the Parcel on the Southeast Corner of River Oaks Parkway and Zanker Road, City of San José, Santa Clara County, California	Michael R. Fong, Stuart A. Guedon, and Steven J. Rossa	1991
S-013209	A Cultural Resources Assessment of the Parcel on the East Side of North First Street Between Caviglia Drive and Montague Expressway, City of San José, Santa Clara County, California	Michael R. Fong and Sondra A. Jarvis	1991
S-014230	Evaluation of Archaeological Resources for the San José/Santa Clara Nonpotable Water Reclamation Project	Robert Cartier, Allika Ruby, Jason Bass, and Mike Kelley	1992
S-016898	An Archaeological Resources Assessment of Orchard Properties Project 703, City of San José, California	Colin I. Busby	1981

Report No.	Report Title/Project Focus	Author	Date
S-017868	Cultural Resource Evaluation of 6.3 Acres Located on Junction Avenue, East of Zanker Road and North of Plumeria Drive, in the City of San José	Robert Cartier and Lynne Eckert	1995
S-018406	Cultural Resource Evaluation of the Cisco System 4 Project, City of San José	Robert Cartier and Lynne Eckert	1996
S-019424	**Cultural Resources Survey for the Los Esteros Project, Santa Clara County (letter report)**	**John Holson**	**1997**
S-025173	**Cultural Resources Report for San José Local Loops, Level 3 Fiber Optics Project in Santa Clara and Alameda Counties, California**	**John Holson, Cordelia Sutch, and Stephanie Pau**	**2002**
S-026217	Cultural Resource Evaluation of the Project Area at 3331 North First Street (VTA Headquarters, Site # SF54XC425B) in the City of San José	Robert Cartier	2002
S-031526	Cultural Resource Evaluation of the Project [at] 3300 Zanker Road in the City of San José	Archaeological Resource Management	2005
S-033018	Archaeological Records/Literature Search–Sony Property, River Oaks Parkway at Zanker Road, City of San José, Santa Clara County (letter report)	Colin I. Busby	2006
S-034243	Archaeological Records/Literature Search–3200 Zanker Road (former Atari Property), APNs 097-33-104, -105, -106, -107, -108, and -109, City of San José, Santa Clara County (letter report)	Colin I. Busby	2007
S-035868	Cultural Resources Records Search and Site Visit Results for T-Mobile USA Condidate SF14258 (San José Fire Station), 199 Innovation Drive, San José, Santa Clara County, California	Wayne Bonner and Kathleen Crawford	2009
S-036057	Cultural Resources Analysis for T-Mobile Site Number SF14258/ San José Fire Station, 199 Innovation Drive, San José, Santa Clara County, California 9513436	Carolyn Losee	2009
S-047217	East Agnews Developmental Center, HABS-Style Documentation, San José, CA [14203]	Ruth Todd, Christina Dikas, Jonathon Rusch, William Porter, and Mido Lee	2015

Notes:
* Reports listed in **Bold** text are located within the Project site.
* Reports listed in *Italicized* text with a sequential lowercase letter are supplemental reports that are not included in the total count of recorded reports within the 0.5-mile search radius.

Source: Northwest Information Center (NWIC) Records Search. September 18, 2025.

Historic Maps and Aerial Photographs

A review of 22 historical aerial photographs spanning from 1948 to 2022 provides a chronological overview of the Project site's development. From 1948 to 1963, the site was undeveloped agricultural land. Between 1963 and 1980, surrounding areas experienced commercial and residential growth, and by 1980, development began on the Project site. Between 1980 and 1987, the site was transformed into its current configuration as a plaza with five commercial buildings. From 1987 to 2022, the site remained largely unchanged, with only minor landscaping modifications.

Cultural Resources Pedestrian Survey

On October 13, 2025, FCS Staff Archaeologist Taylor Love, MA, RPA, surveyed the Project site to identify any unrecorded cultural resources within the project boundary. The Project site is entirely hardscaped and consists of five commercial buildings and their adjoining parking lots, and is located at 3050 Zanker Road, 2840-2880 Junction Avenue, and 411 East Plumeria Drive in San José, Santa Clara County, California. The Project site is situated in an area with commercial and residential buildings and is bordered by Junction Avenue to the south, Zanker Road to the west, and Montague Expressway to the north.

The survey began on the southwestern corner of the roughly arch-shaped site and moved east using north–south transects spaced at 15-meter intervals whenever possible. With the exception of extremely limited sections of landscaping that contained sections of exposed soil, visibility of native soils was non-existent across the site. Observed soils were primarily composed of dark brown (Munsell 10 YR 3/3) dry compact soil. Soils appeared heavily disturbed and were mixed with gravel, sand, and mulch, all likely imported to the site.

Survey conditions were documented using digital photographs and field notes. During the survey, Ms. Love examined all areas of the exposed ground surface 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).

No pre-contact archaeological resources were encountered over the course of the pedestrian survey. It should be noted, however, that visibility of native soils was almost non-existent and the developed nature of the Project site does not preclude to possibility that subsurface archaeological features may be present.

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 proposed Project was evaluated against a set of criteria identified by a geoarchaeological overview of the nine Bay Area counties in Caltrans District 4

that was prepared for Caltrans.[2] 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.

The Project site is situated on flat, developed land, with the nearest water sources being the Guadalupe River, approximately 0.5 mile west, and Coyote Creek, approximately 0.7 mile east. According to the *Milpitas, California*, USGS 7.5- minute Topographic Quadrangle Map, the Project site is entirely situated upon Holocene era alluvial gravel (Qa) and alluvial clay soil (Qac) deposits.[3] Applying the criteria set forth by Meyer and Rosenthal, all Holocene era deposits in close proximity to water sources have a moderate to high probability of containing subsurface archaeological deposits.[4] The pedestrian survey yielded negative results for pre-contact resources, and the Sacred Lands File (SLF) search was also negative. However, the NWIC records search indicates that one resource (P-43-000451) is located within the project boundaries. This, coupled with the Project site's proximity to natural water sources, suggests a high potential for discovering cultural resources within the project area.

Summary of Existing Cultural Resources at the Project Site

Historic Architectural Resources

As noted above, there are five office/ R&D buildings situated within the Project site. Based on review of historic aerial photographs and available property history, the Project site was speculatively developed with industrial shells constructed at various times between 1980 and 1987 by Sutter Hill Limited. The Project site consists of five low rise office park buildings with glass and stucco exteriors. The buildings are less than 50 years old and do not possess exceptional significance; therefore, they are likely ineligible for listing on the NRHP, CRHR, or on the San José Historic Resources Inventory.

Archaeological Resources

One pre-contact resource is located within the Project site boundaries.

[2] Jack Meyer and Jeffrey Rosenthal. (2007). Geoarchaeological Overview of the Nine Bay Area Counties in Caltrans District 4.

[3] Dibblee, T.W., and Minch, J.A. (2005). Geologic map of the Mt. Madonna quadrangle, Santa Clara and Santa Cruz Counties, California. Website: https://ngmdb.usgs.gov/Prodesc/proddesc_73806.htm. Accessed March 9, 2026.

[4] Jack Meyer and Jeffrey Rosenthal. (2007). Geoarchaeological Overview of the Nine Bay Area Counties in Caltrans District 4.

3.4.3 - Regulatory Framework

Federal

National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA), as amended, established the NRHP, which contains an inventory of the nation's significant prehistoric and historic properties. Under Title 36 Code of Federal Regulations Part 60, a property is recommended for possible inclusion on the NRHP if it is at least 50 years old, has integrity, and meets one of the following criteria:

- It is associated with significant events in history, or broad patterns of events.
- It is associated with significant people in the past.
- It embodies the distinctive characteristics of an architectural type, period, or method of construction; or it is the work of a master or possesses high artistic value; or it represents a significant and distinguishable entity whose components may lack individual distinction.
- It has yielded, or may yield, information important in history or prehistory.

Certain types of properties are usually excluded from consideration for listing in the NRHP, but they can be considered if they meet special requirements in addition to meeting the criteria listed above. Such properties include religious sites, relocated properties, graves and cemeteries, reconstructed properties, commemorative properties, and properties that have achieved significance within the past 50 years.

Archaeological Resources Protection Act

The Archaeological Resources Protection Act (ARPA) amended the Antiquities Act of 1906 (16 USC 431–433) and set a broad policy that archaeological resources are important to the nation and should be protected and required special permits before the excavation or removal of archaeological resources from public or Indian lands. The purpose of ARPA was to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites that are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data that were obtained before October 31, 1979.

State

CEQA Guidelines Section 15064.5(a)—CEQA Definition of Historical Resources

CEQA Guidelines Section 15064.5(a), in Title 14 of the California Code of Regulations, defines a "historical resource" as:

(1) A resource listed in or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.

(2) A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in a historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be a historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1.

Therefore, under CEQA, even if a resource is not included on any local, State, or federal register or identified in a qualifying historical resources survey, a lead agency may still determine that any resource is a historical resource for the purposes of CEQA if there is substantial evidence supporting such a determination. A lead agency must consider a resource to be historically significant if it finds that the resource meets the criteria for listing in the CRHR.

Archaeological and historical sites are protected pursuant to a wide variety of State policies, laws and regulations, as enumerated in the Public Resources Code Section 5024.1. Cultural resources are recognized as nonrenewable resources and receive additional protection under the Public Resources Code and CEQA.

Public Resources Code Section 5024.1 and CEQA Guidelines Section15064.5(a)—Definition of a Historic Resource

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 Section 15064.5(a)(3)—California Register of Historical Resources Criteria

As defined by CEQA Guidelines, Section 15064.5(a)(3) (A-D), a resource shall be considered historically significant if the resource meets the criteria for listing on the CRHR. The CRHR and many local preservation ordinances have employed the criteria for eligibility to the NRHP as a model (see criteria described above under the description of the NHPA), since the NHPA provides the highest standard for evaluating the significance of historic resources. A resource that meets NRHP criteria is clearly significant. In addition, a resource that does not meet NRHP standards may still be considered historically significant at a local or State level.

CEQA Guidelines 15064.5(c)—Effects on Archaeological Resources

CEQA Guidelines state that a resource need not be listed on any register to be found historically significant. 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.

CEQA Guidelines Section 15064.5(d)—Effects on Human Remains

- Native American human remains and associated burial items may be significant to descendant communities and/or may be scientifically important for their informational value. They may be significant to descendant communities for patrimonial, cultural, lineage, and religious reasons. Human remains may also be important to the scientific community, such as prehistorians, epidemiologists, and physical anthropologists. The specific stake of some descendant groups in ancestral burials is a matter of law for some groups, such as Native Americans (CEQA Guidelines § 15064.5(d); PRC § 5097.98). CEQA and other State laws and regulations regarding Native American human remains provide the following procedural requirements to assist in avoiding potential adverse effects on human remains within the contexts of their value to both descendant communities and the scientific community.
- When an initial study identifies the existence or probable likelihood that a project would affect Native American human remains, the lead agency is to contact and work with the appropriate Native American representatives identified through the NAHC to develop an agreement for the treatment and disposal of the human remains and any associated burial items (CEQA Guidelines § 15064.5(d); PRC § 5097.98).
- If human remains are accidentally discovered, the County Coroner must be contacted. If the County Coroner determines that the human remains are Native American, the Coroner must contact the NAHC within 24 hours. The NAHC must identify the Most Likely Descendant (MLD) to provide for the opportunity to make recommendations for the treatment and disposal of the human remains and associated burial items (CEQA Guidelines § 15064.5(e)).

- If the NAHC is unable to identify an MLD, the MLD fails to make recommendations within 24 hours of notification, or the project applicant rejects the recommendations of the MLD, the Native American human remains and associated burial items must be reburied in a location not subject to future disturbance on the property (CEQA Guidelines § 15064.5(e)).
- If potentially affected human remains or a burial site may have scientific significance, whether or not it has significance to Native Americans or other descendant communities, then under CEQA, the appropriate mitigation of effect may require the recovery of the scientific information of the remains/burial through identification, evaluation, data recovery, analysis, and interpretation (CEQA Guidelines § 15064.5(c)).

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.

Local

Envision San José 2040 General Plan

Landmarks and Districts

Goal LU-13	Landmarks and Districts. Preserve and enhance historic landmarks and districts in order to promote a greater sense of historic awareness and community identity and contribute toward a sense of place.
Policy LU-13.4	Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.
Policy LU-13.6	Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior’s Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.

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

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

Policy LU-13.16 Alert property owners, land developers, and the building industry to historic preservation goals and policies and their implications early in the development process.

Archaeology and Paleontology

Goal ER-10 **Archaeology and Paleontology** Preserve and conserve archaeologically significant structures, sites, districts and artifacts in order to promote a greater sense of historic awareness and community identity.

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

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

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

3.4.4 - Methodology

This evaluation focuses on whether implementation of the proposed Project would have potentially significant impacts on historic resources, architectural resources, archaeological resources, or human remains.

A project could have a significant impact on a historical resource if construction of the project would significantly impair a resource's eligibility for inclusion in the CRHR; thus, this information has been considered, as appropriate, as part of the methodology used in this evaluation. Analysis is based, in part, on information collected from record searches at the NWIC, additional archival research, pedestrian surveys, and information from the historic architectural assessment of existing properties more than 50 years in age (if any) located within the Project site boundaries. If a project would leave an identified cultural resource no longer able to convey its significance, meaning that the resource would no longer be eligible for listing in the CRHR, then the proposed Project's impact would be considered a significant adverse change. Pursuant to CEQA Guidelines Section 15126.4(b)(1), if a project adheres to the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, then the project's impact "shall generally be considered mitigated below a level of significance and thus is not significant."

A 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). Analysis is based, in part, on information collected from record searches at the NWIC, the additional archival research, and pedestrian surveys.

Both direct and indirect effects of project implementation were considered for this analysis. Direct impacts are typically associated with construction and/or 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, or human remains.

3.4.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the CEQA Guidelines Appendix G Environmental Checklist to determine whether cultural resources impacts resulting from the implementation of the proposed Project would be considered significant if the project would:

a) Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5. (Refer to Chapter 4, Effects Found Not to be Significant)

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

c) Disturb any human remains, including those interred outside of dedicated cemeteries.

3.4.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed Project and provides mitigation measures where appropriate.

Archaeological Resources

Impact CUL-2: The proposed Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

Impact Analysis

Records search from the NWIC identified five pre-contact archaeological resources, one of which was recorded within the project boundaries. The proposed Project grading plans indicate that the known archaeological resource on the Project site would not be subject to ground disturbance or adversely impacted by construction activities, as all proposed grading, excavation, and utility work are confined to areas outside the recorded resources boundaries. Therefore, this resource would not be adversely impacted by the proposed Project.

The pedestrian survey conducted for the Project site on October 13, 2025, failed to locate or identify any additional archaeological resources.

The Project site rests on Holocene era alluvial gravel (Qa) and alluvial clay soil (Qac) deposits and is located approximately 0.5-mile east of the Guadalupe River and 0.7-mile west of the Coyote Creek, the nearest natural water sources. The Project site's geomorphology, its proximity to natural water sources, and the presence of a known archaeological resource, suggest a high potential for the inadvertent discovery of cultural resources during project-related ground disturbances.

There is always the possibility that earthmoving activities associated with 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 these resources would result in a potentially significant impact. However, the Project applicant would be required to adhere to the SPC CUL-1. Furthermore, the Project applicant would be required to implement MM CUL-2a and MM CUL-2b to further reduce potential impacts to archaeological resources that may be discovered during project construction. As such, impacts would be less than significant.

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 Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified Archaeologist in consultation with a Native American representative registered with the NAHC for the City of San José and who is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 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 previously undiscovered archaeological resources during ground disturbance of the proposed Project could result in potential impacts pursuant to Section 15064.5.

Mitigation Measures

MM CUL-2a Prior to the issuance of demolition permit and/or grading permits (whichever occurs first), the applicant/project owner/project sponsor shall ensure that all construction personnel conducting ground disturbance at the site be provided a Worker Environmental Awareness Program cultural resources "tailgate" training. The training shall include visual aids, a discussion of applicable laws and statutes relating to archaeological resources, types of resources that may be found within the Project site, and procedures to be followed in the event 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. This training is mandatory for all construction personnel conducting any ground disturbance construction activities on-site throughout construction duration. A sign-in sheet for attendees of this training shall be recorded and submitted to the City within 48 hours of training implementation. An Archaeological Monitor reporting to the qualified Archaeologist shall be present for full-time monitoring during all grading and earth-disturbing activities in the project area.

MM CUL-2b Prior to the issuance of demolition permit and/or grading permits (whichever occurs first), a qualified Archaeologist shall develop an Archaeological Monitoring and Treatment Plan to address the details, timing and responsibility of all monitoring activities that will occur on the Project site. The plan shall be developed in coordination with the City and any consulting Native American Tribes. At a minimum, the plan shall include the following:

1. A detailed summary, avoidance, and protection plan for resource P-43-000451 that includes Environmentally Sensitive Area (ESA) fencing around the resource. The fencing shall be erected prior to grading and shall remain in place for the duration of project-related ground disturbance.
2. Scheduling, safety protocols, roles and responsibilities, and a summary of applicable laws governing the treatment and dispossession of archaeological resources.
3. An archaeological monitoring plan stipulating that all project-related ground disturbance shall be monitored by a qualified Archaeologist and a Tribal Monitor. The plan should also state that in the event a potentially significant cultural

resource is encountered during subsurface earthwork activities, all construction activities within a 100-foot radius of the find shall cease and workers shall avoid altering the materials until the project Archaeologist has evaluated the situation.

4. Recordation and data-recovery procedures to be followed if the archaeological resource requires further examination or collection.

Level of Significance

Less than significant impact.

Human Remains

Impact CUL-3: The proposed Project would not disturb human remains, including those interred outside of dedicated cemeteries.

Impact Analysis

No dedicated cemeteries are known to be within the proposed Project boundaries, and no known or identified human remains will be disturbed or adversely impacted by the proposed Project. The possibility always exists, however, that construction-related ground disturbance may uncover previously undiscovered human remains which could result in a significant impact. In the event such a discovery is made, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 must be followed. Accordingly, the proposed Project would be required to comply with SPC CUL-2 which details inadvertent discovery procedures. Implementation of SPC CUL-2 would reduce potential impacts to previously undiscovered human remains to a less than significant level.

Operation

Impacts related to a project's potential to disturb human remains are limited to construction. No respective direct or indirect operational impacts related to human remains would occur.

Standard Permit Conditions

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 Assembly Bill (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 Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified Archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner 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 an 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 his/her authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

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

3.4.7 - Cumulative Impacts

The geographic scope for the cumulative analysis is described further below for each type of resource

Archaeological Resources

The geographic scope of the cumulative archaeological resources analysis is defined as the 0.5-mile NWIC records search radius. This is because archaeological resource impacts tend to be localized because the integrity of any given resource depends on what occurs in the immediate vicinity around that resource, such as disruption of soils, and the immediate vicinity provides the smallest geographic unit within which significant cumulative impacts spanning multiple projects may occur. Two cumulative projects shown on Chapter 3, Environmental Impact Analysis, Exhibit 3-1, Cumulative Projects Map, are within the 0.5-mile geographic scope.

Cumulative impacts to archaeological resources are limited to construction. There are two known unique archaeological resources within this 0.5-mile geographic scope, one is within the Project site and the other is within the 0.5-mile search radius; however, there is always the possibility of previously unknown archaeological resources that could be damaged or destroyed during subsurface construction activities associated with cumulative projects. Any such potential impacts would be required to be mitigated to a less than significant level at an individual project level through adherence to applicable local, State, and federal laws and regulations, as discussed in Section 3.4.3. Accordingly, cumulative impacts would be less than significant.

As noted above, there are 53 area-specific survey reports on file with the NWIC for the Project site and its 0.5-mile search radius. Seven reports address the Project site specifically, indicating that it has previously been surveyed for archaeological resources. Following compliance with SPCs and implementation of MM CUL-2a and MM CUL-2b, the proposed Project would not have a cumulatively considerable contribution to the less than significant cumulative impact on any known archaeological resources. Therefore, the proposed Project would not have a cumulatively considerable contribution.

Human Remains

Potential cumulative impacts are limited to the construction phase. The geographic scope for purposes of evaluating cumulative impacts relative to human remains is the project vicinity, generally defined as the 0.5-mile NWIC records search radius. Impacts related to human remains tend to be localized because the integrity of any given resource depends on what occurs in the immediate vicinity around that resource, such as disruption of soils, and the immediate vicinity provides the smallest geographic unit within which significant cumulative impacts spanning multiple projects may occur. Therefore, in addition to the Project site itself, the area near the Project site would be the area most affected by project activities (generally within a 0.5-mile radius).

Previously unrecorded burial sites have been encountered in the project vicinity. Therefore, past, present, and reasonably foreseeable construction activities may have the potential to encounter undiscovered human remains and/or dedicated cemeteries. These cumulative projects would be required to mitigate for impacts through compliance with applicable federal and State laws governing human remains and/or dedicated cemeteries. Additionally, the implementation of standard construction mitigation measures and BMPs, including SPC CUL-2, would ensure undiscovered human remains and/or dedicated cemeteries are not adversely affected by cumulative project-related construction activities. These measures would prevent the destruction or degradation of potentially significant cultural resources within the geographic scope. Therefore, cumulative impacts would be less than significant with mitigation incorporated.

Additionally, as the proposed Project contains one known archaeological site, it could have a cumulatively considerable contribution to cumulative impacts. However, with the adherence of SPC CUL-2, the proposed Project's incremental contribution is reduced to below a level of significance.

Level of Cumulative Significance

Less than significant impact.

3.5 - Energy

3.5.1 - Introduction

This section describes the existing energy setting in the project area as well as the relevant regulatory framework. This section then evaluates the possible impacts related to energy that could result from implementation of the proposed Project. Information in this section is based on project-specific energy calculation outputs included in Appendix B1.

3.5.2 - Existing Setting

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

Electricity

Electricity, as a consumptive utility, is a man-made resource. The production of electricity requires the consumption or conversion of resources—including water, wind, oil, gas, coal, solar, geothermal, and nuclear resources—into usable energy. The delivery of electricity involves several system components for distribution and use. Electricity is distributed through a network of transmission and distribution lines commonly called a power grid. Energy capacity, or electrical power, is generally measured in watts, while energy use is measured in watt-hours. On a utility scale, the capacity of a generator is typically rated in megawatts, which is 1 million watts, while energy usage is measured in megawatt-hours (MWh) or gigawatt-hours (GWh), which is 1 billion watt-hours.

California's 2024 electricity consumption was 282,783 GWh or 283 terawatt-hours. Santa Clara County's 2024 commercial and residential sectors utilized a total of 17,794 million kWh (GWh) divided into nonresidential usage of 13,521 GWh and residential usage of 4,273 GWh.[1]

The proposed Project would be served by San José Clean Energy. The 2023 base package, Green Source, was 55 renewable energy from a combination of biomass, hydropower, wind, and solar sources with a GHG intensity of 50 pounds carbon dioxide equivalent (CO_2e) per MWh. SJCE's Total Green Program offered 100 percent renewable from wind sources while its Solar Access Program offered 100 percent renewable solar option.[2] The City's SPC GHG-1 requires development projects to demonstrate proof of enrollment in SJCE's GreenSource program (approximately 95 percent carbon-free power) SB 100 requires 60 percent of retail electricity sales from Renewable Portfolio Standard (RPS)-eligible renewables by 2030, and 100 percent of retail electricity sales from carbon-free

[1] California Energy Commission (CEC). 2024. Energy Consumption Database, Electricity Consumption by County. Website: https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/california-energy-consumption-dashboards-0. Accessed October 10, 2025.

[2] San José Clean Power. 2025. 2023 Power Content Label. Website: https://sanjosecleanenergy.org/wp-content/uploads/2024/11/SJCE-2023-PCL.pdf. Accessed October 10, 2025.

resources by 2045. The term “carbon-free” includes all RPS-eligible renewables plus non-renewable, zero-emission sources such as large hydroelectric and nuclear power. These resources help eliminate GHG emissions but are excluded from the RPS calculation because they are not considered renewable under the statute.

Although SJCE procures this power, PG&E continues to deliver electricity over existing power lines, maintain the lines, send bills, and provide customer service.

Natural Gas

Natural gas is a combustible mixture of simple hydrocarbon compounds (primarily methane) that is used as a fuel source. Natural gas consumed in California is obtained from naturally occurring reservoirs and delivered through high-pressure transmission pipelines. Natural gas provides almost one-third of California’s total energy requirements and is measured in terms of both cubic feet and British Thermal Units. In 2024, Santa Clara County’s natural gas usage was 386.9 total millions of therms (174.2 million therms for nonresidential usage and 212.6 million therms for residential).[3]

PG&E supplies natural gas in Santa Clara County. However, as previously stated, the proposed Project would be constructed and operated as all-electric and therefore would not utilize natural gas.

Energy Usage Sectors

Energy use in an area is distributed across several sectors including industrial, residential, and commercial energy and transportation.

- The industrial sector, which is pertinent to the proposed Project, includes consumption from construction, in addition to manufacturing, agriculture, and mining.

Industrial Sector

Construction

While construction fuel use is not separately tracked within industrial fuel consumption, it is a significant contributor, with the industry relying almost exclusively on diesel for off-road equipment. Diesel is preferred for its 12 percent higher energy content per gallon than gasoline and engine-life-extending properties, making it ideal for heavy-duty applications. Biodiesel, introduced in California in 2000, is made mainly from soybean and recycled oils and can be blended into, but cannot replace, diesel. Renewable diesel, introduced in 2012 and produced largely from animal waste oils, is chemically similar to petroleum diesel and can fully substitute for it (up to 100 percent, or R100). Blends are labeled with “R” plus the renewable content percentage. California consumed over 62 million barrels of renewable diesel in 2023, up from 1 million in 2011 and 28 million in 2021, driven

[3] California Energy Commission (CEC). 2024. Energy Consumption Database, Gas Consumption by County. Website: https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/california-energy-consumption-dashboards-1. Accessed October 10, 2025.

largely by the Low Carbon Fuel Standard adopted in 2011. By early 2023, clean fuels replaced more than half of the diesel used Statewide.

3.5.3 - Regulatory Framework

The following section describes federal, State, regional, and local regulations and policies that are relevant to GHG emissions. Energy consumption focuses on traditional fossil fuels as well as replacement with renewable sources and overlaps considerably with regulations and policies designed to reduce GHG emissions. This section focuses primarily on energy regulations and policies, with references to GHG and air quality regulations that also reduce energy consumption.

Federal

Federal energy 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 rules 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 regulations set important groundwork and foundation for subsequently promulgated California regulations.

Energy Star Program

The federal Energy Star program, administered by the EPA, establishes nationally recognized performance standards for energy-efficient buildings, equipment, and appliances. Energy Star-certified products—such as heating, ventilation, and air conditioning equipment, water heaters, lighting, refrigeration, and electronics—use significantly less energy than baseline models, thereby reducing electricity demand and associated greenhouse gas emissions.

State

Because federal regulations generally preempt State and local regulations, they set the foundation for subsequent State regulations to build upon. The following addresses State regulations related to transportation fuel efficiency and regulations for commercial and residential energy usage related to building envelope and appliance usage.

Transportation Sector

California adheres to the federal Corporate Average Fuel Economy standards but also has several other State programs, policies and regulations that target and influence emissions reductions by reducing VMT, limiting idling, and increasing fuel efficiency which also results in increased energy efficiency. These include the following:

- Pavley Regulations and Fuel Efficiency Standards (AB 1493)
- Low Emission Standards Program

- Zero-Emission Vehicle 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 Regulation
- Clean Miles Standard
- ATCM to limit diesel-fueled commercial idling
- SB 375 (VMT reduction)

Industrial (Commercial) Sector

Land use development projects consume fuel during construction operations. Because of energy and efficiency requirements, off-road diesel equipment dominates the industry. 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 minimize toxic diesel exhaust and result in energy efficiency and avoidance of wasteful energy use.

Residential and Commercial Sector

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.

This update to the building code provides crucial steps in the State's progress toward 100 percent clean carbon neutrality by midcentury. The 2025 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, 2026, must comply with the 2025 Energy Code. The Energy Code includes measures that will reduce energy use in single-family and multi-family buildings.

California Code of Regulations Title 20 (Appliance Efficiency Regulations)

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) includes 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. These voluntary measures 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 SB 350, SB 100, and SB 1020, 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. Developers can support this by integrating renewable energy systems, such as solar panels, into their projects. This not only helps meet State energy goals but also enhances the sustainability and marketability of new developments.

California Energy Commission 2024 Integrated Energy Policy Report

The Integrated Energy Policy Report (IEPR) is adopted by the California Energy Commission (CEC) every two years and updated every other year as mandated by SB 1389. The 2023 IEPR is the most recently adopted report, and the 2024 IEPR Update is the most recently adopted update to the IEPR. 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 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

Bay Area Air Quality Management District

The Bay Area Air District has implemented a comprehensive set of policies and efforts aimed at advancing energy efficiency, reducing reliance on fossil fuels, and promoting the adoption of renewable energy sources. Central to these efforts is the 2017 Clean Air Plan which outlines strategies such as building electrification, stringent NO_X emission standards for residential and commercial appliances (Regulation 9, Rules 4 and 6) and the phased replacement of natural gas appliances with electric heat pumps beginning in 2027. The 2017 Clean Air Plan also includes control measures that promote green building standards, building decarbonization, and energy efficiency which encourage energy-efficient retrofits, electrification, and integration of renewable energy technologies in both new and existing buildings. These initiatives support the region's transition to a post-carbon economy and align with California's long-term climate goals.

Plan Bay Area

The Metropolitan Transportation Commission (MTC) is the federally recognized Metropolitan Planning Organization for the nine-county Bay Area, which includes Santa Clara County. On July 18, 2013, Plan Bay Area was jointly approved by the Association of Bay Area Governments Executive Board and the MTC. On July 26, 2017, the MTC adopted Plan Bay Area 2040, a focused update that builds upon the growth pattern and strategies developed in the original Plan Bay Area with updated planning assumptions that incorporate key economic, demographic, and financial trends since the original plan was adopted. In October 2021, the MTC and Association of Bay Area Governments adopted Plan Bay Area 2050, which is now the official long-range plan that addresses housing, the economy, transportation, and the environment in the Bay Area through the implementation of 35 strategies, including those that address energy use both directly and indirectly through the promotion of greener buildings and use of alternative modes of transportation.

Local

Envision San José 2040 General Plan

The following policies in the General Plan have been adopted for the purpose of reducing or avoiding impacts related to energy resources and are relevant to the proposed Project and 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-2.2 Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.

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

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

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

Policy MS-3.1 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-14.4 Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, and passive solar building design and planting of trees and other landscape materials to reduce energy consumption.

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.

City of San José Reach Codes

The City of San José has adopted a Reach Code, which is a building code that is more advanced than those required by the State. Reach Codes that support energy efficiency, electrification, and renewable energy can save energy and reduce GHG emissions. In September 2019, the San José City Council approved a building Reach Code Ordinance adopting provisions of the California Green Building Code and California Building Energy Efficiency Standards to increase building efficiency, mandate solar readiness on nonresidential buildings, and increase EV readiness and installation of EV charging stations.[4]

3.5.4 - Methodology

The approach to analysis for energy use is based on CEQA Guidelines Appendix F (Energy Conservation) which is focused on energy conservation through the efficient use of energy resources. Estimates of energy consumption associated with the proposed Project are based, in part, on information provided by the CalEEMod output included in Appendix B1, according to the Methodology outlined in Section 5. Assumptions for construction and operations used to determine energy consumption are consistent with those used to determine Air Quality and Greenhouse Gas Impacts.

Construction

Fuel consumption for on-site construction equipment and off-site construction vehicles is calculated using results derived from CalEEMod modeling. Off-road equipment fuel consumption is based on the mix of construction equipment and duration utilizing the CalEEMod inputs including number and type of equipment, duration of use, operating load factor, fuel type, and fuel consumption. Fuel consumption factors in terms of gallons per hour of diesel for off-road equipment were calculated using a factor of 0.054 gallons per brake horsepower hour.[5]

[4] City of San José. Ordinance No. 30311 adopted September 2019. Website: www.sanjoseca.gov/home/showpublisheddocument/44078/637082139871830000. Accessed November 2025.

[5] California Air Resources Board (ARB). 2021. Low Emission Diesel (LED) Study: Biodiesel and Renewable Diesel Emissions in Legacy and New Technology Diesel Engines. November 2021.

Fuel consumption for worker, vendor, and haul construction vehicles are also calculated based on CalEEMod inputs. The fuel consumption rates (miles per gallons) were obtained using the ARB EMFAC2021 Web Tool.[6] The rates were based on the County-specific inventory for the initial construction year and calculated for the vehicle categories for each vehicle type in CalEEMod. Consistent with CalEEMod assumptions for workers, the assumed fleet is 25 percent light-duty auto, 50 percent light-duty truck 1 axel, and 25 percent light-duty truck 2 axel and is assumed to be gasoline fueled. Haul and vendor truck fuel consumption was calculated consistently with CalEEMod assumptions that the trucks are all diesel-fueled. Vendor trucks during building construction were assumed 50 percent medium heavy-duty vehicles and heavy heavy-duty vehicles, while asphalt vendor trucks and demolition haul trucks were assumed to all be heavy heavy-duty.

Operation

Mobile Sources

Fuel consumption factors for operational mobile sources were calculated based on the VMT and operational fleet for each land use modeled in CalEEMod. The EMFAC WebTool was used to develop fuel consumption rates corresponding to the County fleet for the operational year modeled in CalEEMod. These up-to-date inventories include electric and conventional vehicle inventory data as well as compressed natural gas bus and truck data. Electric usage was characterized as kWh/vehicle-mile and fossil fuel usage by miles per gallon. Compressed natural gas usage is reported in gallons equivalent.

Building Energy

Natural gas and electricity estimates are based on CalEEMod Energy Calculations and include Title 24 and non-Title 24 energy based on size, land use, and Electricity Demand Forecast Zone climate zone. CalEEMod Energy Calculations are based on 2019 Title 24, providing somewhat conservative estimates of building energy use. In addition, the proposed Project would include the use of diesel engines to power fire pumps on-site within each of the three buildings. The diesel engines would be subject to Bay Area Air District permitting requirements; these diesel engines contribute to the proposed Project's baseline energy demand.

3.5.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the CEQA Guidelines Appendix G Environmental Checklist to determine whether impacts to public services and utilities resulting from the implementation of the proposed Project would be considered significant. The proposed Project could have potential impacts if the project would:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

[6] California Air Resources Board (ARB). 2023. EMFAC Web Tool. Website: https://arb.ca.gov/emfac/emissions-inventory. Accessed January 16, 2026.

b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

3.5.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed Project and provides mitigation measures where appropriate.

Energy Use

Impact ENER-1:	**The proposed Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.**

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. Energy calculations are included as part of Appendix B1.

Construction

The proposed Project's construction is assumed to begin in July 2026 and last for approximately 18 months. 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 construction phase would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., site clearing and grading), and the subsequent building construction phases. Petroleum-based fuels, such as diesel fuel and gasoline, would be the primary sources of energy for these tasks.

The types of equipment used during the construction of the proposed Project would include gasoline- and diesel-powered construction and transportation equipment, including trucks, excavators, forklifts, and pavers. Construction equipment is estimated to consume a total of 60,015 gallons of diesel fuel over the entire construction duration (Appendix B).

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 B. In total, the proposed Project is estimated to generate 1,159,373 VMT and 88,854 gallons of combined gasoline and diesel for worker and vendor vehicle travel over all of the construction phases combined.

The overall construction schedule and process is designed to be efficient 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 regulations such as the In-use Off-road Airborne Toxic Control Measure minimizes emissions by using a modern fleet, keeping equipment well-tuned and limiting idling time. In addition, SPC AQ-1 would require that idling times do not exceed 2 minutes. Thus, it is anticipated that the construction phase of the proposed Project would not result in wasteful, inefficient, and unnecessary consumption of energy.

Operation

The proposed Project would consume energy as part of building operations and transportation activities. Project energy consumption at full project buildout is summarized in Table 3.5-1.

Table 3.5-1: Operational Energy Consumption

Energy Consumption Activity	Annual Consumption
Operation Vehicle Fuel Consumption	159,453 gallons of gasoline
	436,000 gallons of diesel
	22,663 gallons of compressed natural gas
	300,476 kWh of electricity
Building Energy Consumption (including the warehouse and office space)	5,334,777 kWh of electricity
	0 kBTU of natural gas
Notes: kBTU = kilo-British Thermal Unit kWh = kilowatt hour Source: Appendix B.	

Considering the guidance provided by Appendix F of the CEQA Guidelines, 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. In addition, the proposed Project would be replacing older, less efficient existing buildings with new, state-of-the-art construction. 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 have less than significant VMT impacts due to a net reduction in vehicle trips as compared to existing conditions, 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

The proposed Project would include the installation of EV charging infrastructure in accordance with applicable provisions of the City's Reach Code. The provision of EV charging infrastructure supports the transition from internal combustion engine vehicles to electric vehicles by reducing barriers to EV ownership and use, thereby facilitating the gradual shift away from fuel-based transportation energy sources. Because electricity serving EVs is increasingly supplied by renewable energy resources over time, the incorporation of EV charging infrastructure would contribute to a greater reliance on renewable energy sources for transportation energy demands at both the project and regional levels. As such, the proposed Project would facilitate increased use of renewable energy for transportation and building energy demands and would therefore be consistent with this criterion.

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 impacts would be less than significant.

Level of Significance

Less than significant impact.

Energy Plan Consistency

Impact ENER-2: The proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

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 five 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, would be consistent with applicable provisions of relevant GHG emission reductions plans including the City's Greenhouse Gas (GHG) Reduction Strategy. The design elements would have the co-benefits of energy efficiency and reduce fossil fuel consumption. The proposed Project's buildings are designed to be all-electric, eliminating natural gas usage. The buildings would be required to comply with all applicable provisions of CBC Title 24, Part 6, Subchapter 8, 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. The proposed Project would utilize electricity from SJCE's GreenSource program and 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.

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 impacts would be less than significant.

Level of Significance

Less than significant impact.

3.5.7 - Cumulative Impacts

Energy Use

The geographic scope for cumulative energy consumption impacts is the PG&E service area and includes all projects identified in Table 3-1.

All cumulative projects, including the proposed Project, would be required to comply with City ordinances and policies that address energy conservation and efficiency, such as the applicable California Energy Code, Title 24 standards, and the City's Reach Code. These standards include

minimum energy efficiency requirements for building envelopes, heating, ventilation, and air conditioning systems, water heating, and lighting. The proposed Project and cumulative projects would incorporate these measures, implementation would not result in wasteful, inefficient, or unnecessary energy consumption. Compliance with these regulations and measures substantially reduces potential energy impacts at both the project and cumulative level. Therefore, cumulative energy consumption impacts would be less than significant.

Furthermore, the proposed Project's incremental contribution to cumulative energy consumption impacts would be minimal and, when considered in the context of regulatory compliance and with implementation of efficiency measures, would not have a cumulatively considerable contribution to the already less than significant cumulative impact.

Energy Plan Consistency

The geographic scope for cumulative consistency with energy plans is the PG&E service area and includes all projects identified in Table 3-1.

All cumulative projects, including the proposed Project, would be required to comply with applicable State and local plans for energy efficiency and renewable energy, including Title 24, CALGreen, and the City's Reach Code, which mandates electrification of certain appliances and systems. These regulations are designed to reduce energy demand and greenhouse gas emissions on a project-by-project basis and collectively advance Statewide and local energy efficiency and renewable energy goals. Compliance with these plans ensures that neither the proposed Project nor cumulative projects would conflict with or obstruct implementation of renewable energy or energy-efficiency goals. Because the proposed Project would be required to meet the same standards as other cumulative projects and would not introduce energy uses or technologies that conflict with these plans, it would not hinder or obstruct their implementation. Therefore, the proposed Project's incremental contribution to cumulative impacts related to consistency with energy plans would be less than significant.

Level of Cumulative Significance

Less than significant impact.

THIS PAGE INTENTIONALLY LEFT BLANK

3.6 - Geology, Soils, and Seismicity

3.6.1 - Introduction

This section describes existing conditions related to geology and soils in the region and project area as well as the relevant regulatory framework. This section then evaluates the possible impacts related to geology and soils that could result from implementation of the proposed Project. Information included in this section is based, in part, on the Geotechnical Investigation prepared by Cornerstone Earth Group, which is included in Appendix D and information from the USGS.

3.6.2 - Environmental Setting

Geologic Setting

The Project site is located within the Santa Clara Valley, which is a broad alluvial plane between the Santa Cruz Mountains to the southwest and west, and the Diablo Range to the northeast. The San Andreas Fault system, including the Monte Vista-Shannon Fault, exists within the Santa Cruz Mountains, and the Diablo Range houses the Hayward and Calaveras Fault systems.

The Santa Clara Valley was formed recently in geological history, created by the sudden growth of the Santa Cruz Mountains and the Diablo Mountain Range. Therefore, the Santa Clara Valley is considered a structural valley, having been created by mountain growth rather than erosion.[1] Soils within the region are gently sloping to moderately steep soils on foothill slopes and rounded limestone hills with varying slope gradients. Soils were formed from fine textured residuum derived from limestone.[2]

Soils

Regional

The City is largely underlain by Holocene alluvium and delta deposits of two main drainages, the Guadalupe River and Coyote Creek. The Guadalupe River is the larger of the two and has left deposits over a larger area. Both fluvial systems drain from south to north within their lower reaches, where they cross the Milpitas quadrangle but they drain different areas in their upper reaches. The Guadalupe River drains from the Santa Cruz Mountains to the west while Coyote Creek drains from the Diablo Range, to the east. Today, the City is largely urbanized and developed with a range of urban development types.

---

1 National Park Service. Early History. Website: https://www.nps.gov/articles/early-history.htm#:~:text=The%20physical%20geography%20of%20Santa,Range%20created%20a%20sheltered%20valley. Accessed February 13, 2026.

2 National Cooperative Soil Survey. Santa Clara Series. Website: https://soilseries.sc.egov.usda.gov/OSD_Docs/S/SANTA_CLARA.html#:~:text=The%20Santa%20Clara%20series%20consists,that%20is%20mainly%20soft%20limestone. Accessed February 13, 2026.

Project Site

A review of the published geologic maps indicates that the Project site and vicinity are underlain largely by Holocene basin deposits (Qhb) described as organic-rich clay to fine silty clay deposits. The eastern side of the Project site is underlain by Holocene flood plain deposits (Qhfp) described as medium to dark gray, dense sandy to silty clay.[3] Given the regional topographic gradients, both map units were likely sourced from Coyote Creek and/or Guadalupe River to the east and west, respectively.

The Geotechnical Investigation determined that surficial soils on site indicate moderate to high expansion potential to wetting and drying cycles. In addition, the soils analyzed during infiltration tests consisted of undocumented fills consisting of lean clay with sand and gravel to a depth of 2.5 feet, underlain by native lean clay with sand to a depth of 5 feet. These soils were determined to have low infiltration rates.

Faults and Seismicity

The term seismicity describes the effects of seismic waves that are radiated from an earthquake fault in motion. While most of the energy released during an earthquake results in the permanent displacement of the ground, as much as 10 percent of the energy may dissipate immediately in the form of seismic waves. Seismicity can result in seismic-related hazards such as fault rupture, ground shaking, and liquefaction faults form in rocks when stresses overcome the internal strength of the rock, and fault rupture occurs when movement on a fault breaks through to the surface and can result in damage to infrastructure and persons. Ground movement during an earthquake can vary depending on the overall magnitude, distance to the fault, focus of earthquake energy, and type of geologic material. The composition of underlying soils, even those relatively distant from faults, can intensify ground shaking.

Strong ground shaking from an earthquake can result in damage, with buildings shifted off their foundations and underground pipes broken. Liquefaction occurs when an earthquake causes ground shaking that results in saturated soil to lose shear strength, deform, and act like a liquid. When liquefaction occurs, it can result in ground failure that can result in damage to roads, pipelines, and buildings.

Regional Seismicity

The City is in the Coast Ranges geomorphic province of California. The Coast Ranges have experienced a complex geological history characterized by Late Tertiary folding and faulting that has resulted in a series of northwest trending mountain ranges and intervening valleys. Bedrock in the Coast Ranges consists of igneous, metamorphic, and sedimentary rocks that range in age from Jurassic to Pleistocene. The present physiography and geology of the Coast Ranges are the result of deformation and deposition along the tectonic boundary between the North American plate and the Pacific plate. Plate boundary fault movements are largely concentrated along the well-known fault

[3] Helley, E.J., and Wesling, J.R. 1989. Quaternary Geologic Map of the Milpitas Quadrangle, Alameda and Santa Clara Counties, California. Website: doi:10.3133/ofr89671/. Accessed February 16, 2026.

zones in the area, which include the San Andreas, Hayward, and Calaveras Fault Zones, as well as other lesser-order faults.

The San Project Site

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 Santa Clara County Fault Rupture Hazard Zone, and the City of San José Potential Hazard Zone.[4,5,6] The closest potentially active fault to the Project site is the Silver Creek Fault. There are several State-considered active faults within proximity to the Project site, as shown in Table 3.6-1. The closest segment of the San Andreas fault is approximately 13.4 miles west of the Project site and has an estimated recurrence interval of 225 years. The Hayward Fault is a major lateral strike-slip and is subdivided into three sections, with the southeast extension approximately 4.2 miles northeast from the Project site. The Calaveras Fault is a major lateral strike-slip fault divided into four segments with the northern Calaveras segment approximately 7.7 miles east of the Project site.

Table 3.6-1: Approximate Fault Distances

Fault Name	Distance (miles)
Hayward (Southeast Extension)	4.2
Hayward (Total Length)	6.8
Calaveras	7.7
Monte Vista-Shannon	10.9
San Andreas	13.4
Source: Cornerstone Earth Group. 2025. Geotechnical Investigation.	

There is no identified surface expression of fault traces within the Project site, indicating that fault surface rupture is unlikely. Within the Bay Area, moderate to severe earthquakes are known to cause strong ground shaking, which is likely along the Project site.

Liquefaction and Lateral Spreading

Liquefaction is a phenomenon in which unconsolidated, water-saturated sediments become unstable as a result of the effects of strong seismic shaking. During an earthquake, these sediments can behave like a liquid, potentially causing severe damage to overlying structures.

[4] California Department of Conservation. Earthquake Zones of Required Investigation. Website: https://maps.conservation.ca.gov/cgs/informationwarehouse/eqzapp/. Accessed May 4, 2026.

[5] Santa Clara County Department of Planning and Development. Santa Clara County Geologic Hazard Zones. Website: https://gisdata-sccplanning.hub.arcgis.com/datasets/santa-clara-county-fault-rupture-hazard-zones/explore?location=37.335908%2C-121.910577%2C12. Accessed May 4, 2026.

[6] City of San José. Public GIS Viewer. Website: https://gis.sanjoseca.gov/maps/publicgisviewer/. Accessed May 4, 2026.

According to the Geotechnical Investigation, the Project site is within a State-designated Liquefaction Hazard Zone, as well as a Santa Clara County Liquefaction Hazard Zone. Accordingly, potentially liquefiable layers were sampled and tested to depths of at least 50 feet to further classify soil properties. The results of the subsurface exploration indicate that most soils within the liquefiable zone are lean clays with low infiltration rates at depths three to five feet below the surface. It was determined that several layers could potentially experience liquefaction triggering that could result in post-liquefaction total settlement at the ground surface ranging up to approximately one inch. Lateral spreading is a variety of minor landslide that occurs when unconsolidated liquefiable material breaks and spreads due to the effects of gravity, usually down gentle slopes. Liquefaction-induced lateral spreading is defined as the finite, lateral displacement of gently sloping ground as a result of pore-pressure buildup or liquefaction in a shallow underlying deposit during an earthquake. The occurrence of this phenomenon is dependent on many complex factors, including the intensity and duration of ground shaking, particle-size distribution, and density of the soil.

Additionally, review of historic ground failure maps further indicated that no occurrences of lateral spread have occurred within the general vicinity of the Project site.

Slope Disturbance

The Project site itself is relatively flat, with an average elevation of 20 to 28 feet and does not contain any steep slopes. The Project site is not within a State-designated Landslide Zone.[7]

Paleontological Resources

The Project site is located within San José Alluvial Plain and is underlain by Quaternary aged alluvium. The valley sediments were deposited as a series of coalescing alluvial fans by streams that drain the adjacent Diablo Range to the east and the Santa Cruz Mountains to the west.[8] The mapping of the project area shows it to be situated on Holocene flood basin deposits (Qhb) which are surrounded by Holocene flood plain deposits (Qhfp).[9] The entire area is mapped as various types of Holocene sediments.

Middle to late Holocene sediments are usually deemed to have a low paleontological sensitivity according to SVP (2010) standards due to being too young (i.e., less than 5,000 years old) to preserve paleontological resources. However, in 2016, 210 vertebrate fossils from Silicon Valley were studied.[10] Almost all were from sites mapped as Holocene sediments. Nonetheless, the fossils from the sites are demonstrably of Pleistocene age, indicating that Pleistocene sediment and fossils are at,

[7] California Department of Conservation. Earthquake Zones of Required Investigation. Website: https://maps.conservation.ca.gov/cgs/informationwarehouse/eqzapp/. Accessed May 4, 2026.

[8] URS Corporations. 2014. FINAL REPORT Phase I Environmental Site Assessment. November 14, 2014.

[9] Helley, E.J., Graymer, R.W., Phelps, G.A., Showalter, P.K., and Wentworth, C.M. 1994. Quaternary Geology of Santa Clara Valley, Santa Clara, Alameda, and San Mateo Counties, California: a Digital Database. U.S. Geological Survey Open-File Report 94-231. Scale1:50,000

[10] Maguire, K. C., and P. A. Holroyd. 2016. Pleistocene Vertebrates of Silicon Valley (Santa Clara County, California). PaleoBios 33:1-14.

or very near, the surface in this area. The locality nearest the project produced a bison tooth from Coyote Creek less than two miles to the north-northeast. Accordingly, the Project site is assigned a low paleontological sensitivity at the surface, and a high paleontological sensitivity at depths below 5 feet. General Plan EIR Figure 3.11-1 similarly characterizes the Project site as within an area of high paleontological sensitivity at depth.

3.6.3 - Regulatory Framework

Federal

National Earthquake Hazards Reduction Program

The National Earthquake Hazards Reduction Program (NEHRP) was established by the United States Congress when it passed the Earthquake Hazards Reduction Act of 1977, Public Law 95–124. In establishing the NEHRP, Congress recognized that earthquake-related losses could be reduced through improved design and construction methods and practices, land use controls and redevelopment, prediction techniques and early warning systems, coordinated emergency preparedness plans, and public education and involvement programs. The four basic goals remain unchanged:

- Develop effective practices and policies for earthquake loss reduction and accelerate their implementation.
- Improve techniques for reducing earthquake vulnerabilities of facilities and systems.
- Improve earthquake hazards identification and risk assessment methods, and their use.
- Improve the understanding of earthquakes and their effects.

Several key federal agencies contribute to earthquake mitigation efforts. There are four primary NEHRP agencies:

- National Institute of Standards and Technology of the Department of Commerce
- National Science Foundation
- USGS of the Department of the Interior
- FEMA of the Department of Homeland Security

Implementation of NEHRP priorities is accomplished primarily through original research, publications, and recommendations to assist and guide State, regional, and local agencies in the development of plans and policies to promote safety and emergency planning.

National Pollutant Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) permit program, authorized by Section 402(p) of the federal CWA, controls water pollution by regulating point sources, such as construction sites and industrial operations that discharge pollutants into waters of the United States. A Storm Water Pollution Prevention Plan (SWPPP) is required to control discharges from a Project

site, including soil erosion, to protect waterways. A SWPPP describes the measures or practices to control discharges during both the construction and operational phases of the project. A SWPPP identifies project design features and structural and nonstructural BMPs that will be used to control, prevent, remove, or reduce stormwater pollution from the site, including sediment from erosion.

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (PRC §§ 2621– 2630) was passed in 1972 to provide a Statewide mechanism for reducing the hazard of surface fault rupture to structures used for human occupancy. The main purpose of the Act is to prevent the siting of buildings used for human occupancy across the traces of active faults. It should be noted that the Act addresses the potential hazard of surface fault rupture and is not directed toward other earthquake hazards, such as seismically-induced ground shaking or landslides.

The law requires the State Geologist to identify regulatory zones (known as Earthquake Fault Zones or Alquist-Priolo Zones) around the surface traces of active faults, and to depict these zones on topographic base maps, typically at a scale of 1 inch to 2,000 feet. Earthquake Fault Zones vary in width, although they are often 0.75-mile wide. Once published, the maps are distributed to the affected cities, counties, and State agencies for their use in planning and controlling new or renewed construction. With the exception of single-family wood-frame and steel-frame dwellings that are not part of a larger development (i.e., four units or more), local agencies are required to regulate development within the mapped zones. In general, construction within 50 feet of an active fault zone is prohibited.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (PRC §§ 2690–2699.6), which was passed in 1990, addresses earthquake hazards other than surface fault rupture. These hazards include strong ground shaking, earthquake-induced landslides, liquefaction, or other ground failures. Much like the Alquist-Priolo Earthquake Fault Zoning Act discussed above, these seismic hazard zones are mapped by the State Geologist to assist local government in the land use planning process. The Act states, “it is necessary to identify and map seismic hazard zones in order for cities and counties to adequately prepare the safety element of their general plans and to encourage land use management policies and regulations to reduce and mitigate those hazards to protect public health and safety.” The Act also states, “cities and counties shall require, prior to the approval of a project located in a seismic hazard zone, a geotechnical report defining and delineating any seismic hazard.”

California Building Standards Code

The State of California provides minimum standards for building design through the CBC (CCR Title 24). Where no other building codes apply, Chapter 29 regulates excavation, foundations, and retaining walls. The CBC applies to building design and construction in the State and is based on the federal Uniform Building Code (UBC) used widely throughout the country (generally adopted on a

state-by-state or district-by-district basis). The CBC has been modified for California conditions with more detailed and/or more stringent regulations.

The State earthquake protection law (California Health and Safety Code § 19100 *et seq*.) requires that structures be designed to resist stresses produced by lateral forces caused by wind and earthquakes. Specific minimum seismic safety and structural design requirements are set forth in Chapter 16 of the CBC. The CBC identifies seismic factors that must be considered in structural design. Chapter 18 of the CBC regulates the excavation of foundations and retaining walls, and Appendix Chapter A33 regulates grading activities, including drainage and erosion control and construction on unstable soils, such as expansive soils and areas subject to liquefaction.

The CBC is updated every 3 years, and the 2025 CBC took effect January 1, 2026.

Local

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.

City of San José Geological Hazard Review

For development sites located within a State of California Seismic Hazard Zone of Required Investigation for Liquefaction, a Geologic Clearance approval must be obtained from the City Geologist prior issuance of a grading or building permit. Because the campus is within City Geologic Hazard Zones for ground shaking and liquefaction, these geologic clearances would apply.

City of San José Grading Ordinance

All construction and/or demolition projects must comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. The ordinance applies to any project that would involve excavation, grading, or installation of on-site storm drainage or construction retaining walls within the City of San José. Before the issuance of a permit for grading activity slated to occur during the rainy season (October 15–April 15), an Erosion Control Plan must be submitted to the San José Department of Public Works detailing BMPs that would prevent the discharge of stormwater pollutants. The City of San José inspects construction sites regularly.

City of San José Municipal Code

Municipal Code Title 24 adopts the current CBC. The CBC include requirements for building foundations, walls, and seismic resistant design. Requirements for building safety and earthquake hazard reduction are also addressed in Municipal Code Chapter 17.40, Dangerous Buildings, and Chapter 17.10, Geologic Hazards Regulations. Requirements for grading, excavation, and erosion control are included in Chapter 17.04 (Building Code, Part 6, Excavation and Grading). In accordance

with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance before the issuance of grading and building permits within defined geologic hazard zones.

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 city limits. The following policies and actions are specific to geology and soils and are relevant to this analysis.

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.

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.

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.

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.

3.6.4 - Methodology

Impacts related to geology and soils were determined by reviewing information contained in the Geotechnical Investigation provided by Cornerstone Earth Group. As part of the Geotechnical Investigation, Cornerstone reviewed historical public records, topographic and lithologic data, and conducted modeling to determine the potential impacts of surrounding seismic hazards and presented information on surface and subsurface conditions.

Additional evaluations of geologic hazards were based on review of web maps and databases provided by the California Department of Conservation, California Geologic Survey, and USGS, while supplemental information on surface and subsurface conditions including soil properties and groundwater were evaluated using available web maps, databases, and reports from the NRCS, California Department of Water Resources (DWR), Caltrans, and USGS.

Impacts related to paleontological resources were determined by reviewing a records search of the University of California Museum of Paleontology online fossil locality database, regional geologic mapping, and published literature of the geology and paleontology of the area.

3.6.5 - Thresholds of Significance

The Lead Agency derives its significance criteria based on the questions in the CEQA Guidelines Appendix G Environmental Checklist. Accordingly, impacts to geology and soils would be considered significant environmental effects if the proposed Project would:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:
   i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
   ii. Strong seismic ground shaking.
   iii. Seismic-related ground failure, including liquefaction.
   iv. Landslides.

b) Result in substantial soil erosion or the loss of topsoil.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the proposed Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

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

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. (Refer to Chapter 4, Effects Found not to be Significant)

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

3.6.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed Project and provides mitigation measures where necessary.

Earthquakes

Impact GEO-1: **The proposed Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:**

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

ii) Strong seismic ground shaking.

iii) Seismic-related ground failure, including liquefaction.

iv) Landslides.

Impact Analysis

Fault Rupture

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 Investigation prepared for the proposed Project (Appendix D) determined that there are no active fault zones that traverse the Project site. Therefore, the likelihood for surface rupture to occur at the Project site is very low. 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.

Ground Shaking

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. The Project site and the surrounding area could

experience ground shaking due to seismic activity of active faults within the region. However, the proposed Project would be built and maintained in accordance with the recommendations set forth in the site-specific Geotechnical Investigation (Appendix D), as required by the General Plan Policy EC 3.2 and outlined in SPC GEO-1 which requires City review and approval of the Geotechnical Investigation.

Further, the proposed Project would be developed in accordance with Municipal Code requirements, and the CBC, which contains specific requirements for seismic safety, excavation, foundations, retaining walls, and site demolition. Following compliance with the existing regulatory framework and standard engineering processes, impacts with regard to seismic ground shaking would be less than significant.

Seismic-related Ground Failure

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 California Department of Conservation Earthquake Zones of Required Investigation and the project-specific Geotechnical Investigation indicates that the Project site is located within a State-designated Liquefaction Hazard Zone in the Milpitas Quadrangle. The Geotechnical Investigation further indicates that the Project site is within a Santa Clara County Liquefaction Hazard Zone.

The Geotechnical Investigation included testing and sampling of potentially liquefiable layers to depths of at least 50 feet. The results indicated that several layers could potentially experience liquefaction that may result in post-liquefaction settlement at the ground surface of up to about one inch, resulting in differential settlement up to three fourths of an inch. Accordingly, as required by SPC GEO-1, building foundations would be designed based on the recommendations of the Geotechnical Investigations, and would therefore tolerate the anticipated total and differential settlements.

Additionally, all structures and foundations would be required to meet CBC requirements to withstand ground shaking, further minimizing potential impacts resulting from liquefaction. Therefore, impacts would be less than significant.

Landslides

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 with an average elevation of 20 to 28 feet and is not within a landslide hazard regulatory zone as mapped by the California Geological Survey. Therefore, no impact would occur.

City Standard Permit Condition

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 (California Geological Survey Special Publication 117A, 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.

Level of Significance

Less than significant impact.

Soil Erosion or Topsoil Loss

Impact GEO-2: The proposed Project would not result in substantial soil erosion or the loss of topsoil.

Impact Analysis

Construction

Soil exposed by construction activities could be subject to erosion if exposed to heavy rain, winds, or other storm events.

Construction of the proposed Project would comply with erosion and siltation control measures outlined in Municipal Code Chapter 17.04: Excavation and Grading which requires excavations and fills that may affect drainage and watercourses be performed in accordance with good engineering practice, thereby reducing to a minimum the hazards and damage to public and private property. This would include measures such as sandbagging to reduce Project site runoff or hold topsoil in place prior to final grading and construction.

Additionally, as the Project site is larger than one acre, the proposed Project would be subject to compliance with the NPDES General Permit for Discharges of Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009DWQ, and all subsequent amendments) (Construction General Permit). The Construction General Permit requires the

implementation of a SWPPP and monitoring program, which would include erosion control and sediment control BMPs. These BMPs would reduce the potential for erosion associated with construction activities, and control potential construction-related pollutants. Therefore, erosion during grading and other ground disturbance activities would not result in substantial soil erosion or the loss of topsoil, and impacts would be less significant.

Operation

Once operational, the Project site would be largely developed with impervious surfaces, except for landscaping areas throughout the site. Accordingly, the potential for erosion and loss of topsoil would be limited. The proposed Project would also incorporate specific design features, including bioretention basins, to retain stormwater or reduce runoff from entering local waterways. Therefore, impacts would be less than significant.

Level of Significance

Less than significant impact.

Unstable Geologic Location

Impact GEO-3:	**The proposed Project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the proposed Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.**

Impact Analysis

The Project site is not located within a Landslide Zone but is within a designated Liquefaction Zone. Therefore, as discussed under Impact GEO-1, the proposed Project building foundations would be designed based on the recommendations of the Geotechnical Investigation, and would tolerate the anticipated total and differential settlements on the Project site. Further, the proposed Project would comply with standard CBC requirements that would ensure the project is able to withstand ground shaking, further minimizing potential impacts resulting from liquefaction.

The nearest embankment is Coyote Creek, located approximately 0.5 mile east of the Project site; however, due to the embankment's distance from the Project site and intervening development, 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 Department of Oil, Gas, and Geothermal Resources Well Finder mapping application.[11] Additionally, based on the results of the Geotechnical Investigation, groundwater was encountered at depths ranging from 9 to 19 feet below ground

[11] California Department of Oil, Gas, and Geothermal REsources (CalGEM). WellFinder. Website: https://maps.conservation.ca.gov/calGEM/wellfinder/v2/#/-121.92211/37.39618/15. Accessed March 4, 2026.

surface; however, the Project site is not located upon a significant 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 SPC GEO-1 and would incorporate the recommendations from the Geotechnical Investigation. Therefore, the proposed Project would have a less than significant impact related to on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

Level of Significance

Less than significant impact.

Expansive Soil

Impact GEO-4:	**The proposed Project would not 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.**

Impact Analysis

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 Investigation, moderately to highly expansive surficial soils are found generally blanketing the Project site. Soils with moderate to high 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 Investigation recommends that slabs-on-grade should have sufficient reinforcement and be supported on a layer of non-expansive fill. As required by SPC GEO-1, the proposed Project would be required to be developed in conformance with the recommendations of the approved Geotechnical Investigation 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.

Level of Significance

Less than significant impact.

Destruction of Paleontological Resource or Unique Geologic Feature

Impact GEO-6: The proposed Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

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. 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 SPC GEO-2 related to paleontological resources, which would ensure potential impacts are less than significant.

Standard Permit Condition

SPC GEO-2 **Paleontological Resources.** If vertebrate fossils are discovered during construction, all work within 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.

Level of Significance

Less than significant impact.

3.6.7 - Cumulative Impacts

Adverse effects associated with geologic, soil, and seismic hazards tend to be site specific, because each Project site has its own geologic and soils conditions, and each project has its own design characteristics, localized within the area near the Project site most affected by project activities (generally within a 0. 5-mile radius). Two cumulative projects are in proximity to the proposed Project: the 211-281 River Oaks Parkway Residential Project, located 0.32 mile from the Project site and the 0 Seely Avenue Mixed Use Project, located 0.43 mile from the Project site.

Seismic Hazards

Cumulative projects consist of the same local geology as the proposed Project and would therefore have similar potential for seismic-related hazards. However, all cumulative projects would adhere to the same requirements as the proposed Project including requiring compliance with seismic safety and structural design requirements of the CBC, Municipal Code, and General Plan. In addition, these projects would be required to implement SPC GEO-1 and any project-specific mitigation measures imposed under CEQA. Therefore, the proposed Project in conjunction with other cumulative

development would not expose people or structures to substantial adverse effects, including the risk of loss, injury, or death in the event of a major earthquake; fault rupture; ground shaking; seismic-related ground failure; landslide; or liquefaction.

The proposed Project is not located within an Alquist-Priolo Earthquake Fault Zone and the Project site does not contain any known earthquake faults. However, as the Project site is within a seismically active region, the proposed Project could experience impacts from seismic activity. The proposed Project would be subject to compliance with all CBC requirements and would implement SPC GEO-1 which requires projects to be designed in accordance with the recommendations of site-specific geotechnical investigations.

Therefore, the proposed Project in conjunction with surrounding projects would not result in a cumulatively considerable impact related to seismic-related hazards and the project's impacts would be less than cumulatively considerable.

Soil Erosion or Topsoil Loss

Cumulative development activities could lead to increased erosion rates on-site soils, which could cause unstable ground surfaces and increased sedimentation in nearby streams and drainage channels. However, the proposed Project and cumulative projects would be required to demonstrate compliance with applicable regulatory standards, including the NPDES Construction General Permit and SWPPP. Further, cumulative projects would be required to meet the regulatory standards in the CBC including CBC Section 3307.1 ensuring BMPs are implemented in erosion control and grading plans.

All surrounding cumulative projects are on relatively flat terrain eliminating the cumulative impact related to project activities triggering landslides and lateral spreading, and impacts related to soil properties including collapse, expansive capabilities, and liquefaction are site-specific. Since surrounding cumulative projects are required to abide erosion control and grading requirements, are on relatively flat terrain in an urbanized area, and because soil hazards related to soil properties are site-specific, cumulative impacts related to soil hazards would be less than significant. Additionally, the proposed Project's incremental contribution to the less than significant cumulative impacts would not be cumulatively considerable because the proposed Project would comply with all existing regulations. Therefore, cumulative impacts would be less than significant.

Unstable Geologic Location

These cumulative projects would be within the Liquefaction Zone identified above. However, similar to the proposed Project, both cumulative projects are located in urban, relatively flat areas that are not at risk of landslides. In addition to the proposed Project and surrounding projects would be required to meet the regulatory standards of the CBC, General Plan, Municipal Code, and SPCs. All surrounding cumulative projects are on relatively flat terrain eliminating the cumulative impact related to project activities triggering landslides and lateral spreading, and impacts related to soil properties including collapse and liquefaction are site-specific.

Since surrounding cumulative projects are required to comply with all applicable standards and design criteria including the SPC for Seismic Damage discussed above and are on relatively flat terrain in an urbanized area, cumulative impacts related to unstable geologic location would be less than significant. Additionally, the proposed Project's incremental contribution to the less than significant cumulative impacts would not be cumulatively considerable because the proposed Project would comply with all existing regulations. Therefore, cumulative impacts would be less than significant.

Expansive Soil

Impacts related to soil properties including expansive capabilities are site-specific, and the Project site does not contain expansive soils. Other nearby cumulative projects could be exposed to expansive soil hazards and would similarly be required to prepare site-specific geotechnical investigations in accordance with SPC GEO-1. Cumulative projects as well as the proposed Project would be required to comply with all applicable standards and design criteria, including Geotechnical Investigation recommendations. As such, the proposed Project, in conjunction with other nearby past, present, and reasonably foreseeable projects, would not have a cumulatively significant impact associated with expansive soils and the proposed Project's contribution would not be cumulatively considerable.

Destruction of Paleontological Resource or Unique Geologic Feature

Paleontological resource impacts tend to be localized because the integrity of any given resource depends on what occurs in the immediate vicinity around that resource, such as disruption of soils; therefore, in addition to the Project site itself, the area near the Project site would be the area most affected by project activities (generally within a 0.5-mile radius). While the likelihood of an unknown paleontological resources to be discovered on-site is low, SPC GEO-2 outlines procedures in case resources are discovered. Similarly, construction activities associated with cumulative development projects in the project vicinity may have the potential to encounter undiscovered paleontological resources. These cumulative projects would be required to mitigate for impacts through compliance with applicable federal and State laws governing paleontological resources. As such, the proposed Project, in conjunction with other nearby past, present, and reasonably foreseeable projects, would not have a cumulatively significant impact associated with expansive soils and the proposed Project's contribution would not be cumulatively considerable.

Level of Cumulative Significance

Less than significant impact.

THIS PAGE INTENTIONALLY LEFT BLANK

3.7 - Greenhouse Gas Emissions

3.7.1 - Introduction

This section describes the existing GHG setting in the project area as well as the relevant regulatory framework. This section also evaluates the possible impacts related to GHG emissions that could result from implementation of the proposed Project. Information in this section is based, in part, on project-specific GHG calculation outputs included in Appendix B1.

3.7.2 - Existing Setting

This section discusses global climate change, its causes, and the contribution of human activities, as well as typical GHG emission types and sources, impacts of global climate change, and current emissions levels.

Global Climate Change

Earth's temperature is rising,[1] 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.[2] 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 CO_2, methane (CH_4), N_2O, hydrofluorocarbons (HFC), chlorofluorocarbons, and sulfur hexafluoride (SF_6). Atmospheric concentrations of CO_2, the most prominent GHG, have been increasing rapidly in recent decades, from approximately 280 ppm before the start of the Industrial Revolution in the 1760s to more than 400 ppm as of 2013.[3] 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.[4] Even if GHG emissions could be reduced to zero overnight, global temperatures will continue to rise in future years due to the

1 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 October 7, 2025.

2 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 20. DOI:10.1088/1748-9326/ac2774. Accessed October 7, 2025.

3 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 October 7, 2025.

4 National Aeronautics and Space Administration (NASA). 2024. World of Change: Global Temperatures. Website: https://earthobservatory.nasa.gov/world-of-change/global-temperatures. Accessed October 7, 2025.

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.

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 Earth's atmosphere. Table 3.7-1 shows the GHGs regulated by AB 32, the California Global Warming Solutions Act of 2006, including CO_2, CH_4, N_20, HFC, perfluorocarbon (PFC), and SF_6.

Table 3.7-1: 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.

Carbon Dioxide Equivalent

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.

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, usually 100 years. This allows for comparing the impacts of different gases on global warming. According to the IPCC's Fourth Assessment Report:

- **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 greenhouse gas 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.

Sources of Greenhouse Gas Emissions

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.

State of California GHG Emissions

California contributed GHG emissions of 371.2 million metric tons (MMT) of CO_2e into the atmosphere in 2022.[5] 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. The transportation sector is the largest emitter at approximately 38 percent of GHG emissions, followed by industrial at approximately 20 percent of GHG emissions. The next largest sources of GHG emissions were electricity production (16 percent), commercial and residential (11 percent), agriculture (8 percent), high GWP (8 percent), and waste (2 percent).

San Francisco Bay Area GHG Emissions

The Bay Area Air District launched its Climate Protection Program in 2005 to address the link between climate change and air quality. It regularly compiles inventories of criteria and toxic air pollutants to guide planning and regulatory programs. The most recent inventory estimates that in 2015 the Bay Area emitted 86.5 MMT CO_2e. Fossil fuel use in transportation was the largest source, accounting for 39.7 percent of emissions from passenger and heavy-duty vehicles, aviation, marine

[5] California Air Resources Board (ARB). 2021. Current California GHG Emission Inventory Data. Website: https://ww2.arb.ca.gov/ghg-inventory-data. Accessed October 7, 2025.

vessels, industrial equipment, buses, motorcycles, and locomotives. Industrial and commercial activities contributed 41 percent, while energy production (electricity generation and co-generation) accounted for about 14 percent. Stationary sources, including oil refineries, natural gas combustion, cement plants, gas distribution, and fugitive/process emissions, made up 26 percent of total GHG emissions.[6]

Local (City) GHG Emissions

In July 2023, the City released its community-wide GHG inventory for 2021. Total emissions were estimated at 4.9 MMT of CO_2e, with tree and forest sequestration accounting for 78,540 metric tons, resulting in net emissions of 4.88 MMT of CO_2e—about 10 percent lower than 2019 levels. This inventory reflects an updated methodology aligned with the Global Covenant of Mayors Common Reporting Framework and the U.S. Community Protocol, incorporating sources not previously included such as electricity transmission losses, aviation, freight rail, industrial processes, and fugitive emissions from natural gas, sulfur hexafluorides, hydrofluorocarbons, and perfluorocarbons. It also accounts for carbon sequestration by trees, which was not considered in the Climate Smart San Jos é. When limited to sectors included in that plan, 2021 emissions totaled 4,239,801 metric tons of CO_2e. Transportation remained the largest contributor to emissions, consistent with Statewide trends. Key reduction strategies identified by the City include energy efficiency, renewable energy and electrification, vehicle fuel efficiency, alternative transportation, trip reduction, and integrated land use and transit planning.

Climate Impacts

Human caused- climate change is driving widespread global impacts, including more frequent and intense heatwaves, storms, droughts, flooding, sea level rise, and ecosystem disruption, with the most severe effects falling on vulnerable populations.[7] In California, these trends manifest as rising average temperatures, more extreme hot days and nights, shrinking Sierra Nevada snowpack, prolonged droughts, increased wildfire frequency and severity, coastal erosion from sea level rise, and shifts in species ranges.[8] The San Francisco Bay Area faces region-specific risks such as stronger and more frequent extreme heat events, accelerated sea level rise threatening shoreline communities and infrastructure, heightened wildfire danger in surrounding hills, and seasonal air quality degradation—higher ozone in summer and fine particulate matter in winter—driven by changing weather patterns and inversions.[9]

[6] Bay Area Air Quality Management District (Bay Area Air District). 2017. Greenhouse Gas Emission Estimates and Draft Forecasts, Update and Work in Progress. March.

[7] Intergovernmental Panel on Climate Change (IPCC). 2022. Climate Change 2022: Impacts, Adaptation and Vulnerability.

[8] California Environmental Protection Agency (Cal/EPA). 2018. Indicators of Climate Change in California. May 9.

[9] California's Fourth Climate Change Assessment. 2019. San Francisco Bay Area Region Report. January 16.

3.7.3 - Regulatory Framework

The following section describes federal, State, regional, and local regulations and policies that are relevant to GHG emissions and applicable to the proposal project.

Federal

The EPA is the governing body responsible for regulating air pollution in the United States and setting nationwide air quality and emissions standards. The EPA adopts and implements several regulations to reduce GHG emissions as well. These include GHG emission reduction standards for passenger cars and light-duty trucks, heavy-duty trucks (including buses), commercial aircraft and large business jets, heavy equipment (with spark-ignition engines and compression ignition diesel engines), locomotives, marine vessels, recreational vehicles, and small equipment/tools.

California has implemented more stringent GHG emissions reduction regulations on the same sources listed above (excepting commercial aircraft and large business jets). Therefore, those regulations and their impact are discussed in greater detail below.

State

California has been on the forefront of regulating GHG emissions to address climate change through a variety of far-reaching and broad GHG legislation, regulations, policies, and executive orders. Key legislative actions by the State to reduce GHGs are described below.

California has enacted some of the nation's most aggressive GHG reduction laws, beginning with the landmark AB 32 (2006) requiring 1990-level emissions by 2020. Subsequent legislation and Executive Orders (EOs) established the current framework, anchored by three key targets: AB 32–1990 levels by 2020; SB 32–40 percent below 1990 levels by 2030; and AB 1279–net-zero GHGs by 2045 with net-negative thereafter.

EO S-1-07 established California's Low Carbon Fuel Standard to reduce the carbon intensity of transportation fuels by 10 percent by 2020. In 2018, the ARB extended the program to 2030 and doubled the reduction target to 20 percent. EO B-16-12 set a goal of 1.5 million zero-emission vehicles (ZEVs) on California roads by 2025, with supporting infrastructure milestones for 2015 and 2020, and a long-term vision for near-total ZEV adoption by 2050. EO B-30-15 established an interim statewide GHG reduction target of 40 percent below 1990 levels by 2030 and directed ARB to update the Scoping Plan accordingly. EO B-48-18 increased the ZEV goal to 5 million vehicles by 2030. EO B-55-18 committed California to economy-wide carbon neutrality by 2045 and directed ARB to develop a tracking framework. EO N-79-20 required 100 percent of new passenger car and truck sales to be zero-emission by 2035 and set similar targets for medium- and heavy-duty trucks by 2045 and off-road equipment by 2035 where feasible.

Senate Bill 100 and 1020

On September 10, 2018, former Governor Brown signed SB 100, establishing that 100 percent of all electricity in California must be obtained from renewable and zero-carbon energy resources by

December 31, 2045. SB 100 also creates new standards for the Renewables Portfolio Standard goals. Specifically, the law increases the percentage of energy that both investor-owned utilities and publicly owned utilities must obtain from renewable sources from 50 percent to 60 percent by 2030. Incrementally, these energy providers must also have a renewable energy supply of 33 percent by 2020, 44 percent by 2024, and 52 percent by 2027.

SB 1020 supersedes the goals of SB 100 by requiring that 90 percent of all retail sales of electricity to California end-use customers are procured from renewable energy and zero-carbon sources by December 31, 2035. The requirement increases to 95 percent by December 31, 2040, and to 100 percent by December 31, 2045. Under SB 1020, State agencies must use 100 percent renewable and zero-carbon energy resources by December 31, 2035.

Assembly Bill 117

In 2002, California established the CCA; when a city or county joins a CCA, that CCA becomes the default electricity generation provider for customers in its jurisdiction. Customers are automatically enrolled in the CCA's service but retain the right to opt out and return to bundled service with the investor-owned utility (e.g., PG&E). The utility continues to handle transmission, distribution, and billing, while the CCA procures electricity on behalf of customers. The San José City Council created SJCE in 2017 and officially launched service as the City's electricity generation provider in 2019.

2022 Scoping Plan

To meet these mandates, the ARB must prepare and update a Scoping Plan every five years, detailing coordinated, cost-effective strategies across all economic sectors. While not legally binding, the plan's recommendations often result in enforceable regulations adopted by ARB and other agencies to ensure compliance with State climate goals.

The 2022 Scoping Plan targets reducing anthropogenic emissions to 85 percent below 1990 levels by 2045, outlining bold measures to cut GHGs and expand carbon capture and storage through natural and working lands and mechanical methods. Central to this transformation is aggressively reducing fossil fuel use across California, building on and accelerating long-standing carbon reduction programs. Key actions include a rapid shift to zero-emission transportation, phasing out fossil gas for building heat, expanding sustainable transportation alternatives, and reducing high-GWP chemicals and refrigerants. The plan also charts a path to meet SB 32's goal of at least 40 percent below 1990 emissions by 2030. It reaffirms the role of local governments in meeting State climate goals, particularly in approving new land use projects and conducting CEQA review. Local agencies are encouraged to adopt CEQA-qualified Climate Action Plans (CAPs) focused on transportation electrification, VMT reduction, and building decarbonization—addressing the largest local GHG sources and aligning local actions with State objectives.

Statewide Initiatives and Regulations

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. The ARB regulations, 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.

Other State agencies responsible for regulating GHGs include:

- **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 Renewables Portfolio Standard.
- **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):** The 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 regulations that are applicable to the proposed Project 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**: Designed to reach 100 percent new vehicle ZEVs and clean plug-in hybrid-electric vehicles in California by the 2035 model year.
- **Advanced Clean Trucks**: Requires increasing percentages of manufacturer sales of on-road medium- and heavy-duty vehicles to be ZEVs to reduce emissions of criteria pollutants, TACs, and GHGs. However, as of January 2026, the EPA has taken steps to rescind the waivers granted for implementation of this regulation.
- **Small Off-road Engine Regulations:** Transition 100 percent of small off-road spark-ignition engines (at or below 25.5 horsepower and used in non-stationary equipment), which includes landscaping equipment, to zero-emission by 2035 (where feasible).[10]
- **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.[11]

[10] 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 October 7, 2025.

[11] 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 October 7, 2025.

- **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 load-serving entities. 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. The current standard, known as the 2025 Energy Code, builds on California's technology innovations and includes encouraging heat pumps, requiring electric-ready single-family homes and 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.
- **Model Water Efficient Landscape Ordinance**: The Model Water Efficient Landscape Ordinance 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 Model Ordinance by January 1, 2010. Reductions in water use of 20 percent, consistent with the (SBX-7-7) 2020 mandate, are expected under the ordinance. New development projects that include landscaped areas of 500 square feet or more are subject to the ordinance.

Regional

Bay Area Air District

The Bay Area Air District plays a leading role in guiding GHG emissions reduction across the San Francisco Bay Area through a mix of policy updates, rulemaking, and CEQA-based thresholds. Its efforts include current thresholds of significance for GHGs under CEQA to align with State climate goals such as reducing emissions 40 percent below 1990 levels by 2030 and achieving carbon neutrality by 2045. The thresholds encourage all-electric building designs, reduced VMT, and compliance with CALGreen Tier 2 standards for new developments. Additionally, its 2024–2025 regulatory agenda prioritizes rules targeting GHG reductions in stationary sources, flaring, and appliance emissions while integrating community-driven strategies like the West Oakland Community Action Plan and the Path to Clean Air initiative.

The Bay Area Air District prepares clean air plans in accordance with the federal CAA and State CCAA. The current Clean Air Plan in the Bay Area is the 2017 Clean Air Plan, an update to the 2010 Clean Air Plan. The 2017 Clean Air Plan is a comprehensive plan that focuses on the closely related goals of protecting public health and protecting the climate. Consistent with the State's GHG reduction targets, the 2017 Clean Air Plan lays the groundwork for a long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.

In addition, the Bay Area Air District established a Climate Protection Program to reduce GHGs. While non-regulatory, the Climate Protection Program is focused on meeting the State and the Bay Area Air District's 2050 target. The Climate Protection Program includes measures that promote energy efficiency, reduce VMT, and develop alternative sources of energy, all of which assist in reducing GHG emissions and reducing air pollutants that affect the health of residents. The Bay Area Air District also seeks to support other climate protection programs in the region and to stimulate additional efforts through public education and outreach, technical assistance to local governments and other interested parties, and promotion of collaborative efforts among stakeholders.

Local

City of San José, Envision San José General Plan

The City adopted the General Plan in 2011. Many of the goals and policies identified in the General Plan reflect the City's commitment to sustainability and the General Plan goals listed below are directly related to reduction of GHG emissions and are applicable to the proposed Project:

Goal MS-2 Energy Conservation and Renewable Energy Use. Maximize the use of green building practices in new and existing development to maximize energy efficiency and conservation and to maximize the use of renewable energy sources.

Goal MS-6 Waste Reduction. Reduce generation of solid and hazardous waste.

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

Goal MS-15 Renewable Energy. Receive 100% of electrical power from clean renewable sources (e.g., solar, wind, hydrogen) by 2022 and to the greatest degree feasible increase generation of clean, renewable energy within the City to meet its own energy consumption needs.

Goal TR-2 Walking and Bicycling. Improve walking and bicycling facilities to be more convenient, comfortable, and safe, so that they become primary transportation modes in San José.

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

Goal TR-7 Transportation Demand Management. Implement effective Transportation Demand Management (TDM) strategies that minimize vehicle trips and vehicle miles traveled.

City of San José Greenhouse Gas Reduction Strategy

The City of San José adopted a CAP in 2018.[12] 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 (adopted by the City Council in 2018, and updated in 2025, which lays out the City's plan for addressing climate change and is a detailed city plan for reaching GHG reduction targets, including a goal of communitywide carbon neutrality by 2030); 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.

City of San José Municipal Code

The City's 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 15.11)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10, Part 15)
- Wood-Burning Ordinance (Chapter 9.10)
- All-Electric Ordinance (Chapter 17.845)
- Transportation Demand Management (Chapter 11.105)

City of San José Reach Code

The San José City Council approved Ordinance No. 30311 and adopted the Reach Code Ordinance (Reach Code) to reduce energy-related GHG emissions consistent with the goals of Climate Smart San José. 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

[12] 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.

ordinance does contain a 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 GHG emissions and fostering healthier, more resilient buildings across the urban landscape.

3.7.4 - Methodology

This section describes the methodologies used in the impact analyses relating to GHG emissions for the proposed Project.

Greenhouse Gases Assessed

The following GHGs are assessed in this analysis:

- CO2
- CH_4
- N_2O

The total GHG emissions are converted to CO2e, as discussed in Section 3.1.

California Emission Estimator Model

CalEEMod Version 2022.1.1 was used to calculate criteria air pollutants (including ozone precursors), TACs, and GHG emissions from construction and operational activities from all facets of the proposed Project. CalEEMod provides a uniform platform for government agencies, land use planners, and environmental professionals to calculate emissions from land use development and linear projects in California. Use of CalEEMod is recommended by the Bay Area Air District.

CalEEMod provides default values for estimating construction and operational emissions based on land use type, site, and building size. These defaults were utilized in the analysis unless indicated otherwise. Modifications or off-model calculations were made to the analysis as described below. The

CalEEMod output, included in Appendix B, includes notes as well as references to additional calculations.

Modeling Parameters and Assumptions

Construction activities associated with the proposed Project would result in emissions of GHGs. Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and prevailing weather conditions and would result from on-site and off-site activities. Calculated construction emissions are shown in the CalEEMod reports included in Appendix B.

Construction activities are anticipated to begin in July 2026 and would last approximately 18 months, ending in January 2028. Buildout of the proposed Project would occur in one phase beginning with demolition, site preparation, and grading, followed by building construction. It was assumed that paving and architectural coating would occur concurrently with building construction. Although it does not form the basis of the evaluation or conclusion in this document, it is reasonable to assume that future improvements in technology would be incorporated into regulatory requirements related to equipment and fuels. Accordingly, should the construction schedule move to later years or take longer, construction emissions would be expected to decrease because of mandatory compliance with improvements in technology and more stringent regulatory requirements that would affect future construction equipment and fuels. (Therefore, this analysis represents a worst-case, conservative approach.) A detailed construction schedule is available in Appendix B.

Construction Activities

Demolition

Demolition activities would include demolition of the existing buildings (totaling 422,635 square feet) and existing pavement and hardscape (totaling 529,545 square feet), which would result in 39,424 cubic yards of demolition debris.

Site Preparation and Grading

Site preparation and grading activities were assumed to occur across the 23.75-acre Project site following demolition. Site preparation would be followed by grading. Site preparation would be followed by grading. Site preparation activities would include vegetation clearing (including the removal of 222 trees), removal of debris, and minor earthmoving. The removal of the trees was estimated to result in an additional 12 one-way vendor trips per day during the site preparation phase. Grading activities include soil compaction, trenching, and excavation. There would be no soil import or export.

Building Construction and Off-Site Improvements

Building construction would include the construction of the three warehouse buildings totaling 437,601 square feet and associated hardscape and parking areas. Off-site improvements would include the construction of Class IV bicycle lanes as well as sidewalk reconstruction along the Project

site frontage on Junction Avenue and Zanker Road. The northern sidewalk and curb cut at the intersection of Junction Avenue and East Plumeria Drive would also be reconstructed.

Architectural Coating and Paving

Architectural coating activities represent the application of paints, primers, sealants, and other surface coatings to building interiors and exteriors.

Paving activities include the installation of asphalt for roads, parking lots, and other paved surfaces on 9.4 acres of the Project site. For the purposes of a conservative analysis, it was assumed that the entirety (one acre) of the off-site improvements would be asphalt paved.

Operational Emissions

Operational activities associated with the proposed Project that would result in emissions of GHGs were quantified and estimated using CalEEMod Version 2022.1 for the operational scenario for the proposed Project. Calculated construction emissions are shown in the CalEEMod reports included in Appendix B. Operational emissions are expected to occur from the following sources:

- Area Sources
- Energy Sources
- Mobile Sources
- Stationary Sources
- Area Sources

Area Sources

Area source emissions include occasional architectural coating activities for repainting buildings or parking lots associated with the proposed Project. Other area source emissions include consumer products such as (but not limited to) detergents, cleaning compounds, polishes, personal care products, and lawn and garden products. Landscape maintenance equipment would generate emissions from fuel combustion and evaporation of unburned fuel. Equipment in this category would include lawnmowers, grinders, trimmers, and chain saws used to maintain the landscaping of the proposed Project. CalEEMod emissions are based on OFFROAD inventories which assume a gasoline-only landscaping fleet inventory. As stated under the Regulatory Framework, AB 1346 aims to phase out the sale of new gasoline-powered equipment under 25 gross horsepower (known as Small Off-road Engines) beginning in 2024. Therefore, the analysis represents a conservative estimate of the landscaping-related emissions that continue to decline, phasing out almost entirely by 2040.

Energy

Energy sources would include those associated with building energy use. CalEEMod calculates building energy use by estimating electricity and natural gas consumption. It incorporates climate zone data, utility-specific emission factors, and building characteristics to model operational energy demand accounting for heating, cooling, lighting, and appliance usage and translates energy consumption into greenhouse gas emissions. CalEEMod calculates default criteria for air pollutant

emissions from natural gas use as well. Building operations would result in indirect emissions related to electricity use and production, which is discussed below.

The proposed Project would be all-electric and adjustments were made in CalEEMod to zero-out natural gas usage. To account for the additional electricity demand resulting from electrification, the analysis applied methods from the CAPCOA Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity.[13] Specifically, California Commercial End-use Survey data were used to estimate electricity consumption for commercial building end uses that would otherwise rely on natural gas, including space heating, water heating, cooking, and other appliances. These adjustments follow the methodology outlined in Appendix E-15 of the CAPCOA Handbook for Analyzing Greenhouse Gas. Additional information is available in Appendix B.

GHG emissions modeling includes those indirect emissions from electricity consumption based on CalEEMod defaults for energy usage based on land use type and the 2019 Title 24 Building Standards. The energy consumption in MWh per year is used in conjunction with the Energy Intensity of the purchased electricity to calculate the GHG emissions in CO_2e using the model default rate of CO_2 per megawatt of electricity produced, which is based on the local utility provider's default emissions rate in CalEEMod. Since the current version of CalEEMod 2022 included available forecasted GHG Emission Factor for SJCE, the default forecasted 2028 factor (3.6 pounds CO_2e/MWh electricity) was used for operational emission calculations.

CalEEMod includes calculations for indirect GHG emissions for electricity consumption, water consumption, and solid waste disposal. For water consumption, the model calculates embedded energy (e.g., treatment, conveyance, distribution) associated with providing each gallon of potable water to the Project site. For solid waste disposal, GHG emissions are generated as solid waste generated by the proposed Project decomposes in a landfill. CalEEMod defaults are assumed for the proposed Project.

Mobile Sources

Motor vehicle emissions refer to exhaust and road dust emissions from the motor vehicles that would travel to and from and within the Project site. The proposed Project's operational-related GHG emissions from vehicle trips would be those generated by trucks, workers, and visitors traveling to and from the site.

Light-duty (Passenger) Vehicles

The trip generation rates for light-duty passenger vehicles were prepared for the proposed Project by Hexagon and were utilized for the CalEEMod modeling.[14] The trip generation estimates were based

[13] California Air Pollution Control Officers Association (CAPCOA). 2024. Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity. October.

[14] Hexagon Transportation Consultants, Inc. (Horizon). 2026. Montague Pointe Industrial Development Draft Local Transportation Analysis. September 16.

on average rates contained in the Institute of Transportation Engineers Trip Generation Manual, 11th Edition, for “Industrial Park” (Land Use Code 130) located in a general urban/suburban setting.

The traffic study adjusted the trip generation based on location-based mode share and assumed removal of the existing in-operation buildings, resulting in 882 net daily project trips. However, for the air quality analysis, a conservative approach was applied by using the total project trips (1,357 daily) rather than the net trips. This ensures that potential emissions are not underestimated and reflects a worst-case scenario for evaluating air quality impacts.

Passenger vehicle trip lengths were based on CalEEMod defaults.

Trucks

Truck trips (210 one-way trips per day) were estimated based on building square footage according to the Institute of Transportation Engineers Trip Generation Manual, 12th Edition, for “Industrial Park” (Land Use Code 130).

The type of trucks associated with the proposed Project was assumed to be comprised of 39.66 percent medium heavy-duty trucks and 60.34 percent heavy heavy-duty trucks. The final tenant and commercial activity associated with the proposed Project is unknown; therefore, the percentages of medium heavy-duty and heavy heavy-duty trucks is based on the City of Fontana Truck Trip Generation Study, which represents a conservative, worst-case assessment of potential truck activity.[15]

As stated, the proposed Project has no identified tenants at the time of this writing. The overall Project site offers approximately 440,000 square feet of warehouse space and is strategically located in San José with efficient access to South Bay population centers, San José Mineta International Airport, and major freight corridors such as US-101 and I-880, making it well suited for last-mile and regional distribution. Based on industry benchmarks, last-mile trips typically range from 5 to 15 miles, regional trips from 30 to 60 miles, and port trips to Oakland (from the Project site) are, on average, approximately 40 miles. To represent a conservative scenario for regional distribution, it was assumed that 45 miles would be the average truck trip length, reflecting the upper end of regional delivery distances while accounting for the site’s strong connectivity to Bay Area freight networks.

Stationary Sources

According to applicant-provided information, each building would include a 300-horsepower fire pump directly powered by a diesel engine. The emissions associated with the diesel engines were modeled in CalEEMod. Pursuant to current Bay Area Air District regulations, the diesel engines would be required to comply with Tier 3 emissions standards and operate up to 50 hours per year for regular testing and maintenance and were modeled as such.

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

3.7.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether greenhouse emissions impacts are significant environmental effects. Would the proposed Project:

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

b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the Greenhouse Gas Emissions.

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.

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.

The Bay Area Air District's 2022 CEQA Air Quality Guidelines are shown in Table 3.7-2 and provide recommended significance thresholds for GHGs for land use development projects and plans. The current thresholds state that if a project would contribute its "fair share" of what will be required to achieve California's long-term climate goal of carbon neutrality by 2045, then a reviewing agency can find that the impact will not be significant because the project will help to solve the problem of global climate change. The thresholds for new land use projects require projects to meet either of one of two enumerated Criterion "A" or "B" are shown below. 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 3.7-2: Bay Area Air District Air Quality Thresholds of Significance (Project Level)

Bay Area Air District Thresholds for Land Use Projects (Must Include A or B)
A. Projects must include, at a minimum, the following project design elements: 1. Buildings a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development). b. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines. 2. Transportation a. Achieve a reduction in project-generated Vehicle Miles Traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts 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 b. Achieve compliance with off-street electric vehicle (EV) 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 State 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 the 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 B 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.

3.7.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed Project and provides mitigation measures where necessary.

Greenhouse Gas Emissions

Impact GHG-1: The proposed Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

CEQA Guidelines Section 15064.4(a) requires a good faith effort to describe, calculate, or estimate emissions using scientific and factual data. Therefore, the construction- and operational-related GHG emissions are disclosed for informational purposes, and project impact is discussed below.

Project Emissions

Construction

The proposed Project's construction emissions are presented in Table 3.7-3. The emissions are quantified and disclosed below for informational purposes only, and project impact is discussed below.

Table 3.7-3: Proposed Project Construction GHG Emissions–Informational Purposes

Construction Activity	Total GHG Emissions (MT CO_2e per year)
Construction (2026)	683
Construction (2027)	718
Construction (2028)	57
Total Construction Emissions	**1,458**
Emissions Amortized Over 30 Years[1]	**49**

Notes:
GHG = greenhouse gas
MT CO_2e = metric tons carbon dioxide equivalent
Totals may not appear to sum exactly due to rounding.
[1] Construction GHG emissions are amortized over the 30-year lifetime of the proposed Project.
Source: Appendix B.

Operation

The proposed Project's operational emissions at full project buildout were calculated as described in Section 3.7.4, Methodology, and are presented in Table 3.7-4. The emissions are quantified and disclosed below for informational purposes only, and project impact is discussed below.

Table 3.7-4: Operational Annual Greenhouse Gas Emissions–Informational Purposes

GHG Emissions Source	GHG Emissions (MT CO_2e per year)
Area	6.4
Energy	8.7
Mobile	6,065
Waste	128
Water	133
Stationary (Fire Pumps)	17
Subtotal Operational	**6,358**
Amortized Construction Emissions	48
Total Annual Project Emissions	**6,406**

Notes:
MT CO_2e = metric tons carbon dioxide equivalent
Totals were summed using unrounded numbers and may not appear to sum exactly due to rounding.
Source: Appendix B1.

Project Impact

The City's 2030 GHGRS is a local GHG reduction strategy that meets the criteria under CEQA Guidelines Section 15183.5(b); therefore, analyzing the proposed Project's consistency with the City's 2030 GHGRS is consistent with Criterion B for the determining impacts.

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 (Appendix B1) 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 B2, the proposed Project is consistent with the City's 2030 GHGRS.

Key measures that the proposed Project has committed to include enrollment in SJCE, which offers a TotalGreen service option of procuring 100 percent renewable power; an all-electric design; and ample landscaping including new tree and shrub plantings around the perimeter and throughout the Project site.

The proposed Project would be consistent with the City's 2030 GHGRS, as shown in the Compliance Checklist, and therefore the proposed Project would not result in direct or indirect GHG emissions.

Level of Significance

Less than significant impact.

Conflict with Plan, Policy, or Regulation that Reduces Emissions

Impact GHG-2: The proposed Project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

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

The proposed Project would be consistent with Criterion B outlined in the Bay Area Air District thresholds by demonstrating consistency with the City's 2030 GHGRS (Appendix B2). Therefore, the proposed Project would be consistent with the State's goal to achieve carbon neutrality and 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 B2. In summary, applicable GHG reduction strategies with which the proposed Project is consistent include the following:

- **Consistency with the Land Use/Transportation Diagram**: The City's General Plan and zoning designate the Project site as IP. The IP designation is intended to allow a wide variety of industrial uses, such as R&D, manufacturing, assembly, testing, and office. IP-designated areas "may contain a very limited number of supportive and compatible commercial uses, when those uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area." Therefore, the proposed Project is consistent with the City's General Plan and Zoning Ordinance.
- **Implementation of Green Building Measures**: The proposed buildings' roofs would be designed to be solar ready. This satisfies the applicable 2025 CBC and CALGreen requirements for nonresidential solar readiness in new construction (Section 120.11 of Title 24, Part 6). The buildings would include skylights for passive lighting and reduced energy load. 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 bicycle lanes along the project frontage on Junction Avenue and Zanker Road which would also connect to the existing bicycle lanes on East Plumeria Drive. Additionally, the proposed Project would reconstruct portions of the sidewalk on the Project site frontage along Zanker Road.
- **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 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 pedestrian access, even though it would not contribute directly to Caltrain Modernization efforts. In addition, the Project site has numerous transit stops in close vicinity, including at Orchard and North First Street, at North First Street and Montague Expressway, and at East Plumeria Drive and Seely Avenue, which also provide regional transit connections to Caltrain and other modes.
- **Water Conservation**: The proposed Project would be required to comply with the applicable provisions of the City's Landscape Ordinance, with water efficient landscaping including low-water-use tree and shrub plantings along the perimeter and interior of the Project site in accordance with applicable standards. 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.

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 and therefore would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Impacts would be less than significant.

Level of Significance

Less than significant impact.

3.7.7 - Cumulative Impacts

The geographic scope of the cumulative greenhouse gas emissions analysis is the SFBAAB, which covers all or portions of the nine counties that surround San Francisco Bay: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma counties. In a larger sense, however, the relevant geographic area is the entire Earth, as explained by the California Supreme Court in C*enter for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 219, "because of the global scale of climate change, any one project's contribution is unlikely to be significant by itself."

"With respect to climate change, an individual project's emissions will most likely not have any appreciable impact on the global problem by themselves, but they will contribute to the significant cumulative impact caused by greenhouse gas emissions from other sources around the globe. The question therefore becomes whether the project's incremental addition of GHG emissions is 'cumulatively considerable' in light of the global problem, and thus significant." (Ibid., quoting Crockett, Addressing the Significance of Greenhouse Gas Emissions Under CEQA: California's Search for Regulatory Certainty in an Uncertain World (July 2011) 4 Golden Gate U. Envtl. L.J. 203, 207–208)).

Greenhouse Gas Emissions

The geographic scope of this cumulative impact is on a global scale because such emissions contribute, on a cumulative basis, to global climate change. The proposed Project would emit new greenhouse gas emissions, as would other past, present, and reasonably foreseeable projects within the SFBAAB.

The GHG emissions impact analysis above constitutes a cumulative analysis, in that it considers global, Statewide, and regional GHG emissions, as well as the contribution of the proposed Project to GHG emission impacts. Therefore, the significance conclusions reached above for the project-level GHG impact also constitutes the significance conclusions in this EIR with respect to cumulative GHG emissions impacts.

As discussed above, the City's 2030 GHGRS is a local GHG reduction strategy that meets the criteria under CEQA Guidelines Section 15183.5(b). 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 (Appendix B) 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. 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 B, the proposed Project is consistent with the City's 2030 GHGRS. Therefore, the proposed Project's incremental contribution to GHG emissions would not be cumulatively considerable and cumulative impacts would be less than significant.

Conflict with Plan, Policy, or Regulation that Reduces Emissions

The proposed Project would emit new GHG emissions, as would other past, present, and reasonably foreseeable projects within the SFBAAB.

The geographic scope of this cumulative impact is on a global scale because such emissions contribute, on a cumulative basis, to global climate change. The GHG emissions impact analysis above constitutes a cumulative analysis, in that it considers global, Statewide, and regional GHG emissions, as well as the contribution of the proposed Project to GHG emission impacts. Therefore, the significance conclusions reached above for the project-level GHG impact also constitute the significance conclusions in this EIR with respect to cumulative GHG emissions impacts.

As discussed above, the proposed Project would not conflict with the 2022 Scoping Plan or any other plan adopted for the purpose of reducing GHG emissions. Therefore, the proposed Project's incremental contribution to GHG emissions would not be cumulatively considerable, and cumulative impacts would be less than significant.

Level of Cumulative Significance

Less than significant impact.

THIS PAGE INTENTIONALLY LEFT BLANK

3.8 - Hazards and Hazardous Materials

3.8.1 - Introduction

This section describes the existing hazards and hazardous materials setting and potential effects from Project implementation on the site and its surrounding area. Descriptions and analysis in this section are based, in part, on the Phase I Environmental Site Assessment (Phase I ESA) prepared by AEI Consultants (AEI), dated March 6, 2025, included in this Draft EIR as Appendix E.

3.8.2 - Environmental Setting

Hazards are defined as threats to life, health, property, or the environment. They can be dormant or active, with active hazards potentially leading to emergencies.

Hazardous materials include but are not limited to hazardous substances and hazardous wastes, as defined in Section 25501 and Section 25117, respectively, of the California Health and Safety Code. Hazardous substances can be biological, natural, or chemical and may cause acute (immediate) or chronic (long-term) health effects. Hazardous substances can be biological, natural, or chemical and may cause acute or chronic health effects. Hazardous waste includes any discarded hazardous material, and contaminated soil or groundwater that must be treated as waste if it exceeds regulatory thresholds. Improper handling of these materials can result in serious public health risks.

Records Search

EnviroStor

The California Department of Toxic Substances Control (DTSC) EnviroStor database contains information on investigation, cleanup, permitting, and/or corrective actions that are planned, being conducted, or have been completed under DTSC oversight. EnviroStor records indicated that Ultratech Stepper, Inc. (2880 Junction Avenue) was a tiered permit facility that needs evaluation. No additional information was included in EnviroStor. However, the Santa Clara County Department of Environmental Health (SCCDEH) file included a Tiered Permitting Phase I ESA Checklist, dated November 14, 2008, which concluded that no further investigation was necessary to determine the existence, nature, and/or extent of contamination at the Project site. Additionally, there are no active cleanup sites on properties adjacent to the Project site.

Leaking Underground Storage Tanks

The State Water Resources Control Board (State Water Board) GeoTracker database provides regional boards and local agencies with regulatory data from solid waste disposal sites, areas with authorized or unauthorized discharges of waste to land outside their waste management unit,

including Leaking Underground Storage Tanks (LUSTs) and facilities with permitted underground storage tanks (USTs).[1]

There are no LUST cases located on the Project site. However, a desktop records review was conducted and identified two LUST cases within a one-mile radius of the Project. Of those cases, both were closed with no further action required by the State Water Board. The nearest open LUST site is roughly 1.6 miles from the Project site, located at 2010 North 1st Street.

Phase I Environmental Site Assessment

The Phase I ESA conducted for the Project site was prepared to identify any Recognized Environmental Conditions (RECs), i.e., the presence or potential presence of hazardous substances or petroleum products at a site, that could indicate the presence, release, or potential future release of hazardous substances or petroleum products on the site. The Phase I ESA was prepared in accordance with America Society of Testing and Materials Standard Practice E1527-21 and the EPA Standards and Practices for All Appropriate Inquiries.

AEI conducted a thorough investigation and analysis on the historical and present uses on the Project site and adjacent properties using a variety of methods, including a historical records review using aerial photography, topographic maps, and City directories; an environmental records review of regulatory agency databases; interviews with property owners and tenants on the Project site; and a site reconnaissance.

Based on a review of historical sources including Sanborn fire insurance maps, aerial photography, topographic maps, and City directories, the Project site was identified to consist of unimproved and agricultural land from at least 1939 to 1979. Commercial development was first identified on adjacent properties in 1982, and all existing structures and paved parking/drive areas on the Project site were developed by 1985. AEI did not identify potential environmental concerns in association with the current or historical uses on the Project site.

AEI contacted State and local agencies (including the SCCDEH) and also reviewed regulatory databases, including GeoTracker, EnviroStor, and DTSC Hazardous Waste Tracking System for information on any current or previous reports of hazardous substance use, storage, and/or unauthorized releases that may have impacted the Project site. Records indicated that from 1993–2023, various businesses operating on the Project site maintained permitted Hazardous Materials Business Plans (HMBPs), were hazardous waste generators and/or hazardous waste treatment facilities. For a complete description of these records, refer to Appendix E.

Based on review of current and historic operations on the Project site, including review of relevant agency databases, AEI concluded that no RECs, Controlled RECs, or Historic RECs were identified

[1] California State Water Resources Control Board (State Water Board). 2023. Website: https://www.waterboards.ca.gov/ust/electronic_submittal/about.html. Accessed November 20, 2025.

on the Project site based on the results of this background research. Further, AEI identified that there was no evidence of any potential per- and polyfluoroalkyl substances compounds within the site.

Vapor Migration

AEI conducted a limited screening for potential vapor encroachment conditions that may affect the Project site. The vapor encroachment condition screening focused on the current and historical usage of the Project site and also utilized the regulatory agency databases to evaluate identified chemicals of concern, including petroleum hydrocarbons. Based on distance, topography, assumed groundwater gradient, current regulatory status, and/or the absence of reported releases, none of the sites evaluated were determined to result in vapor encroachment conditions at the Project site.

Site Reconnaissance

AEI performed a site reconnaissance by walking through the indoor and outdoor spaces of the Project site on March 4, 2025, to investigate and observe any existing site conditions that could constitute a REC. Site observations identified in the Phase I ESA field reconnaissance include the following:

- Regulated hazardous substances/wastes and/or petroleum products in connection with property use.
- Aboveground hazardous substance or petroleum product storage tanks.
- Electrical or mechanical equipment likely to contain fluids.
- Drains, sumps, and clarifiers.
- Stained soil or pavement.
- Other (cleaning supplies and detergents stored in storage rooms).

Overall, the field reconnaissance did not identify any spills or releases associated with the observed utilities, chemicals, and enclosed areas on the Project site, and no RECs were identified.

Non-ASTM Services

The Phase I ESA also evaluated the potential for asbestos-containing building materials (ACMs) based on United States EPA guidance. Suspected or presumed ACMs were identified throughout the office areas, specifically within drywall/joint compound and vinyl flooring/mastic. Based on the age of the buildings, asbestos may be present in the building materials. Those materials noted above were in good condition and can be effectively managed until demolition and/or construction activities necessitate their removal. Further, due to the construction dated after 1978, it was determined that the presence of lead-based paint (LBP) would be unlikely.

3.8.3 - Regulatory Framework

Federal

Occupational Health and Safety Act

The Occupational Safety and Health Administration (OSHA) of the United States 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. Construction workers and operational employees at the Project site would be subject to these requirements.

Code of Federal Regulations, Titles 29 and 40

Regulations in Code of Federal Regulations Title 29 include requirements to manage and control exposure to LBP and ACM. 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 ACM 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 and Comprehensive Environmental Response, Compensation, and Liability Act

The EPA is responsible for implementing and enforcing federal laws and regulations pertaining to hazardous materials. The primary legislation includes the Resource Conservation and Recovery Act of 1976 (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) and the Emergency Planning and Community Right-to-Know Act (known as SARA Title III). RCRA and the 1984 RCRA Amendments regulate the treatment, storage, and disposal of hazardous and nonhazardous wastes and mandate that hazardous wastes be tracked from the point of generation to their ultimate fate in the environment, including detailed tracking of hazardous materials during transport and permitting of hazardous material handling facilities.

As permitted by RCRA, in 1992, the EPA approved California's program called the Hazardous Waste Control Law (HWCL), administered by DTSC, to regulate hazardous wastes in California, as discussed further below. The purpose of CERCLA is to identify and clean up chemically contaminated sites that pose a significant environmental health threat, and the Hazard Ranking System is used to determine whether a site should be placed on the National Priorities List for cleanup activities. SARA relates primarily to emergency management of accidental releases and requires annual reporting of

continuous emissions and accidental releases of specified compounds that are compiled into a nationwide Toxics Release Inventory. Finally, SARA Title III requires formation of State and local emergency planning committees that are responsible for collecting material handling and transportation data for use as a basis for planning and provision of chemical inventory data to the community at large under the "right-to-know" provision of the law.

Hazardous Materials Transportation Act

Under the Hazardous Materials Transportation Act of 1975, the United States Department of Transportation (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, it 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 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.

State

California Hazardous Waste Control Law

The 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 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:

- 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).
- USTs (HSC § 25280, *et seq*.).
- Aboveground storage tanks (HSC § 25270.5(c)).
- 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. Construction workers and operational employees at the Project site would be subject to these requirements.

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 State OSHA requirements. The Bay Area Air District oversees the removal of regulated ACM (see "Asbestos Demolition, Renovation, and Manufacturing Rule" below).

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 State 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.

California Code of Regulations Title 22, Division 4.5

California Code of Regulations, Title 22, Division 4.5, contains the Environmental Health Standards for the Management of Hazardous Waste, which includes California waste identification and classification regulations. California Code of Regulations, Title 22, Chapter 11, Article 3, "Soluble Threshold Limits Concentrations/Total Threshold Limits Concentration Regulatory Limits," identifies the concentrations at which soil is determined to be a California hazardous waste. California's Universal Waste Rule (22 CCR § 66273) provides an alternative set of management standards in lieu of regulation as hazardous wastes for certain common hazardous wastes, as defined in California Code of Regulations, Title 22, Section 66261.9. Universal wastes include fluorescent lamps, mercury thermostats, and other mercury-containing equipment. Existing structures may contain fluorescent light ballasts that could contain mercury or lead. The Alternative Management Standards for Treated Wood Waste (22 CCR § 67386) were developed by the DTSC to allow for disposal of treated wood as a nonhazardous waste, to simplify and facilitate the safe and economical disposal of such waste. Chemically treated wood can contain elevated levels of hazardous chemicals (e.g., arsenic, chromium, copper, pentachlorophenol, or creosote) that equal or exceed applicable hazardous waste thresholds. The Alternative Management Standards provide for less stringent storage requirements and extended accumulation periods, allow shipments without a hazardous waste manifest and a hazardous waste hauler, and allow disposal at specific nonhazardous waste landfills.

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. Emergency response team members respond and work with local fire and police agencies, emergency medical providers, the California Highway Patrol, CAL FIRE, CDFW, and Caltrans.

California Department of Forestry and Fire Protection

CAL FIRE has mapped fire threat potential throughout California. CAL FIRE maps fire threat based on the availability of fuel and the likelihood of an area burning (based on topography, fire history, and climate). The threat levels include no fire threat, moderate, high, and very high fire threat. Additionally, CAL FIRE produced a 2010 Strategic Fire Plan for California, which contains goals, objectives, and policies to prepare for and mitigate the effects of fire on California's natural and built environments. CAL FIRE's Office of the State Fire Marshal provides oversight of enforcement of the California Fire Code as well as overseeing hazardous liquid pipeline safety.

California Building Standards Code

The State of California provides minimum standards for building design through the CBC (CCR Title 24). Where no other building codes apply, Chapter 29 regulates excavation, foundations, and retaining walls. The CBC applies to building design and construction in the State and is based on the federal Uniform Building Code used widely throughout the country (generally adopted on a state-by-state or district-by-district basis). The CBC has been modified for California conditions with more detailed and/or more stringent regulations.

The State earthquake protection law (HSC § 19100 *et seq.*) requires that structures be designed to resist stresses produced by lateral forces caused by wind and earthquakes. Specific minimum seismic safety and structural design requirements are set forth in Chapter 16 of the CBC. The CBC identifies seismic factors that must be considered in structural design. Chapter 18 of the CBC regulates the excavation of foundations and retaining walls, and Appendix Chapter A33 regulates grading activities, including drainage and erosion control and construction on unstable soils, such as expansive soils and areas subject to liquefaction.

The CBC is updated every 3 years, and the 2025 CBC took effect January 1, 2026.

California Public Resources Code

The California Public Resources Code includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors[2] on construction equipment that use an internal combustion engine; specify requirements for the safe use

[2] A spark arrestor is a device that prohibits exhaust gases from an internal combustion engine from passing through the impeller blades where they could cause a spark. A carbon trap is commonly used to retain carbon particles from the exhaust.

of gasoline-powered tools in fire hazard areas; and specify fire suppression equipment that must be provided on-site for various types of work in fire-prone areas.

These regulations include the following:

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (PRC § 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period—from April 1 to December 1 (PRC § 4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor would maintain the appropriate fire suppression equipment (PRC § 4427); and
- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (PRC § 4431).

Regional

Certified Unified Program Agency Program

The CUPA program was created by SB 1082 (1993) to consolidate, coordinate, and make consistent the administrative requirements, permits, inspections, and enforcement activities for several environmental and emergency management programs. CUPA is intended to provide relief to businesses complying with the overlapping and sometimes conflicting requirements of formerly independently managed programs. The following six programs are administered locally under the State's CUPA:

- Hazardous Waste Generator Program and Hazardous Waste On-Site Treatment activities authorized under the permit-by-rule, conditionally authorized, and conditionally exempt tiers—Health and Safety Code Division 20, Chapter 6.5, and 22 California Code of Regulations Division 4.5.
- Aboveground Storage Tank Program Spill Prevention Control and Countermeasure Plan requirements—Health and Safety Code Section 25270.5(c).
- UST Program—Health and Safety Code Division 20, Chapter 6.7, and 23 California Code of Regulations Chapters 16 and 17.
- Hazardous Materials Release Response Plans and Inventory Program—Health and Safety Code Division 20, Chapter 6.95, Article 1, and 19 California Code of Regulations Sections 2620–2734.
- California Accidental Release Prevention program—Health and Safety Code Division 20, Chapter 6.95, Article 2, and 19 California Code of Regulations Sections 2735.1 through 2785.1.

- Hazardous Materials Management Plans and Hazardous Materials Inventory Statement requirements—California Fire Code, Sections 2701.5.1 and 2701.5.2.

The SCCDEH is the CUPA for the City of San José. Although not included in the CUPA program, San José Fire Department also administers a local Hazardous Materials Storage Ordinance (San José Municipal Code Chapter 17.68), which is discussed further below.

Santa Clara County Department of Environmental Health

The SCCDEH 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.[3] There are nine RWQCBs throughout the State. The San Francisco Bay RWQCB has jurisdiction over projects in the City. 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 California State Water Board, which oversees the nine RWQCBs.

Local

City of San José Emergency Operations Plan (Municipal Code Section 8.08.030)

The Office of Emergency Management is the lead agency for the City under the Standardized Emergency Management System, the purpose of which is to prepare the City to respond efficiently and effectively to emergencies that threaten life, property, or the environment. The Office of Emergency Management administers and operates the Emergency Operations Center (EOC), from which centralized emergency management can be conducted. The EOC is activated by an on-call City Office of Emergency Services coordinator in the event of an emergency. Under such conditions, the EOC supports and coordinates emergency response and recovery operations; coordinates and works with other appropriate federal, state, and other local government agencies; and prepares and disseminates emergency public information, among other responsibilities.

The City adopted the current Emergency Operations Plan in 2019. The plan is an extension of the state's California Emergency Plan, and provides tasks, policies, and procedures for managing multi-agency and multi-jurisdictional emergency operations, public information functions, and resource management. The Emergency Operations Plan identifies a number of potential threats based on a hazard analysis, including earthquakes, wildland urban/interface fire, extreme weather, public health emergency, technological and resource emergency, hazardous material incident, terrorism, floods, and landslides.

[3] County of Santa Clara. 2024. Department of Environmental Health. Website: https:// deh.santaclaracounty.gov/home. Accessed August 26, 2024.

Envision San José 2040 General Plan

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

Goal EC-6 Protect the community from the risks inherent in the transport, distribution, use, storage, and disposal of hazardous materials.

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

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

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

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

Policy EC-6.7 Do not approve land uses and development that use hazardous materials that could impact existing residences, schools, day care facilities, community or recreation centers, senior residences, or other sensitive receptors if accidentally released without the incorporation of adequate mitigation or separation buffers between uses.

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

Action EC-6.9 Adopt City guidelines for assessing possible land use compatibility and safety impacts associated with the location of sensitive uses near businesses or institutional facilities that use or store substantial quantities of hazardous materials

by June 2011. The City will only approve new development with sensitive populations near sites containing hazardous materials such as toxic gases when feasible mitigation is included in the projects.

Action EC-6.10 Promote source reduction and recycling as alternatives to hazardous materials land disposal whenever feasible.

Action EC-6.11 Promote the provision of used oil recycling and/or hazardous waste recycling facilities and drop-off locations for residents.

Action EC-6.12 Regulate new development on or in proximity to high pressure natural gas pipelines to promote public safety and reduce risks from land use incompatibility.

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-paint and asbestos containing materials, shall be implemented in accordance with state and federal laws and regulations.

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

City of San José Municipal Code

Municipal Code Chapter 17.68, Hazardous Materials Storage Permit, contains regulations that are designed to protect health, life, resources, and property through prevention and control of unauthorized discharges of hazardous materials. This ordinance applies to any person, firm, or

corporation which stores any hazardous materials, and requires a hazardous materials storage permit and shall be in conformance with an approved hazardous materials management plan.

3.8.4 - Methodology

The analysis in this section relies upon the information contained in the Phase I ESA prepared by AEI to evaluate the potential presence of hazards and hazardous materials on the Project site. This report is provided in its entirety in Appendix E.

The potential for hazards and hazardous materials impacts was assessed through review of the Geotracker and EnviroStor databases and applicable federal, State, and local laws and regulations. Applicable laws and regulations include, but are not limited to, the Hazardous Materials Transportation Act, California Public Resources Code, and other State and local regulations. Laws and regulations related to the handling, transporting, use, or disposal would comply with applicable laws, policies, and programs set forth by various federal, State, and local agencies and regulations, including the EPA, RCRA, Caltrans, and Hazard Mitigation Plan (HMP). With respect to transportation of hazardous materials, USDOT, Office of Hazardous Materials Safety, has also established strict safety regulations.

3.8.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether hazards and hazardous materials impacts resulting from the implementation of the proposed Project would be considered significant if the proposed Project would:

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

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

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

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

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

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

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

3.8.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts with regards to hazards and hazardous materials associated with the development of the proposed Project and provides mitigation measures where appropriate.

Routine Transport, Use, or Disposal of Hazardous Materials

Impact HAZ-1: 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.

Impact Analysis

Construction

The proposed Project would include demolition of existing on-site structures as well as grading and other construction activities. The Phase I ESA did not identify any RECs or LUSTs at the Project site, and determined that the presence of LBP on the Project site was unlikely. However, due to the age of existing structures, ACMs were found to be present within drywall/joint compound and vinyl flooring/mastic of existing structures planned for demolition. Since hazardous building materials may be present on the Project site, the transportation and disposal of building materials from the demolition of existing structures could result in potential impacts to the health of construction workers and the surrounding public. However, as required by General Plan Policy 3.5 and the City's standard procedure for demolition and building permit reviews, the of LBPs and ACMs would be confirmed and a procedure for safe demolition and disposal activities would be outlined, as required. Moreover, the Project site was identified to consist of unimproved and agricultural land from at least 1939 to 1979. Due to this agricultural history, there would be a potential that the soil contains residual organochlorine pesticides and/or pesticide-based metals arsenic and lead from historic pesticide application. As such, the proposed Project would implement MM HAZ-1, which would require a Phase II ESA soil contamination investigation to evaluate potential impacts from historic agricultural use and identify potential remediation measures, if applicable. Therefore, impacts would be less than significant with MM HAZ-1 below.

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. Appropriate documentation for all hazardous waste that is transported in connection with Project site activities would be provided as required for compliance with existing hazardous materials regulations. Following compliance with the established regulatory framework, 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. Impacts would be less than significant.

Operation

The proposed Project would develop three new industrial warehouse buildings with built-in ancillary office space and related improvements. The proposed Project is a speculative development, and no end tenants have been identified at this stage. As such, the proposed Project could include a range of uses consistent with the Project site's General Plan land use designation and zoning of IP, including warehousing and light to medium manufacturing uses; heavy manufacturing would not be allowed. Among the allowed uses, light to medium manufacturing uses could result in the greatest potential for operational impacts due to the nature of said uses.

However, such uses are not anticipated to involve the manufacture, storage, or use of hazardous substances in quantities or forms that would pose a substantial risk to the public or the environment. Any manufacturing operations would occur within the enclosed industrial building and would be subject to compliance with applicable federal, State, and local regulations relating to such 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.

Future tenants would be required to obtain necessary permits for the storage, use, and disposal of hazardous materials. Specifically, the use of hazardous materials requires permits and monitoring through the local CUPA to avoid hazardous waste release. The HMBPs required by the CUPA, and General Plan Policy EC-6.1, would describe the chemicals stored and used at the facility, along with a written spill response plan. In addition, General Plan Policy EC-6.5 requires designation of transportation routes to and from hazardous waste facilities in order to minimize adverse impacts on surrounding land uses and travel distances along residential and other nonindustrial frontages, further reducing the risk of hazard to the public and environment through hazardous materials transport.

In addition, industrial buildings would be constructed in accordance with current building and fire codes, which include design standards for secondary containment, ventilation, fire suppression systems, and separation distances that further reduce the potential for hazardous materials releases. Routine inspections and ongoing regulatory oversight would ensure continued compliance throughout the operational life of the proposed Project. As a result, while limited hazardous materials may be present as part of normal industrial operations, their use would be controlled, regulated, and managed in a manner that would not result in a significant risk of release or exposure.

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 operation.

Impact HAZ-1 Due to the Project site's agricultural history, there is a potential that the soil contains residual organochlorine pesticides and/or pesticide-based metals arsenic and lead from historic pesticide application. If pesticides are present and not mitigated, construction of the project could result in exposure of construction workers, adjacent properties and future site workers to pesticide contamination.

Mitigation Measures

MM HAZ-1 Prior to issuance of a grading permit, the Project applicant shall retain a qualified environmental professional to complete a Phase II soil contamination investigation to evaluate potential impacts from historic agricultural use. The Phase II shall include soil sampling and analysis for organochlorine pesticides and pesticide-based metals, arsenic and lead to determine if these chemicals are present above the regulatory environmental screening levels for construction worker safety and commercial/industrial uses. The results of the soil sampling and testing must 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 of San José's Environmental Services Department.

If the Phase II results indicate soil concentrations of pesticides or metals above the environmental screening levels, the applicant must obtain regulatory oversight from the Department of Toxic Substances Control, or the Santa Clara County Department of Environmental Health under their Site Cleanup Program. A Site Management Plan, Removal Action Plan, or equivalent document shall be prepared by a qualified environmental consultant under regulatory oversight and approval that identifies remedial measures and/or soil management practices to mitigate exposure risks to ensure construction worker safety and the health of future site occupants. The plan and evidence of regulatory oversight shall be provided to the Director of Planning, Building and Code Enforcement or Director's designee and the Environmental Compliance Officer in the City of San José Environmental Services Department.

Level of Significance After Mitigation

Less than significant impact.

Risk of Upset

Impact HAZ-2: The proposed Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.

Impact Analysis

Construction

Exposure to hazardous materials during the construction of the proposed Project may result from (1) the improper handling or use of hazardous substances; (2) a transportation accident; or (3) an unforeseen event (e.g., fire, flood, or earthquake). The severity of any such exposure is dependent upon the type and amount of the hazardous material involved; the timing, location, and nature of the event; and the sensitivity of the individual or environment affected.

Construction of the proposed Project would involve the transport, use, and disposal of hazardous materials such as paints, cements, aggregates, metals, and diesel fuels, and the demolition of on-site structures, which could result in potential exposure to ACMs and LBPs. As discussed under Impact HAZ-1, the presence of such materials would be verified as part of the City's building permit process, and any removal would occur in compliance with all local and State regulations.

Construction activities would also require use of typical building maintenance items, including paint, sealants, cleaning supplies. Transport and disposal of these substances would occur in compliance with the Hazardous Materials Transportation Act, California Health and Safety Code, and local regulations (including General Plan policies EC-6.3 and EC-6.4) that would reduce and limit the risk of an accident involving these materials, as discussed above in the Regulatory Setting. Furthermore, the City's standard building permit review process would prevent accidents related to the release of asbestos or lead into the environment. As such, construction-related impacts would be less than significant with mitigation incorporated.

Operation

The Phase I ESA did not identify any RECs that could result in impacts to future occupants and visitors on the Project site. Further, there are no vapor encroachment conditions on the Project site that could expose future occupants and visitors to pollutant concentrations.

The proposed Project would develop three speculative industrial warehouse buildings intended for a range of potential uses allowed within the IP zone. As detailed in Impact HAZ-1, future tenants would be required to obtain necessary permits for the storage, use, and disposal of hazardous materials and abide by all local, State, and federal laws, policies, and regulations in order to use and/or store hazardous materials. In addition, General Plan Policy 6.2 requires proper storage, use, and disposal of hazardous materials and waste to prevent leakage.

Since operation of the proposed Project would comply with all federal, State, and local rules and regulations pertaining to the proper transportation, use, and disposal of hazardous materials, operation of the proposed Project would not create a significant hazard through the transportation, use, and disposal of hazardous materials to the public and surrounding environment. Impacts would be less than significant.

Level of Significance

Less than significant impact.

Hazardous Emissions Proximate to a School

Impact HAZ-3: The proposed Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Impact Analysis

There is one school within 0.25 mile of the Project site. HeadsUp! Montessori Preschool is located approximately 0.08 mile southeast of the Project site.

Construction

Construction activity would involve the transportation, use, and disposal of hazardous materials such as paints, cement, aggregates, metals, and diesel fuels, and the potential removal of ACMs prior to the demolition of existing structures, which could release hazardous materials into the surrounding environment. However, the proposed Project would comply with the Hazardous Materials Transportation Act, California Health and Safety Code, California Code of Regulations Title 8 and other local rules and regulations which enforce guidelines created to protect public health and safety. Therefore, impacts related to releasing hazardous emissions or handling hazardous materials, substances, or waste within surrounding schools would be less than significant.

Operation

During Project operations, hazardous materials may be transported, used, or disposed of on the Project site; however, it is too speculative to determine what materials may be on-site. The use of hazardous materials requires permits and monitoring through the local CUPA to avoid hazardous waste release. The HMBP required by the CUPA would describe the chemicals stored and used at the facility, along with a written spill response plan. The RCRA, California Code of Regulations Title 22, and the Hazardous Waste Control Act regulate the generation, transport, treatment, storage, and disposal of hazardous waste. Further, General Plan Policy EC-6.1 requires all users of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use or transport in conformance with local, State, and federal laws, regulations, and guidelines.

Since operation of the proposed Project would comply with all federal, State, and local rules and regulations pertaining to the proper transportation, use, and disposal of hazardous materials, impacts related to releasing hazardous emissions or handling hazardous materials, substances, or waste within surrounding schools would be less than significant.

Level of Significance

Less than significant impact.

Government Code Section 65962.5 Sites

Impact HAZ-4: **The proposed Project would not 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.**

Impact Analysis

As described under Section 3.8.2, historic uses on the Project site include a tiered permit facility for which SCCDEH filed a Tiered Permitting Phase I Environmental Assessment. Following this, SCCDEH concluded that no further investigation was necessary. The Project site is not listed on any federal hazardous materials databases compiled pursuant to Government Code Section 65962.5 (Cortese List). A review of the GeoTracker and EnviroStor database confirms that there are no active hazardous materials sites requiring further action recorded at the Project site. Therefore, the proposed Project would not create a significant hazard to the public or the environment. Impacts would be less than significant.

Level of Significance

Less than significant impact.

Proximity to Public Airport Safety Hazard

Impact HAZ-5: **The proposed Project is located within an airport land use plan but would not result in a safety hazard or excessive noise for people residing or working the Project area.**

Impact Analysis

The San José Mineta International Airport is 1.6 miles south of the Project site. Pursuant to General Plan Policies TR-14.2 and TR-14.3, construction of the proposed Project would be consistent with the height, safety, and noise policies identified in the respective Santa Clara County Airport Land Use Commission (Santa Clara County ALUC) and Airport Land Use Compatibility Plan (ALUCP). The maximum building height of proposed buildings would be consistent with existing structures and would be within the allowable range outlined by the General Plan and Municipal Code.

As discussed in Section 3.11, Noise, the Project site is well outside the 65 dBA Community Noise Equivalent Level (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, since the proposed Project would be consistent with all applicable federal, State, and local laws, policies, and regulations, impacts to airport area safety would be less than significant.

Level of Significance

Less than significant impact.

Emergency Response and Evacuation

Impact HAZ-6: The proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Impact Analysis

Construction

Construction equipment and vehicles would be staged on the Project site and would not obstruct or occupy the right-of-way. However, it is expected that construction equipment and vehicles would be accessing and leaving the Project site, which in turn could potentially impede evacuation or Emergency Vehicle Access. The temporary increases in construction traffic of nearby roads could interfere with emergency services traffic in the Project vicinity.

As condition of construction and building permits, as required by Chapter 13.36 (Public Right-of-Way Work Permits) the City would require the preparation and implementation of construction traffic plan, including encroachment permits as-needed. The construction traffic plan would manage the movement of vehicles, including those transporting hazardous materials, on roads. Therefore, emergency access would be maintained and Project construction would not impair or physically interfere with an emergency response or evacuation plan. Impacts related to emergency response and evacuation would be less than significant.

Operation

Emergency vehicle access to the Project site would be provided by all five proposed driveways, with a fire access route extending throughout the entirety of the Project site. The proposed Project would include curbs along the fire access route painted red and marked as the fire lane. Because the proposed Project would provide sufficient vehicular access for both tenant and emergency vehicles, and the operation would only occur within the Project site, Project operations would not impair or physically interfere with an emergency response or evacuation plan. Impacts related to emergency response and evacuation would be less than significant.

Level of Significance

Less than significant impact.

Wildland Fires

Impact HAZ-7: The proposed Project would not expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires.

Impact Analysis

Areas that are highly susceptible to direct and indirect wildfire risks usually experience critical fire weather consisting of high temperatures, low humidity, and high winds, are situated on steep

topography, and are surrounded by large amounts of fuel loads. The Project site is generally flat, and does not meet these characteristics. Further, the Project site is not located in a Fire Hazards Severity Zone (FHSZ) as identified by CAL FIRE in either the State Responsibility Area (SRA) or the Local Responsibility Area (LRA). The closest FHSZ is located approximately 4.12 miles northeast of the Project site.

Fire suppression resources are available in the Project area, as it is highly urbanized with the closest San José Fire Department being Station 29, which is located approximately 0.2 mile northwest from the Project site. Additionally, the proposed Project would comply with the California Fire Code by providing feasible access to and from the Project site through fire apparatus access roads, along with CBC standards mandating types of building materials and fire safety features. Therefore, the proposed Project would not expose people or structures directly or indirectly to significant loss, injury, or death involving wildland fires. Impacts related to direct and indirect wildland fire risks would be less than significant.

Level of Significance

Less than significant impact.

3.8.7 - Cumulative Impacts

Adverse effects of hazards and hazardous materials tend to be localized; therefore, unless otherwise noted, the area immediately near the Project area would be most affected by Project activities and represents the geographic scope for this cumulative analysis. This analysis also includes the foreseeable development projects that may have a cumulative impact on hazards and hazardous materials listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects. For the transport of hazardous materials, the geographic scope includes local and regional transportation facilities.

Routine Transport, Use, or Disposal of Hazardous Materials

In general, exposure to hazardous materials may cause localized adverse effects. A combination of federal, State, and local regulations limit or minimize the potential for exposure to hazardous materials. The geographic scope for cumulative impacts related to routine transport, use, or disposal of hazardous materials is projects in the Project vicinity that would use the same main transportation routes as the proposed Project. Two of the developments listed in Table 3-1 are within this geographic scope: the 0 Seely Avenue mixed-use project, located 0.43 mile east of the Project site, and the 1851 McCarthy Boulevard commercial project, located 0.57 mile northeast of the Project site. Based on the location of these two cumulative projects, it can be assumed that the main transportation route to and from these cumulative Project sites would be Montague Expressway, similar to the proposed Project. While cumulative projects may involve the use and transportation of potentially hazardous materials, they would be subject to the Hazardous Materials Transportation Act, California Public Resources Code, and other State and local regulations that would reduce and limit the associated risks. Any handling, transporting, use, or disposal would comply with applicable laws,

policies, and programs set forth by various federal, State, and local agencies and regulations, including the EPA, RCRA, Caltrans, and HMP.

However, it is possible that cumulative projects within the geographic scope may encounter contaminated soils, soil vapor, contaminated groundwater, and identified or unidentified USTs. Hazardous materials may be exposed during grading that would generate dust and the use and transport of petroleum-based lubricants, solvents, fuels, herbicides, and pesticides to and from the site. To address potential release of hazardous materials, the City would require the preparation of Phase I ESAs for individual development projects, and would impose mitigation related to the removal and proper disposal of hazardous materials to minimize hazardous materials exposure risk, as required. These requirements would reduce the potential for accidental releases and limit exposure to hazardous materials during construction and operation. Given the regulatory framework and standard practices applicable to urban development, cumulative exposure to hazardous materials would be less than significant.

Moreover, the proposed Project's incremental contribution to this less than significant impact would not be cumulatively considerable. The proposed Project would comply with the same regulatory requirements and would not involve the use, storage, or transport of hazardous materials in a manner that results in undue risk or exposure. Accordingly, the proposed Project's incremental contribution to cumulative hazardous materials exposure would not be cumulatively considerable. Cumulative impacts with respect to hazardous materials exposure and upset risk would be less than significant.

Risk of Upset

In general, exposure to hazardous materials may cause localized adverse effects. A combination of federal, State, and local regulations limit or minimize the potential for exposure to hazardous materials. None of the development listed in Chapter 3, Environmental Impact Analysis, Table 3-1 are within the immediate Project vicinity. Individual cumulative projects would be required to conduct Phase I ESAs in order to determine whether previous or current site uses may post the risk of upset. Federal, State, and local rules and regulations pertaining to the proper transportation, use, and disposal of hazardous and hazardous building materials, as well as mitigating identified RECs, would ensure that cumulative project impacts would be less than significant.

The Phase I ESA prepared for the proposed Project did not identify any RECs on the Project site that could result in risk of upset or accident conditions associated with the release of hazardous materials. Furthermore, like the cumulative projects, the proposed Project would be subject to the same federal, State, and local rules and regulations pertaining to the proper transportation, use, and disposal of hazardous and hazardous building materials. Therefore, the proposed Project's potential incremental contribution to less than significant risk of hazardous material upset would not be cumulatively considerable and cumulative impacts associated with the exposure to hazardous materials would be less than significant.

Hazardous Emissions Proximate to a School

None of the cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1 are within 0.25 mile of HeadsUp! Montessori Preschool. As such, these projects would not exacerbate the amount of hazardous materials or emissions released in proximity to the nearby school.

During operation, the proposed Project would involve the transportation, use, and disposal of hazardous waste in proximity to the HeadsUp! Montessori Preschool, but that waste would be associated with hazardous materials utilized by commercial uses such as solvents, cleaning agents, and pesticides that would be applied in small quantities and would promote little risk to exposure. In addition, future on-site uses may include manufacturing operations that may use hazardous materials, but would remain in compliance with applicable federal, State, and local regulations to ensure regulated use. Therefore, the proposed Project's would not create an incremental contribution of hazardous materials with other cumulative projects and would not be cumulatively considerable. As a result, the proposed Project would not contribute to or combine with past, present, or reasonably foreseeable future projects to create a cumulative impact related to hazardous emissions proximate to a school.

Government Code Section 65962.5 Sites

The cumulative projects listed in Chapter 3, Environmental Impact Report, Table 3-1 are not located on sites listed pursuant to Government Code Section 65962.5. As a result, the proposed Project would not contribute to or combine with past, present, or reasonably foreseeable future projects to create a cumulative impact related to hazardous materials.

Safety Hazards and Excessive Noise Within Airport Land Use Plan

Cumulative safety hazards and noise impacts related to airport land use plans are localized impacts. Accordingly, the geographic scope for purposes of this discussion is limited to the Norman Y. Mineta San José International Airport Influence Area. The San José Mineta International Airport is 1.6 miles south of the Project site. As identified in Chapter 3, Environmental Impact Analysis, Table 3-1, 3575 De La Cruz Boulevard Residential, and Trimble Road Data Centers are within the relevant geographic scope. Developments in the vicinity of the airport would be regulated in accordance with Federal Aviation Administration regulations to maintain safe operation and avoid potential hazards to navigation. This includes adherence to requirements around height, safety, and noise policies identified in the respective Santa Clara County ALUC and ALUCP. Compliance with local, State, and federal policies would ensure that impacts from the two listed cumulative projects are less than significant.

Because the proposed Project would adhere to the same regulations and is not located within the Airport Influence Area, the proposed Project would not contribute to or combine with past, present, or reasonably foreseeable future projects to create a cumulative impact related to safety hazards and excessive noise within an airport land use plan. Moreover, the proposed Project's incremental contribution to the less than significant cumulative impact would not be cumulatively considerable. Construction and operation of the proposed Project would remain compliant with federal, State, and

local regulations in order to ensure airport safety. This includes policies identified in the respective Santa Clara County ALUC and ALUCP. Therefore, the proposed Project in concurrence with other cumulative projects would not increase the risk of airport safety hazards and impacts would be less than significant. Therefore, the proposed Project's contribution would not be cumulatively considerable, and cumulative impacts on safety hazards and excessive noise within an airport land use plan would be less than significant.

Emergency Response and Evacuation

The geographic scope for cumulative impacts related to emergency response and evacuation is projects in the Project vicinity that would use the same evacuation route as the proposed Project. Two of the cumulative projects listed in Table 3-1 are within this geographic scope: the 0 Seely Avenue mixed-use project, located 0.43 mile east of the Project site, and the 1851 McCarthy Boulevard commercial project, located 0.57 northeast of the Project site. Based on the location of these two cumulative projects, it can be assumed that the main evacuation route from the Project sites would be Montague Expressway, which is the main evacuation route for the proposed Project.

The construction of these cumulative projects may partially impair roadways, temporarily disrupting emergency and evacuation response. However, all cumulative projects would be required to comply with emergency response and evacuation regulations upheld by the California Fire Code, CBC, and Municipal Code. Furthermore, all cumulative projects that may encroach on local roadways would need to obtain applicable encroachment permits and implement a construction traffic control plan to address temporary impacts. Cumulative projects, like the proposed Project, are located within an urban area and are therefore, evacuation from these sites is considered under the EOP. In addition, the proposed Project and listed cumulative projects are subject to the same federal, State, and local rules and regulations on fire safety features and obstructing the public right-of-way.

The proposed Project along with cumulative projects would not impair or interfere with applicable emergency or evacuation response plans. Cumulative impacts related to hazards and emergency response would be less than significant and the proposed Project's contribution would not be cumulatively considerable.

Wildland Fires

The geographic scope for the wildfire cumulative impacts analysis is the immediate Project area. None of the projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1 are located in the immediate project area. As such, these projects would not create any cumulative impact that would exacerbate the risk of wildland fires. In addition, none of the cumulative projects are located within or in direct proximity to SRAs designated as moderate, high, or very high FHSZ delineated by CAL FIRE, nor are they located in such designated areas in the LRA. The cumulative projects listed in Table 3-1, along with the proposed Project, are in a relatively flat, highly urbanized environment with many streets and infrastructure serving as fuel breaks.

The proposed Project is located in a highly urbanized environment with direct access to fire suppression resources and is not in proximity to an SRA classified as a FHSZ or designated as high

or very high zones in the LRA. Therefore, cumulative impacts related to direct and indirect exposure to wildland fires would be less than significant and the proposed Project's contribution would not be cumulatively considerable.

Level of Cumulative Significance

Less than significant impact.

THIS PAGE INTENTIONALLY LEFT BLANK

3.9 - Hydrology and Water Quality

3.9.1 - Introduction

This section describes the existing hydrology and water quality setting and potential effects from project implementation on the site and its surrounding area. This section then evaluates the potential impacts related to hydrology and water quality that could result from implementation of the proposed Project. Descriptions and analysis in this section are based on information from San Francisco Bay RWQCB Basin Plan, FEMA Flood Insurance Rate Maps (FIRMs), the Geotechnical Investigation (Appendix E), the proposed Project Stormwater Evaluation Form, and Project site plans.

3.9.2 - Environmental Setting

Surface Hydrology

City of San José

There are three principal watersheds within the San José Urban Growth Boundary: San Tomas, Guadalupe, and Coyote. Each of these watersheds is made up of its main creek, from which the watershed derives its name, as well as many smaller tributaries, each with its own subwatershed. Watershed elements include not only these tributaries but also dams, reservoirs, and groundwater recharge basins. The watersheds in San José are part of the Santa Clara Basin, which is a subbasin of the larger San Francisco Bay Basin.

Project Site

The Project site is located within the 171 square mile Guadalupe River Watershed.[1] The headwaters drain from the eastern Santa Cruz Mountains near the summit of Loma Prieta in heavily forested unincorporated county land with pockets of low-density residential developments. This watershed travels through the town of Los Gatos, and the cities of San José, Campbell, and Santa Clara, until it eventually discharges into the Lower South San Francisco Bay via Alviso Slough.

The nearest waterbodies to the Project site include the Guadalupe River roughly 0.5 mile to the west of the Project site, and Coyote Creek roughly 0.5 mile to the east of the Project site.

Surface Water Quality

City of San José

There are several surface water reservoirs that directly affect the watersheds and streams of San José. Anderson Reservoir (in the Coyote watershed) and the Almaden, Calero, Guadalupe and Vasona Reservoirs (in the Guadalupe watershed) store water used for groundwater recharge

[1] City of San José. Water Quality Monitoring. Website https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/our-creeks-rivers-bay/watershed-maps. Accessed December 19, 2025.

downstream of the reservoirs. Nearly all of the reservoirs in the immediate vicinity of the city serve as municipal and domestic water supply for community, or individual water supply stems. Additionally, municipal water supplies purchase water from various agencies to supplement the local supply.

Within the City, the Guadalupe River watershed has a number of hazardous waste sites that may contribute pollutants from either surface runoff from these sites or high groundwater flow through the contaminated soils of these sites. There are several reported releases of hazardous materials, mostly from leaking underground storage tanks, along the Guadalupe River through San José. There are also a number of sites that use, store, or could be a source of potentially hazardous, toxic, or radioactive materials that could contribute harmful pollutants to the Guadalupe River. These sites include roadway overpasses, auto repair shops, industrial facilities, and agricultural lands.

Project Site

The Project site does not contain any surface water features.

Groundwater Basin Hydrology

City of San José

The City relies on the Santa Clara Valley Groundwater Basins, specifically the Santa Clara Subbasin, which is overseen by Valley Water. The subbasins are bordered by the Santa Cruz Mountains to the west and the Diablo Range to the east. The Santa Clara Subbasin is fairly shallow, reaching a maximum depth of approximately 500 feet. It has a surface area of 153,600 acres, or 240 square miles. The operational storage capacity of estimated to be 350,000 feet.[2] The City's Municipal Water System (Muni Water) is partially served through these groundwater supplies. There are 14 groundwater wells within the Muni Water service area.

Project Site

The Project site is located within the Santa Clara Valley Groundwater Basin. There are no groundwater recharge zones or wells located within the Project site. Based on the investigation in Appendix E, groundwater on the Project site is anticipated to be approximately 7 feet in depth.

Groundwater Water Quality

City of San José

Groundwater recharge is the use of water for natural or artificial recharge of groundwater for the purposes of future extraction, maintenance of water quality, or halting saltwater intrusion into freshwater aquifers, and to prevent subsidence. As required by the State Water Board for their Drinking Water Source Assessment and Protection Program, drinking water source assessments were conducted for all 14 groundwater wells within Muni Water service areas. The assessments were

[2] California Department of Water Resources. 2025. California's Groundwater Bulletin 118. San Francisco Bay Hydrologic Region. Santa Clara Valley Groundwater Basin, Santa Clara Subbasin. Website: https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-Basin-Descriptions/2_009_02_SantaClaraSubbasin.pdf. Accessed December 22, 2025.

conducted by Muni Water staff, and consisted of information gathered from City records, databases, staff, the State Water Board, and visual field surveys. In North San José, potential contamination sources include local electronic manufacturing facilities, gas stations, LUSTs, and sewer collection facilities.[3]

The quality, supply, and management of the local groundwater basin is monitored and managed by Valley Water who acts as the Groundwater Sustainability Agency for the Santa Clara Subbasin. Valley Water has ongoing groundwater protection programs to ensure high water quality and more reliable water supplies. These programs include well permitting, well destruction, wellhead protection, land use and development review, nitrate management (targeted to areas of elevated nitrate in the southern portion of the County), saltwater intrusion programs, and providing technical assistance to regulatory agencies to ensure local groundwater resources are protected.[4] Valley Water has about 144,000 AFY of managed recharge capacity, including more than 90 miles of in stream recharge and 102 off-stream recharge ponds. 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. 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.

Project Site

Water supply to the Project site is primarily provided by Muni Water. While there are groundwater wells managed by Muni Water within the North San José service area, the use of these resources is limited and there are no groundwater wells located on the Project site.[5]

Stormwater Runoff

City of San José

The City of San José is the Lead Agency for implementing stormwater management throughout the City.[6] The City's stormwater sewer system is known as a Municipal Separate Storm Sewer System (MS4), which transports stormwater runoff from the City into local water bodies, including creeks and rivers. The MS4 systems includes inlets and gutters, however, there is no treatment system built into MS4.

The City prevents stormwater pollution through regulations under the San Francisco Bay RWQCB, which locally enforces regulations created by the State Water Board. This includes issuing a National Pollutant Discharge Elimination System (NPDES) and Municipal Regional Permit (MRP) to the City. As provided above, the City is a member of the Santa Clara Valley urban Runoff Pollution Prevention

[3] City of José. 2020 Urban Water Management Plan. Website: https://www.sanjoseca.gov/home/showpublisheddocument/422/637602045327100000. Accessed March 2, 2026.

[4] Ibid.

[5] Lowney Architecture, Kier & Wright Civil Engineers and Surveyors, Inc., HMH Engineers. January 30, 2026

[6] City of San José. Stormwater & Wastewater. Website: https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/water-utilities/stormwater-wastewater. Accessed December 22, 2025.

Program, which is a collaborative effort to meet MRP permit regulations through resource sharing and project collaboration. The MRP governs activities in the City including industrial and commercial businesses, new and redevelopment projects, construction, and more.

Project Site

The Project site is currently developed with largely impervious surfaces. Under existing conditions, stormwater runoff flows from the Project site into the City's existing stormwater runoff drains.

Flooding and Inundation

City of San José

Flood hazard areas are mapped by FEMA. To protect such areas from flood hazards, FEMA administers the NFIP. The NFIP is a federal program created to avert future flood losses through building and zoning ordinances and to provide federally backed flood insurance protection for property owners. The County is a participant in the NFIP.

To support the NFIP, FEMA publishes FIRMs for participating communities for flood insurance and floodplain management purposes. The FIRMs delineate different special flood hazard area zones. Special flood hazard areas associated with the 1 percent probability of annual exceedance are zones that begin with the letter "A" (e.g., Zone A, Zone AE, and Zone AO). General Plan EIR Figure 3.7-3 shows the floodplain designations within the City's Urban Growth Boundary and Figure 3.7-4 shows the regulatory floodways in or near the City, as designated by FEMA. Valley Water has a flood management plan that involves ongoing review of flood protection needs in the Santa Clara Valley.

Project Site

According to FEMA FIRM National Flood Hazard Layer Viewer, the Project site is not within a designated flood hazard zone.[7] Rather, the Project site is designated as Flood Zone X, defined as an area of low to moderate risk of flooding, generally outside the 1 percent annual chance floodplain (100-year flood). The Project site is not located within a tsunami hazard zone.[8] The eastern side of the Project site is within a dam breach inundation zone for the James J. Lenihan Dam.[9]

[7] Federal Emergency Management Agency (FEMA). National Flood Hazard Layer. Website: https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd. Accessed December 22, 2025.

[8] California Department of Conservation. Tsunami Hazard Area Map. Website: https://maps.conservation.ca.gov/cgs/informationwarehouse/ts_evacuation/. Accessed March 5, 2026.

[9] California Department of Water Resources (DWR). Dam Breach Inundation Map Web Publisher. Website: https://fmds.water.ca.gov/webgis/?appid=dam_prototype_v2. Accessed March 5, 2026.

3.9.3 - Regulatory Framework

Federal

Clean Water Act

The CWA (33 USC § 1251, *et seq*.) is the major federal legislation governing the water quality aspects of construction and operation of the proposed Project or variant. The CWA established the basic structure for regulating discharges of pollutants into waters of the United States (not including groundwater) and waters of the State. The objective of the CWA is "to restore and maintain the chemical, physical, and biological integrity of the nation's waters." The CWA establishes the basic structure for regulating the discharge of pollutants into waters of the United States.

The CWA authorizes the EPA to implement pollution control programs. Under the CWA, it is unlawful for any person to discharge any pollutant from a point source into navigable waters, unless an NPDES permit is obtained. In addition, the CWA requires each state to adopt water quality standards for receiving water bodies and to have those standards approved by the EPA. Water quality standards consist of designated beneficial uses for a particular receiving water body (e.g., wildlife habitat, agricultural supply, fishing), along with water quality objectives necessary to support those uses.

Responsibility for protecting water quality in California resides with the State Water Board and nine RWQCBs. The State Water Board establishes Statewide policies and regulations for the implementation of water quality control programs mandated by federal and State water quality statutes and regulations. The RWQCBs develop and implement water quality control plans (basin plans) that consider regional beneficial uses, water quality characteristics, and water quality problems. Water quality standards applicable to the proposed Project are listed in the San Francisco Bay RWQCB Basin Plan. The San Francisco Bay RWQCB Basin Plan outlines the beneficial water uses that the State Water Board protect, and the water quality objectives and strategies for achieving these objectives.

Section 303—Water Quality Standards and Total Maximum Daily Loads

Section 303(c)(2)(b) of the CWA requires states to adopt water quality standards for all surface waters of the United States based on the water body's designated beneficial use. Where multiple uses exist, water quality standards must protect the most sensitive use. Water quality standards are typically numeric, although narrative criteria based on biomonitoring methods may be employed where numerical standards cannot be established or where they are needed to supplement numerical standards.

CWA Section 303(d) requires states and authorized Native American tribes to develop a list of water quality–impaired segments of waterways. The list includes waters that do not meet water quality standards necessary to support a waterway's beneficial uses even after the minimum required levels of pollution control technology have been installed. Listed water bodies are to be priority ranked for development of a TMDL. A TMDL is a calculation of the total maximum daily load (amount) of a pollutant that a water body can receive on a daily basis and still safely meet water quality standards. The TMDLs include waste load allocations for urban stormwater runoff as well as municipal and

industrial wastewater discharges, with allocations apportioned for individual MS4s and wastewater treatment plants. For stormwater, load reductions would be required to meet the TMDL waste load allocations within the 20 years required by the TMDLs.

The State Water Board, RWQCBs, and EPA are responsible for establishing TMDL waste load allocations and incorporating approved TMDLs into water quality control plans, NPDES permits, and Waste Discharge Requirements (WDRs) in accordance with a specified schedule for completion. The San Francisco Bay RWQCB develops TMDLs for the San Franisco Bay Region.

Section 402—National Pollutant Discharge Elimination System Permits

The RWQCBs administer the NPDES stormwater permitting program, under Section 402(d) of the federal CWA, on behalf of EPA. The objective of the NPDES program is to control and reduce levels of pollutants in water bodies from discharges of municipal and industrial wastewater and stormwater runoff. CWA Section 402(d) establishes a framework for regulating nonpoint-source stormwater discharges (33 USC 1251). Under the CWA, discharges of pollutants to receiving water are prohibited unless the discharge complies with an NPDES permit. The NPDES permit specifies discharge prohibitions, effluent limitations, and other provisions, such as monitoring deemed necessary to protect water quality based on criteria specified in the National Toxics Rule (NTR), the California Toxics Rule (CTR), and the basin plan.

Discharge prohibitions and limitations in an NPDES permit for wastewater treatment plants are designed to maintain public health and safety, protect receiving-water resources, and safeguard the water's designated beneficial uses. Discharge limitations typically define allowable effluent quantities for flow, biochemical oxygen demand, total suspended matter, residual chlorine, settleable matter, total coliform, oil and grease, pH, and toxic pollutants. Limitations also typically encompass narrative requirements regarding mineralization and toxicity to aquatic life. Under the NPDES permits issued to the City/County to operate the treatment plants, the City/County is required to implement a pretreatment program. This program must comply with the regulations incorporated in the CWA and the General Pretreatment Regulations (40 CFR 403).

Federal Antidegradation Policy

The federal antidegradation policy is designed to protect existing water uses, water quality, and national water resources. The federal policy directs states to adopt a statewide policy that includes the following primary provisions:

- Existing instream uses and the water quality necessary to protect those uses shall be maintained and protected.
- Where existing water quality is better than necessary to support fishing and swimming conditions, that quality shall be maintained and protected unless the state finds that allowing lower water quality is necessary for important local economic or social development.

- Where high-quality waters constitute an outstanding national resource, such as waters of national and state parks, wildlife refuges, and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected.

National Toxics Rule and California Toxics Rule

In 1992, the EPA promulgated the NTR under the CWA to establish numeric criteria for priority toxic pollutants for 14 states to bring all states into compliance with the requirements of CWA Section 303(c)(2)(B). The NTR established water quality standards for 42 pollutants not covered under California's Statewide water quality regulations at that time. As a result of the court-ordered revocation of California's Statewide basin plans in September 1994, the EPA initiated efforts to promulgate additional federal water quality standards for California. In May 2000, the EPA issued the CTR, which includes all the priority pollutants for which the EPA has issued numeric criteria not included in the NTR.

National Toxics Rule and California Toxics Rule

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, established in 1979, 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 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.

FEMA also administers the NFIP, a federal program that 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.

State

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 RWQCBs are required to formulate and adopt basin plans for all areas in the region and establish water quality objectives in the plans. The Porter-Cologne Act sets forth the obligations of the State Water Board and RWQCBs to adopt and periodically update basin plans. The San Francisco Bay RWQCB is responsible for the Project site.

Basin plans are the regional water quality control plans required by both the CWA and the Porter-Cologne Act that establish beneficial uses, water quality objectives, and implementation programs for each of the nine regions in California. The Act also requires waste dischargers to notify the RWQCBs

of their activities by filing reports of waste discharge and authorizes the State Water Board and RWQCBs to issue and enforce WDRs, NPDES permits, CWA Section 401 water quality certifications, or other approvals. The RWQCBs are also authorized to issue waivers to reports of waste discharge and WDRs for broad categories of "low threat" discharge activities that have minimal potential to cause adverse water quality effects when implemented according to prescribed terms and conditions.

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.

Construction Activity

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 one 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, the project applicant must file a notice of intent with the State Water Board to obtain coverage under the permit; prepare a 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.

Industrial General Stormwater Permit

The Statewide stormwater NPDES permit for general industrial activity (Order 2014-0057-DWQ, superseding Order 97-03-DWQ) regulates discharges associated with 10 broad categories of industrial activities, such as operation of wastewater treatment works, and with recycling facilities. The industrial general permit requires the implementation of Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology to achieve performance standards. The permit also requires development of a SWPPP that identifies the site-specific sources of pollutants and describes the measures at the facility applied to reduce stormwater pollution. A monitoring plan is also required.

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."

California Toxics Rule and State Implementation Policy

The CTR, presented in 2000 in response to requirements of EPA's NTR, establishes numeric water quality criteria for approximately 130 priority pollutant trace metals and organic compounds. The CTR criteria are regulatory criteria adopted for inland surface waters, enclosed bays, and estuaries in California that are on the CWA Section 303(c) list for contaminants. The CTR includes criteria for the protection of aquatic life and human health. Human health criteria (water- and organism-based) apply to all waters with a municipal and domestic water supply beneficial use designation as indicated in the basin plans. The Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California, also known as the State Implementation Policy, was adopted by the State Water Board in 2000. It establishes provisions for translating CTR criteria, NTR criteria, and basin plan water quality objectives for toxic pollutants into:

- NPDES permit effluent limits,
- Effluent compliance determinations,
- Monitoring for 2,3,7,8-tcdd (dioxin) and its toxic equivalents,
- Chronic (long-term) toxicity control provisions,
- Site-specific water quality objectives, and
- Granting of effluent compliance exceptions.

The goal of the State Implementation Plan is to establish a standardized approach for permitting discharges of toxic effluent to inland surface waters, enclosed bays, and estuaries throughout the State. The City contributes to the San Francisco Bay Regional Monitoring Program for monitoring water conditions within the San Francisco Bay Area. The Regional Monitoring Program ensures water quality management decisions and investments are guided by scientific collaboration from regulators, dischargers, industry representatives, non-government organizations, and scientists.

Local

Municipal Regional Permit Provisions

Provision C.12.g of the Municipal Regional Permit requires co-permittee agencies to implement a control program for PCBs that reduces polychlorinated biphenyls (PCB) loads by a specified amount

during permit term, thereby making substantial progress toward achieving the urban runoff PCBs waste load allocation in the Basin Plan by March 2030. Programs must include focused implementation of PCB control measures, such as source control, treatment control, and pollution prevention strategies. Municipalities throughout the Bay Area updated their demolition permit processes to incorporate the management of PCBs in demolition building materials to ensure PCBs are not discharged to storm drains during demolition. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single-family residential and wood frame structures are exempt.

The City's Council Policy 6-28 establishes requirements to prevent PCBs from entering the waterways during building demolition consistent with Provision C.12.g of the Municipal Regional Stormwater NPDES Permit. Council Policy 6-28 requires all projects involving a full building demolition be screened for applicability such that buildings constructed between 1950 and 1980 are tested for PCB-containing material prior to demolition; applicable projects must implement enhanced construction best management practices, provide advanced notice for inspection, and submit the required waste manifest documentation.

Santa Clara Valley Urban Runoff Pollution Prevention Program

The Santa Clara Valley Urban Runoff Pollution Prevention Program is a multi-jurisdictional effort involving the County of Santa Clara, the Santa Clara Valley Water District, and 13 cities in the north county region, including the City of San Jose. This program is dedicated to collaboratively reducing urban runoff pollution and protecting local waterways. The program was established in response to the Federal Clean Water Act and the San Francisco Bay Basin Water Quality Control Plan, and aims to improve water quality by reducing nonpoint source pollution. The participating agencies work together under a shared NPDES permit.[10]

Envision San José 2040 General Plan

The General Plan includes goals and policies 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.

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.

[10] Santa Clara Valley Urban Runoff Pollution Prevention Program. Website: https://watershed.santaclaracounty.gov/santa-clara-valley-urban-runoff-pollution-prevention-program-scvurppp. Accessed December 19, 2025

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-4.5 Ensure that that any development activity that requires grading does not impact adjacent properties, local creeks and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 15.

3.9.4 - Methodology

Impacts related to hydrology and water quality were determined by reviewing information regarding regional and local hydrology, climate, topography, and geology in the San Francisco Bay RWQCB Basin Plan, FEMA FIRMs, the Geotechnical Investigation (Appendix D), the proposed Project Stormwater Evaluation Form, and Project site plans. Evaluation of impacts is based on comparison of existing conditions to the proposed Project's built condition, such as changes in impervious surfaces. Specifically, the impact evaluation focuses on effects on surface and groundwater quality, groundwater supply, and drainage (in terms of erosion, siltation, flooding, stormwater system exceedance, and polluted runoff).

Water quality conditions are compared with water quality standards and WDRs by identifying potential contaminants and pollution pathways, amount of impervious area, and runoff treatment requirements. Additionally, as part of the analysis, inundation and flooding on the Project site is assessed by reviewing potential inundation zone elevations relative to the final grade elevations of facilities and features for the proposed Project.

3.9.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the CEQA Guidelines Appendix G Environmental Checklist to determine whether hydrology and water quality impacts resulting from the implementation of the proposed Project would be considered significant if the proposed Project would:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

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

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

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

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

3.9.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed Project and provides mitigation measures where appropriate.

Surface and Groundwater Quality

Impact HYD-1:	**The proposed Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.**

Construction

Construction of 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 the Guadalupe River. The proposed Project would be required to adhere to all applicable laws and regulations as well as other

requirements, including SPC HYD-1, 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. Furthermore, groundwater on the Project site is anticipated to be approximately seven feet. As discussed in Impact GEO-1 in Section 3.6, Geology and Soils, the proposed Project would implement SPC GEO-1, which would require design-level geotechnical investigations to determine if dewatering is required. 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. Further, the proposed Project would be required to obtain a Construction General Permit from the State Water Board, which would mandate preparation of a SWPPP that would control pollutants that could seep into groundwater. Thus, construction-related impacts would be less than significant.

Operation

The Project site currently has approximately 790,380 square feet of impervious area and approximately 243,968 square feet of pervious area. The proposed Project would create an additional 14,384 square feet of impervious area, representing an increase of approximately 1.8 percent. 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. However, during operation, the proposed Project could create potential sources of polluted runoff associated with motor vehicle traffic, the use of fertilizers for landscaped areas, and potential use of common hazardous materials that may be necessary for warehouse operation. 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. These pollutants may impact water quality of receiving waterbodies. However, because the proposed Project would create or replace 10,000 square feet or more of impervious surface, and in compliance with General Plan Policy IN-3.7, it would be required to comply with applicable provisions of the NPDES MRP, which include Low Impact Development (LID) requirements for source control, site design, stormwater treatment, and hydromodification management. Proposed site design measures include directing runoff to landscape areas and clustering structures and pavement. Source control measures include use of water efficient irrigation system, storm drain labeling, covered loading docks and maintenance bays, and covered trash/recycling enclosures. Finally, treatment systems include self-retaining areas sized per design criteria in the C.3 Stormwater Handbook and LID Treatment through installation of bioretention areas throughout the Project site. The proposed Project would include 13 on-site LID bioretention areas sized to accommodate proposed stormwater flows on the Project site, which would be consistent with General Plan Policy MS-3.4 which promotes the use of landscape based treatment measures and ER-8.1 which requires compliance with the City's Post-Construction Urban Runoff and Hydromodification Management Policies.

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, which would ensure the proposed Project would not violate any applicable water quality standards or WDRs or otherwise substantially degrade surface or groundwater quality. As such, impacts would be less than significant.

Standard Permit Conditions

SPC HYD-1 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.

Level of Significance

Less than significant impact.

Groundwater Supply/Recharge

Impact HYD-2: The proposed Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

Construction

Impacts related to depletion of groundwater supplies or interference with groundwater recharge are limited to operational impacts. Construction of the proposed Project would not require the use of groundwater nor would ground water be exposed to construction activities. No construction-related impacts would occur.

Operation

The Project site is located in the Santa Clara Groundwater Subbasin. 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.

Water service to the Project site is provided by Muni Water. The proposed Project would connect to existing domestic water lines within Junction Avenue, Montague Expressway, and Plumeria Drive. Muni Water primarily relies on purchased surface water from the San Francisco Public Utilities Commission (SFPUC). As further discussed in Section 4.17, Utilities and Service Systems, the proposed Project would not create water demand beyond what is already planned for the City and, therefore, would not significantly impact water supplies, which include groundwater supplies.

Further, the Project site is not located in an identified groundwater recharge area, and the proposed Project would be required to comply with the City's post-construction stormwater requirements which would include measures to facilitate water flow to pervious areas for treatment prior to discharge and infiltration. 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.

Level of Significance

Less than significant impact.

Drainage Leading to Erosion/Siltation, Flooding, Additional Sources of Polluted Runoff, or Impedance of Flood Flows

Impact HYD-3: **The proposed Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**

i) result in substantial erosion or siltation on- or off-site;

(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

(iv) impede or redirect flood flows?

Erosion and Siltation

Construction

The proposed Project would disturb more than one acre of soil and would be required to obtain the General Permit for Discharges of Stormwater Associated with Construction Activity (Construction General Permit), issued by the State Water Board. In compliance with the Construction General Permit, the proposed Project 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. The proposed Project would also be required to comply with SPC HYD-1 regarding construction-related water quality. 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. Therefore, erosion during grading activities would be further reduced to ensure impacts in this regard would be less significant.

Operation

Once operational, the City would require the proposed Project to comply with all applicable laws and regulations to reduce erosion. The proposed Project incorporates specific design features, including bioretention planters, designed to retain stormwater and reduce the volume of runoff 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.

Surface Runoff

Construction

The proposed Project would implement a project-specific SWPPP which would include BMPs to reduce the potential for increases in in surface runoff. As such, construction-related impacts would be less than significant.

Operation

The proposed Project would include connections to existing stormwater drainage facilities within Junction Avenue. Specifically, the proposed Project would include the installation of new 12-inch storm drain lines within the Project site, connecting to existing 24-inch and 30-inch storm drain lines within Junction Avenue, similar to the existing storm drain system. On-site stormwater management features would include 13 drainage management areas with bioretention areas. These areas would include features such as catch basins, storm drain inlet protections, and silva cell tree stormwater management systems. The proposed stormwater management facilities have been designed to accommodate the estimated post-project flows and would be adequately sized to avoid the potential for increased surface runoff, and flooding on- and off-site.

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.

Exceedance of Storm Drain Capacity

Construction

Construction of the proposed Project would be temporary and would not be expected to substantially increase runoff such that storm drain capacity would be exceeded as pervious surfaces are demolished and reconstructed. Thus, construction-related impacts would be less than significant.

Operation

The proposed Project would not substantially alter the existing drainage pattern or the existing drainage in the surrounding area. Stormwater management measures including catch basins, storm drain inlet protections, and silva cell tree stormwater management systems allow for infiltration and treatment before being discharged to the storm drain system. The proposed Project would connect to existing drainage lines. As discussed in Impact HYD-1, the proposed Project would create an additional 14,384 square feet of impervious area, representing an increase of approximately 1.8 percent. 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. Moreover, the bioretention areas and stormwater infrastructure constructed as part of the proposed Project would be specifically designed to accommodate stormwater flows from the Project site. 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.

Flood Flows

Based on the FEMA Flood Maps, the proposed Project is primarily located in Flood Zone X, which is defined as an area with 0.2 percent Annual Chance Flood Hazard.[11] The westernmost portion of the Project site frontage is located within FEMA Zone AH, which is a special flood hazard zone with a base flood elevation of approximately 19 feet. This indicates that the elevation of surface water resulting from a flood has a one percent chance of equaling or exceeding that level in any given year. A majority of this portion of the Project site would be landscaped area. 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 bioretention areas and landscaping to maximize runoff dispersal throughout the Project site. Further, the proposed Project would not substantially 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.

Level of Significance

Less than significant impact.

Risk of Pollutant Release Due to Inundation

Impact HYD-4: The proposed Project would not be located in a flood hazard zone, tsunami, or seiche zone, or risk release of pollutants due to project inundation.

Construction and Operation

The Project site is approximately 27 miles from the Pacific Ocean and is approximately seven 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 an area with a 0.2 percent chance of flooding each year (Zone X). The westernmost portion of the Project site frontage is located within FEMA Zone AH, which is a special flood hazard zone with a base flood elevation of approximately 19 feet. No buildings or structures are proposed in this portion of the Project site; a majority of this portion of the Project site would be landscaped area. 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; 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

[11] Federal Emergency Management Agency (FEMA). Flood Map Service Center Map 06085C0068J effective February 19, 2014. Website: http://msc.fema.gov/portal/search?AddressQuery=3050%20Zanker%20Road%20san%20jose%2C%20california. Accessed January 19, 2026.

would ensure safety standards related to the use and storage of hazardous materials are implemented.

The Project site is partially located within a dam breach inundation zone for the James J. Lenihan Dam, located approximately 14 miles southwest of the Project site. The actual extent and depth of inundation in the event of a failure would depend on the volume of storage in the reservoir at the time of failure. The risks of failure are reduced by several regulatory inspection programs, and risks to people and property in the inundation area are reduced by local hazard mitigation planning. The DWR Division of Safety of Dams is responsible for regular inspection of dams in California. The DWR and local agencies (e.g., Valley Water) are responsible for minimizing the risks of dam failure thus avoiding the release of pollutants due to project inundation. As such, impacts related to the potential risk of release of pollutants due to project inundation would be less than significant.

Level of Significance

Less than significant impact.

Water Quality Control or Sustainable Groundwater Management Plan Consistency

Impact HYD-5:	**The proposed Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.**

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. The Santa Clara Subbasin has not been identified as being overdrafted in the 2021 Groundwater Management Plan. The proposed Project would be served by Muni 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.

Level of Significance

Less than significant impact.

3.9.7 - Cumulative Impacts

The geographical scope of the cumulative impact analysis for Hydrology and Water Quality is the Gudalupe Watershed, unless otherwise noted. Five of the nine properties on the cumulative projects list in Chapter 3, Environmental Impact Analysis, Table 3-1 are located within the Guadalupe Watershed service area (Cumulative Projects 1, 2, 4, 5, and 7). Of these five projects, four are located in the City of San José, and one is located in the City of Santa Clara, within the Guadalupe Watershed, where all respective surface water in the watershed eventually discharges into the Lower South San Francisco Bay via Alviso Slough.

Surface Water Quality

All cumulative projects, including the proposed Project, would involve short-term construction and long-term operational activities that would have the potential to degrade water quality in downstream water bodies, including Coyote Creek and ultimately, the San Francisco Bay. However, all cumulative projects that would disturb over one acre would be required to obtain a Construction General Permit from the State Water Board, which would mandate preparation of a SWPPP which would include BMPs to control potential discharges of contaminants into nearby waterways.

Operation of cumulative projects would be required to comply with the City's applicable codes, ordinances, and policies related to water quality. Specifically, the proposed Project would implement SPC HYD-1 to address construction-related water quality and would incorporate source control, site design, stormwater treatment, and hydromodification management techniques to be consistent with General Plan Policy IN-3.7. Operations of cumulative projects in neighboring jurisdictions would similarly be required to comply with applicable Valley Water and local agency requirements related to water quality. Thus, there is a less than significant cumulative impact related to surface water quality.

The proposed Project would adhere to the objectives and sustainability goals provided in the 2021 Groundwater Management Plan related to groundwater usage and coordination with partner agencies. Furthermore, the proposed Project would incorporate BMPs in compliance with NPDES MRP requirements, including design standards for LID. Therefore, the proposed Project's contributions to the less than significant impacts would not be cumulatively considerable.

Groundwater Quality

The geographic context for consideration of cumulative impacts related to groundwater quality and management is the Santa Clara Valley Groundwater Basin. All cumulative projects, including the proposed Project, would involve short-term construction and long-term operational activities that would have the potential to impact groundwater quality and management. All cumulative project construction would be required to obtain a Construction General Permit from the State Water Board, which would mandate preparation of a SWPPP that would control pollutants that could seep into groundwater and would adhere to Bulletin 74-81 by the DWR if any surrounding cumulative projects require the destruction of existing groundwater wells. Further, operations of cumulative projects would be required to comply with applicable Valley Water and local agency Ordinance Codes regarding groundwater management. Thus, there would be a less than significant cumulative impact related to groundwater quality.

The proposed Project would adhere to the objectives and sustainability goals provided in the 2020 Urban Water Management Plan (UWMP) related to groundwater usage and coordination with partner agencies. Furthermore, in compliance with General Plan Policy IN-3.7, it would be required to comply with applicable provisions of the NPDES MRP, which include LID requirements for source control, site design, stormwater treatment, and hydromodification management. Proposed site design measures include directing runoff to landscape areas and clustering structures and pavement. Source control measures include use of water efficient irrigation system, storm drain labeling, covered loading docks and maintenance bays, and covered trash/recycling enclosures. Finally, treatment systems include

self-retaining areas sized per design criteria in the C.3 Stormwater Handbook and LID Treatment through installation of bioretention areas throughout the Project site. The proposed Project would include 13 on-site LID bioretention areas sized to accommodate proposed stormwater flows on the Project site, which would be consistent with General Plan Policy MS-3.4 which promotes the use of landscape based treatment measures and ER-8.1 which requires compliance with the City's Post-Construction Urban Runoff and Hydromodification Management Policies. Therefore, the proposed Project's contributions to the less than significant impacts would not be cumulatively considerable.

Groundwater Supply/Recharge

The geographic context for addressing cumulative impacts to groundwater supply and recharge is the Muni Water service area. Cumulative projects could lead to an increased demand for water, which could lead to an increase in demand for groundwater production. While a small portion of Muni Water' water supply for the North San José Area is from groundwater wells, primary supply sources are purchased surface water from the SFPUC. According to the 2020 UWMP, Muni Water is projected to have sufficient supplies to meet projected demands through 2045 through the combination of groundwater and surface water use. Accordingly, cumulative impacts would be less than significant.

Furthermore, the proposed Project's incremental contribution to the less than significant cumulative impact would not be cumulatively considerable because the proposed Project has the potential to reduce on-site groundwater recharge through the increase of impervious surfaces; however, the proposed Project would only result in approximately 1.8 percent increase in impervious area as compared to existing conditions. The proposed Project would include adequately sized stormwater collection and treatment infrastructure, such as bioretention basins, which would permit groundwater recharge. Therefore, cumulative impacts related to groundwater recharge and supply would be less than significant, and the proposed Project's incremental contribution would not be cumulatively considerable.

Drainage Leading to Erosion/Siltation, Flooding, Additional Sources of Polluted Runoff, or Impedance of Flood Flows

Cumulative projects could have a significant impact if they were to substantially alter the existing drainage pattern in a manner that would result in substantial erosion or siltation. Such drainage effects could occur from grading changes at individual Project sites, exposure of soils for periods of time during stormwater discharge, or alterations to creek beds.

The nearest cumulative project is located approximately 0.32 mile from the Project site and would be required to comply with the regulations of the County's MRP. Additionally, any cumulative projects would be required to comply with construction-phase BMPs and requirements for erosion and sediment control plans. These BMPs may include scheduling and timing of grading (soil disturbing) activities, timely revegetation of graded areas, the use of hydroseed and hydraulic mulches, and installation of erosion control blankets. Sediment control may include properly sized detention basins, dams, or filters to reduce entry of suspended sediment into the storm drain system and watercourses and installation of construction entrances to prevent tracking of sediment onto adjacent streets. Pollution prevention practices may include designated washout areas or facilities, control of trash and

recycled materials, covering of materials stored on-site, and proper location and maintenance of temporary sanitary facilities. Because of the distance of the nearest cumulative project and with compliance with the County's MRP and BMPs, cumulative impacts would be less than significant.

The proposed Project would be required to design and implement a SWPPP to ensure that erosion, siltation, and flooding are prevented or minimized during construction. The SWPPP would include both structural (physical devices or measures) and operational (timing of construction) BMPs that would prevent or reduce the discharge of pollutants directly or indirectly into waterbodies. Additionally, during operation, implementation of the stormwater control plan would prevent erosion and siltation caused by stormwater flows in accordance with the County's MRP. Therefore, construction and operation impacts related to alteration of drainage patterns resulting in erosion or siltation would be less than significant, and the proposed Project would not have a cumulatively considerable contribution to less than significant impacts.

Impacts related to the impedance of flood flows would only occur during operation. As such, no cumulative construction impedance of flood flow impacts would occur. Cumulative projects could increase the amount of new impervious surfaces. However, all cumulative development would be required to adhere to existing regulations to address stormwater management in a manner that ensures that flooding would not increase, and flood flows would not be redirected to other areas not currently prone to flooding. All cumulative projects would be required to include stormwater management features, and, therefore, cumulative impacts would be less than significant.

Additionally, the proposed Project would not have a cumulatively considerable contribution to the less than significant cumulative impact. The proposed Project's bioretention areas and stormwater treatment infrastructure would have sufficient capacity to accommodate the proposed Project during storm events to ensure no net increase in off-site flow of stormwaters. Therefore, the proposed Project's incremental contribution to less than significant cumulative impacts related to surface water quality and sustainable groundwater management would not be cumulatively considerable.

Risk of Pollutant Release Due to Inundation

Implementation and operation of the proposed Project (as well as the cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1) would require conformance with State and federal regulatory requirements related to hydrology and water quality, including applicable elements of the CWA, NPDES, Porter-Cologne Water Quality Control Act, FEMA floodplain standards, and RWQCB Basin Plan. These regulatory requirements constitute a regional basin-wide effort to implement hydrology and water quality protections. The cumulative projects would not be located within Special Flood Hazard Zones or risk inundation from tsunami or seiches due to their distance from the Pacific Ocean.[12,13] Cumulative projects to the east of the Project site would be located within

[12] City of San José. Flood Hazard Zones. Website: https://experience.arcgis.com/experience/eeaf9ca34be34769b552282ef83d6bd3. Accessed March 5, 2026.

[13] California Department of Conservation. Tsunami Hazard Area Map. Website: https://maps.conservation.ca.gov/cgs/informationwarehouse/ts_evacuation/. Accessed March 5, 2026.

an inundation area in the event of breaching of the James J. Lenihan Dam.[14] The actual extent and depth of inundation in the event of a failure would depend on the volume of storage in the reservoir at the time of failure. The risks of failure are reduced by several regulatory inspection programs, and risks to people and property in the inundation area are reduced by local hazard mitigation planning. The DWR Division of Safety of Dams is responsible for regular inspection of dams in California. The DWR and local agencies (e.g., Valley Water) are responsible for minimizing the risks of dam failure thus avoiding the release of pollutants due to project inundation. Accordingly, with aforementioned regulatory compliance, there is not a cumulative impact related to pollutant release due to inundation.

The proposed Project is located in Flood Zone X and is not anticipated to substantially alter the existing drainage pattern or direction of flows on the Project site. Additionally, as discussed under Impact HYD-3, the proposed Project would not substantially increase impervious area on the Project site as compared to existing conditions. Thus, the proposed Project's contribution to this less than significant cumulative impact would not be cumulatively considerable.

Water Quality Control or Sustainable Groundwater Management Plan Consistency

The RWQCB has established regulatory standards and objectives for water quality in San Francisco Bay in its Basin Plan. The cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1 would be subject to compliance with the 2021 Groundwater Management Plan and the County's MRP. Because conformance with these requirements would be required for all cumulative projects, cumulative impacts related to consistency with applicable groundwater management plans would be less than significant.

Valley Water serves as the Groundwater Sustainability Agency for this region. Cumulative projects over one acre in size, including the proposed Project, would also be required to incorporate a SWPPP and associated BMPs to reduce impacts to groundwater quality to less than significant levels per the NPDES General Permit, and cumulative projects destroying any existing groundwater wells would adhere to DWR Bulletin 74-81, which would require notifying the enforcing agency of any pollutants or contaminants within the groundwater wells and would require approval by the enforcing agency prior to destruction of groundwater wells. As such, cumulative projects would not obstruct implementation of Valley Water's 2021 Groundwater Management Plan or any other water quality plan, and, therefore, cumulative impacts would be less than significant.

The Santa Clara Subbasin has not been identified as being overdrafted in Valley Water's 2021 Groundwater Management Plan. Furthermore, the 2020 UWMP found that Valley Water is projected to meet Countywide water demands for existing and future development through to 2045 with the combined use of groundwater and surface water. As discussed further within Section 3.17, Utilities and Service Systems, the proposed Project would be served by Muni 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. There are no known wells located on the Project site,

[14] California Department of Water Resources (DWR). Dam Breach Inundation Map Web Publisher. Website: https://fmds.water.ca.gov/webgis/?appid=dam_prototype_v2. Accessed March 5, 2026

and the proposed Project would not directly pump groundwater. As such, implementation of the proposed Project would not conflict with or obstruct implementation of the Valley Water 2021 Groundwater Management Plan. Thus, the proposed Project's contribution to less than significant cumulative impacts related to consistency with the groundwater management plan would not be cumulatively considerable.

Level of Cumulative Significance

Less than significant impact.

3.10 - Land Use and Planning

3.10.1 - Introduction

This section describes the existing conditions related to land use and planning, as well as the relevant regulatory framework. This section then evaluates the possible impacts related to land use and planning that could result from implementation of the proposed Project. Descriptions and analysis in this section are based, in part, on review of the General Plan and Municipal Codes.

3.10.2 - Environmental Setting

Land Use and Zoning

Project Site

The Project site comprises five parcels located at 3050 Zanker Road, 2840–2880 Junction Avenue, and 411 East Plumeria Drive and is approximately 23.75 acres. The Project site is surrounded by commercial uses to the north, east, west, and south and additional residential uses to the east across Montague Expressway. The Project site is currently occupied by five two-story office/R&D buildings built in the 1980s and ranging from 74,586 to 101,725 square feet. Three of the existing buildings are currently vacant, while the remaining two serve occupants utilizing the space as office and R&D facilities related to technical hardware.

The General Plan and the City's zoning designate the Project site as IP, which is intended to allow for a variety of industrial uses, such as R&D, manufacturing, assembly, testing, and office spaces. The IP designation allows a maximum density FAR of up to 10.0 and building heights 2 to 15 stories. In addition, a minimum lot area of 10,000 square feet applies.

Surrounding Land Use and Zoning

The Project site is located in an urban, built-up area. Surrounding land uses include commercial, office space, industrial, and residential uses. The General Plan designates areas to the northwest, south, and east of the Project site as IP. Areas to the northeast are designated as Urban Residential and Neighborhood/Community Commercial and areas to the west and southwest are designated as TEC. Properties to the northwest/west, south, and east are zoned IP, and properties to the northeast are zoned as A(PD).

Existing development includes an electronics part supplier and additional industrial companies within areas designated and zoned as IP. Properties to the northeast which are designated as UC and zoned A(PD) are developed with apartments across Montague Expressway, zoned as PD. Additionally, River Oaks Park lies north of the Project site.

3.10.3 - Regulatory Framework

Regional

Plan Bay Area 2050

Plan Bay Area 2050, published by the MTC and ABAG, is a long-range integrated transportation and land use/housing strategy through 2050 for the Bay Area. Plan Bay Area functions as the sustainable communities' strategy mandated by SB 375. As a regional land use plan, Plan Bay Area aims to reduce per capita GHG emissions through the promotion of more compact, mixed-use residential and commercial neighborhoods located near transit. Plan Bay Area is built on Priority Development Areas selected and approved by city and county governments with planning grants, technical assistance, and prioritization for regional and State transportation and affordable housing funds. Plan Bay Area is a limited and focused update that builds upon a growth pattern and strategies developed in the original Plan Bay Area (adopted by the MTC in 2013) but with updated planning assumptions that incorporate key economic, demographic, and financial trends from the last four years. The plan outlines strategies for growth and investment through the year 2050, including those related to the economy, environment, housing, and transportation, while simultaneously striving to meet and exceed federal and State requirements. The MTC and ABAG adopted Plan Bay Area 2050 in October 2021.[1]

Local

City of San José Zoning Ordinance

As part of the City's Municipal Code, the City of San José Zoning Ordinance includes regulations, requirements, and standards that define and enforce the design, construction, and operation standards of new development within the City's jurisdictional area. The Zoning Ordinance was adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents and businesses in the City.

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 land use and are relevant to this analysis.

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.

[1] Plan Bay Area 2050. 2021. Plan Bay Area 2050. Website: Website: https://planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_October_2021.pdf. Accessed March 2, 2026.

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).

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.

3.10.4 - Methodology

Analysis in this section focuses on whether project implementation would physically divide an established community and whether the proposed Project would conflict with land use plans, policies, or regulations adopted to avoid or mitigate an environmental effect. Conflicts and inconsistencies with

a policy, in and of themselves, do not constitute significant environmental impacts, unless such conflicts or inconsistencies result in direct physical environmental impacts. Physical project impacts are discussed throughout Chapter 3, Environmental Impact Analysis, of this Draft EIR. The potential for land use impacts was assessed through review of applicable land use policy documents.

3.10.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether land use and planning impacts are significant environmental effects. Would the proposed Project:

a) Physically divide an established community. (Refer to Chapter 4, Effects Found not to be Significant)

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

3.10.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed Project and provides mitigation measures where necessary.

Conflict with Applicable Plans, Policies, or Regulations

Impact LAND-2:	**The proposed Project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.**

The Project site has a General Plan land use designation of IP, which is intended to allow for a variety of industrial uses, such as R&D, manufacturing, assembly, testing, and office. The proposed Project would develop three warehouses with ancillary office spaces that could accommodate a range of end users, consistent with allowable uses in the IP designation.

Development of the proposed Project would be subject to design review by the City to ensure that it meets applicable Design Guidelines and all applicable zoning code standards in accordance with the IP zoning district.

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 3.2, Air Quality), the SCVHP (see Section 3.3, Biological Resources), and the City's 2030 GHGRS (see Section 3.7, Greenhouse Gas Emissions). The San José Mineta International Airport is 1.63 miles southwest from the Project site. Pursuant to Chapter 6, Goal TR-14, Policy 14.2 and 14.3, construction of the proposed Project would be consistent with the height, safety, and noise policies identified in the respective Santa Clara County ALUC ALUCP. Therefore, the proposed Project 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.

Level of Significance

Less than significant impact.

3.10.7 - Cumulative Impacts

This cumulative impact analysis for Land Use uses the "summary of projections" approach set forth in Title 14 California Code of Regulations Section 15130(b)(1)(B), using the General Plan. Impacts related to conflicting with land use plan, policy, or regulations would be the City's planning area with an emphasis on development standards established for the Project site's surrounding area and land uses.

Conflict with Applicable Plans, Policies, or Regulations

The proposed Project would be consistent with the existing General Plan land use and zoning for the Project site, as well as other applicable plans, policies, and regulations, and would comply with applicable policies and requirements contained therein. Existing developments in the surrounding area are of a similar commercial and industrial nature and related compatible uses. Additionally, the proposed Project and other nearby development would be and have been required to demonstrate consistency with applicable land use plans and policies through the City's planning and building review processes, including CEQA review. Future projects would be subject to applicable General Plan goals, policies, and actions that require appropriate buffers, edges, and transition areas between dissimilar land uses. In addition, the setbacks, designs, and operational requirements of the Municipal Code would minimize land use impacts. Through appropriate site design review of these urban projects, impacts due to conflict with applicable plans and policies would be avoided.

Accordingly, cumulative impacts would be less than significant. The proposed Project, in conformance with the applicable General Plan goals, policies, and actions, and with implementation of mitigation measures, would not result in significant land use impacts or conflict with a policy or regulation adopted for the purpose of avoiding or mitigating an environmental impact. Therefore, the proposed Project's contribution would not be cumulatively considerable and cumulative impacts on land use would be less than significant.

Level of Cumulative Significance

Less than significant impact.

THIS PAGE INTENTIONALLY LEFT BLANK

3.11 - Noise

3.11.1 - Introduction

This section describes the existing noise setting and potential effects from project implementation on the site and its surrounding area. Descriptions and analysis in this section are based on noise modeling performed by FCS. The noise modeling output is included in this Draft EIR as Appendix F.

3.11.2 - Environmental Setting

Characteristics of Noise

Noise is generally defined as unwanted or objectionable sound. Sound becomes unwanted when it interferes with normal activities, when it causes actual physical harm or when it has adverse effects on health. The effects of noise on people can include general annoyance, interference with speech communication, sleep disturbance, and, in the extreme, hearing impairment. Noise effects can be caused by pitch or loudness. *Pitch* is the number of complete vibrations or cycles per second of a wave that result in the range of tone from high to low; higher-pitched sounds are louder to humans than lower-pitched sounds. *Loudness* is the intensity or amplitude of sound.

Sound is produced by the vibration of sound pressure waves in the air. Sound pressure levels are used to measure the intensity of sound and are described in terms of decibels. The decibel (dB) is a logarithmic unit, which expresses the ratio of the sound pressure level being measured to a standard reference level. The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3 dB or less are only perceptible in laboratory environments. Audible increases in noise levels generally refer to a change of 3 dB or more, as this level has been found to be barely perceptible to the human ear in outdoor environments. Only audible changes in existing ambient or background noise levels are considered potentially significant.

The human ear is not equally sensitive to all frequencies within the audible sound spectrum, so sound pressure level measurements can be weighted to better represent frequency-based sensitivity of average healthy human hearing. One such specific “filtering” of sound is called “A-weighting.” A-weighted decibels (dBA) approximate the subjective response of the human ear to a broad frequency noise source by discriminating against very low and very high frequencies of the audible spectrum. They are adjusted to reflect only those frequencies that are audible to the human ear. Because decibels are logarithmic units, they cannot be added or subtracted by ordinary arithmetic means. 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.

Noise Descriptors

There are many ways to rate noise for various intervals, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound. Equivalent continuous sound level (L_{eq}) is the total sound energy of time-varying noise over a sample period. However, the predominant rating scales for human communities in the State of California are the L_{eq} and Community Noise Equivalent Level (CNEL) or the day-night average level (L_{dn}) based on dBA. CNEL is the time-varying noise over a 24-hour period, with a 5 dBA weighting factor applied to the hourly L_{eq} for noises occurring from 7:00 p.m. to 10:00 p.m. (defined as relaxation hours) and a 10 dBA weighting factor applied to noise occurring from 10:00 p.m. to 7:00 a.m. (defined as sleeping hours). L_{dn} is similar to the CNEL scale but without the adjustment for events occurring during the evening hours. CNEL and L_{dn} are within one dBA of each other and are normally exchangeable. The noise adjustments are added to the noise events occurring during the more sensitive hours.

Other noise rating scales of importance when assessing the annoyance factor include the maximum noise level (L_{max}), which is the highest exponential time-averaged sound level that occurs during a stated time period. The noise environments discussed in this analysis are specified in terms of maximum levels denoted by L_{max} for short-term noise impacts. L_{max} reflects peak operating conditions and addresses the annoying aspects of intermittent noise.

Noise Propagation

From the noise source to the receiver, noise changes both in level and frequency spectrum. The most obvious is the decrease in noise as the distance from the source increases. The manner in which noise reduces with distance depends on whether the source is a point or line source, as well as ground absorption, atmospheric conditions (wind, temperature gradients, and humidity) and refraction, and shielding by natural and manmade features. Sound from point sources, such as an air conditioning condenser, a piece of construction equipment, or an idling truck, radiates uniformly outward as it travels away from the source in a spherical pattern.

The attenuation or sound drop-off rate is dependent on the conditions of the land between the noise source and receiver. To account for this ground-effect attenuation (absorption), two types of site conditions are commonly used in noise models: soft-site and hard-site conditions. Soft-site conditions account for the sound propagation loss over natural surfaces such as normal earth and ground vegetation. For point sources, a drop-off rate of 7.5 dBA per each doubling of the distance (dBA/DD) is typically observed over soft ground with landscaping, as compared with a 6 dBA/DD drop-off rate over hard ground such as asphalt, concrete, stone and very hard packed earth. For line sources, such as traffic noise on a roadway, a 4.5 dBA/DD is typically observed for soft-site conditions compared to the 3 dBA/DD drop-off rate for hard-site conditions. Table 3.11-1 briefly defines these measurement descriptors and other sound terminology used in this section.

Table 3.11-1: Sound Terminology

Term	Definition
Sound	A vibratory disturbance created by a vibrating object which, when transmitted by pressure waves through a medium such as air, can be detected by a receiving mechanism such as the human ear or a microphone.
Noise	Sound that is loud, unpleasant, unexpected, or otherwise undesirable.
Ambient Noise	The composite of noise from all sources near and far in a given environment.
Decibel (dB)	A unitless measure of sound on a logarithmic scale, which represents the squared ratio of sound-pressure amplitude to a reference sound pressure. The reference pressure is 20 micropascals, representing the threshold of human hearing (0 dB).
A-Weighted Decibel (dBA)	An overall frequency-weighted sound level that approximates the frequency response of the human ear.
Equivalent Noise Level (L_{eq})	The average sound energy occurring over a specified time period. In effect, L_{eq} is the steady-state sound level that in a stated period would contain the same acoustical energy as the time-varying sound that actually occurs during the same period.
Maximum and Minimum Noise Levels (L_{max} and L_{min})	The maximum or minimum instantaneous sound level measured during a measurement period.
Day-Night Level (DNL or L_{dn})	The energy average of the A-weighted sound levels occurring during a 24-hour period, with 10 dB added to the A-weighted sound levels occurring between 10:00 p.m. and 7:00 a.m. (nighttime).
Community Noise Equivalent Level (CNEL)	The energy average of the A-weighted sound levels occurring during a 24-hour period, with 5 dB added to the A-weighted sound levels occurring between 7:00 p.m. and 10:00 p.m. and 10 dB added to the A-weighted sound levels occurring between 10:00 p.m. and 7:00 a.m.
Source: Data compiled by FirstCarbon Solutions (FCS). 2025.	

Traffic Noise

The level of traffic noise depends on the three primary factors: (1) the volume of the traffic, (2) the speed of the traffic, and (3) the number of trucks in the flow of traffic. Generally, the loudness of traffic noise is

increased by heavier traffic volumes, higher speeds, and greater number of trucks. Vehicle noise is a combination of the noise produced by the engine, exhaust, and tires. Because of the logarithmic nature of noise levels, a doubling of the traffic volume (assuming that the speed and truck mix do not change) results in a noise level increase of 3 dBA. Based on the Federal Highway Administration (FHWA) community noise assessment criteria, this change is "barely perceptible." For reference, a doubling of perceived noise levels would require an increase of approximately 10 dBA. The truck mix on a given roadway also has an effect on community noise levels. As the number of heavy trucks increases and becomes a larger percentage of the vehicle mix, adjacent noise levels increase.

Stationary Noise

A stationary noise producer is any entity in a fixed location that emits noise. Examples of stationary noise sources include machinery, engines, energy production, and other mechanical or powered equipment and activities such as loading and unloading or public assembly that may occur at commercial, industrial, manufacturing, or institutional facilities. Furthermore, while noise generated by the use of motor vehicles over public roads is preempted from local regulation, although the use of these vehicles is considered a stationary noise source when operated on private property such as at a construction site, a truck terminal, or warehousing facility. The emitted noise from the producer can be mitigated to acceptable levels either at the source or on the adjacent property through the use of proper planning, setbacks, block walls, acoustic-rated windows, dense landscaping, or by changing the location of the noise producer.

The effects of stationary noise depend on factors such as characteristics of the equipment and operations, distance and pathway between the generator and receptor, and weather. Stationary noise sources may be regulated at the point of manufacture (e.g., equipment or engines), with limitations on the hours of operation, or with provision of intervening structures, barriers or topography.

Construction activities are a common source of stationary noise. Construction-period noise levels are higher than background ambient noise levels but eventually cease once construction is complete. Construction is performed in discrete steps, 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 each construction site and, therefore, would change the noise levels 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. Table 3.11-2 shows typical noise levels of construction equipment as measured at a distance of 50 feet from the operating equipment, which is the reference distance used in the FHWA Highway Construction Noise Handbook.[1]

[1] Federal Highway Administration (FHWA). 2006. Highway Construction Noise Handbook. August.

Table 3.11-2: Typical Construction Equipment Maximum Noise Levels

Type of Equipment	Impact Device? (Yes/No)	Specification Maximum Sound Levels for Analysis (dBA at 50 feet)
Impact Pile Driver	Yes	95
Auger Drill Rig	No	85
Vibratory Pile Driver	No	95
Jackhammers	Yes	85
Pneumatic Tools	No	85
Pumps	No	77
Scrapers	No	85
Cranes	No	85
Portable Generators	No	82
Rollers	No	85
Bulldozers	No	85
Tractors	No	84
Front-End Loaders	No	80
Backhoe	No	80
Excavators	No	85
Graders	No	85
Air Compressors	No	80
Dump Truck	No	84
Concrete Mixer Truck	No	85
Pickup Truck	No	55

Notes:
dBA = A-weighted decibel
Source: Federal Highway Administration (FHWA) 2006. Highway Construction Noise Handbook, August.

Noise from Multiple Sources

Because sound pressure levels in decibels are based on a logarithmic scale, they cannot be added or subtracted in the usual arithmetical way. Therefore, sound pressure levels in decibels are logarithmically added on an energy summation basis. In other words, adding a new noise source to an existing noise source, both producing noise at the same level, will not double the noise level. Instead, if the difference between two noise sources is 10 dBA or more, the louder noise source will dominate, and the resultant noise level will be equal to the noise level of the louder source. In general, if the difference between two noise sources is 0–1 dBA, the resultant noise level will be 3 dBA higher than the louder noise source, or both sources if they are equal. If the difference between

two noise sources is 2–3 dBA, the resultant noise level will be 2 dBA above the louder noise source. If the difference between two noise sources is 4–10 dBA, the resultant noise level will be 1 dBA higher than the louder noise source.

Characteristics of Vibration

Groundborne vibration consists of rapidly fluctuating motion through a solid medium, specifically the ground, which has an average motion of zero and in which the motion's amplitude can be described in terms of displacement, velocity, or acceleration. The effects of groundborne vibration typically only causes a nuisance to people, but in extreme cases, excessive groundborne vibration has the potential to cause structural damage to buildings. Although groundborne vibration can be felt outdoors, it is typically only an annoyance to people indoors where the associated effects of the shaking of a building can be notable. 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.

Several different methods are used to quantify vibration amplitude such as the maximum instantaneous peak in the vibrations velocity, which is known as the peak particle velocity (PPV) or the root mean square (rms) amplitude of the vibration velocity. Because of the typically small amplitudes of vibrations, vibration velocity is often expressed in decibels—denoted as LV—and is based on the reference quantity of 1 microinch per second. To distinguish vibration levels from noise levels, the unit is written as "VdB."

Although groundborne vibration can be felt outdoors, it is typically only an annoyance to people indoors where the associated effects of the shaking of a building can be notable. When assessing annoyance from groundborne vibration, vibration is typically expressed as rms velocity in units of decibels of 1 micro-inch per second, with the unit written in VdB. Typically, developed areas are continuously affected by vibration velocities of 50 VdB or lower. Human perception to vibration starts at levels as low as 67 VdB. Annoyance due to vibration in residential settings starts at approximately 70 VdB.

Off-site sources that may produce perceptible vibrations are usually caused by construction equipment, steel-wheeled trains, and traffic on rough roads, while smooth roads rarely produce perceptible groundborne noise or vibration. Construction activities, such as blasting, pile driving and operating heavy earthmoving equipment, are common sources of groundborne vibration. Construction vibration impacts on building structures are generally assessed in terms of PPV. PPV.

The propagation of groundborne vibration is not as simple to model as airborne noise. This is because noise in the air travels through a relatively uniform medium while groundborne vibrations travel through the earth, which may contain significant geological differences. Factors that influence groundborne vibration include:

- **Vibration source:** Type of activity or equipment, such as impact or mobile, and depth of vibration source;

- **Vibration path:** Soil type, rock layers, soil layering, depth to water table, and frost depth; and
- **Vibration receiver:** Foundation type, building construction, and acoustical absorption.

Among these factors that influence groundborne vibration, there are significant differences in the vibration characteristics when the source is underground compared to at the ground surface. In addition, soil conditions are known to have a strong influence on the levels of groundborne vibration. Among the most important factors are the stiffness and internal damping of the soil and the depth to bedrock. Vibration propagation is more efficient in stiff clay soils than in loose sandy soils, and shallow rock seems to concentrate the vibration energy close to the surface and can result in groundborne vibration problems at large distance from the source. Factors such as layering of the soil and depth to the water table can have significant effects on the propagation of groundborne vibration. Soft, loose, sandy soils tend to attenuate more vibration energy than hard, rocky materials. Vibration propagation through groundwater is more efficient than through sandy soils. There are three main types of vibration propagation: surface, compression, and shear waves. Surface waves, or Rayleigh waves, travel along the ground's surface. These waves carry most of their energy along an expanding circular wave front, similar to ripples produced by throwing a rock into a pool of water. P-waves, or compression waves, are body waves that carry their energy along an expanding spherical wave front. The particle motion in these waves is longitudinal (i.e., in a "push-pull" fashion). P-waves are analogous to airborne sound waves. S-waves, or shear waves, are also body waves that carry energy along an expanding spherical wave front. However, unlike P-waves, the particle motion is transverse, or side-to-side and perpendicular to the direction of propagation.

As vibration waves propagate from a source, the vibration energy decreases in a logarithmic nature and the vibration levels typically decrease by 6 VdB per doubling of the distance from the vibration source. As stated above, this drop-off rate can vary greatly depending on the soil type, but it has been shown to be effective enough for screening purposes, in order to identify potential vibration impacts that may need to be studied through actual field tests.

Existing Noise Levels

Ambient Noise

The dominant noise sources in the Project vicinity include traffic on local roadways, primarily from traffic on Montague Expressway, which runs along the northern and eastern boundary of the Project site and parking lot noise.

An ambient noise monitoring effort was conducted to document daytime ambient noise levels on the Project site. Short-term noise monitoring was conducted by FCS on November 10, 2025, between 2:56 p.m. and 3:31 p.m. 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 3.11-3. The noise monitoring data sheets are provided in the Noise Impact Analysis Report in Appendix F.

Table 3.11-3: Existing Ambient Noise Levels on the Project Site

Site ID #	Location Description (Primary Noise Sources)	dBA L_{eq}	dBA L_{max}
ST-1	West Corner of the Project site by the intersection of Montague Expressway and Zanker Road. (Traffic noise along Zanker Road and Montague Expressway).	63.6	75.5
ST-2	Southeast corner of the Project site, along E. Plumeria. (Traffic noise along E. Plumeria).	60.3	68.0
ST-3	On-site along Montague Expressway across from the multi-family residences to the north. (Traffic noise along Montague Expressway, parking lot activity).	68.3	78.6

Traffic Noise

Traffic noise levels along Montague Expressway and Junction Avenue adjacent to the Project site were modeled using the FHWA Traffic Noise Prediction Model (FHWA-RD-77-108). Junction Avenue was chosen as it is the roadway segment that would receive 100 percent of the Project traffic volumes. Montague Expressway was chosen as it is located between the Project site and the nearest residential receptors in the Project vicinity. Site-specific information, such as roadway traffic volumes, roadway active width, source-to-receiver distances, travel speed, noise source and receiver heights, and vehicle mix percentages, among other variables, is entered into the model. The peak-hour traffic volumes were obtained from the traffic analysis prepared for the proposed Project by Hexagon Transportation Consultants.[2] The model inputs and outputs, including the 60 dBA, 65 dBA, and 70 dBA Day-Night Level (DNL) noise contour distances, are provided in the Noise Impact Analysis Report in Appendix F. Table 3.11-4 shows the traffic noise levels as measured at 50 feet from the centerline of the outermost travel lane

Table 3.11-4: Existing Traffic Noise Levels

Roadway Segment	ADT	Centerline to 70 DNL (feet)	Centerline to 65 DNL (feet)	Centerline to 60 DNL (feet)	DNL (dBA) 50 feet from Centerline of Outermost Lane
Montague Expressway–North 1st Street to Research Place	33,100	211	453	974	77.2

[2] Hexagon Transportation Consultants, Inc. 2026. Montague Pointe Industrial Development Draft Local Transportation Analysis. September 16.

Roadway Segment	ADT	Centerline to 70 DNL (feet)	Centerline to 65 DNL (feet)	Centerline to 60 DNL (feet)	DNL (dBA) 50 feet from Centerline of Outermost Lane
Montague Expressway–Research Place to River Oaks Parkway	31,600	205	439	945	77.0
Junction Avenue–Zanker Road to East Plumeria Drive	2,200	< 50	65	140	66.0

Notes:
ADT = Average Daily Traffic
DNL = Day-Night Level
dBA = A-weighted decibel
[1] As measured at 50 feet from the centerline of the outermost travel lane.
Source: FirstCarbon Solutions (FCS). 2025. Appendix F.

Noise-sensitive Land Uses

Noise-sensitive land uses generally consist of those uses where exposure to noise would result in adverse effects, as well as uses for which quiet is an essential element of their intended purpose. Residential dwellings are of primary concern, because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels. Other typical noise-sensitive land uses include hospitals, convalescent facilities, hotels, religious institutions, libraries, and other uses where low noise levels are essential.

Noise-sensitive land uses near the Project site include multi-family residential homes. The closest noise-sensitive receptor to the Project site is a multi-family residential structure located northeast of the Project site, across Montague Expressway.

3.11.3 - Regulatory Framework

Federal

Noise Control Act

The adverse impact of noise was officially recognized by the federal government in the Noise Control Act of 1972, which serves three purposes:

- Promulgating noise emission standards for interstate commerce
- Assisting state and local abatement efforts
- Promoting noise education and research

The Federal Office of Noise Abatement and Control was initially tasked with implementing the Noise Control Act. However, the Federal Office of Noise Abatement and Control has since been eliminated,

leaving the development of federal noise policies and programs to other federal agencies and interagency committees.

Among the agencies now regulating noise are the Occupational Safety and Health Administration, which limits noise exposure of workers to 90 dB L_{eq} or less for 8 continuous hours or 105 dB L_{eq} or less for one continuous hour; the United States Department of Transportation, which assumed a significant role in noise control through its various operating agencies; and the Federal Aviation Administration (FAA), which regulates noise of aircraft and airports. Surface transportation system noise is regulated by a host of agencies, including the FTA. Transit noise is regulated by the federal Urban Mass Transit Administration, while freeways that are part of the interstate highway system are regulated by the FHWA. Finally, the federal government actively advocates that local jurisdictions use their land use regulatory authority to arrange new development in such a way that "noise sensitive" uses are either prohibited from being sited adjacent to a highway, or alternatively, that developments are planned and constructed in such a manner that minimize potential noise impacts.

Since the federal government has preempted the setting of standards for noise levels that can be emitted by transportation sources, local jurisdictions are limited to regulating the noise generated by the transportation system through nuisance abatement ordinances and land use planning.

Federal Transit Administration Standards and Guidelines

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.[3] The FTA guidelines include thresholds for construction vibration impacts for various structural categories as shown in Table 3.11-5.

Table 3.11-5: Federal Transit Administration Construction Vibration Impact Criteria

Building Category	PPV (in/sec)	Approximate VdB
I. Reinforced Concrete, Steel, or Timber (no plaster)	0.5	102
II. Engineered Concrete and Masonry (no plaster)	0.3	98
III. Nonengineered Timber and Masonry Buildings	0.2	94
IV. Buildings Extremely Susceptible to Vibration Damage	0.12	90

Notes:
in/sec = inches per second
PPV = peak particle velocity
VdB = velocity in decibels
Source: Federal Aviation Administration (FAA). 2006. Transit Noise and Vibration Impact Assessment.

[3] Federal Aviation Administration (FAA) 2006. Transit Noise and Vibration Impact Assessment.

The FTA has also established criteria for the assessment of construction noise impacts. The FTA's day and nighttime criteria are shown in Table 3.11-6. According to the FTA, exceedances of these criteria may result in adverse community reaction.

Table 3.11-6: Federal Transit Administration Construction Noise Impact Criteria

Land Use	$L_{eq(8\text{-}hr)}$	
	Day	Night
Residential	80	70
Commercial	85	85
Industrial	90	90

Notes:
$L_{eq\ (8\text{-}hr)}$ = equipment noise level in L_{eq} over an 8-hour time period. The analysis assumes that the L_{eq} over this time period would be approximately equal to the L_{eq} over a single construction workday, from start to finish of that day's activities.

Source: Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual. Detailed Analysis Construction Noise Criteria. September.

FTA has also established construction noise impact guidelines for detailed construction noise impact analyses. The construction noise impact criteria identify thresholds for various types of receiving land uses. For example, the daytime 8-hour average threshold for receiving residential land uses is 80 dBA $L_{eq(8\text{-}hr)}$ and the nighttime threshold is 70 dBA $L_{eq(8\text{-}hr)}$. The threshold for receiving commercial land uses is 85 dBA $L_{eq(8\text{-}hr)}$ for daytime and nighttime construction activity. The threshold for receiving industrial land uses is 90 dBA $L_{eq(8\text{-}hr)}$ for daytime and nighttime construction activity.

State

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 the local jurisdiction to delineate compatibility of sensitive uses with various incremental levels of noise.[4]

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. The proposed Project is

[4] California Department of Health Services Office of Noise Control. Land Use Compatibility for Community Noise Environments Matrix. 1976.

also subject to review under CEQA. Appendix G of the CEQA Guidelines provides impact thresholds for potential noise and vibration impacts. The City of San José had developed its own CEQA thresholds, which are listed in the Thresholds of Significance section below.

California Building Standards Code

California has established noise insulation standards for new hotels, motels, apartment houses, and dwellings (other than single-family detached housing). These requirements are provided in the CBC (CCR Title 24). The 2022 CBC was published on July 1, 2022, with an effective date of January 1, 2023. As provided in the CBC, the noise insulation standards set forth an interior standard of 45 dBA CNEL as measured from within a structure's interior. When such structures are located within a 65-dBA CNEL (or greater) exterior noise contour associated with a traffic noise along a roadway, an acoustical analysis is required to ensure that interior levels do not exceed the 45-dBA CNEL threshold. Title 24 standards are typically enforced by local jurisdictions through the building permit application process.

Local

The Project site is located in the City of San José. Noise is addressed in the General Plan [5] and the Municipal Code.[6]

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 noise goals and policies established by the General Plan that are relevant to this analysis:

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

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

Interior Noise Levels

The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Standards Code is required to demonstrate that development projects can meet this

[5] City of San José. 2018. Envision San José 2040 General Plan. October.

[6] City of San José. Municipal Code. November 13, 2025.

standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency.

Exterior Noise Levels

The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table EC-1 in the General Plan).

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

Policy EC-1.2 Minimize the noise impacts of new development on land uses sensitive to increased noise levels 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-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 in/sec PPV [peak particle velocity] 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. Equipment or activities typical of generating continuous vibration include but are not limited to excavation equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

City of San José Municipal Code

The Municipal Code restricts construction hours within 500 feet of a residential unit to occur only between 7:00 a.m. to 7:00 p.m. Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.

20.50.300 Performance standards.

For industrial zoning districts, this ordinance limits noise generated by any use or combination of uses to not exceed 55 dBA L_{max} at any residential property line and 60 dBA L_{max} at commercial property lines, unless otherwise expressly allowed in a Development Permit or other planning approval. This ordinance also prohibits activity on any site that causes ground vibration that is perceptible without instruments at the property line of the site.

3.11.4 - Methodology

Construction Noise Analysis Methodology

A conservative worst-case scenario was analyzed that assumed each piece of modeled equipment would operate simultaneously at the nearest reasonable locations to the closest noise-sensitive receptor for the loudest phase of construction. Noise emission levels recommended by FHWA's Highway Construction Noise Handbook were used to ascertain the noise generated by specific types of construction equipment. The calculation spreadsheet with the detailed modeling assumptions is provided in the noise report included in the Noise Impact Analysis Report in Appendix F.

Traffic Noise Analysis Methodology

For the purposes of this analysis, traffic noise levels along selected roadway segments in the Project vicinity would result in a significant impact if the proposed Project would cause the DNL at noise-sensitive receptors to increase by 5 dBA DNL or more where the noise levels would remain "normally acceptable" for adjacent land uses; or where it would cause the DNL at noise-sensitive receptors to increase by 3 dBA DNL or more where noise levels would equal or exceed the "normally acceptable" level for adjacent land uses.

The FHWA highway traffic noise prediction model (FHWA-RD-77-108) was used to evaluate traffic-related noise conditions in the vicinity of the Project site. The Average Daily Traffic (ADT) volumes used in this analysis were obtained from the traffic analysis prepared for the proposed Project by Hexagon.[7] Site-specific information is entered, such as roadway traffic volumes, roadway active width, source-to-receiver distances, travel speed, noise source and receiver heights, and the percentages of automobiles, medium trucks, and heavy trucks that the traffic is made up of throughout the day, among other variables. The FHWA-RD-77-108 Model arrives at a predicted noise level through a series of adjustments to the Reference Energy Mean Emission Level. Adjustments are then made to account for the roadway active width (i.e., the distance between the center of the outermost travel lanes on each side of the roadway); the total ADT and the percentage of ADT that flows during the day, evening, and night; the travel speed; the vehicle mix on the roadway; the roadway grade; the angle of view of the observer exposed to the roadway; and the site conditions ("hard" or "soft") as they relate to the absorption of the ground, pavement, or landscaping.

Because of the logarithmic nature of traffic noise levels, a doubling of the traffic volume (assuming that the speed and truck mix do not change) results in a noise level increase of 3 dBA. Based on the FHWA community noise assessment criteria, this change is "barely perceptible." For reference, a doubling of perceived noise levels would require an increase of approximately 10 dBA. The truck mix on a given roadway also has an effect on community noise levels. As the number of heavy trucks increases and becomes a larger percentage of the vehicle mix, adjacent noise levels increase.

[7] Hexagon Transportation Consultants (Hexagon). 2026. Montague Pointe Industrial Development Draft Local Transportation Analysis. September 16.

The model analyzed the noise impacts from the nearby roadways onto the Project vicinity, which consists of the area that has the potential of being impacted from the on-site noise sources as well as the Project-generated traffic on the nearby roadways. The roadways were analyzed based on a single-lane-equivalent noise source combining both directions of travel. A single-lane-equivalent noise source exists when the vehicular traffic from all lanes is combined into a theoretical single lane that has a width equal to the distance between the two outside lanes of a roadway, which provides almost identical results to analyze each lane separately where elevation changes are minimal.

Stationary Source Noise Analysis Methodology

The proposed Project would generate noise from new mechanical equipment sources, as well as parking lot and truck loading activity. To provide a conservative analysis, the highest end of the range of reference noise levels for these stationary noise sources, the usage factors of these activities, and the distance to the nearest sensitive receptor land uses were used to calculate the reasonable worst-case hourly average noise levels from each noise source as measured at the nearest sensitive receptor land uses. The calculation spreadsheet with the detailed modeling assumptions is provided in Appendix F.

Vibration Impact Analysis Methodology

According to General Plan Policy EC-2.3, the City of San José establishes a vibration limit of 0.08 inch per second (in/sec) PPV to minimize the potential for cosmetic damage to sensitive historical structures and a vibration limit of 0.20 in/sec PPV to minimize damage at buildings of normal conventional construction. A significant impact would occur if the proposed Project would generate groundborne vibration or groundborne noise levels in excess of these established standards. Reasonable worst-case scenario construction vibration impacts were analyzed as measured at the closest structure to the construction footprint where heavy construction equipment would operate.

3.11.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the CEQA Guidelines Appendix D Environmental Checklist to determine whether noise impacts resulting from the implementation of the proposed Project would be considered significant if the proposed Project would:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in noise sensitive locations in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

b) Generation of excessive groundborne vibration or groundborne noise levels.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the project would expose people residing or working in the project area to excessive noise levels. (Refer to Chapter 4, Effects Found not to be Significant)

3.11.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed Project and provides mitigation measures where appropriate.

Substantial Noise Increase in Excess of Standards

Impact NOI-1:	**The proposed Project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.**

Impact Analysis

Construction

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. The 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.

In addition, Municipal Code 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 does not establish 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.[8] During daytime hours, an exterior threshold of 80 dBA $L_{eq(8\text{-}hr)}$ shall be enforced at residential land uses, 85 dBA $L_{eq(8\text{-}hr)}$ at commercial land uses, and 90 dBA $L_{eq(8\text{-}hr)}$ 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 impact 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 access roads leading to the site. Because workers and construction equipment would use existing routes, noise from passing trucks would be similar to existing vehicle-generated noise on these local roadways. Typically, a doubling of the ADT hourly volumes on a

[8] Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual. September 16.

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.

According to the Local Transportation Analysis prepared for the proposed Project by Hexagon,[9] Junction Avenue, which is the roadway segment that would receive 100 percent of the project construction traffic volumes, experiences an average of 2,200 average daily trips. Based on the air quality modeling, the maximum average daily trips during any phase of construction would be 356, which would occur during the demolition phase of construction. Therefore, project-related construction trips would not double the daily traffic volumes along any roadway segments accessing the Project site and, as a result, would cause a less than 3 dBA increase in traffic noise levels. For this reason, short-term intermittent noise from construction trips would not be expected to result in a perceptible increase in hourly- or daily-average traffic noise levels in the Project vicinity. Therefore, short-term construction-related noise impacts associated with the transportation of workers and equipment to the Project site 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. Construction is completed in discrete steps, 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 site and, therefore, the noise levels surrounding the 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. Table 3.11-2 lists typical construction equipment noise levels, based on a distance of 50 feet between the equipment and a noise receptor. Typical operating cycles for these types of construction equipment may involve 1–2 minutes of full power operation followed by 3–4 minutes at lower power settings. Impact equipment such as pile drivers are not expected to be used during construction of the proposed Project.

The loudest phase of construction is typically the grading phase, as that is when multiple pieces of the loudest pieces of heavy construction equipment would operate simultaneously. 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 also approximately 85 dBA L_{max} at 50 feet. According to Table 2-3, the grading phase is anticipated to last approximately seven weeks.

A conservative but reasonable assumption is that heavy construction equipment would operate simultaneously and continuously over at least a 1-hour period in the vicinity of the closest existing residential receptors but would move linearly over the Project site as they perform their earthmoving operations, spending a relatively short amount of time adjacent to any one receptor.

[9] Hexagon Transportation Consultants (Hexagon). 2026. Montague Pointe Industrial Development Draft Local Transportation Analysis. September 16.

The closest noise-sensitive receptors to the Project site are the multi-family residential dwellings located north of the Project site. The façade of this nearest sensitive receptor would be located approximately 205 feet from the nearest construction footprint where multiple pieces of construction equipment could potentially operate. At this distance, worst-case construction noise levels could have an hourly average of up to 66 dBA L_{eq} at the façade of the nearest multi-family residential building. When averaged over an 8-hour workday, as equipment operates across the Project site, worst-case construction noise levels would average 62 dBA $L_{eq(8\text{-}hr)}$. This reasonable worst-case 8-hour average is below the FTA noise threshold criteria of 80 dBA $L_{eq(8\text{-}hr)}$ for receiving residential land uses, and the impact would be considered less than significant. The calculation spreadsheet with the detailed modeling assumptions is included in the Noise Impact Analysis Report in Appendix F.

However, since the overall proposed construction would last for more than 12-months and there may be construction on Saturdays, in compliance with General Plan Policy EC 1.7, MM NOI-1, which also incorporates the City's Standard Permit Conditions construction noise reduction measures, is required. MM NOI-1 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. This measure 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.

Operation

Mobile Sources

A significant impact would occur if project-generated traffic would result in a substantial increase in ambient noise levels compared with those that would exist without the proposed Project. The City considers a significant noise impact to occur if a project would cause the DNL at noise-sensitive receptors to increase by 5 dBA DNL or more where the noise levels would remain "normally acceptable" for adjacent land uses; or where it would cause the DNL at noise-sensitive receptors to increase by 3 dBA DNL or more where noise levels would equal or exceed the "normally acceptable" level for adjacent land uses.

Traffic noise levels along roadway segments adjacent to the Project site were modeled using the FHWA Traffic Noise Prediction Model (FHWA-RD-77-108). Site-specific information is entered, such as roadway traffic volumes, roadway active width, source-to-receiver distances, travel speed, noise source and receiver heights, and the percentages of automobiles, medium trucks, and heavy trucks that the traffic is made up of throughout the day, among other variables. The peak-hour traffic volumes were obtained from the traffic analysis prepared for the proposed Project by Hexagon.[10] The model inputs and outputs—including the 60 dBA, 65 dBA, and 70 dBA DNL noise contour distances—

[10] Hexagon Transportation Consultants, 2026. Montague Pointe Industrial Development Draft Local Transportation Analysis. September 16.

are provided in the Noise Impact Analysis Report in Appendix F. Table 3.11-7 shows the traffic noise levels as measured at 50 feet from the centerline of the outermost travel lane.

Table 3.11-7: Traffic Noise Increase Summary

Roadway Segment	Background No Project (dBA) DNL[1]	Background Plus Project (dBA) DNL[1]	Increase Over Background (dBA)
Montague Expressway–North 1st Street to Research Place	77.3	77.3	0.0
Montague Expressway–Research Place to River Oaks Parkway	77.1	77.1	0.0
Junction Avenue–Zanker Road to East Plumeria Drive	66.0	66.5	0.5

Notes:
DNL = Day-Night Level
dBA = A-weighted decibel
[1] As measured at 50 feet from the centerline of the outermost travel lane.
Source: FirstCarbon Solutions (FCS). 2025.

As shown in Table 3.11-8, the proposed Project would not result in any increase over background at two of the three evaluated roadway segments. The only segment that would experience traffic noise level increase with implementation of the proposed Project would occur on Junction Avenue, which is the roadway segment that would receive 100 percent of the Project traffic volumes. The resulting traffic noise increase would be 0.5 dBA compared to traffic noise levels that would exist without the proposed Project. This increase is well below the City's thresholds of 5 dBA DNL for areas within the "normally acceptable" range and 3 dBA DNL for areas at or above the "normally acceptable" level. Therefore, the proposed Project would not result in a substantial increase in ambient noise levels and the impact would be less than significant.

Stationary Sources

A significant impact would occur if operational noise levels generated by stationary noise sources at the 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.

According to General Plan Policy EC-1.2, a significant noise impact would occur if a project would:

- Cause the Day-Night Level (L_{dn}) at noise-sensitive receptors to increase by 5 dBA L_{dn} or more where noise levels would remain "Normally Acceptable"; or
- Cause the L_{dn} at noise-sensitive receptors to increase by 3 dBA L_{dn} or more where noise levels would equal or exceed the "Normally Acceptable" level.

According to General Plan Policy EC-1.3, new nonresidential land uses' operational noise would result in a significant noise impact if a project would exceed 55 dBA DNL at the adjoining property lines when located adjacent to existing or planned noise-sensitive residential and public/quasi-public land uses.

According to the Zoning Ordinance (Section 20.50.300, Performance Standards) for industrial zoning districts, noise generated by any on-site stationary use or combination of uses would result in a significant impact if it would exceed 55 dBA L_{max} at any residential property line and 60 dBA L_{max} at commercial property lines, unless otherwise expressly allowed in a Development Permit or other planning approval.

The primary new stationary noise sources associated with implementation of the proposed Project would be the new mechanical ventilation systems, parking lot activity, and truck loading and unloading activity. Potential impacts associated with these noise sources are analyzed below. In addition a discussion of the combined stationary source operational noise levels is also provided.

Mechanical Equipment Operations

At the time of preparation of this analysis, details were not available pertaining to the proposed rooftop mechanical ventilation systems for the proposed Project; therefore, a reference noise level for typical rooftop mechanical ventilation systems was used. Noise levels from commercially available rooftop mechanical ventilation equipment range from 50 dBA to 60 dBA L_{eq} at a distance of 25 feet.[11]

The nearest noise-sensitive receptor to proposed rooftop mechanical ventilation equipment is the multi-family residential building located northeast of the Project site, across Montague Expressway. Rooftop mechanical ventilation equipment could be located approximately 300 feet from this closest sensitive receptor. At this distance, and assuming minimal shielding from the rooftop parapet, noise generated by typical rooftop mechanical ventilation equipment would attenuate to below 20 dBA L_{max}, as measured at the nearest sensitive receptor. This noise level would not exceed the most stringent noise performance standard of 55 dBA L_{max} for stationary noise sources as measured at any residential property line. The calculation spreadsheet with the detailed modeling assumptions is included in the Noise Impact Analysis Report in Appendix F.

If these operational noise levels were to occur for every hour for a 24-hour period, they would result in a reasonable worst-case noise level of 26 dBA DNL as measured at the nearest receiving residential property line. This noise level is below the City's operational noise threshold of 55 dBA DNL as measured at the nearest receiving residential property line.

In addition, since traffic noise levels are the dominant noise source in the Project vicinity, the modeled traffic noise levels shown in Table 3.11-8 are representative of the ambient noise levels in the Project vicinity. Therefore, these mechanical equipment operational noise levels would not exceed the documented existing traffic noise levels along Montague Expressway adjacent to these closest sensitive

[11] Based on the range of noise specification data of these types of mechanical ventilation equipment units that are available on the market at the time of this writing.

receptors, which are shown in Table 3.11-8, to average 77 dBA DNL as measured at 50 feet from the outermost travel lane. Therefore, these operational noise levels would not result in an increase of 5 dB or more above ambient sound levels.

Therefore, noise levels from on-site mechanical equipment operations 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.

Parking Lot Activities

Typical parking lot activities include people conversing, doors shutting, and vehicles idling, which generate noise levels ranging from approximately 60 dBA to 70 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 noise-sensitive receptors to proposed parking areas are the multi-family residential dwellings located northeast of the Project site, across Montague Expressway. Proposed parking areas would be located approximately 215 feet from this closest sensitive receptor. At this distance, noise generated by typical parking lot activity would attenuate to below 51 dBA L_{max}. These noise levels would not exceed the most stringent noise performance standard of 55 dBA L_{max} for stationary noise sources as measured at any residential property line. The calculation spreadsheet with the detailed modeling assumptions is included in the Noise Impact Analysis Report in Appendix F.

If these operational noise levels were to occur for every hour for a 24-hour period, they would result in a reasonable worst-case noise level of 52 dBA DNL as measured at the nearest receiving residential property line. This noise level is below the City's operational noise threshold of 55 dBA DNL as measured at the nearest receiving residential property line.

In addition, since traffic noise levels are the dominant noise source in the Project vicinity, the modeled traffic noise levels shown in Table 3.11-8 are representative of the ambient noise levels in the Project vicinity. Therefore, these parking lot activity operational noise levels would not exceed the documented existing traffic noise levels along Montague Expressway adjacent to these closest sensitive receptors, which are shown in Table 3.11-8, to average 77 dBA DNL as measured at 50 feet from the outermost travel lane. Therefore, these operational noise levels would not result in an increase of 5 dB or more above ambient sound levels.

Therefore, noise levels from parking lot activity 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.

A discussion of the combined stationary source operational noise levels is provided below.

Truck Loading Activities

Noise would be also generated by truck loading and unloading activities at the loading docks along the north side of Building 1, the north side of Building 2, and the south side of Building 3, as shown on Figure 3. Typical noise levels from truck loading and unloading activity range from 70 dBA to 80 dBA L_{max} as measured at 50 feet. The maximum noise level range 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 nearest noise-sensitive receptors are the multi-family residential land use located northeast of the Project site, across Montague Expressway, approximately 360 feet from the nearest proposed loading dock. The proposed Project includes a ten-foot-high soundwall that would block the line of sight from these closest loading docks and all off-sight residential receptors across Montague Expressway. So, at this distance and assuming appropriate noise reduction for the soundwall, noise generated by typical truck loading and unloading would attenuate to below 49 dBA L_{max}. These noise levels would not exceed the most stringent noise performance standard of 55 dBA L_{max} for stationary noise sources as measured at any residential property line. The calculation spreadsheet with the detailed modeling assumptions is included in the Noise Impact Analysis Report in Appendix F.

If these operational noise levels were to occur every hour for a 24-hour period, they would result in a reasonable worst-case noise level of 55 dBA DNL as measured at the nearest receiving residential property line. This provides a very conservative analysis since the anticipated hours of operation for the proposed Project are 7:00 a.m. to 7:00 p.m. Therefore, this reasonable worst-case noise level would not exceed the City's operational noise threshold of 55 dBA DNL as measured at the nearest receiving residential property line and mitigation would be required.

In addition, these truck loading/unloading activity operational noise levels would not exceed the documented existing traffic noise levels along Montague Expressway adjacent to these closest sensitive receptors, which are shown in Table 3.11-5 to average 77 dBA DNL as measured at 50 feet from the outermost travel lane. Therefore, these operational noise levels would not result in an increase of 5 dB or more above ambient sound levels.

Therefore, noise levels from reasonable worst-case truck loading-unloading activity 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.

Combined Stationary Source Operational Noise Impact Conclusion

Table 3.11-8, below, summarizes the calculated reasonable worst-case 24-hour noise levels for the combined noise level from simultaneous operation of all on-site stationary sources, as measured at the nearest residential property line.

Table 3.11-8: Stationary Source Operational Noise Levels (Sound Wall Option)

Source	Worst-case 24-hour Noise Level (dBA DNL)	Worst-case 24-hour Thresholds (dBA, DNL)	Exceed Thresholds? (Yes/No)
Mechanical Ventilation Equipment	26	55	**No**
Truck Loading and Unloading Activities	55	55	**No**
Parking Lot Activities	42	55	**No**
Combined Noise Levels	**55**	**55**	**No**

This calculated combined operational noise level is calculated at the closest residential receptor to the truck loading and unloading activity, since that is the single loudest stationary noise source. The proposed sound wall would also block the line of sight from the nearest parking lot stalls to this closest receptor, resulting in a minimum 10 dBA reduction for the calculated parking lot operational noise levels. The calculation spreadsheet with the detailed modeling assumptions is included in Appendix G. 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.

As shown in Table 3.11-9, the calculated reasonable worst-case combined stationary source operational noise levels measured at the nearest residential property line would be 55 dBA DNL, which would not exceed the noise performance standard of 55 dBA DNL. In addition, these combined reasonable worst-case operational noise levels would not exceed the documented existing traffic noise levels along Montague Expressway adjacent to these closest sensitive receptors, which are shown in Table 3.11-8 to average 77 dBA DNL as measured at 50 feet from the outermost travel lane. Therefore, combined, stationary source operational noise levels would not result in an increase of 5 dB or more above ambient sound levels and impacts would be less than significant.

Impact NOI-1 Construction of the proposed Project would last for more than 12 months and would require construction on Saturdays, which would result in a potentially significant temporary construction noise impact.

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 residents and other uses.

As part of the noise logistics plan, the project applicant shall include, but is not limited to, the following best management practices:

- 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.

Level of Significance

Less than significant impact.

Groundborne Vibration/Noise Levels

Impact NOI-2: The proposed Project would not result in generation of excessive groundborne vibration or groundborne noise levels.

Impact Analysis

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. In general, 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 groundborne vibration or groundborne noise levels in excess of established standards. According to General Plan Policy EC-2.3, a vibration limit of 0.08 in/sec 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 that could be used during project activities are summarized below in Table 3.11-9.

Table 3.11-9: Vibration Levels of Construction Equipment

Construction Equipment	PPV at 25 Feet (inches/second)	rms Velocity in Decibels (VdB) at 25 Feet
Water Trucks	0.001	57
Scraper	0.002	58
Bulldozer (small)	0.003	58
Jackhammer	0.035	79
Concrete Mixer	0.046	81
Concrete Pump	0.046	81
Paver	0.046	81
Pickup Truck	0.046	81
Auger Drill Rig	0.051	82
Backhoe	0.051	82
Crane (mobile)	0.051	82
Excavator	0.051	82

Construction Equipment	PPV at 25 Feet (inches/second)	rms Velocity in Decibels (VdB) at 25 Feet
Grader	0.051	82
Loader	0.051	82
Loaded Trucks	0.076	86
Bulldozer (large)	0.089	87
Caisson drilling	0.089	87
Vibratory Roller (small)	0.101	88
Compactor	0.138	90
Clam shovel drop	0.202	94
Vibratory Roller (large)	0.210	94
Pile Driver (impact-typical)	0.644	104
Pile Driver (impact-upper range)	1.518	112

Notes:
PPV = peak particle velocity
rms = root mean square
VdB = velocity in decibels
Sources: Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual, September.
Federal Highway Administration (FHWA). 2006. Highway Construction Noise Handbook. August.

The proposed Project would not include pile driving of any kind or slurry wall equipment. Therefore, of the variety of equipment used during construction, the large vibratory rollers that could be used in the site preparation and roadway improvement phases of construction would produce the greatest groundborne vibration levels. Large vibratory rollers produce groundborne vibration levels ranging up to 0.210 in/sec PPV at 25 feet from the operating equipment.

The nearest off-site structure is the commercial building (which is not a sensitive historic structure) located south of the Project site, approximately 140 feet from the nearest construction footprint where a large vibratory roller would potentially operate. At this distance, groundborne vibration levels could range up to 0.015 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, construction of the proposed Project would not generate groundborne vibration in excess of established standards and impacts would be less than significant.

Operational Vibration Impacts

Implementation of the proposed Project would not include any new permanent sources that would expose persons in the project vicinity to groundborne vibration levels that could be perceptible without instruments at any receiving property line. Therefore, project operational groundborne vibration level impacts would be less than significant.

Level of Significance

Less than significant impact.

3.11.7 - Cumulative Analysis

The geographic scope of the cumulative noise analysis is limited by the range of potential noise impacts. Noise impacts tend to be localized; therefore, the geographic scope for evaluating cumulative noise impacts for construction, traffic and stationary noise sources are limited to approximately 500 feet from the source. Noise impacts for airport-related noise sources are limited to the areas within an airport's 65 dBA CNEL noise contours. Groundborne vibration impacts are even more localized than noise impacts, such that the geographic scope for evaluating cumulative noise impacts are areas within approximately 50 feet of construction groundborne vibration sources or within 100 feet of a railroad or similar permanent groundborne vibration sources.

Substantial Noise Increase in Excess of Standards

Construction Noise Impacts

The significance threshold for a cumulative construction noise impact would be a substantial temporary noise increase in the project vicinity, which already experiences excessive noise levels from construction activities.

The nearest project on the cumulative project list in Chapter 3, Environmental Impact Analysis, Table 3-1, is the River Oaks Parkway Residential Project located approximately 1,600 feet from the Project site property line. Therefore, none of the cumulative projects are located within 500-feet of the Project site that could contribute to a cumulative construction noise impact with the proposed Project and there is not a cumulative construction noise impact. In addition, as shown in the construction noise impact analysis, with implementation MM NOI-1 the proposed Project's reasonable worst-case construction noise levels would not result in a substantial temporary increase in ambient noise levels as measured at the nearest sensitive receptors in the project vicinity and therefore would not result in a cumulatively considerable contribution to the already less than significant temporary cumulative noise levels in the project vicinity. This impact would be less than significant.

Operational Mobile Source Noise Impacts

The significance threshold for a cumulative mobile source operational noise impact would be a substantial permanent noise increase at any receptor in the project vicinity that is already exposed to excessive noise levels. However, since traffic noise levels are the dominant noise source in the project vicinity, the modeled traffic noise levels shown in Table 3.11-5 are representative of the ambient noise levels in the project vicinity. These documented existing traffic noise levels along Montague Expressway adjacent to existing residential land uses is in excess of 77 dBA DNL. These noise levels are above the City's normally acceptable noise levels of 60 dBA DNL for residential land uses (shown in Table EC-1 in the General Plan) and would constitute a cumulative noise impact.

However, as shown in the analysis, project implementation would not result in an increase in traffic noise levels under plus project traffic conditions compared to noise levels that would exist without the proposed Project along these impacted roadway segments.

Therefore, the proposed Project, in combination with cumulative projects, would not result in a significant cumulative operational traffic noise impact. This impact would be less than significant.

Operational Stationary Noise Impacts

The significance threshold for a cumulative stationary source operational noise impact would be a substantial permanent noise increase at any receptor in the project vicinity that is already exposed to excessive noise levels. The proposed Project would introduce new stationary noise sources, including rooftop mechanical ventilation systems, parking lot activity, and truck loading/unloading operations.

The nearest project on the cumulative project list in Chapter 3, Environmental Impact Analysis, Table 3-1 is the River Oaks Parkway Residential Project located over 1,800 feet from the Project site property line. Therefore, none of the cumulative projects are located within 500 feet of the Project site that could contribute to a cumulative operational stationary source noise impact with the proposed Project. However, since traffic noise levels are the dominant noise source in the project vicinity, the modeled traffic noise levels shown in Table 3.11-5 are representative of the ambient noise levels in the project vicinity. These documented traffic noise levels along Montague Expressway adjacent to existing residential land uses is in excess of 77 dBA DNL. These noise levels are above the City's normally acceptable noise levels of 60 dBA DNL for residential land uses (shown in Table EC-1 in the General Plan); accordingly, past, present and future projects could constitute a cumulative noise impact related to noise increase.

However, it should be noted that the proposed Project noise impact analysis demonstrates that the combined reasonable worst-case operational noise level from project-related stationary noise sources would attenuate to 55 dBA DNL as measured at the nearest residential property line. This combined reasonable worst-case operational noise level would not exceed, nor cause any significant increase in, the documented existing ambient noise levels as measured at the nearest residential receptor property line.

Therefore, stationary source noise impacts associated with implementation of the proposed Project would not result in a potentially significant cumulatively considerable contribution to the significant cumulative noise impact in the project vicinity. This impact would be less than significant.

Groundborne Vibration/Nosie Levels

Construction Vibration Impacts

Construction-related groundborne vibration impacts are highly localized; therefore, only areas within approximately 50 feet of a construction site could potentially be affected by groundborne vibration resulting from construction activities. There are no significant permanent sources of groundborne vibration located within 100 feet of the Project site. In addition, the nearest project on the cumulative project list in Chapter 3, Environmental Impact Analysis, Table 3.1 is the River Oaks Parkway

Residential Project located over 1,800 feet from the Project site, which is well beyond the 50-foot distance where a cumulative construction vibration impact could occur. Therefore, since there is not a cumulative groundborne vibration impact in the project vicinity, there would be no cumulative impact related to construction groundborne vibration.

Additionally, implementation of the proposed Project would not result in a potentially significant cumulatively considerable contribution to the already less than significant cumulative groundborne vibration impacts in the project vicinity because construction of the proposed Project would not generate groundborne vibration in excess of established standards. This impact would be less than significant.

Operational Groundborne Vibration Impacts

The only cumulatively considerable contribution to groundborne vibration conditions in the project vicinity would result from introduction of new permanent sources of groundborne vibration to an existing impacted environment. There are no significant permanent sources of groundborne vibration located within 100 feet of the Project site. In addition, implementation of the proposed Project would not include any permanent vibration sources that would expose persons in the project vicinity to groundborne vibration levels that could be perceptible without instruments at any sensitive land use in the project vicinity. Therefore, cumulative impacts would be less than significant.

Level of Cumulative Significance

Less than significant impact.

3.12 - Population and Housing

3.12.1 - Introduction

This section describes existing population and housing in the region, County, City, and Project area, as well as the relevant regulatory framework. This section then evaluates the possible impacts related to population and housing that could result from implementation of the proposed Project. Information included in this section is based, in part, on databases and reports maintained by the ABAG, California Department of Finance (DOF), California Employment Development Department (EDD), General Plan, and the City of San José Housing Element 2023–2031.

3.12.2 - Environmental Setting

Population

San Francisco Bay Area

ABAG is a regional planning agency and local government service provider that utilizes projections and a suite of models to determine potential employment, population, and household growth that the San Francisco Bay Area's nine counties, consisting of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma, may experience. The population of the San Francisco Bay Area was approximately 7,685,860 in 2020 and is projected to increase in population by 588,115 residents, leading to a total population of 8,273,975 by the beginning of 2031 consisting of an average annual population growth rate of approximately 0.8 percent.

Santa Clara County

The DOF provides population and housing estimates for the State, along with its counties and cities. Santa Clara County had a 2025 population estimate of 1,922,259, representing a 0.0 percent change from the previously estimated 2024 population estimate of 1,921,406.[1] The County had an average of 2.78 individuals per household as of January 1, 2025.[2] Additionally, in 2024 Santa Clara County had an estimated 707,619 total housing units.[3]

City of San José

Based on estimates by the DOF, as of January 2025, the City's estimated population was 979,415. The City's population has consistently increased and between 2000 and 2010, the population grew

[1] California Department of Finance (DOF). 2025. E-1: State/County Population Estimates with Annual Percent Change. Website: https://dof.ca.gov/Forecasting/Demographics/estimates-e1/. Accessed December 2, 2025.

[2] California Department of Finance (DOF). 2020. Table 2: E-5 State/County Population and Housing Estimates, January 1, 2025. Website: https://dof.ca.gov/Forecasting/Demographics/Estimates/. Accessed December 3, 2025.

[3] United States Census Bureau. Santa Clara County, California. Website: https://www.census.gov/quickfacts/fact/table/santaclaracountycalifornia/PST045225. Accessed February 26, 2026.

from 895,131 to 945,942, with an average annual increase of 0.50 percent and a total growth of 5.68 percent. From 2010 to 2020, growth accelerated to an average annual rate of 0.62 percent and a total increase of 7.03 percent.

After 2020, however, the population has experienced an overall decline through 2025. The population in 2020 was 1,012,452, and it decreased by 33,037 to 979,415 in 2025, reflecting an average annual decrease of 0.65 percent and a total decrease of 3.26 percent. Although the City saw a decline over the last five years, its population has generally risen since 2000, averaging 0.68 percent annual growth and totaling 13.79 percent growth. According to ABAG projections, the City's population is expected to reach 1,379,108 by 2040.

Housing

San Francisco Bay Area

ABAG's Plan Bay Area 2050 Growth Patterns report displays the region's projected household growth rate using a baseline date of 2015. The San Francisco Bay Area contained approximately 2,677,000 households in 2015 and is projected to increase in the number of households by 1,367,000, totaling 4,043,000 households contributing to a 51 percent growth by 2050. All nine San Francisco Bay Area counties are projected to see an increase in the number of households by 2050, with Santa Clara, San Francisco, and Alameda counties expected to experience the highest increase in the number of households and contribute the most to the region's overall increase in households. Contra Costa and San Mateo counties are projected to have an increase in the number of households but will contribute little to the region's increase in households. The four North Bay counties of Marin, Sonoma, Napa, and Solano are anticipated to see the smallest increase in the number of households and will contribute the least to the estimated growth of households in the region.[4]

The jobs to housing ratio compares the total number of jobs in a geographic region to the number of households in that same area. A higher ratio indicates there are more jobs in the region than the number of households provided. The San Francisco Bay Area had a job to housing ratio of 1.5 in 2015. Furthermore, The jobs-to-housing ratio shows how many jobs exist relative to the number of households in a region. In the Bay Area, this ratio declined from about 1.5 in 2015 to around 1.3 in 2024 and is projected to remain at that level through 2050, meaning the region will continue to have more jobs than housing. The decline indicates that housing is projected to grow faster than jobs, slightly improving the regional jobs-housing balance over time.

Santa Clara County

Santa Clara County had approximately 1,922,259 residents as of January 1, 2025, with a total of 707,619 households averaging 2.82 persons per household. Within the estimated total, 361,240 are single-detached units and 72,143 are single-attached units. Multi-family units with 2–4 units per structure comprise 50,109 units, while multi-family homes with over 5 units per structure comprise

[4] Association of Bay Area Governments (ABAG). 2021. Plan Bay Area 2050 Growth Pattern. Website: https://abag.ca.gov/sites/default/files/documents/2025-06/Plan%20Bay%20Area%202050%2B%20Final%20Blueprint%20Compendium_0.pdf. Accessed December 2, 2025.

208,095 units, in addition to 18,327 mobile homes. The County has 676,868 occupied units and a vacancy rate of 4.7 percent.[5]

City of San José

The City had 979,415 residents with a total of 348,673 housing units in 2025. In the same year, the City contained an average of 2.88 persons per household. In 2024, the City saw a 41 percent decrease in permits for multi-family units year-over-year (from 2,498 to 1,472) and a 19 percent increase for Accessory Dwelling Units (ADUs) (from 470 to 558). Regarding the types of housing units, multi-family homes with over 5 units per structure and single-detached homes constitute most housing units, with 98,968 multi-family 5-plus units per structure and 180,919 single-detached homes within the city limits. Single attached homes and multi-family homes with 2–4 units per structure only comprise 17 percent of the City's total housing units, with 34,659 units and 23,519 units, respectively. The City has 10,608 mobile homes.[6]

Although the number of new single-detached and -attached homes has increased, the number of new multi-family homes with 5-plus units per structure has grown significantly in comparison with a total growth rate of 1.04 percent. In contrast, the amount of multi-family homes with 2–4 units per structure have increased by only 0.27 percent. Of the 348,673 housing units, 334,974 are occupied, resulting in a vacancy rate of 3.9 percent.[7]

Employment

San Francisco Bay Area

The ABAG Plan Bay Area 2050 Growth Pattern displays projected job growth patterns for the nine counties of the San Francisco Bay Area in 2050, using 2015 as the baseline date. The region is expected to add 1,403,000 jobs between 2015–2050, increasing the total number of jobs by 35 percent from 4,005,000 to 5,408,000. Santa Clara, Alameda, and San Francisco counties are projected to generate the highest number of jobs, with Santa Clara County appending 511,000 new jobs and contributing to 36 percent of the shared regional growth; Alameda County adding 315,000 new jobs, contributing 22 percent of the regional growth; and San Francisco County generating 236,000 jobs and 17 percent of the shared regional growth. Additionally, Contra Costa County and San Mateo County are expected to produce 130,000 and 114,000 jobs with a shared regional growth of 9 percent and 8 percent, respectively.

The North Bay Counties of Solano, Sonoma, and Napa are expected to all increase in jobs, with Solano County having the highest percentage of individual growth at 53 percent but only contributing to 5 percent of the shared regional growth, while Sonoma and Napa counties will only produce a

[5] California Department of Finance (DOF). 2025. E-5 State/County Population and Housing Estimates, January 1, 2025. Website: https://dof.ca.gov/Forecasting/Demographics/Estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2025/. Accessed December 3, 2025.

[6] Ibid.

[7] Ibid.

shared regional growth of 2 percent and 1 percent, respectively. Marin County is the only county forecasted to decrease in the number of jobs, losing 19,000 (14 percent) of its jobs by 2050.[8]

Santa Clara County

The Labor Market Information Division of the EDD collects, analyzes, and publishes reports and data about California's labor force, employment and unemployment rates, projections, occupations, and other labor market data.[9] As of August 2025, Santa Clara County had a labor force of 1,038,600 individuals, with 990,700 employed and 47,900 unemployed, resulting in a County unemployment rate of 4.6 percent.[10]

City

The EDD Labor Force and Unemployment Rate for Cities and Census Designated Places provides monthly labor force and employment data for California cities.[11] As of August 2025, the City had a labor force of 539,800 individuals, with 514,000 employed and 25,800 unemployed, resulting in an unemployment rate of 4.8 percent.[12] There are 519,305 employed residents and 428,098 jobs in the City; the ratio of jobs to resident workers is 0.82, and the City is a net exporter of workers.

Such balances between jobs and workers may directly influence the housing demand in a community. If there are more jobs than employed residents, it means a city is jobs-rich, with a high job to household ratio. Bringing housing into the measure, the jobs-household ratio in San José has increased from 1.28 in 2002, to 1.36 jobs per household in 2018.[13]

3.12.3 - Regulatory Framework

Regional

Association of Bay Area Governments

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

---

8 Association of Bay Area Governments (ABAG). 2021. Plan Bay Area 2050 Growth Pattern. Website: https://abag.ca.gov/sites/default/files/documents/2025-06/Plan%20Bay%20Area%202050%2B%20Final%20Blueprint%20Compendium_0.pdf. Accessed December 2, 2025.

9 California Employment Development Department (EDD). 2024. Labor Market Information. Website: https://labormarketinfo.edd.ca.gov/. Accessed December 4, 2025.

10 California Employment Development Department (EDD). 2025. Labor Force and Unemployment Rate for Cities and Census Designated Places. Website: https://labormarketinfo.edd.ca.gov/data/labor-force-and-unemployment-for-cities-and-census areas.html. Accessed December 4, 2025.

11 Ibid.

12 California Employment Development Department (EDD). 2024. Monthly Labor Force Data for Cities and Census Designated Places. Website: https://labormarketinfo.edd.ca.gov/data/unemployment-and-labor-force.html. Accessed December 20, 2026.

13 Association of Bay Area Governments/Metropolitan Transportation Commission (ABAG/MTC). Appendix A Housing Data: San José. Website: https://www.hcd.ca.gov/housing-elements/docs/san-jose-6th-draft091622.pdf. Accessed February 26, 2026.

taking the overall Regional Housing Needs Assessment (RHNA) 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 Metropolitan Transportation Commission (MTC) and the Bay Area Air District, can use the forecast to make project funding and regulatory decisions. ABAG must submit its methodology to the California Department of Housing and Community Development to ensure ABAG's findings advance the RHNA objectives.

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 GHG 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 make headway over the next five years to make headway on each of the 35 strategies.

Local

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.

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.

3.12.4 - Methodology

Impacts related to population, housing, and employment and data on existing and forecasted growth were analyzed using a variety of reports and databases provided by ABAG, DOF, and EDD and the General Plan. The proposed Project's impacts were evaluated by calculating the approximate population growth generated by the proposed Project to determine whether the estimated growth would remain consistent with the General Plan and the Municipal Code.

3.12.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the CEQA Guidelines Appendix G Environmental Checklist to determine whether impacts on population and housing are significant environmental effects. Would the proposed Project:

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

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. (Refer to Chapter 4, Effects Found not to be Significant)

3.12.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed Project and provides mitigation measures where necessary.

Population Growth

Impact POP-1:	**The proposed Project would not 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).**

Impact Analysis

Because of the urbanized and already developed nature of the Project site that has existing, available infrastructure, and given that the proposed Project contemplates development consistent with the Project site's General Plan land use designation, 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 three industrial warehouses with ancillary office space and related improvements. It does not propose

construction of residential units that could directly induce population growth. The proposed Project would develop an internal circulation system; however, no extension or construction of off-site roadway infrastructure would occur. In addition, utility improvements included in the proposed Project would be sized to support only the proposed Project and would not extend off-site. Therefore, the proposed Project would not induce substantial direct or indirect unplanned population growth in the area in this regard. The proposed Project would replace existing employment generating uses on the Project site with a similar scale of development.

While no residences are included in the proposed Project, the influx of potential new jobs to the area could result in indirect population growth. Based on the ITE Trip Generation Manual for Industrial Park Projects (ITE Code 130), the average number of employees anticipated to be generated by the operation of the proposed Project is calculated through the anticipated daily trip rates. On average, it can be anticipated that employees would accumulate a trip rate of 2.91 per 1,000 square feet per employee. Therefore, it was determined that there would be a total of 1,475 daily trips as a result of operation of the proposed Project. Therefore, an anticipated 507 total employees was calculated through the ITE Trip Generation Manual.

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 proposed 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 employment-generating uses.

Further, according to the General Plan EIR, the City is estimated to have a population of approximately 1,500,000 persons by 2040. Conservatively assuming that all 507 new jobs would be filled by people moving to the City, the proposed Project would result in a less than 0.01 percent increase in the population of the City. Therefore, the proposed Project's potential indirect population growth would be within the expected and planned population growth projections and would not 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.

As such, the increase in employment as a result of the proposed Project would not lead to substantial indirect residential population growth that has not already been envisioned in the General Plan. Impacts would be less than significant.

Level of Significance

Less than significant impact.

3.12.7 - Cumulative Impacts

The geographical scope of the cumulative impact analysis for Population and Housing is the City of San José. This includes consideration of foreseeable development projects in addition to the

proposed Project and includes all of the projects identified in Chapter 3, Environmental Impact Analysis, Table 3-1. This geographic area is appropriate because population growth, housing supply, employment growth, and housing displacement are planned for, monitored, and regulated at the City level through the General Plan, zoning regulations, and the City's review of discretionary development projects. A significant cumulative impact related to population and housing would occur if the 0, in combination with cumulative projects, would induce substantial unplanned population growth in the City.

Population Growth

Cumulative development would occur within the growth framework established by the General Plan; therefore, cumulative impacts related to population growth and housing displacement would be less than significant at the citywide level.

The proposed Project would redevelop an existing industrial site with new industrial warehouse uses and would not include residential development or displace existing housing. While the proposed Project would generate employment, the net increase in employment would represent a small fraction of the City's overall planned employment growth and would be consistent with the Project site's industrial land use designation.

In combination with cumulative development, the proposed Project would not exacerbate population growth beyond levels already anticipated by the General Plan. The proposed Project's incremental contribution to cumulative population and housing impacts would not be cumulatively considerable. The proposed Project would not induce substantial unplanned population growth and its employment generation would be accommodated within the City's planned growth assumptions. Therefore, the proposed Project would not meaningfully contribute to the already less than significant cumulative conditions related to population growth or housing displacement.

The proposed Project, in combination with past, present, and reasonably foreseeable development within the City, would result in less than significant cumulative impacts related to population growth and housing displacement. No cumulative mitigation measures are required.

Level of Cumulative Significance

Less than significant impact.

3.13 - Public Services

3.13.1 - Introduction

This section describes the existing conditions related to public services in the City of San José and Project area, as well as the relevant regulatory framework. This section then evaluates the possible impacts related to public services that could result from implementation of the proposed Project. descriptions and analysis in this section are based on information provided by the Envision San José 2040 General Plan and the City of San José Annual Report on City Services.

3.13.2 - Environmental Setting

Fire Protection and Emergency Medical Services

The San José Fire Department (SJFD) provides fire suppression, Emergency Medical Services, and fire prevention services to residents and visitors within city limits and some unincorporated areas of Santa Clara County. Other fire prevention services include regulatory enforcement of fire and hazardous materials codes through inspections and construction plan reviews for residents and businesses.[1]

In response to recent fires in Los Angeles County, SJFD conducted a 2025 San José Wildfire Planning and Preparedness Study Session. The goal of this session was to review efforts in relation to wildfire risk reduction within the wildland urban interface (WUI) areas within the City. Through this effort, SJFD partnered with the Santa Clara County FireSafe Council to pinpoint priority areas for wildfire education and prevention, which resulted in a countywide Community Wildfire Protection Plan and revised FHSZ maps.

The SJFD operates 34 fire stations throughout the City. As shown in Table 3.13.1 the closest SJFD station to the Project site is Station 29, which is located 0.3 mile northwest of the Project site. Table 3.13-1 summarizes the fire stations in the Project vicinity.

Table 3.13-1: Fire Stations Within Approximately 3-mile Radius of Project Site

Station	Distance and Direction from Site	Address
29	0.3 mile NW	199 Innovation Drive, San José, CA 95134
5	4.2 miles SE	1380 N 10th Street, San José, CA 95112
23	3.6 miles E	1771 Vía Cinco de Mayo, San José, CA 95132

[1] City of San José. Annual Report on City Services 2024–2025. Website: https://www.sanjoseca.gov/home/showpublisheddocument/127267/639014024061242150. Accessed December 17, 2025.

Station	Distance and Direction from Site	Address
25	3.2 miles NW	5125 Wilson Way, Alviso, CA 95002
20	5.9 miles S	1120 Coleman Avenue, San José, CA 95110

Notes:
Distance from site as traveled on the road.
Source: City of San José. n.d.

Response Times

Generally, SJFD requests for service are received as 911 calls and then prioritized using a nationally standardized fire or medical priority dispatching system questionnaire. Requests are divided into Priority I emergencies, Priority 2 emergencies, and non-emergencies:

- Priority I: A time-critical emergency involving an im0mediate threat to life and/or property.
- Priority 2: A request in which critical intervention is required but the situation has stabilized and is unlikely to worsen in the short term. Non-emergency: A general request for assistance in which there is no immediate threat to life or property. Currently, such non-emergencies either are not handled by SJFD resources or are handled without creating a formal incident that dedicates a firefighting vehicle to the incident (usually, walk-in requests at stations).

In 2024–2025, SJFD responded to approximately 111,400 emergency incidents (Priority I through Priority 4), including 85,400 Priority I incidents (red lights and sirens) and 25,900 Priority 2 incidents (no red lights or sirens). SJFD responded to 63 percent of Priority 1 incidents within its time standard of 8 minutes (target: 80 percent), a decrease from prior years. SJFD attributes this decrease in part to ambulance resource constraints. SJFD responded to 89 percent of Priority 2 incidents within 13 minutes (target: 92 percent).

SJFD defines Priority 1 response time as comprising three components: dispatch (call processing) time, turnout time, and travel time. In 2024–25, SJFD achieved the dispatch time standard in 84 percent of Priority 1 incidents, compared to a target of 85 percent. The turnout time standard was achieved in 86 percent of incidents, relative to a target of 85 percent. The travel time standard was met in 34 percent of incidents, compared to a target of 45 percent.

Police Protection

According to the City's Annual Report on City Services, the San José Police Department (SJPD) provides public safety services to the City, including responses to calls for service, investigative efforts, crime prevention and education, and regulatory services. SJPD currently has four stations, one of which is open to the public. The three stations that remain closed to the public are utilized as community policing centers and one police substation. In 2024–2025, there were 1,172 sworn positions and 570 authorized civilian positions in the SJPD, totaling 1,742 positions. There were 120 sworn positions per 100,000 City residents. The closest SJPD police station to the Project site is located at 201 West Mission Street, approximately 5.6 miles southeast from the Project site.

Response Times

There are four levels of service calls for SJPD response:

- Priority I: An event with present or immediate potential for imminent danger to life or property.
- Priority 2: An event that has occurred, for which the suspect may be near but is no longer at the scene and/or no imminent threat exists to life or property.
- Priority 3: A non-emergency involving property damage or the potential for property to be damaged (a police report may be requested or required).
- Priority 4: A non-emergency without present or potential damage to property, in which the suspect is gone.

In 2024-2025, the average response time for Priority I calls was 8.1 minutes, with a target of 6 minutes. The response time for Priority 2 calls was 27.8 minutes, with a target of 11 minutes. SJPD has placed its focus on maintaining Priority I response times given the danger of present or imminent threat to life or property.

SJPD categorizes response times into three targets: processing time, queuing time, and driving time. In 2024–2025, the average processing time for Priority I calls met targets, while queuing and driving time were both slower than target. However, all three target areas for Priority 2 calls were slower than target.

Traffic Safety

SJPD utilizes enforcement, education, investigation, and traffic control to create safe and free-flowing traffic within the City. San José's rate of fatal and injury crashes, including public streets and private property was 2.5 per 1,000 residents in 2024, a slight increase from the prior year. Despite the minor increase, this has remained well below the national rate. SJPD reported that its Traffic Enforcement Unit issued around 17,300 citations in 2024-2025. Traffic Enforcement staff are deployed to high impact areas determined by citywide collision data.

Schools

The Project site is served by Santa Clara Unified School District (SCUSD).[2] SCUSD provides preschool, K-12, and Adult Education programs throughout 29 school sites serving over 21,300 students with 3,610 faculty members for the cities of San José, Santa Clara, and Alviso.[3] According to the district map, the proposed Project location would be served by three SCUSD schools:

- Abram Agnew Elementary School (Grades K–5) at 3534 Zander Road, located approximately 0.54 mile from the Project site.

[2] Great Schools. Find your Neighborhood District and Nearby Schools. Website: https://www.greatschools.org/school-district-boundaries-map/. Accessed December 17, 2025.

[3] Santa Clara Unified School District (SCUSD). Website: https://www.santaclarausd.org/about-us. Accessed December 17, 2025.

- Dolores Huerta Middle School (Grades 6–8) at 3556 Zanker Road, located approximately 0.52 mile from the Project site.
- Kathleen MacDonald High School (Grades 9–12) at 3588 Zanker Road, located approximately 0.62 mile from the Project site.

The three schools that would serve the Project site were opened in 2021 (Abram Agnew Elementary and Dolores Huerta Middle School) and 2022 (Kathleen MacDonald High School). Abram Agnew Elementary school opened with kindergarten through 2nd grade and added 3rd grade through 5th grade consecutively over 2023–2025. Similarly, Dolores Huerta Middle School opened with only a 6th grade class, adding 7th and 8th grade classes in 2023 and 2024, respectively. Kathleen MacDonald opened in 2022 as a fully functional 9th to 12th grade high school. Because of the unique nature of these schools and their recent openings/expansions, enrollment has increased significantly over the past three years. However, this enrollment trend was fully accounted for as the district allowed for the addition of new grades to occur gradually.

Libraries

According to the City's Annual Report on City Services, the San José Public Library (SJPL) consists of 25 libraries, including the main Dr. Martin Luther King Jr. library downtown and branches in neighborhoods across the City. The libraries offer materials in various formats and languages, including books, CDs, DVDs, eBooks, online learning tools, and database services. The libraries also provide programs such as computer programming, English as a Second Language, citizenship classes, summer learning literacy assistance, and story time. In 2024–2025, City library staff totaled 560, including both full-time and part-time employees.

In 2024–2025, City libraries had 3.8 million visitors, of which 1.3 million went to the main Dr. Martin Luther King Jr. library. Forty-nine percent of City households had an active library card, a steady increase since 2020. The closest library to the Project site is the Alviso Branch Library, located at 5050 North First Street, approximately 2.8 miles northwest of the Project site.[4]

Parks

According to the 2024–2025 Annual Report on City Services, the Parks, Recreation and Neighborhood Services Department operates the City's regional and neighborhood parks, as well as facilities such as Happy Hollow Park & Zoo. The City has 213 neighborhood and 10 regional parks, as well as facilities such as community gardens, trails, and swimming pools. The City Trail Network is comprised of trail systems that are intended to interconnect as further development occurs. The 2024–2025 network included 66.85 miles of trails that were open to the public, and an additional 80.72 miles have been identified or are being studied for further development or are in the planning phases of development. The General Plan requires that the City provide 7.5 acres of citywide/regional park and open space lands per 1,000 San José residents. This is intended to be achieved through the

[4] San Jose Public Library (SJPL). Locations. Website: https://sjpl.bibliocommons.com/v2/locations?address=3050%20zanker%20rd. Accessed February 24, 2026

combination of facilities provided by the City and other public land agencies. As of 2024, the City has approximately 18.1 acres of regional/city parkland per 1,000 residents.[5] The nearest park to the Project site is River Oaks Park, a 5.4-acre City park located at 328 River Oaks Parkway, approximately 0.25 mile northwest of the Project site.

3.13.3 - Regulatory Framework

State

California Building Standards Code

The CBC provides minimum standards for general building design and construction requirements to ensure the construction, use, alteration, expansion, and demolition of buildings and structures within the State of California are secure, robust, sanitized, and sustainable. The CBC is Part 2 of Title 24 in the California Code of Regulations and is published every three years along with emergency supplements in between. The most recent edition was released in 2022, with each release being developed from building standards that have been adopted from the national model code, by State agencies, and standards that have been developed by the California legislature to address California's complex and changing conditions. All projects and developers in California are to follow CBC standards, along with additional amendments adopted by State agencies and local jurisdictions due to specific natural conditions. The CBC mandates many fire safety requirements such as sprinkler installation on high rise buildings, fire-resistant standards for building materials, and defensible space standards within areas susceptible to wildfire hazards.

California Fire Code

The California Fire Code incorporates policies and regulations adopted from the International Fire Code along with State and local amendments that are established to adapt to unique and complex natural conditions found within California. The objectives of the California Fire Code are to mandate regulations to safeguard life and property from dangerous and hazardous conditions that can cause the unexpected ignition and spread of wildfire in both natural and built environments. It is Part 9 of 13 parts in Title 24 within the California Code of Regulations and is published every three years with potential necessary supplements in between years. The most recent edition was released in 2022 with a supplement passed in July of 2024.

California Health and Safety Code

The California Health and Safety Code Division 12–Fires and Fire Protection provides rules and regulations pertaining to a variety of fire safety measures including building mandates, hazards handling, building inspections, and the responsibilities of the State Fire Marshal and Board of Fire Services. Policies related to the proposed Project within Division 12–Fire and Fire Protection are listed below.

[5] City of San José. 2024 General Plan Annual Performance Review Executive Summary. Website: https://www.sanjoseca.gov/home/showpublisheddocument/116797/638695305302470000. Accessed February 27, 2026.

- Section 13100.1: The functions of the State Fire Marshal along with 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 State Fire Marshal may determine the existence of a fire hazard on a property which has been deeded to the State for taxes and may serve a written notice of condemnation of the fire hazard on the State Controller, or on any person designated by the Controller. The fire hazard is then subject to removal in accordance with the law relating to removal of public nuisances on tax deeded property.

Senate Bill 50

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 the percentage of moveable classrooms in use.

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 two years, according to inflation adjustments. As of January 1, 2025, the allowable amount of statutory school facilities fees (Level I School Fees) are $5.17 per square foot of assessable space for residential development of 500 square feet or more and $0.84 per square foot of chargeable covered and enclosed space for commercial/industrial development. School districts may levy higher fees if they apply to the State and meet certain conditions.

Regional

Santa Clara County Trails Master Plan Update

The Santa Clara County Trails Master Plan Update establishes a vision for a contiguous trail network that connects regional open spaces and urban areas of Santa Clara County. The master plan update identifies potential trail routes that support the County's recreation, transportation, health and welfare, and science education goals. The plan also includes design, use, and management guidelines for the implementation of new trails. The guidelines address trails and land use compatibility, environmental protection, emergency access, easements, trail design, visual screening, fire protection, signage, and

maintenance. The Santa Clara County Trails Master Plan Update identifies the Guadalupe River Trail and Los Gatos Creek Trail as subregional trail routes.[6]

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 public services and are relevant to this analysis.

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

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

[6] Santa Clara County Parks. 2024. Countywide Trails Master Plan Map Update. Website: https://files.santaclaracounty.gov/exjcpb1516/2024-11/countywidetrailsmasterplanmapupdatedocument_december2024.pdf?VersionId=tEbiRTmJ.cZVSTBiczISeGhGPVwyQ0jw. Accessed December 17, 2025.

3.13.4 - Methodology

The existing demand for fire and police services was used as a baseline to determine whether the proposed Project would potentially increase or decrease the demand for such services. Existing conditions were determined through the City's Annual Report on City Services and the General Plan. Impacts related to fire services were determined by evaluating the proposed Project's effects on existing fire response times. Approximate response times from the closest fire station to the Project site were calculated using the Rand Institute Travel Time Equation. Information on current response times for both fire and police services were collected from the City's Annual Report on City Services.

Impacts related to school services were determined by evaluating enrollment trends via the SCUSD and individual school websites in relation to the projected population increase due to the proposed Project's influx of jobs. Impacts related to parks and recreational facilities were determined by analyzing the proposed Project's effect on existing park and recreational facility usage levels and capacity. Specifically, this analysis utilized the General Plan's ratio of parkland acreage of 7.5 acres of parkland per 1,000 residents as the threshold of significance. Impacts relating to libraries and public facilities were determined by evaluating the City's Annual Report on City Services in relation to General Plan goals and policies around libraries and other public facilities.

3.13.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the CEQA Guidelines Appendix G Environmental Checklist to determine whether impacts to public services and utilities resulting from the implementation of the proposed Project would be considered significant if the proposed Project would:

> Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection
b) Police protection
c) Schools
d) Parks
e) Other public facilities

3.13.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed Project and provides mitigation measures where appropriate.

Fire Protection

Impact PUB-1: **The proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection.**

Construction

Proposed Project construction would have the potential to temporarily increase fire protections services for the Project site. The closest fire station that would serve the Project site is Fire Station No. 29, located at 199 Innovation Drive, approximately 0.3 mile northwest of the Project site. Table 3.13-1 lists the other five nearby stations.

During proposed Project construction, lane narrowing and/or temporary lane closures, sidewalk closures, and bicycle lane closures may occur. Construction of the proposed off-site improvements would include improvements to the Montague Expressway and Zanker Road, specifically targeting curb, gutter, crosswalk, and sidewalk reconstruction, pork chop island removal, and traffic signal relocation. These improvements would occur primarily along the eastern extent of the intersection. In the event of any type of lane closure due to the construction of on-site and off-site development and improvements, the proposed Project would be required to provide clear signage and to submit a construction management plan for City approval that addresses the construction schedule, street closures and/or detours, construction staging areas and parking, and the planned truck routes. The construction management plan would manage the movement of vehicles to maintain traffic flow and prevent interference with emergency access, including fire and emergency medical services.

Further, the General Plan establishes a public safety response time standard of 8 minutes for fire protection, with a total travel time of 4 minutes for 80 percent of emergency incidents. Using the Rand Institute Travel Time Equation and using a fire engine as a baseline with a constant speed of 35 mph, a fire engine traveling from Fire Station No. 29 approximately 0.3 miles to the construction site would arrive in approximately 1.16 minutes with average traffic patterns, terrain, weather conditions, and slowing due to intersections and would be within the acceptable public safety response time standard of 4 minutes.

Fire Station No. 29 would maintain a sufficient response time to the Project site during construction, and the proposed Project would comply with applicable General Plan Policy CD-5.5 to ensure proper safety features are implemented through construction of the proposed Project. Fire Station No. 29 and the City's existing fire protection facilities are designed to serve industrial development consistent with the General Plan land use designation for the Project site and have sufficient capacity to accommodate the incremental service demand generated during construction. As a result, construction of the proposed Project would not interfere with the provision of, or require the construction of, new or altered fire protection facilities and impacts related to the provision of, or requiring the need of new or altered fire protection facilities would be less than significant.

Operation

As discussed in Section 3.12, Population and Housing, the proposed Project would not include residential development and would not directly cause a population increase. The proposed Project would include the operation of warehouses and ancillary office spaces, with no plans or zoning for residential use. Because of potential employment increases related to the proposed Project, there may be a minimal, indirect population increase. Should an indirect population increase occur, the amount of new San José residents would fit into the planned population increases consistent with the General Plan and would not significantly increase the need for fire protection services. Additionally, as described in Chapter 2, Project Description, the proposed Project would include off-site improvements to the Montague Expressway and Zanker Road intersection immediately northwest of the Project site. These improvements would enhance intersection operations and would not have the potential to result in operational impacts to fire protection services.

As described in Section 3.15.1, Regulatory Framework, General Plan Policy CD-5.5 requires design elements that address security, aesthetics, and safety. Namely, safety issues include 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. Similarly, General Plan Policy ES-3.11 ensures that adequate water supplies are available for fire suppression throughout the City. This policy also requires developments to construct and include all fire suppression infrastructure and equipment needed for their projects. Pursuant to Policies CD-5.5 and ES-3.11, the proposed Project would comply with the California Fire Code by providing feasible access to and from the Project site through fire apparatus access roads, along with CBC standards mandating types of building materials and fire safety features. Moreover, new 12-inch fire service lines and associated valves would be installed throughout the Project site to ensure adequate fire protection that would comply with City standards for potable water and fire flow. In addition, General Plan Policy ES-3.9 requires implementation of urban design techniques that promote public and property safety in new developments through safe, durable construction and publicly visible and accessible spaces. The proposed Project would adhere to this policy by primarily constructing buildings out of concrete tilt-up panels and the use of overhead steel frame canopies at building entrances. Additionally, the proposed Project would include monument signage and building signage to denote future occupants. Further, the off-site improvements to the Montague Expressway and Zanker Road intersection would enhance vehicle access to and near the Project site.

During operation, the proposed industrial uses would be served by the City's existing fire protection facilities and infrastructure. The proposed Project would comply with all applicable federal, State, and local fire safety requirements, including the California Fire Code, CBC, and relevant General Plan policies governing fire access, fire flow, and on-site fire suppression systems. Compliance with these requirements would ensure that the proposed Project is designed to minimize fire risk and would avoid conditions that could necessitate new or physically altered off-site fire protection facilities. Future uses on the Project site would be similar to previous industrial uses on the Project site that are allowed by the land use designation and zoning district. As such, demand for fire protection and

emergency medical services would have been accounted for by the General Plan. Therefore, the proposed Project would not result in a new significant need for fire services.

Further, as detailed above, the Project site is approximately 0.2 mile from the nearest SJFD station and is within boundaries for an average response time of 1.16 minutes for fire protection services. As a result, operation of the proposed Project would not interfere with the provision of, or require the construction of, new or altered fire protection facilities and impacts related to the provision of, or requiring the need of new or altered, fire protection facilities would be less than significant.

Level of Significance

Less than significant impact.

Police Protection

Impact PUB-2:	**The proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection.**

Impact Analysis

SJPD would provide police protection services to the Project site, with the nearest SJPD police station being located at 201 West Mission Street, approximately 3.38 mile southeast of the Project site. General Plan Policy ES-3.1 requires that SJPD provide rapid and timely Level of Service (LOS) response time to all emergencies. Specifically, the police protection response time goal is 6 minutes or less for 60 percent of all Priority 1 calls and 11 minutes or less for 60 percent of all Priority 2 calls.

Construction

Construction of the proposed Project would be required to comply with all federal, State, and local regulations in regard to safety and security protocols. As discussed above, although construction of off-site improvements to the Montague Expressway and Zanker Road intersection may lead to temporary lane closures, the proposed Project would be required to provide clear signage and to submit a construction management plan for City approval that addresses the construction schedule, street closures and/or detours, construction staging areas and parking, and the planned truck routes. The construction management plan would manage the movement of vehicles to maintain traffic flow and prevent interference with emergency access, including police services. In addition, construction would be temporary and is not expected to result in permanent substantial direct or indirect increases in population and would thus not generate more demand for police services. Therefore, the construction phase of the proposed Project would not result in the need for new or physically altered police protection facilities and impacts would be less than significant.

Operation

The SJPD currently provides law enforcement, investigation, and crime prevention services to the Project site. As stated above, and further described in Section 3.12, Population and Housing, the proposed Project would not directly create a population increase as no residential units would be developed as part of the proposed Project. The proposed Project would be consistent with the existing zoning district and land use designation requirements. Thus, any indirect population increase as a result of employment related to proposed Project operation has been accounted for in the General Plan. As such, the proposed Project is not expected to create a significant increase in need for police services. There are currently five office buildings on the proposed site that are serviced by SJPD. Future uses on the Project site would be similar to previous industrial uses on the Project site that are allowed by the land use designation and zoning district. As such, provision of police services to this site is not anticipated to create any changes or increase in need. Therefore, the operation phase of the proposed Project would result in the need for new or physically altered police protection facilities and impacts would be less than significant.

Level of Significance

Less than significant impact.

Schools

Impact PUB-3:	**The proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools.**

The Project site is located within the SCUSD. The proposed Project would not include the development of residences and therefore would not directly create a need for school services. However, the proposed Project would include approximately 507 employees, which could result in indirect population growth. Some of these jobs may be filled by existing City residents, and, as detailed in Section 3.12, Population and Housing, the proposed Project is not expected to contribute to a significant population increase. Impacts would be less than significant

Level of Significance

Less than significant impact.

Parks

Impact PUB-4: **The proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks.**

The proposed Project includes the development of industrial use warehouses and ancillary office spaces. Although the proposed Project would introduce employees and occasional visitors to the site, non-residential development does not generate park demand at a level comparable to residential uses and does not factor into the City's parkland acreage standards, which are based on residential population. Any incremental use of nearby parks by employees during breaks or lunchtime would be minimal, dispersed, and temporary in nature and would not result in a substantial increase in park usage that would require new or expanded park facilities.

The proposed Project would not significantly contribute to existing parkland service levels or trigger the need for acquisition of new parkland, expansion of existing parks, or construction of new recreational facilities.

Level of Significance

Less than significant impact.

Other Public Facilities

Impact PUB-5: **The proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities.**

As discussed in Section 3.12, Population and Housing, the General Plan EIR states that the City is estimated to have a population of approximately 1,500,000 persons by 2040. Development and redevelopment allowed under the General Plan is projected to address this population increase. The existing and planned library facilities in the City would provide approximately 0.68 square feet of library space per capita for the anticipated population with implementation of the General Plan by the year 2035, which is above the City's service goal of 0.59 square feet of library space per capita. As previously detailed, the proposed Project would not directly cause a population increase. Any indirect population increase as a result of employment from the proposed Project has been accounted for in the General Plan. Therefore, public facilities such as libraries have been designed to accommodate minor population increases that may occur as a result of the proposed Project. Thus, the proposed

Project would not result in the need for new or physically altered other public facilities such as libraries and impacts would be less than significant.

Level of Significance

Less than significant impact.

3.14 - Cumulative Impacts

The geographical scope of the cumulative impact analysis for Public Services is citywide and within the applicable service provider's jurisdiction. This includes consideration of foreseeable development projects in addition to the proposed Project. A significant cumulative impact related to public services would occur if the proposed Project, in combination with cumulative projects, would result in the need for new or physically altered public facilities in order to maintain acceptable services rations, response times, or other performance objectives.

Fire Protection

The cumulative setting for fire protection facilities is the service area of the SJFD encompassing the City. Four of the cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1 are within the geographic scope. The five projects located in jurisdictions outside of the City are not considered as fire services and would not be primarily provided by SJFD. This context is appropriate because fire protection facilities, staffing, and capital improvements are planned, funded, and implemented at the citywide level. Evaluation of cumulative impacts focuses on whether development would require the construction of new or physically altered fire protection facilities within the City.

All cumulative projects, including the proposed Project, would be required to comply with the California Fire Code and the CBC by submitting land development plans and acquiring suitable permits to install and ensure fire safety requirements are implemented. Such requirements include accessible fire apparatus roads with appropriate fire hydrant distribution, turnarounds, and road widths, as well as the establishment of automatic sprinkler systems and fire-resistant building materials.

Each proposed Project listed in Chapter 3, Environmental Impact Analysis, Table 3-1, as well as the proposed Project, would adhere to standards established by the California Fire Code and CBC regarding fire apparatus, access roads, and structural fire safety requirements, which would assist in enhancing response times and performance objectives. Furthermore, all projects would be required to comply with General Plan Policy CD-5.5, which requires the implementation of design elements during the development review process that increase fire safety including minimum clearances around buildings, fire protection measures such as peak load water requirements, and safety-focused construction techniques. At the citywide level, cumulative development would not require the construction of new or physically altered fire protection facilities beyond those already planned or programmed by the City. Compliance with the California Fire Code, CBC, and applicable General Plan policies governing fire access, water supply, fire flow, and building safety would ensure that cumulative development does not create conditions necessitating new fire stations or major

modifications to existing facilities. As such, cumulative projects would not result in the need for the provision of, or need for new or altered, fire protection facilities and cumulative impacts would be less than significant.

Furthermore, the proposed Project's incremental contribution to the less than significant cumulative impacts would not be cumulatively considerable. The proposed Project would redevelop an existing industrial site with new industrial warehouse uses. The proposed Project would not include residential development and would not directly increase the City's residential population. Although the proposed Project could incrementally increase demand for fire protection services associated with industrial operations, this incremental demand would be accommodated by existing SJFD facilities and infrastructure.

The proposed Project would be required to install on-site fire protection improvements, including adequate fire apparatus access, fire flow, hydrants, and fire suppression systems, consistent with applicable codes and General Plan policies. These Project-level requirements would avoid the need for new or physically altered off-site fire protection facilities.

Accordingly, neither the cumulative projects nor the proposed Project would trigger the need for new fire stations, expansion of existing stations, or other major fire protection facility improvements. The proposed Project's incremental contribution to the identified less than significant cumulative impact would therefore not be cumulatively considerable. No mitigation is necessary.

Police Protection

The cumulative setting for police protection facilities is the SJPD service area. Four of the cumulative projects identified in Chapter 3, Environmental Impact Analysis, Table 3-1, are located in the geographic scope that is served by SJPD. The remaining projects were not included as they would be outside of SJPD's service area. The four cumulative projects within the City would create approximately 2,509 dwelling units. As noted in Section 3.12, Population and Housing, the average household in the County has 2.78 persons and, therefore, the four cumulative projects within the SJPD service area would produce approximately 6,975 persons. Thus, the cumulative increase in permanent population along with an increase in temporary population from projects that would generate employment could result in an overall increase in demand for police protection facilities.

As previously stated, in 2024–2025 SJPD response times were slower than the City goals. However, in 2026, SJPD has placed its focus on maintaining response times. Because the proposed Project would not directly contribute to an increase in population, it would not create a significant impact on police response times. In addition, the City has announced its first patrol district redesign in over 25 years, intended to respond to the City's population increase in population and therefore demand for police services.[7] This redesign would align SJPD to better serve the City as a whole through implementing a structure that better matches current staffing levels and allows for more consistent coverage citywide. At the citywide level, cumulative development would not require the construction of

[7] San José Police Department (SJPD). Patrol District Redesign. Website: https://www.sjpd.org/about-us/inside-sjpd/department-information/patrol-district-redesign. Accessed February 9, 2026.

new or physically altered police protection facilities beyond those already planned or programmed by the City. As such, cumulative projects would not result in the need for the provision of, or need for new or altered, fire protection facilities and cumulative impacts would be less than significant.

Furthermore, the proposed Project's incremental contribution to the less than significant cumulative impacts would not be cumulatively considerable. The proposed Project would redevelop an existing industrial site with new industrial warehouse uses. The proposed Project would not include residential development and would not directly increase the City's residential population. Although the proposed Project could incrementally increase demand for fire protection services associated with industrial operations, this incremental demand would be accommodated by existing SJPD facilities and infrastructure.

Accordingly, neither the cumulative projects nor the proposed Project would trigger the need for new police stations, expansion of existing stations, or other major police protection facility improvements. The proposed Project's incremental contribution to the identified less than significant cumulative impact would therefore not be cumulatively considerable. No mitigation is necessary

Schools

The cumulative setting for school facilities is the service area of the SCUSD, which includes six of the projects in Chapter 3, Environmental Impact Analysis, Table 3-1. Within the cumulative projects displayed in Table 3-1, five of the six projects within the SCUSD service area are planned to create dwelling units. While the proposed Project would not directly contribute to a population increase, an estimated population growth of 6,544 individuals are projected to occur within the SCUSD service area through the listed cumulative projects. According to the United States Census Bureau for the City, approximately 20.5 percent of residents are minors,[8] which would result in approximately 1,342 minors generated from the cumulative projects.

Although the estimated cumulative population of approximately 1,342 minors could result in a higher demand for school facilities, cumulative residential projects over 500 square feet and commercial-industrial projects are required to pay a development impact fee established by the SCUSD under California Government Code Section 65995(b) to accommodate increased enrollment. The fees set forth in the Government Code constitute the exclusive means of both "considering" and "mitigating" a project's impacts on school facilities, including cumulative impacts. See Government Code Section 65996.

Since surrounding cumulative projects are required to pay impact development fees established by State law, and the proposed Project would not contribute to increased school enrollment, cumulative projects including the proposed Project would not result in significant environmental impacts. Therefore, there would be a less than significant cumulative impact resulting in the provision of, or need for new or altered school facilities and the proposed Project's contribution to cumulative impacts would not be cumulatively considerable.

[8] United States Census Bureau. San José City, California. 2022. Website: https://www.census.gov/quickfacts/fact/table/sanjosecitycalifornia/AGE295224#AGE295224. Accessed February 9, 2026.

Parks

The geographic scope for the cumulative setting related to public parks and recreational facilities are all cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1 and those public parks and recreational facilities within the City.

The proposed Project is not expected to have a direct impact on the City's population. However, five of the cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, are expected to increase the City population both permanently, with the development of dwelling units housing approximately 6,975 new residents, and temporarily, from commercial, mixed-use, and hotel development bringing in patrons, visitors, and employees to the jurisdiction.

The overall increase in population would generate a larger demand for park and recreational facilities. The City established a parkland standard to maintain 7.5 acres of parkland per 1,000 residents to support the City's recreational needs and programs. As of 2024, the City maintains a regional/City parkland ratio of approximately 18.1 acres per 1,000 residents. This ratio is anticipated to be 17.5 acres per 1,000 residents by 2028.[9] The cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1 that are all within a 3-mile radius of the proposed Project would add a permanent population of about 6,975 residents contributing to a minimal decrease of 54.38 acres per 1,000 residents, remaining substantially above the parkland standard of 7.5 acres per 1,000 residents.

Residential cumulative projects are required to either dedicate land, pay a fee in lieu of dedication, or both to provide those that will reside in recently developed residential projects with recreational activities, and to improve and maintain lands dedicated as parklands under Municipal Code Chapter 5.08. Cumulative residential projects would be required to only pay a fee in lieu of dedication when the Project site's General Plan land use designation is not classified under recreational use. Therefore, cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, that are residential in scope are mandated to at least pay a fee in lieu of dedication to provide lands designated for parks and recreation.

Overall, the implementation of the cumulative projects and proposed Project would not substantially impact the City parkland standard and are further served by surrounding regional and State parks. Residential cumulative projects are required to pay a fee, dedicate parkland, or both to provide and maintain lands designated for parks and recreational use. As such, the cumulatively considerable impact requiring the provision of, or need for new or altered park and recreational facilities would be less than significant. Moreover, the proposed Project's contribution to the less than significant impact would not be cumulatively considerable because the proposed Project would not directly contribute to a population increase.

[9] City of San José. 2024 General Plan Annual Performance Review Executive Summary. Website: https://www.sanjoseca.gov/home/showpublisheddocument/116797/638695305302470000. Accessed February 27, 2026

Other Public Facilities

The cumulative setting for library facilities is the SJPL System, which encompasses the City and neighboring cities and includes all of the projects in Chapter 3, Environmental Impact Analysis, Table 3-1. Five of the cumulative projects listed in Table 3-1 are residential, and the four remaining projects are commercial, mixed-use, hotel, research and development, and industrial projects and could increase the area's population permanently with the establishment of dwelling units and temporarily with commercial use providing employment opportunities and services.

Although the SJPL System has not established a threshold for the provision of library services, the City library system provides public libraries for the City and surrounding cities. As previously discussed, surrounding residential projects would induce a potential population growth of 6,975 individuals resulting in a nominal increase for the SJPL System service area. However, the approximate population increase of 6,975 residents represents less than .07 percent of total population growth for the City and would not significantly impact the amount of library space offered per 1,000 residents.

Overall, the cumulative projects, including the proposed Project, would account for less than 1 percent of the service area's total population growth, triggering no change to the amount of floor space provided by the SJPL System. Therefore, the cumulatively considerable impact related to the provision of, or need for new or altered, library facilities would be less than significant and the proposed Project's contribution to the less than significant impact would not be cumulatively considerable.

Level of Cumulative Significance

Less than significant impact.

3.14 - Recreation

3.14.1 - Introduction

This section describes existing parks and recreational facilities in the region and Project area as well as the relevant regulatory framework. This section then evaluates the possible impacts related to parks and recreational facilities that could result from the implementation of the proposed Project. Information in this section is based, in part, on information obtained from the General Plan; City of San José Parks, Recreation & Neighborhood Services (PRNS) Department; and Santa Clara County Parks.

3.14.2 - Environmental Setting

Existing Parks and Recreational Facilities

State Parks

The California Department of Parks and Recreation (DPR) provides a wide variety of outdoor recreational opportunities at natural spaces such as beaches, lakes, and open spaces; cultural and historical sites like towns, buildings, and monuments; and visitors centers, museums, and conference centers to protect, preserve, and educate individuals of California's natural and cultural resources while producing high-quality recreational activities. Annually, over 68 million people visit State recreational parks and facilities managed by the DPR. This consists of over 280 State parks; 5,200 miles of trails; 15,000 campsites; 3,195 historic buildings; and 11,000 prehistoric and historic archaeological sites. The DPR divides the State of California into 21 regional districts which encompass a variety of different parks, cultural resources, historical buildings, and open spaces overseen by DPR. The Project site is within the Diablo District, reaching 12 counties from San Benito County in the south to southern Sacramento County in the north. The Diablo District contains 21 park units, including State parks, historic parks, wilderness areas, recreation areas, and marine reserves, as well as facilitating two of the State's nine vehicular recreation areas. The Diablo District encompasses Santa Clara County, in which two State parks are located. Those closest in proximity are discussed further below.

Martial Cottle State Recreational Area

Martial Cottle State Recreational Area is the nearest State park to the Project site, located approximately 10.3 miles southeast of the Project site. Martial Cottle State Recreational Area comprises 287 acres where visitors can enjoy aspects of a traditional urban park, such as trails, green space, and picnic areas, and learn the Cottle family's story and how agriculture remains an integral part of the historic ranch. All of this comes with an emphasis on organic farming, incorporating the latest water conservation techniques and ongoing community education. Hours are listed as 8:00 a.m. to 6:00 p.m. Monday through Sunday. Activities include walking, biking, equestrian, paved trails, dogs allowed on leash, and reservable group picnics.

Henry W. Coe State Park

Henry W. Coe State Park is the largest State park in Northern California and protects and preserves 87,000 acres of scenic hills and mountain ridges in the Diablo Range. This park is located approximately 22.5 miles southeast of the Project site. There are numerous creeks and ponds, ranging from 2 to 22 miles from the Coe Ranch Entrance. There are three park entrances; the Coe Ranch and Hunting Hollow entrances are open 365 days a year, while the Dowdy Ranch Entrance is open seasonally with limited hours. Activities include fishing, hiking, camping, backpacking, biking, and equestrian riding.

Regional Parks

The Santa Clara County Parks system features 28 regional parks with many outdoor and educational activities to enjoy. Those within a five mile radius of the Project site are discussed further below.

Alviso Marina County Park

This 20.6-acre bayside park is located along Alviso slough, the gateway to the Don Edwards San Francisco Bay National Wildlife Refuge. It borders the refuge's vibrant salt ponds and marshes. The park offers regional trail access and is the primary launch point in the County for vessels into San Francisco Bay. The main park entrance is located at 1195 Hope Street, San José, approximately 3.28 miles northwest of the Project site.

Sunnyvale Baylands Park

Operated and managed by the City of Sunnyvale, this park combines natural, preserved wetland areas with the picnic and playground features of a traditional community park. The main park entrance is located at 999 East Caribbean Drive, Sunnyvale, approximately 3.1 miles west of the Project site.

Penitencia Creek

This 163-acre linear park and regional trail incorporate parklands and open space from many agencies, including Santa Clara County, the City, and the Santa Clara Valley Water District. The main park entrance is located at Mabury Road and Jackson Avenue, San José, approximately 4.28 miles southeast of the Project site.

Local Community Parks

City of San José Parks, Recreation, & Neighborhood Services

The PRNS operates and maintains a wide array of recreational facilities to provide a high-quality life in the City. The City's PRNS department manages a total of 215 parks, 46 community centers (including Neighborhood Center Partner Program sites), approximately 65 miles of trails, and over 3,621 acres of parkland and open space. The PRNS also manages Happy Hollow Park & Zoo. The mission of the PRNS is to build healthy communities through people, parks, and programs. PRNS provides a diverse variety of programs that impact on the lives of children, youth, adults, seniors, and people with disabilities throughout the City. PRNS strives to build community through fun and make

and activate quality places in San José where people want to live, work, play, and learn. As of 2024, the City has approximately 18.1 acres of regional/city parkland per 1,000 residents.[1]

The Project site is within 3 miles of 11 public parks maintained by PRNS.[2] The proximal public parks include:

River Oaks Park

River Oaks Park is a Neighborhood Park located in Council District 4. It is approximately 5.4 acres. Hours are sunrise to an hour after sunset. Amenities include a basketball court, tennis courts, game tables, a youth playground, restrooms, and on-street parking. The park is located along River Oaks Parkway, approximately 0.6 miles north of the Project site.

Iris Chang Park

Iris Chang Park is a Neighborhood Park located in Council District 4. It is approximately 2.7 acres. Hours are sunrise to an hour after sunset. Amenities include passive recreation and on-street parking. There are no restrooms on-site. The park is located along Epic Way, approximately 1.1 miles east of the Project site.

Riverview Park

Riverview Park is a Neighborhood Park located in Council District 4. It is approximately 5.3 acres. Hours are sunrise to an hour after sunset. Amenities include barbeques, a bocce ball court, tennis courts, a basketball court, exercise course, a youth playground, and on-street parking. There are no restrooms on-site. The park is located at River View Apartments Building 5, 100 Riverview Parkway, approximately 0.9 mile southwest of the Project site.

Moitozo Park

Moitozo Park is a Neighborhood Park located in Council District 4. It is approximately 6.27 acres. Hours are sunrise to an hour after sunset. Amenities include an exercise course and a parking lot. There are no restrooms on-site. The park is located at North 1st Street and Descanso Drive, approximately 1.1 miles northwest of the Project site.

Vista Montana

Vista Montana is a Neighborhood Park located in Council District 4. It is approximately 5.2 acres. The park is open 24 hours. Amenities include a basketball course, soccer fields, pickleball courts, restrooms, and on-street parking. The park is located at 4041 North First Street, approximately two miles northwest of the Project site.

[1] City of San José. 2024 General Plan Annual Performance Review Executive Summary. Website: https://www.sanjoseca.gov/home/showpublisheddocument/116797/638695305302470000. Accessed February 27, 2026.

[2] City of San José. Parks and Trails Map. Website: https://experience.arcgis.com/experience/773085d3c43a4296bda57df31c89aab9. Accessed February 20,2026.

Trails

The City's Trail Network is comprised of approximately 65 miles of trail systems open to the public.[3] An additional 80.72 miles have been identified or are being studied for further development or are in the planning phases of development.[4] The Coyote Creek Trail is the closest trail to the Project site, located approximately 2,336 feet east of the Project site. The Coyote Creek Trail is planned and partially developed as one of the network's longest trail systems, ultimately extending 19.7 miles from the Bay to the City's southern boundary.[5] The northern section of the Guadalupe River Trail is located approximately 2,769 feet west of the Project site. The northern section of the Guadalupe River Trail extends from Alviso at southern edge of the San Francisco Bay to Downtown San José.[6]

3.14.3 - Regulatory Framework

State

Quimby Act

The Quimby Act (California Government Code § 66477) was established by the California Legislature in 1965 to preserve open space and parkland in rapidly urbanizing areas of the State. The Quimby Act allows cities and counties to establish requirements for new development to dedicate land for parks, pay an in lieu fee, or provide a combination of the two.

The Quimby Act provides two standards for the dedication of land for use as parkland. If the existing area of parkland in a community is greater than 3 acres per 1,000 residents, then the community may require dedication based on a standard of up to 5 acres per 1,000 persons residing in the subdivision based on the current ratio of parkland per 1,000 residents. If the existing amount of parkland in a community is less than 3 acres per 1,000 residents, then the community may require dedication based on a standard of only 3 acres per 1,000 persons residing in the subdivision.

The Quimby Act requires a city or county to adopt standards for recreational facilities in its general plan to adopt a parkland dedication or fee ordinance. It should be noted that the Quimby Act applies only to the acquisition of new parkland; it does not apply to the physical development of new park facilities or associated operations and maintenance costs. Therefore, the Quimby Act effectively preserves open space needed to develop park and recreation facilities, but it does not ensure the development of the land or the provision of park and recreation services to residents. In addition, the Quimby Act applies only to residential subdivisions. Nonresidential projects could contribute to the demand for park and

[3] City of San José. San José Trail Network. Website: https://www.sanjoseca.gov/your-government/departments-offices/parks-recreation-neighborhood-services/parks-trails/trail-network. Accessed February 20, 2026.

[4] City of San José. Annual Report on City Services 2024–2025. Website: https://www.sanjoseca.gov/home/showpublisheddocument/127267/639050165360500000. Accessed February 20, 2026.

[5] City of San José. Coyote Creek Trail. Website: https://www.sanjoseca.gov/Home/Components/FacilityDirectory/FacilityDirectory/3037/2058. Accessed February 20, 2026.

[6] City of San José. Guadalupe River Trail. Website: https://www.sanjoseca.gov/Home/Components/FacilityDirectory/FacilityDirectory/2985/2058. Accessed February 20, 2026.

recreation facilities without providing land or funding for such facilities. Quimby Act fees are collected by the local agency (park district, city, or county) in which the new residential development is located.

Regional

Santa Clara County Countywide Trails Master Plan Update

The Santa Clara County Countywide Trails Master Plan Update establishes a vision for a contiguous trail network that connects regional open spaces and urban areas of Santa Clara County. This plan identifies potential trail routes that support the County's recreation, transportation, health and welfare, and science education goals. The plan also includes design, use, and management guidelines for the implementation of new trails. The guidelines address trails and land use compatibility, environmental protection, emergency access, easements, trail design, visual screening, fire protection, signage, and maintenance. The Santa Clara County Countywide Trails Master Plan Update identifies the Guadalupe River Trail and Los Gatos Creek Trail as subregional trail routes.[7]

Local

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 General Plan that are relevant to this analysis:

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

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

Policy PR-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.

[7] Santa Clara County. Santa Clara County Countywide Trails Master Plan Update. Website: https://files.santaclaracounty.gov/migrated/Countywide_Trails_Master_Plan%20SEARCHABLEOCR.pdf. Accessed February 20, 2026.

Activate San José Strategic Plan

Activate San José (ActivateSJ) is the 20-year strategic plan established by PRNS to maintain, improve, and expand facilities, programs, and services in the City.[8] Goals of the plan include:

- Focus efforts on improving the condition of parks and trails.
- Develop and effectively manage a 100-mile paved off-street trail network.
- Seek sustainable funding mechanisms for the parks and recreation system.
- Ensure that all San José residents can walk to a neighborhood park in 10 minutes.
- Continue to pursue the General Plan goal of 3.5 acres of parkland per 1,000 people.

3.14.4 - Methodology

Impacts related to parks and recreational facilities were determined by identifying existing parks, inter-park trails, event facilities, and recreational activities managed by the PRNS and DPR in the surrounding region. Local parks, facilities, and open spaces within a three mile radius of the Project site were analyzed from the City websites.

The General Plan was used to determine the City's parkland standard, or ratio of parkland per 1,000 residents, which was used as the threshold of significance. Furthermore, information on the proposed Project, including its recreational amenity needs, were evaluated to determine compatibility with the General Plan and the City's Parkland Dedication standards.

3.14.5 - Thresholds of Significance

Recreation

The Lead Agency utilizes the criteria in the CEQA Guidelines Appendix G Environmental Checklist to determine whether impacts to recreation are significant environmental effects if the proposed Project would:

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

b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. (Refer to Chapter 4, Effects Found not to be Significant).

3.14.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed Project and provides mitigation measures where appropriate.

[8] City of San José. Activate SJ Strategic Plan. Website: https://www.sanjoseca.gov/home/showpublisheddocument/43503/637178743945470000. Accessed February 20, 2026.

Increase Use of Parks

Impact REC-1:	**The proposed Project would not 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.**

Impact Analysis

General Plan Policies PR-1.1 and PR-1.2 outline the desired parkland ratios for the City based on acreage per residential population. As discussed in Section 3.12, Population and Housing, the proposed Project would not involve the construction of new residential units. However, the proposed Project would generate an estimated 507 new employees on the Project site, which could result in a minor increase in the in residential population of the City due to new employees of the proposed Project moving to the City. As such, Project employees would potentially create a nominal increase in demand for use of local and/or regional park and recreational.

During Project construction, construction workers may use nearby parks. However, construction would be temporary and not anticipated to permanently increase use of recreational facilities such that substantial physical deterioration would occur. 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. Further, the City currently has approximately 18.1 acres of regional/City parkland per 1,000 residents, which exceeds the minimum of 7.5 acres established by General Plan Policy PR-1.2. Thus, the proposed Project would not worsen the existing exceedance in parkland service level such that new or expanded parks would be needed. Any use of existing public park and recreational facilities by proposed Project employees and visitors would be minimal and result in negligible increases in demand for these facilities, such that substantial physical deterioration of these facilities would not occur. 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.

Level of Significance

Less than significant impact.

Cumulative Impacts

A cumulative impact combines the potential impacts of the proposed Project with other past, present, or reasonably foreseeable future projects. The relevant cumulative setting, or geographic area for potential cumulative impacts, related to recreation consists of local public parks, indoor and outdoor recreational facilities, and open space areas within the City managed by the City.

Increase Use of Parks

As discussed under Impact REC-1, the proposed Project would not involve the construction of new residential units, though minor increases residential population may occur due to the estimated 507 new employees on the Project site. The proposed Project is consistent with the Project site land use designation and therefore has been accounted for in the General Plan. 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. Further, the City currently has approximately 18.1 acres of regional/City parkland per 1,000 residents, which exceeds the minimum of 7.5 acres established by General Plan Policy PR-1.2. Thus, the proposed Project would not worsen the existing exceedance in parkland service level such that new or expanded parks would be needed. Any use of existing public park and recreational facilities by proposed Project employees and visitors would be minimal and result in negligible increases in demand for these facilities, such that substantial physical deterioration of these facilities would not occur.

The proposed Project would be developed in concurrence with a total of nine other residential, mixed-use, commercial, and community facility projects listed in Table 3-1. As portrayed in Chapter 3, Environmental Impact Analysis, Table 3-1, residential cumulative projects are expected to create approximately 2,524 new residential units in the City. This growth excludes Accessory Dwelling Units and single-unit projects that would also cumulatively increase the demand for park and recreational facilities. In addition, the development of commercial projects may indirectly increase the population within the City and surrounding areas and could further increase this demand.

To compensate for the demand of park and recreational facilities, new residential projects in the City must pay an in lieu fee as required by the City's Municipal Code in order to meet the City's standard of 7.5 acres of public park space per 1,000 residents. Additionally, five of the cumulative projects considered are located in the neighboring cities of Milpitas and Santa Clara, which also require in lieu fees. Although commercial projects are exempt from the City's Parkland Standard, many of the commercial projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1 will generate employment opportunities which could increase the temporary population of the City and may potentially increase the use of park and recreational facilities in the area. However, as previously mentioned, it is expected that commercial projects will draw most of their employment from the City's labor force. Since each cumulative residential project is, at the minimum, required to make payments that are allocated to provide, maintain, and improve parkland and facilities in San José in compliance with the City's Parkland Dedication, and commercial projects will likely hire most of their employees from the local labor force, the proposed Project along with other cumulative projects would have a less than significant cumulative impact related to the physical deterioration of public parks and recreational facilities due to increased use. Moreover, the proposed Project's minimal contribution to the less than significant cumulative impacts would not be cumulatively considerable because the proposed Project would not directly create an increased demand for recreational facilities.

Level of Cumulative Significance

Less than significant impact.

3.15 - Transportation

3.15.1 - Introduction

This section describes existing conditions related to transportation in the project area as well as the relevant regulatory framework. This section then evaluates the possible impacts related to transportation that could result from implementation of the proposed Project. Information in this section is based on the project-specific Local Transportation Analysis (LTA) prepared by Hexagon Transportation Consultants, Inc. on September 16, 2026 (included as Appendix G).[1]

3.15.2 - Environmental Setting

Roadway Facilities

Regional

Interstate 880

I-880 is an eight-lane north–south freeway with three mixed-flow lanes and one High Occupancy Vehicle (HOV) lane in each direction in the project vicinity. It extends northeast to the City of Oakland and south to I-280 in San José, at which point it transitions into SR-17 and extends to Santa Cruz. Access to the Project site is provided via a full interchange with Montague Expressway.

State Route 237

SR-237 is oriented in an east–west direction with two mixed-flow lanes and one HOV lane in each direction in the project vicinity. SR-237 provides access to the Project site via a full interchange with Zanker Road. SR-237 connects to I-880 approximately one mile east of the Zanker Road interchange.

U.S. Highway 101

US-101 is an eight-lane freeway (three mixed-flow lanes and one HOV lane in each direction) in the vicinity of the site. US-101 extends northward through San Francisco and southward through Gilroy. Access to and from the project is provided via a full interchange with Montague Expressway.

Local

Expressways

Montague Expressway

Montague Expressway is generally an east–west designated Expressway that begins at US-101 and runs through north San José and Milpitas to I-680. Montague Expressway is an eight-lane roadway, including HOV lanes and has a posted speed limit of 45 mph. The HOV lane designation is in effect in

[1] Hexagon Transportation Consultants, Inc. 2026. Montague Pointe Industrial Development Draft Local Transportation Analysis. September 16.

both directions of travel during both the AM and PM peak commute hours. During other times, the HOV lanes are open to all users. Most segments of Montague Expressway have sidewalks on one side of the street. Montague Expressway provides access to and from the Project site via Zanker Road and Plumeria Drive.

Grand Boulevards

North First Street

North First Street is a north–south Grand Boulevard that extends from Downtown San José to North San José with the VTA light rail transit service running in the middle of the street. In the project vicinity, North First Street has four lanes and a posted speed limit of 45 mph. Class II bike lanes and sidewalks are provided along both sides of the street with crosswalks at the signalized intersections in the project vicinity. North First Street provides access to the site via its intersection with Plumeria Drive.

City Connector Streets

Zanker Road

Zanker Road is a north–south oriented divided roadway that extends from SR-237 to the north to Old Bayshore Road to the south. In the vicinity of the Project site, Zanker Road is two to three lanes in each direction and has a posted speed limit of 45 mph. It is designated a City Connector Street in the City's General Plan and has Class II bike lanes and sidewalks on both sides of the street. Zanker Road provides direct access to the Project site.

Trimble Road

Trimble Road is an east–west oriented divided roadway that extends from Montague Expressway to US-101, where it transitions into De La Cruz Boulevard. Trimble Road has three lanes in each direction and has a posted speed limit of 45 mph. It is designated a City Connector Street in the General Plan and has Class II bike lanes and sidewalks on both sides of the street. However, there is no sidewalk along the south side of Trimble Road between Montague Expressway and Junction Avenue. Trimble Road provides access to the site via its intersections with Zanker Road and Junction Avenue.

Local Roadways

River Oaks Parkway/Plumeria Drive

River Oaks Parkway/Plumeria Drive is generally an east–west two-lane divided roadway extending from North First Street to Montague Expressway. West of Montague Expressway, it becomes East Plumeria Drive. River Oaks Parkway is designated an On-street Primary Bicycle Facility in the General Plan and has Class II bike lanes and sidewalks on both sides of the street. It has a posted speed limit of 35 mph and provides direct access to the Project site (via Plumeria Drive).

Junction Avenue

Junction Avenue is a north–south local roadway that extends from Zanker Road adjacent to the Project site to Rogers Avenue in the south. Within the project vicinity, Junction Avenue is one lane in

each direction with no left-turn pockets or two-way left-turn lanes. Junction Avenue has a posted speed limit of 40 mph. A continuous network of sidewalks is provided along Junction Avenue in the project vicinity. On-street parking is not permitted along either side of Junction Avenue in the project area. There are no bicycle facilities provided along Junction Avenue between Zanker Road and Trimble Road, but Class II bike lanes are provided south of Trimble Road to Brokaw Road. Junction Avenue provides direct access to the Project site.

Existing Public Transit Service and Facilities

Existing light rail transit (LRT), bus, and shuttle services near the Project site are provided by the VTA and ACE.[2]

Light Rail Transit Service

The Orchard LRT Station is located approximately 0.25 mile southwest of the Project site at the intersection of North First Street and Orchard Parkway. The River Oaks LRT Station is located approximately 0.50 miles northwest of the Project site at the intersection of North First Street and River Oaks Parkway. Both stations serve the Santa Teresa-Baypointe LRT line (Blue Line) and Winchester-Old Ironsides LRT line (Green Line). LRT trains operate with 15-minute headways during the weekday peak commute and midday hours.

Bus and Shuttle Service

VTA local Bus Route 20 operates along Montague Expressway adjacent to the Project site. Route 20 operates between the Milpitas BART station and the Sunnyvale Transit Center and provides service every 30 minutes during the weekday AM and PM peak commute periods of the day. Bus Route 20 stops along Plumeria Drive adjacent to the Project site.

The ACE Brown shuttle operates along Montague Expressway and River Oaks Parkway and provides service between the Great America ACE station and south Sunnyvale. ACE provides four eastbound shuttles during the weekday AM commute period and four westbound shuttles during the weekday PM commute period. The ACE Brown shuttle stops on Montague Expressway north of River Oaks Parkway directly across the street from the Project site.

Bicycle Facilities

Bicycle facilities are divided into four classes. Class I bikeways are bike paths that are physically separated from motor vehicles and offer two-way bicycle travel. Class II bikeways are striped bike lanes on roadways that are marked by signage and pavement markings. Class III bikeways are bike routes and only have signs and/or sharrows (bike route lane markings) to help guide bicyclists on designated routes to certain locations. Class IV bikeways (i.e., cycle tracks) are on-street bikeways that incorporate physical barriers (e.g., raised curbs, flexible bollards, vehicle parking, grade

[2] Hexagon Transportation Consultants, Inc. (Hexagon). 2026. Montague Pointe Industrial Development Draft Local Transportation Analysis. September 16.

separation, etc.) to separate bicycles from vehicular traffic. There are no Class III or Class IV bikeways in the vicinity of the Project site.

There are a number of roadways in the vicinity of the Project site that have striped bike lanes (Class II bicycle facilities). Striped bike lanes currently exist on the following roadway segments:

- North First Street–Class II bike lanes between Brokaw Road and Alviso
- Zanker Road–Class II bike lanes along its entirety
- Trimble Road–Class II bike lanes along its entirety
- River Oaks Parkway/Plumeria Drive–Class II bike lanes along its entirety
- Junction Avenue–Class II bike lanes between Trimble Road and Brokaw Road

According to the City's Better Bike Plan 2025, the vicinity of Project site is classified as an area with existing low to moderate bicycle network connectivity.[3]

Pedestrian Facilities

Pedestrian facilities in the vicinity of the Project site consist primarily of sidewalks along the streets and crosswalks at the intersections. Sidewalks are found along all the local roadways in the study area, although there is no sidewalk along the south side of Trimble Road between Montague Expressway and Junction Avenue. Crosswalks with pedestrian signal heads and push buttons are located at the signalized intersections in the study area. Crosswalks are also provided at some nearby unsignalized intersections. Curb ramps with truncated domes are provided at all intersection crosswalks near the site, including unsignalized intersections.

The Coyote Creek Multi-use Trail, a Class I bikeway running along both sides of Coyote Creek, is located approximately 0.75 mile east of the Project site by foot or by bike. The Guadalupe River Multi-use Trail, a Class I bikeway running along both sides of the Guadalupe River, is located approximately 0.50 miles west of the Project site by foot or by bike.

3.15.3 - Regulatory Framework

State

Senate Bill 375

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 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 Sustainable Communities Strategy (SCS) that provides a plan for helping to achieve regional targets. Third, SB 375 requires housing elements and transportation plans to be synchronized on eight-year schedules. Finally, MPOs must use transportation and air emissions modeling techniques that are consistent with

[3] City of San José. 2020. Better Bike Plan 2025. Map 4: Network Connectivity Analysis. Website: https://www.sanjoseca.gov/home/showpublisheddocument/68962/637477999451470000. Accessed February 23, 2026.

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, 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 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.

California Vehicle Code. Division 11–Rules of the Road. Chapter 2–Traffic Signs, Signals, and Markings. Article 2–Official Traffic Control Devices.

This section adopts uniform standards and specifications for all official traffic control devices, including stop signs, yield right-of-way signs, speed restriction signs, railroad warning approach signs, street name signs, lines and markings on the roadway, and stock crossing signs.[4]

Regional

Metropolitan Transportation Commission

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 VTA oversees the 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 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 reviewed responsibility for proposed development projects that are expected to affect CMP-designated intersections.

Local Regulations

City of San José Transportation Demand Management Ordinance

On December 6, 2023, the San José City Council voted unanimously to update its parking ordinance to no longer have minimum parking requirements for developments proposals and to favor other

[4] California Office of Legislative Council. 2026. California Vehicle Code. Division 11 – Rules of the Road. Chapter 2 – Traffic Signs, Signals, and Markings. Article 2 – Official Traffic Control Devices. Website: https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=VEH&division=11.&title=&part=&chapter=2.&article=2. Accessed March 4, 2026.

modes of transportation.[5] The City's TDM Ordinance (Ordinance No. 30857) includes mandatory TDM requirements based on zoning, which require submission of a TDM Checklist and associated TDM Plan, with a specified target of TDM points based on zoning classification.[6]

City of San José Complete Street Design Guidelines

The San José Complete Streets Design Standards and Guidelines has been developed as a comprehensive set of street design standards and guidelines to guide how the City of San José builds and retrofits streets. These standards and guidelines are intended for use by a variety of audiences, including City staff, staff from other agencies, consultants, designers, and residents. Its purpose is to serve as a manual of design options to achieve the City's Envision 2040 General Plan vision of being a "walking and bicycling first" city. As such, it seeks to ensure that new and retrofitted streets are enhanced with "Complete Streets" design elements embracing all travel modes and activities appropriate for the facility.[7]

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.[8] 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

[5] City of San José. 2026. Parking and Transportation Demand Management (TDM) Ordinance Update. Website: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/ordinances-proposed-updates/parking-policy-evaluation. Accessed March 4, 2026.

[6] City of San José. 2022. Ordinance No. 30857. Website: https://sanjoseca.govnita.com/workspaces/Ordinances?query=30857. Accessed March 4, 2026.

[7] City of San José. 2018. San José Complete Street Design Standards. Website: https://www.sanjoseca.gov/home/showpublisheddocument/33113/636771160514830000. Accessed February 23, 2026.

[8] City of San José. 2020. Better Bike Plan 2025. Website: https://www.sanjoseca.gov/home/showpublisheddocument/68962/637477999451470000. Accessed February 23, 2026.

Plan 2025 outlines building new bikeways, enhancing existing bikeways, and implementing supportive programs and policies.

Envision San José's 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 transportation and are relevant to this analysis.

Policy LU-1.3 Create safe, attractive, and accessible pedestrian connections between developments and to adjacent public streets to minimize vehicular miles traveled.

Policy LU-6.4 Encourage the development of new industrial areas and the redevelopment of existing older or marginal industrial areas with new industrial uses, particularly in locations which facilitate efficient commute patterns. Use available public financing to provide necessary infrastructure improvements as one means of encouraging this economic development and revitalization.

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

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

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

Policy TR-1.3 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.

Goal TR-2 Walking and Bicycling. Improve walking and bicycling facilities to be more convenient, comfortable, and safe, so that they become primary transportation modes in San José.

Policy TR-2.1 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 (including proposed grade separated crossings of freeways and other high vehicle volume roadways) 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-2.8 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.

Goal CD-3 Connections. Maintain a network of publicly accessible streets and pathways that are safe and convenient for walking and bicycling and minimize automobile use; that encourage social interaction; and that increase pedestrian activity, multi-modal transit use, environmental sustainability, economic growth, and public health.

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.

City of San José Municipal Code

Title 17 Building and Construction, Chapter 17.12 City of San José Fire Code

This chapter adopts and incorporates the 2025 California Fire Code requirements into the Municipal Code with applicable deletions, amendments, exceptions, and additions, which are specified in this chapter.[9] This includes California Fire Code requirements for fire department roadway access, curb striping, and clearance.

[9] City of San José. 2026. Municipal Code. Title 17 Building and Construction. Chapter 17.12 City of San José Fire Code.

Title 20 Zoning. Chapter 20.90 Parking, Loading, and Transportation Demand Management, Part 1 General Provisions, Section 20.90.060 Parking Spaces

This section provides the minimum number of bicycle parking spaces required for uses set forth under Table 20-190, Bicycle Parking Spaces Required by Land Use and TDM Land Use Categorization.[10]

3.15.4 - Methodology

The methodology described below is based on the LTA prepared by Hexagon for the proposed Project on September 16, 2026 (Appendix G).[11]

Screening Criteria for VMT Analysis Exemption

The City of San José's Transportation Analysis Handbook 2023 includes screening criteria for projects that are expected to result in a less than significant VMT impact based on the project description, characteristics, and/or location. Projects that meet the screening criteria do not require a CEQA transportation analysis but are typically required to provide an LTA to identify potential operational issues that may arise due to the project.

Screening Criteria for Small Infill Projects

- Office projects of 10,000 square feet of gross floor area or less.
- Industrial projects of 30,000 square feet of gross floor area or less.
- Single-family detached residential projects of 15 or fewer units.
- Single-family attached or multi-family residential projects of 25 or fewer units.
- Hotel or motel projects of 100 or fewer rooms.

Projects that meet the screening criteria do not require a CEQA transportation analysis but are typically required to provide an LTA to identify potential operational issues that may arise due to the project.

3.15.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether transportation and traffic impacts resulting

Website: https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT17BUCO_CH17.12CISAJOFICO_PT1GE_17.12.010SAJOFICO. Accessed February 23, 2026.

[10] City of San José. 2026. Municipal Code. Title 20 Zoning. Chapter 20.90 Parking, Loading, and Transportation Demand Management. Part 1 General Provisions. Section 20.90.060 Parking Spaces. Table 20-190. Bicycle Parking Spaces Required by Land Use and TDM Land Use Categorization. Website: https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT20ZO_CH20.90PALOTRDEMA_PT9TRDEMA_20.90.900AP. Accessed February 23, 2026.

[11] Hexagon Transportation Consultants, Inc. (Hexagon). 2026. Montague Pointe Industrial Development Draft Local Transportation Analysis. September 16.

from the implementation of the proposed Project would be considered significant environmental effects if the proposed Project would:

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

b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

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

d) Result in inadequate emergency access.

3.15.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed Project and provides mitigation measures where necessary.

Effect on Circulation System

Impact TRANS-1: The proposed Project would not conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities.

Impact Analysis

Construction

During project construction, lane narrowing and/or temporary lane closures, sidewalk closures, and bicycle lane closures may occur (Appendix G). The Project construction would be subject to a traffic control plan that would address the use of signs, guards, and barriers to alert incoming motorists, cyclists, and pedestrians approaching the Project site during construction.[12] Therefore, construction impacts on roadway, pedestrian, bicycle, and transit facilities would be less than significant.

Operations

Pedestrian Facilities

Existing pedestrian facilities in the project vicinity provide adequate connectivity between the Project site and nearby transit stops and other points of interest. The proposed Project would reconstruct segments of sidewalks on Junction Avenue and Plumeria Drive to accommodate the proposed driveways, but the current sidewalk design would be preserved. To further improve pedestrian access, the proposed Project would completely reconstruct the sidewalk along the Zanker Road frontage. The new sidewalks on Zanker Road would be 6 feet wide and would be separated from the proposed Class IV bike lanes by a 1-foot buffer.

[12] City of San José. 2026. Recommended Temporary Traffic Control Plans. Website: https://www.sanjoseca.gov/home/showpublisheddocument/19947/639057900174800000. Accessed March 4, 2026.

In addition, a continuous sidewalk would be provided around the perimeter of each building and pedestrian connections would be provided between the internal sidewalks and sidewalks along the project frontage. New sidewalks would be constructed in accordance with City standards within the context of complete design standards for sidewalks specified in the City's Complete Street Guidelines.[13] As determined by the LTA, the proposed pedestrian facilities exhibit good connectivity throughout the Project site and would provide employees of the project with safe routes to transit stops and other points of interest in the project vicinity, including nearby residential neighborhoods and trails.

The planned improvements are intended to provide for a balanced transportation system as outlined in the General Plan goals and policies. Therefore, impacts on pedestrian facilities would be less than significant.

Bicycle Facilities

As described in Chapter 2, Project Description, the proposed Project would construct Class IV separated bike lanes along the project's frontages on Zanker Road and Junction Avenue. These bicycle infrastructure improvements would be located within an area of the City designated as having a moderate to high potential for an increase in bicycle trips with low to moderate bicycle connectivity.[14,15] The proposed improvements to bicycle facilities in the project vicinity would be consistent with General Plan Policy TR-2.2, by providing safe and continuous bicycle systems along project frontages, and Policy TR-2.8, by providing adequate bicycle parking and storage facilities on-site.

Additionally, the City's Better Bike Plan, outlines programs and policies for the support and expansion of bicycle infrastructure and the City's Complete Street Guidelines outlines applicable design standards.[16] The proposed raised bike lane along Zanker Road would be consistent with standards for Class IV separated bikeways contained within the City's Better Bikeway Plan 2025.[17] The proposed Class IV bikeway lane along Junction Avenue would be consistent with the City's Complete Street Guidelines.[18] Similarly, the City's Better Bikeway Plan 2025 displays a Class IV bikeway planned along Plumeria Drive. However, City staff requested a 12-foot-wide shared-use pedestrian/bike path along the Plumeria Drive Project site frontage in lieu of the Class IV bikeway. The proposed Project would include construction of a 6-foot-wide bike path adjacent to the existing 5-foot-wide sidewalk along Plumeria Drive between Montague Expressway and the Project site driveway. This bike path would connect to the existing Class II bike lane on Plumeria Drive.

---

[13] City of San José. 2018. San José Complete Street Design Standards. Website: https://www.sanjoseca.gov/home/showpublisheddocument/33113/636771160514830000. Accessed February 23, 2026.

[14] City of San José. 2020. Better Bike Plan 2025. Map 5: Potential Bicycle Demand. Website: https://www.sanjoseca.gov/home/showpublisheddocument/68962/637477999451470000. Accessed February 23, 2026.

[15] City of San José. 2020. Better Bike Plan 2025. Map 4: Network Connectivity Analysis. Website: https://www.sanjoseca.gov/home/showpublisheddocument/68962/637477999451470000. Accessed February 23, 2026.

[16] City of San José. 2020. Better Bike Plan 2025. Website: https://www.sanjoseca.gov/home/showpublisheddocument/68962/637477999451470000. Accessed March 4, 2026.

[17] Hexagon Transportation Consultants, Inc. 2026. Montague Pointe Industrial Development Draft Local Transportation Analysis. September 16.

[18] Ibid.

The proposed Project applicant has been coordinating with the City's Public Works Division on the design of proposed bike facilities throughout the plan review process. Any revisions to the proposed bicycle facilities would be implemented as requested by the City prior to the issuance of any grading or building permits to ensure conformance with City design standards.

Finally, based on Table 20-190 of the Municipal Code, the proposed Project would be required to provide at least 1 bicycle parking space per 5,000 square feet of building area, or approximately 88 bicycle parking spaces.[19] The Municipal Code further requires that at least 80 percent of the bicycle parking spaces shall be provided in short-term bicycle parking facilities (e.g., bike racks) and at most 20 percent shall be provided in long-term bicycle facilities (lockers). The proposed Project would meet these requirements by providing approximately 74 short-term bike parking spaces and 18 long-term bike parking spaces within lockers.

Therefore, the proposed Project bicycle facilities would meet the City's goals, policies, and standards as provided within the General Plan, Municipal Code, and City's Better Bikeway Plan. The proposed Project would enhance the project vicinity and would not remove any bicycle facilities, nor would it conflict with any adopted plans or policies for new bicycle facilities. Therefore, impacts would be less than significant.

Transportation Demand Management Ordinance

All projects requiring a development permit that are not exempt per Section 20.90.900.B of the Municipal Code are required to adhere to the Parking and TDM Ordinance (Ordinance No. 30857). The proposed Project would not meet the City's TDM screening criteria, and therefore, would be required to implement a TDM Plan with a target of 5 TDM points (for industrial projects). The proposed Project would meet the required TDM points by providing multimodal bicycle and pedestrian network improvements to be consistent with the goals of the Envision 2040 General Plan and the Climate Smart San Jose Plan. A detailed description of the TDM Plan for the proposed Project is provided in Appendix G. Therefore, the proposed Project would not result in a conflict with the City's TDM ordinance.

Transit Facilities

The Project site and surrounding area is served by VTA local Bus Route 20 and the ACE Brown shuttle. The Orchard LRT Station is located 0.25 miles to the southwest and the River Oaks LRT Station is located 0.50 miles to the northwest. Construction and operation of the proposed Project would not impact these facilities. Further, the proposed Project would be consistent with existing and planned uses on the Project site, and therefore, transit ridership from the proposed Project would be accommodated by existing transit facilities within the vicinity of the Project site. Therefore, new riders generated by the proposed Project could be accommodated by the currently available capacity of the

[19] City of San José. 2026. Municipal Code. Title 20 Zoning. Chapter 20.90 Parking, Loading, and Transportation Demand Management. Part 1 General Provisions. Section 20.90.060 Parking Spaces. Table 20-190. Bicycle Parking Spaces Required by Land Use and TDM Land Use Categorization. Website: https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT20ZO_CH20.90PALOTRDEMA_PT9TRDEMA_20.90.900AP. Accessed February 23, 2026.

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.

Level of Significance

Less than significant impact.

Conflict with CEQA Guidelines Section 15064.3, Subdivision (b)

Impact TRANS-2: The proposed Project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

Impact Analysis

The proposed Project would replace approximately 422,635 square feet of industrial park development with 437,601 square feet of industrial park development (approximately 365,001 square feet of warehouse area and approximately 72,600 square feet of office space) for a net increase of 14,966 square feet of industrial park development. The proposed Project would consist of mostly warehouse uses, with only 18 percent of the total building area consisting of ancillary office uses. Therefore, the LTA concluded that the proposed Project would have a VMT per employee comparable to the existing industrial buildings.

Since the net increase in industrial square footage is less than 30,000 square feet, the proposed Project would meet the small industrial infill project screening criterion set forth in the City's Transportation Analysis Handbook 2023 and is thus exempt from preparing a detailed VMT analysis. Furthermore, the proposed Project would demonstrate conformance with City Council Policy 5-1, which establishes thresholds for evaluating transportation impacts by reducing VMT through multimodal improvements described under Impact TRANS-1. Therefore, the proposed Project would also be consistent with City General Plan Policy TR-1.4 by funding transportation improvements for bicycling and walking that encourage reduced vehicle travel demand. Impacts would be less than significant.

Level of Significance

Less than significant impact.

Hazards

Impact TRANS-3: The proposed Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Impact Analysis

The LTA included an analysis off-site access, truck access, sight distance, and on-site circulation, as summarized below.

Site Access

As shown in Chapter 2, Project Description, Figure 2-5, access to the Project site would be provided via one driveway on East Plumeria Drive and four driveways along Junction Avenue. Hauler trucks associated with proposed Project operations would utilize the three easternmost driveways of the four driveways along Junction Avenue to access the loading docks for each building.

As demonstrated in the LTA provided as Appendix G, according to the City's Department of Transportation Geometric Design Guidelines, the proposed Project would provide adequate driveway width for standard passenger vehicles, small delivery vehicles, and large trucks. The proposed Project would result in approximately 26 inbound trips and 6 outbound trips during the AM peak-hour, and 7 inbound trips and 26 outbound trips during the PM peak-hour at each driveway. Based on the low number of AM and PM peak-hour vehicle trips estimated to occur at the project driveways, the LTA concluded that operational issues related to queueing or delay would not occur. Furthermore, the proposed Project would meet City standards for adequate on-site stacking space, or the space for two inbound vehicles (40 to 50 feet) between the face of curb and any entry gates or on-site drive aisles or parking spaces, for all five driveways. This prevents vehicles from queueing in the street and potentially blocking traffic. Thus, the proposed Project would provide adequate driveway design and operations.

Truck Access

The Project site plan was reviewed for truck access using the truck turning-movement template for WB-67 truck types, which represent the largest semi-trailer trucks that would access the site. Based on the site plan configuration including driveway widths and drive aisle widths, adequate site ingress and egress would be provided for WB-67 semi-trailer trucks. WB-67 trucks would require the full width of Junction Avenue and much of the driveway width to enter and exit the site, which is a common condition for large trucks.

Sight Distance

Sight distance was evaluated to determine whether a driver would have adequate visibility to enter or exit a roadway safely without resulting in a conflict with traffic already on the roadway. A project has adequate site distance if its access points are free and clear of any obstructions that would adversely affect sight distance, thereby ensuring that existing vehicles can see pedestrians on sidewalks and other vehicles traveling on adjacent roadways.

As provided in Appendix G, sight distance should generally be provided in accordance with Caltrans' standards. The minimum acceptable sight distance is often considered the Caltrans stopping sight distance and varies based on roadway speed. For Plumeria Drive, which has a speed limit of 35 mph, the Caltrans stopping sight distance is 300 feet (based on a design speed of 40 mph, which provides a conservative estimate given the additional distance needed for slowing down a faster-moving vehicle). This means a driver must be able to see 300 feet down each street in both directions to locate a sufficient gap to turn out of any driveway. For Junction Avenue, which has a speed limit of 40 mph, the Caltrans stopping sight distance is 360 feet (which provides a conservative estimate based on a design speed of 45 mph). Providing adequate stopping sight distance also gives drivers traveling

along these streets adequate time to react to vehicles exiting driveways. Based on the sight distance analysis provided in the LTA, adequate stopping sight distance would be provided at all five project driveways.

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. The City's standard minimum width for two-way drive aisles is 24 feet where 90-degree parking is provided. According to the project plans, all the two-way drive aisles would be at least 24 feet wide and would provide access to the 90-degree parking stalls throughout the site. The two-way drive aisles that would be utilized by trucks to access the loading docks would be 25 to 30 feet wide to accommodate large trucks. Thus, the site would provide adequate circulation for drivers with no dead-end aisles.

Overall

The Project site plan shows adequate site access, truck access, sight distance, and on-site circulation for automobiles, trucks; 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). Impacts would be less than significant.

Level of Significance

Less than significant impact.

Emergency Access

Impact TRANS-4: The proposed Project would not result in inadequate emergency access.

Impact Analysis

Construction

As previously mentioned under Impact TRANS-1 and as noted in the LTA, the proposed Project would be required to submit a traffic control plan pursuant to Section 21400 of the California Vehicle Code as a City standard practice at any time the normal roadway function is suspended, including for project construction purposes involving off-site roadway improvements.[20] Implementation of a traffic control plan would address use of signs, guards, and barriers to alert incoming motorists, cyclists, and pedestrians approaching the Project site during construction.[21] Therefore, impacts with regard to emergency access during construction would be less than significant.

Operations

The City's Fire Code requires that all portions of the buildings be within 150 feet of a fire department access road, requires a minimum 6 feet of clearance from the property line along all sides of the

[20] City of San José. 2026. Recommended Temporary Traffic Control Plans. Website: https://www.sanjoseca.gov/home/showpublisheddocument/19947/639057900174800000. Accessed March 4, 2026.

[21] Ibid.

buildings, and requires at least 13.5 feet of vertical clearance.[22] The Fire Code also requires driveways to provide at least 20 feet of width for fire access.

According to the Project site plan, all areas of the buildings would be within 150 feet of a fire access road (i.e., drive aisle), adequate vertical clearance and building perimeter clearance would be provided, and all the project driveways are wider than 20 feet. The proposed Project would also install Emergency Vehicle Access improvements on the Project site, including a fire access route and with red striped curbs preventing parking. Therefore, the proposed Project would comply with the City's Fire Code requirements and impacts on emergency access during operations would be less than significant.

Level of Significance

Less than significant impact.

3.15.7 - Cumulative Impacts

Roadway, Pedestrian, Bicycle, and Transit Circulation and Facilities

The geographic scope for evaluating impacts to roadway, pedestrian, bicycle, and transit circulation and facilities is the Project site and roadways in the immediate project vicinity. As noted in Chapter 3, Environmental Impact Analysis, Table 3-1, the nearest cumulative project, the 211–281 River Oaks Parkway Residential Project, is located approximately 0.32 mile away from the Project site. Cumulative projects in the City would generate alternative transportation users but would be required to provide adequate bicycle and pedestrian facilities and comply with the programs and policies supporting alternative transportation. Specifically, cumulative projects would be required to support the development and expansion of pedestrian, bicycle, and transit facilities in accordance with the General Plan, Complete Street Design Standards, Better Bike Plan 2025, and all other applicable local laws and regulations. Implementation of General Plan Policies and Actions and conformance with mandatory ordinances and policies would substantially limit or preclude transportation policy conflicts. Past and existing development within the geographic context were required to comply with these policies. Accordingly, cumulative impacts would be less than significant.

The proposed Project would not have a cumulatively considerable contribution to the less than significant cumulative impacts. As described under Impact TRANS-1, the proposed Project would encourage bicycle and pedestrian circulation through the incorporation of improvements as designated by the Better Bikeway Plan 2025 and outlined by the General Plan policies.

Further, the proposed Project is located in proximity to various transit options that would remain available to on-site employees and visitors. Therefore, these cumulative impacts would be less than significant. Since the proposed Project would support the installation and expansion of roadway,

[22] City of San José. 2026. Municipal Code. Title 17 Building and Construction. 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_PT1GE_17.12.010SAJOFICO. Accessed February 23, 2026.

transit, bicycle, and pedestrian facilities, in accordance with the City policy, the proposed Project's contribution to alternative transportation impacts, alongside the contributions of planned or approved projects, would not be cumulatively considerable.

Conflict with CEQA Guidelines Section 15064.3, Subdivision (b)

All cumulative projects would be required to conform with City thresholds for VMT in accordance with City Council Policy 5-1 and to fund and implement transportation improvements (General Plan Policy TR-1.4) in order to reduce vehicle miles traveled (General Plan Policy TR-1.1). Since surrounding cumulative development and proposed Project would be evaluated under the City's Transportation Analysis Handbook 2023 and City Council Policy 5-1, these cumulative impacts impact related to VMT would be less than significant. The proposed Project would meet the City's VMT screening criteria for small infill industrial projects. Therefore, the proposed Project would not have an incremental contribution to a potential cumulative impact related to VMT and the proposed Project's impact would not be cumulatively considerable.

Hazards and Emergency Access

Impacts related to roadway safety and traffic hazards due to design features are generally site specific. The nearest cumulative project is located approximately 0.32 miles from the Project site and would not combine with the proposed Project to create cumulative roadway safety or traffic hazards because each project would operate on separate roadway segments and intersections, would be subject to independent design review and compliance with applicable roadway safety standards, and would not introduce or exacerbate hazardous geometric design features, incompatible land uses, or emergency access constraints when considered together. Additionally, cumulative projects would be required to comply with the City Department of Transportation Geometric Design Guidelines for adequate driveway width, City standards for drive aisles width, and the latest Caltrans standards for sight distance. Cumulative projects would also be required to conform with City Fire Code requirements for fire department roadway access, curb striping, and clearance.[23]

It is possible that multiple cumulative projects could undergo construction at the same time; however, each cumulative project would be required to prepare a traffic control plan in accordance with Section 21400 of the California Vehicle Code per City standard practice in the event the normal roadway function is suspended for project construction purposes.[24] Since the proposed Project along with surrounding cumulative projects would be required to comply with local regulations and standards on designing appropriate circulation infrastructure, the cumulatively considerable impact on increasing hazards due to a geometric design feature or impairing emergency access would be less than significant.

---

[23] City of San José. 2026. Municipal Code. Title 17 Building and Construction. 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_PT1GE_17.12.010SAJOFICO. Accessed February 23, 2026.

[24] City of San José. 2026. Recommended Temporary Traffic Control Plans. Website: https://www.sanjoseca.gov/home/showpublisheddocument/19947/639057900174800000. Accessed March 4, 2026.

The proposed Project's incremental contribution to the cumulative roadway safety and traffic hazard condition would not be cumulatively considerable. The proposed Project would not introduce hazardous geometric design features, incompatible land uses, or conditions that would impair emergency access, either on its own or in combination with other cumulative projects. The proposed Project would comply with all applicable City and State roadway design, circulation, and emergency access standards and would not materially alter traffic patterns or roadway configurations in a manner that would increase safety risks beyond existing conditions. Given the site-specific nature of roadway safety impacts, the physical separation of cumulative projects, and the regulatory framework requiring independent compliance for each project, the proposed Project would not contribute incrementally to a cumulative increase in roadway safety hazards. Accordingly, the proposed Project's contribution to the less than significant cumulative impact would not be cumulatively considerable.

Level of Cumulative Significance

Less than significant impact.

Non-CEQA Local Transportation Analysis

While not required by CEQA, the City's LTA requirements require analysis of potential adverse operational effects that may arise due to a new development, as well as evaluating the effects of a new development on-site access, on-site circulation, vehicle queuing, and transit, bicycle, and pedestrian facilities in the proximate area of the proposed Project. A summary of the non-CEQA LTA results is provided herein for informational purposes, and a detailed analysis is provided in Appendix G.

Trip Generation

Trip generation resulting from new development proposed within the City typically is estimated using the trip rates published in the ITE Trip Generation Manual, 11th Edition (2021). Accordingly, trips that would be generated by the proposed Project were estimated using the ITE average trip rates for "Industrial Park" (Land Use 130) located in a General Urban/Suburban setting. In accordance with the City's Transportation Analysis Handbook, applicable location-based trip adjustments and trip credits were also applied. The results of the trip generation estimates are provided below in Table 3.15-1.

Table 3.15-1: Project Trip Generation Estimates

				AM Peak-hour				PM Peak-hour			
Land Use	**Size (SF)**	**Daily Rate**	**Daily Trips**	**Peak-hour Rate**	**In**	**Out**	**Total**	**Peak-hour Rate**	**In**	**Out**	**Total**
Industrial Park[1]	437,601	3.37	1,475	0.34	121	28	149	0.34	33	116	149
Location-Based Vehicle Mode Share (8%)[2]			(118)	—	(10)	(2)	(12)	—	(3)	(9)	(12)
Net Trips			**1,357**	—	**111**	**26**	**137**	—	**30**	**107**	**137**

Land Use	Size (SF)	Daily Rate	Daily Trips	AM Peak-hour				PM Peak-hour			
				Peak-hour Rate	In	Out	Total	Peak-hour Rate	In	Out	Total
Existing Industrial Buildings (to be removed)[3]			(475)	—	(38)	(1)	(39)	—	(8)	(49)	(57)
Total Net Project Trips			**882**	—	**73**	**25**	**98**	—	**22**	**58**	**80**

Notes:
SF = square feet
[1] Trip generation based on average rates contained in the ITE Trip Generation Manual, 11th Edition, for "Industrial Park" (Land Use 130) located in a general urban/suburban setting. Rates are expressed in trips per 1,000 square feet (SF).
[2] An 8 percent reduction was applied based on the location-based vehicle mode share percentage outputs (Table 17 of TA Handbook) produced from the San José Travel Demand Model for the place type: Suburban with Multifamily Housing.
[3] The AM and PM peak-hour trips generated by the existing occupied industrial buildings to be removed are based on driveway counts conducted on 9/9/25. Existing daily trips were estimated by applying to the existing AM and PM peak-hour trips the Daily:Pk-Hr ratio for ITE Land Use 130.
Source: Appendix G.

As shown in Table 3.15-1, the proposed industrial project is estimated to generate 882 new daily vehicle trips, with 98 new trips (73 inbound trips and 25 outbound trips) occurring during the AM peak-hour and 80 new trips (22 inbound trips and 58 outbound trips) occurring during the PM peak-hour.

Trip Distribution and Assignment

The trip distribution pattern for the project was estimated based on existing travel patterns on the surrounding roadway network that reflect typical weekday AM and PM commute patterns, the locations of complementary land uses, and freeway access points. The peak-hour vehicle trips generated by the proposed Project were assigned to the roadway network in accordance with the trip distribution pattern.

Intersection Operation Analysis

An intersection operations analysis was prepared for the proposed Project to quantify the operations of the study intersections and to identify potential negative effects due to the addition of project traffic. A list of study intersections to be evaluated in the LTA was developed based on VTA CMP TIA Guidelines, which states that a CMP intersection shall be included in a Transportation Analysis if it meets any one of the following conditions:

1. The proposed development project is expected to add 10 or more peak-hour vehicles per lane to any intersection movement;
2. The intersection is adjacent to the Project site;
3. Based on engineering judgment, Lead Agency staff determines that the intersection should be included in the analysis.

Based on the criteria above, the following list of study intersections was approved by City staff and analyzed for the AM and PM peak-hours in the LTA:

1. North First Street and Montague Expressway (CMP)
2. North First Street and East Plumeria Drive
3. Zanker Road and Montague Expressway (CMP)
4. Zanker Road and East Plumeria Drive
5. Zanker Road and East Trimble Road (CMP)
6. Junction Avenue and East Trimble Road
7. E. Trimble Road and Montague Expressway (CMP)
8. Montague Expressway and River Oaks Parkway
9. Junction Avenue and East Plumeria Drive (unsignalized)
10. Zanker Road and Junction Avenue (unsignalized)

An NOP comment letter received from the Santa Clara County Roads and Airports Department requested analysis of four additional intersections not included in the list above: Montague/Mission College, Montague/De La Cruz, Montague/Lick Mill, and Montague/McCarthy intersections (Appendix A). However, the proposed Project would add less than 10 trips to each of these intersections and would not meet Criterion 1 of the VTA CMP Traffic Impact Analysis Guidelines. Further, these intersections are not adjacent to the Project site (Criterion 2) and the City did not request that these intersections be evaluated in their final work scope letter for the proposed Project (Criterion 3).

Intersection LOS Results

The results of the intersection LOS analysis for Existing Conditions indicate that all study intersections operate at acceptable service levels (generally LOS D or better for City of San José intersections and LOS E for CMP intersections) during the AM and PM peak-hours.

Based on the results of the Background Plus Project Conditions intersection LOS analysis, all study intersections would continue to operate at an acceptable LOS.

The Cumulative Plus Project intersection LOS analysis determined that all study intersections would continue to operate at an acceptable LOS during cumulative build-out.

Level of Cumulative Significance

Less than significant impact.

THIS PAGE INTENTIONALLY LEFT BLANK

3.16 - Tribal Cultural Resources

3.16.1 - Introduction

This section describes the existing TCRs setting in the region and project area as well as the relevant regulatory setting. This section then evaluates the possible impacts related to TCRs that could result from implementation of the proposed Project. Information in this section is based on information provided by the NAHC and subsequent consultation with Tribal representatives identified by the NAHC who may have interest in or additional information on TCRs that may be impacted by project development.

The descriptions and analysis in this section are based, in part, on a Phase I CRA completed for the proposed Project by FCS in December 2025. The Phase I CRA is a confidential report and withheld from public review pursuant to Public Resources Code, Sections 5097.9 and 5097.993. For an analysis of the potential effects related to Cultural Resources, refer to Section 3.4, Cultural Resources.

3.16.2 - Environmental Setting

Overview

The term “Tribal Cultural Resources” includes sites, features, places, or objects that are of cultural value to one or more California Native American Tribes. TCRs also include Native American burial sites and cemeteries, which are formal or informal locations where human remains have been interred and that are of cultural value to one or more California Native American Tribes.

Overall Tribal Cultural Resources Setting

Following is a brief overview of the relevant pre-contact, ethnography, and historic background, providing context in which to understand the background and relevance of sites found in the general project vicinity. This section is not intended to be a comprehensive review of the current academic resources available; rather, it serves as a general overview. Unless otherwise stated, information contained in this section is drawn directly from the Phase I CRA conducted by FCS. Further details can be found in ethnographic studies, mission records, and major published sources referenced in the Phase I CRA.

Pre-contact and Ethnographic Background

Few regions in California have witnessed such intricate cultural histories as the greater San Francisco Bay Area. The archaeological richness of this area has made it one of the most intensely studied in the State over the past three decades. The region's history reflects the contributions and experiences of diverse groups, from Indigenous populations to later settlers and contemporary communities, each leaving their mark on this unique landscape. The summary of research presented here offers a framework for examining broader historical developments in the areas adjacent to the San Francisco

Bay. Together, these insights illuminate the enduring ingenuity of the Bay Area's communities and their ability to thrive in a complex and evolving landscape.

The environmental evolution of the Bay Area reveals a fascinating story of natural transformation and human interaction with the landscape. At the end of the last Ice Age, as glaciers began to retreat, the coastline was located much farther west, near the Farallon Islands. The Sacramento and San Joaquin Rivers combined and flowed through what is now the Golden Gate, traversing an exposed continental shelf before reaching the ocean. Winds carried sand from these floodplains and beaches to form ancient dunes, creating one of the most expansive coastal dune systems on the West Coast. These dunes, now underlying about one-third of modern San Francisco and extending across the Bay to Oakland, illustrate the significant geological forces shaping the region.

Sea level changes have played a central role in this evolution. Around 12,000 years ago, a still-stand in sea level left deposits of gravel and sand now found 55 meters below the surface. By 9,000 years ago, rising seas began to fill the Bay, and by 5,000 years ago, sea levels reached near their current position, coinciding with the earliest evidence of human habitation in the form of shell middens. This gradual transformation provided critical resources for early inhabitants, shaping the ecological and cultural landscape.

The Bay Area’s diverse ecosystems, including coastal estuaries, upland forests, and grasslands, provided a rich array of resources for pre-contact populations. These environments were shaped by dynamic climatic shifts during the Holocene, which influenced resource availability and habitat distribution. The expansion of tidal marshes provided abundant resources, including fish and shellfish, leading to the establishment of large, semi-permanent villages near these productive areas. Climatic events, such as prolonged droughts, likely posed challenges, prompting innovation in resource management and social organization. The archaeological record reveals how these populations adapted, demonstrating resilience in the face of environmental instability.

The pre-contact populations of the Bay Area demonstrated increasing social complexity over time, as evidenced by archaeological findings. Shell mounds, many of which functioned as burial sites, reflect the development of ceremonial practices and emerging social stratification. These sites not only served as community landmarks but also indicated the growing significance of ritual activities and the differentiation of status within societies. Interregional trade networks played a pivotal role in fostering social and economic interconnectedness, enabling the exchange of goods such as obsidian, shell beads, and other materials that often served as markers of wealth and status. These exchanges also facilitated the spread of cultural practices and technological innovations, strengthening ties among diverse groups in the region.

The Bay Area's strategic position as a hub for interregional trade is underscored by the widespread distribution of materials like obsidian and shell beads. Obsidian, sourced from distant locations such as the eastern Sierra Nevada, provides crucial insights into the extensive exchange networks and mobility patterns of pre-contact populations. Similarly, shell beads, which often functioned as a form of currency, highlight their dual economic and symbolic significance. These trade networks were not

merely economic systems but also avenues for cultural exchange, contributing to shared practices and reinforcing social cohesion across neighboring regions.

Technological advancements further illustrate the ingenuity and adaptability of Bay Area Native peoples. Early toolkits were dominated by flaked stone tools designed for hunting and processing tasks. Over time, as populations expanded and subsistence strategies diversified, more specialized tools were developed. Innovations included fish hooks, net weights, and ground stone implements, reflecting a growing reliance on aquatic and plant-based resources. The advent of more sophisticated projectile points, particularly those associated with the bow and arrow, marked a significant improvement in hunting efficiency. Ground stone tools, used for grinding acorns and other plant materials, underscore the increasing importance of plant-based subsistence in later periods, highlighting the dynamic and resourceful nature of Bay Area communities.

The cultural chronology of the Bay Area reflects an evolving understanding of how Native peoples adapted to environmental and social changes over thousands of years. Pre-contact time was separated into six distinct chronological periods—Paleo-Indian (12,000 to 8,000 Before Present [BP]); Lower, Middle, and Upper Archaic (8,000 to 1,500 BP); and Emergent (Upper and Lower, 1,500 to 250 BP). These large swaths of time include patterns as integrative units that reflect shared economic and cultural adaptations across geographic regions. Key patterns identified within this framework include the Windmiller, Berkeley, and Augustine, which provide a more nuanced understanding of regional pre-contact history. Brief descriptions of these temporal ranges and their unique characteristics follow.

Windmiller Pattern (4,500 to 3,500 BP)

The Windmiller Pattern was first identified at Windmiller Mound (CA-SAC-107) in Sacramento County. In the San Francisco Bay Area, Windmiller-affiliated sites have been documented primarily in the Livermore Valley and the East Bay, including CA-ALA-343 (Fremont) and CA-CCO-637 (Los Vaqueros Reservoir). These findings suggest that the Windmiller culture spread westward into the Bay Area through migration or trade interactions, blending with local cultural traditions. This period is characterized by a subsistence strategy that utilized a wide variety of natural resources, including terrestrial fauna (e.g., deer, tule elk, and rabbits), fish (e.g., sturgeon and salmon), and plant-based foods such as acorns and seeds. Evidence from Windmiller sites suggests a seasonal foraging strategy, with populations moving between lowland river corridors in the winter and higher elevations in the summer.

Artifacts from this period include large, stemmed projectile points, bone spear tips, baked clay net weights, and composite bone hooks, underscoring the emphasis on hunting and fishing. Additionally, the presence of grinding slabs and handstones indicates a growing reliance on plant processing. Mortuary practices were distinctive, with ventrally extended burials oriented westward, often accompanied by abundant grave goods, including shell beads, charmstones, polished tools, and *Olivella* shell ornaments. Trade networks during this time primarily focused on ornamental and ceremonial items, with materials such as obsidian sourced from the eastern Sierra and North Coast

Ranges. The Windmiller culture is associated with the initial diversification of Utian languages, marking an important linguistic and cultural shift in Central California.

Berkeley Pattern (3,500 to 1,500 BP)

The Berkeley Pattern was first identified in shell mound sites along the San Francisco Bay shoreline, particularly at CA-ALA-307 (West Berkeley Shellmound). In the broader Bay Area, Berkeley Pattern sites are found along the East Bay, South Bay, and North Bay, including CA-CCO-295 (Ellis Landing Shellmound) and CA-MRN-152 (Pacheco Shellmound), reflecting a transition from earlier Windmiller-associated groups toward a more regionally adapted, sedentary economy. These shifts indicate that the Berkeley Pattern emerged as a cultural adaptation within the Bay Area, with influences from both earlier Windmiller groups and neighboring coastal societies. This pattern is marked by a shift toward plant-based subsistence, particularly the intensive processing of acorns, as evidenced by the prevalence of mortars and pestles. Archaeobotanical remains, such as acorn and pine nut fragments, further underscore this dietary transition. Shell middens near coastal and estuarine zones indicate the exploitation of shellfish and other aquatic resources.

Technological advancements include new types of shell beads, charmstones, and bone tools alongside ceremonial blades. Excavated sites reveal evidence of large, mounded villages featuring accumulations of habitation debris, hearths, and rock-lined ovens. Burial practices shifted to flexed positions within village sites, with fewer grave goods than those seen in the Windmiller Pattern. This suggests changing social structures and possibly increasing social stratification. Trade networks expanded to include obsidian from the eastern Sierra Nevada and *Haliotis* ornaments from coastal regions. This cultural phase coincides with the expansion of Miwok groups and reflects a gradual assimilation of populations rather than abrupt replacements.

Augustine Pattern (1,500 to 250 BP)

The Augustine Pattern was first identified in Late Holocene sites across Central California. In the greater San Francisco Bay Area, Augustine Pattern sites are found at CA-ALA-329 (Ryan Mound), CA-CCO-308 (San Ramon Valley), and CA-SCL-690 (Tamien Station), reflecting the final phase of pre-contact history in the Bay Area. These sites suggest that the Augustine Pattern spread into the Bay Area from interior California, representing the emergence of more complex societal structures and long-distance economic connections. Subsistence strategies intensified during this period, with an increased reliance on acorns as a dietary staple and the introduction of bow-and-arrow technology. Archaeological sites reveal diverse faunal remains, including mammals, fish, and birds, as well as botanical evidence of acorns and pine nuts.

Artifacts from this period reflect growing complexity, with innovations such as bone fish hooks, harpoons, hopper mortars, and shaped pestles. Mortuary practices evolved further, incorporating flexed burials, cremations, and the use of grave goods such as shell beads, *Haliotis* ornaments, and ceremonial items. These practices suggest increasing social stratification and the development of an elaborate social and ceremonial organization. Trade systems also expanded significantly, with materials such as obsidian, steatite, and marine shell moving across vast exchange networks. The

Augustine Pattern is associated with the expansion of Wintuan language populations into the region and the continued use of clamshell disk beads as currency.

Refinements and Ongoing Research

Burns highlights the importance of taxonomic refinements in capturing the complexity of cultural and temporal dynamics within the Bay Area. The integration of artifact typologies, radiocarbon dating, and regional variability has allowed Archaeologists to move beyond linear models of cultural succession. For example, the coexistence of distinct cultural assemblages during the Augustine Pattern underscores the fluidity of social and technological changes over time. Refinements in Geographical Information System (GIS) mapping and stable isotope analysis have further enriched understandings of settlement systems, subsistence strategies, and social networks.

Through ongoing research, California's chronology continues to evolve, with a growing emphasis on regional and local variation. This shift has expanded the focus from defining chronological sequences to examining broader social and ecological relationships, offering deeper insights into the region's diverse and enduring Indigenous heritage.

Continuity and Resilience

Despite environmental and social changes, there is substantial evidence of cultural continuity in the Bay Area's pre-contact time periods. Dietary staples like acorns and the use of specific tool types persisted across millennia, reflecting deep-seated transitions. At the same time, the adaptability of these communities is evident in their ability to respond to changing circumstances, whether through technological innovations, shifts and settlement patterns, or the development of trade and social networks. This resilience was not only critical for surviving pre-contact challenges but also became an asset during the profound transformations brought by contact with European people, and the subsequent historical era. The ability to navigate dynamic environments and sustain cultural traditions would play a significant role as Indigenous populations face the pressures of European colonization.

Native American Background: The Ohlone (Costanoan)

Costanoan is a family of six known and possibly eight languages or dialect clusters. While there are no known Native speakers, the Mutsun, Rumsen, and Chocheño varieties survived long enough to be documented by twentieth century linguists. The Spanish referred to all Native people living on the coast as "costeños" meaning "people of the coast." This term was later anglicized to "Costanoan" as a linguistic identifier to Native people living in the San Francisco and Monterey Bay regions who were thought to have spoken common languages. Variations of the term have been found in mission records and may have been derived from the village of "Oljon" on the San Mateo coast. The term "Ohlone" was first applied to the Costanoan language family in Malcolm Margolin's book The Ohlone Way. Since publishing the book, the label "Ohlone" has replaced "Costanoan" in works by some Indian authors, anthropologists, and most popular writers. However, while "Ohlone" and "Costanoan" are interchangeable in modern use, the term "Ohlone" is not favored by all descendants of Costanoan language speakers.

Costanoan/Ohlone is part of the Penutian language stock; the closest linguistic relatives of the Costanoan/Ohlone were the Miwok languages and are considered part of the Proto-Utian (Miwok-Costanoan) language family of Central California Indian languages. Speakers of both the Costanoan and Miwok languages are thought to have entered the Delta region about 4,500 years ago, displacing Hokan speakers within this area. The San Francisco Peninsula people, and those around the San Francisco Bay except the Karkins of Carquinez Strait, spoke dialects of a single language: San Francisco Bay Costanoan. The Monterey Bay people spoke four other Costanoan languages (i.e., Awaswas, Chalon, Mutsun, and Rumsen). The six confirmed Costanoan languages are distinct, although undocumented intermediate dialects probably existed.

The arrival of Costanoan/Ohlone groups into the Bay Area appears to be consistent with the appearance of the Late Period artifact assemblage in the archaeological record, as documented at sites such as the Emeryville Shellmound or the Ellis Landing Shellmound. Speakers of both the Costanoan/Ohlone and Miwok languages are thought to have entered the Delta region about 4,500 years ago, displacing Hokan speakers within this area. Prior to European contact, Costanoan/Ohlone peoples belonged to local independent political groups led by the elders of extended families. In many areas, families banded together in miniature tribes, or tribelets, under the leadership of a single multi-family headman. The term tribelet was coined to designate a sovereign though miniature political unit, which was land-owning and maintained its frontiers against unauthorized trespass. The individual tribelet had one, two, or three semi-permanent villages ranging from 50 to 150 persons, and several temporary camps within a group's territory. The tribelets main headsman, or chief, might be either a man or a woman, but the title was mainly held by males and followed along patrilineal lines, passing from father to son. The chief acted as a leader of a council of elders, serving as adviser to the community, responsibility for feeding visitors, providing for the impoverished, directing ceremonial activities, caring for captive grizzly bears and coyotes, and directing hunting, fishing, and warfare expeditions. Their kinship and social organization were like the Salinian, Chumash, Takic, and Numic groups to the south rather than other Penutian groups.

Archaeological evidence indicates that the Costanoan/Ohlone participated in an exchange network that extended outside of their territory. This allowed the exchange of natural and cultural commodities to be traded or bartered for. The Plains Miwok, Sierra Miwok, and Yokuts are noted as important trading partners with the Costanoan. The Costanoan supplied mussels, abalone shells, salt, and dried abalone to the Yokuts and Olivella shells to the Sierra Miwok and the Yokuts provided the Ohlone with pine nuts. Other trade items include bows, arrows, materials, paints, and feather blankets procured by the Costanoan/Ohlone from the east.

Prior to European contact, the Costanoan/Ohlone practiced a sexual division of labor where women gathered plants and men hunted animals. The Costanoan/Ohlone harvested plant and animal resources from local environments; acorn being the staple. The gathering and hunting of foods consisted of, but was not limited to, various grass seeds, buckeye, berries, geophytes, and young shoots. Protein sources include black-tailed/mule deer, tule elk, pronghorn antelope, grizzly bears, mountain lions, sea lions, and smaller mammals such as raccoon, brush rabbit, ground squirrels, and wood rats. Waterfowl, including Canadian geese, mallards, green-winged teal, and American

widgeon, were captured in nets using decoys to attract them. Fish also played an important role in the Ohlone diet and included steelhead, salmon, and sturgeon.

Geographically, and ecologically different landscapes likely influenced the material used in subsistence technologies (e.g., redwood planks versus tule bundles for house construction), as similar variation in technology is well documented among Pomo people north of the Bay Area. The Costanoan/Ohlone constructed watercraft from tule reeds and possessed bow and arrow technology. They fashioned blankets from sea otter pelts, fabricated basketry from twined reeds of various types, and assembled a variety of stone and bone tools in their assemblages. Costanoan/Ohlone villages typically consisted of domed dwelling structures, communal sweathouses, dance enclosures, and assembly houses constructed from thatched tule reeds and a combination of wild grasses, wild alfalfa, and ferns.

When the Spanish Missionaries and settlers arrived in 1776, the Costanoan/Ohlone occupied territory from San Francisco to south of Monterrey Bay and extended eastward to the slopes of the Diablo Range into the Central Valley. The territory of the Costanoan/Ohlone covered around 17,350 square kilometers (6,700 square miles), extending 177 kilometers (110 miles) along the Pacific Coast from south of Monterey Bay to the San Francisco Peninsula and inland some 32–72 kilometers (20–45 miles) into the Coast Ranges, running along the east side of San Francisco Bay to the Carquinez Strait. At the time of Spanish contact, Ohlone villages were located throughout the Bay-Delta Area and Coast Range valleys. Kroeber estimates an Aboriginal population of 7,000, while Cook suggests it may have been as high as 10,000. Based on mission records, the Ohlone population is believed to have been around 16,000 with an average population density of 2.4 per mile. Neighboring groups of the Costanoan/Ohlone included the Coast Miwok to the north, the Miwok and Northern Valley Yokuts to the east, and the Salinan and Esselen to the south.

Records Searches to Identify Existing Tribal Cultural Resources

The information in this section is based, in part, on the Phase I CRA prepared for the proposed Project by FCS in December 2025. The Phase I CRA used the methods below to analyze the potential impacts of project implementation.

NAHC Sacred Lands File Search and Tribal Correspondence

On September 19, 2025, FCS sent a letter to the NAHC in an effort to determine whether any sacred sites are listed on its SLF for the Project site. A response was received on September 22, 2025, indicating that the SLF search is negative for the presence of Native American cultural resources in the immediate project area. The NAHC included a list of 26 Tribal representatives available to provide additional information pertaining to 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 project information and requesting any additional information was sent to each Tribal representative on October 30, 2025. A total of three responses were received. On November 4, 2025, the Muwekma Ohlone Tribe acknowledged receipt of the letter and listed the services they provide. On November 13, 2025, Tamien Nation submitted a Request for Information form. The City provided

Tribal Information on April 27, 2026. On November 17, 2025, the Confederated Villages of Lisjan Nation stated that the project does not fall within their traditional territory. No additional responses have been received to date.

On February 27, 2026, the City sent out AB 52 Tribal notification letters to Muwekma Ohlone Tribe, Tamien Nation, and Indian Canyon Mutsun Band of Costanoan Ohlone People. Tamien Nation responded on April 27 requesting Tribal consultation.

Summary of Existing Cultural Resources at the Project Site

The NWIC records search indicate that one archaeological resource is located within the project boundaries.

3.16.3 - Regulatory Framework

Federal

National Historic Preservation Act

The NHPA of 1966, as amended, established the NRHP, which contains an inventory of the nation's significant prehistoric and historic properties. Under Title 36 Code of Federal Regulations Part 60, a property is recommended for possible inclusion on the NRHP if it is at least 50 years old, has integrity, and meets one of the following criteria:

- It is associated with significant events in history, or broad patterns of events.
- It is associated with significant people in the past.
- It embodies the distinctive characteristics of an architectural type, period, or method of construction; or it is the work of a master or possesses high artistic value; or it represents a significant and distinguishable entity whose components may lack individual distinction.
- It has yielded, or may yield, information important in history or prehistory.

Certain types of properties are usually excluded from consideration for listing in the NRHP, but they can be considered if they meet special requirements in addition to meeting the criteria listed above. Such properties include religious sites, relocated properties, graves and cemeteries, reconstructed properties, commemorative properties, and properties that have achieved significance within the past 50 years.

Archaeological Resources Protection Act

The ARPA amended the Antiquities Act of 1906 (16 USC 431–433) and set a broad policy that archaeological resources are important to the nation and should be protected and required special permits before the excavation or removal of archaeological resources from public or Indian lands. The purpose of ARPA was to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites that are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the

professional archaeological community, and private individuals having collections of archaeological resources and data that were obtained before October 31, 1979.

American Indian Religious Freedom Act

The American Indian Religious Freedom Act established federal policy to protect and preserve the inherent rights of freedom for Native groups to believe, express, and exercise their traditional religions. These rights include but are not limited to access to sites, use and possession of sacred objects, and freedom to worship through ceremonials and traditional rites.

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act of 1990 sets provisions for the intentional removal and inadvertent discovery of human remains and other cultural items from federal and Tribal lands. It clarifies the ownership of human remains and sets forth a process for repatriation of human remains and associated funerary objects and sacred religious objects to the Native American groups claiming to be lineal descendants or culturally affiliated with the remains or objects. It requires any federally funded institution housing Native American remains or artifacts to compile an inventory of all cultural items within the museum or with its agency and to provide a summary to any Native American Tribe claiming affiliation.

State

Public Resources Code Section 5024.1 and CEQA Guidelines Section 15064.5(a)—Definition of a Historic Resource

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 Section 15064.5(a)(3)—California Register of Historical Resources Criteria

As defined by CEQA Guidelines, Section 15064.5(a)(3) (A-D), a resource shall be considered historically significant if the resource meets the criteria for listing on the CRHR. The CRHR and many local preservation ordinances have employed the criteria for eligibility to the NRHP as a model (see criteria described above under the description of the NHPA), since the NHPA provides the highest standard for evaluating the significance of historic resources. A resource that meets NRHP criteria is clearly significant. In addition, a resource that does not meet NRHP standards may still be considered historically significant at a local or State level.

CEQA Guidelines 15064.5(c)—Effects on Archaeological Resources

CEQA Guidelines state that a resource need not be listed on any register to be found historically significant. 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.

CEQA Guidelines Section 15064.5(d)—Effects on Human Remains

Native American human remains and associated burial items may be significant to descendant communities and/or may be scientifically important for their informational value. They may be significant to descendant communities for patrimonial, cultural, lineage, and religious reasons. The specific stake of some descendant groups in ancestral burials is a matter of law for some groups, such as Native Americans (CEQA Guidelines § 15064.5(d); PRC § 5097.98). CEQA and other State regulations regarding Native American human remains provide the following procedural requirements to assist in avoiding potential adverse effects on human remains within the contexts of their value to both descendant communities and the scientific community:

- When an initial study identifies the existence or probable likelihood that a project would affect Native American human remains, the lead agency is to contact and work with the appropriate Native American representatives identified through the NAHC to develop an agreement for the treatment and disposal of the human remains and any associated burial items (CEQA Guidelines § 15064.5(d); PRC § 5097.98).
- If human remains are accidentally discovered, the County Coroner must be contacted. If the County Coroner determines that the human remains are Native American, the Coroner must contact the NAHC within 24 hours. The NAHC must identify the MLD to provide for the opportunity to make recommendations for the treatment and disposal of the human remains and associated burial items.
- If the MLD fails to make recommendations within 24 hours of notification or the project applicant rejects the recommendations of the MLD, the Native American human remains and associated burial items must be reburied in a location not subject to future disturbance within the Project site (PRC § 5097.98).
- If potentially affected human remains or a burial site may have scientific significance, whether or not it has significance to Native Americans or other descendant communities, then under CEQA, the appropriate mitigation of effect may require the recovery of the scientific information of the remains/burial through identification, evaluation, data recovery, analysis, and interpretation (CEQA Guidelines § 15064.5(c)(2)).

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.

California Assembly Bill 52—Effects on Tribal Cultural Resources

AB 52 was signed into law on September 25, 2014, and provides that any public or private “project with an effect that may cause a substantial adverse change in the significance of a Tribal Cultural Resource is a project that may have a significant effect on the environment.” Tribal Cultural Resources include “[s]ites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources.” Under prior law, Tribal Cultural Resources were typically addressed under the umbrella of “cultural resources,” as discussed above. AB 52 formally added the category of “Tribal Cultural Resources” to CEQA, and extends the consultation and confidentiality requirements to all projects, rather than just projects subject to SB 18 as discussed above.

The parties must consult in good faith, and consultation is deemed concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect on a Tribal Cultural Resource (if

such a significant effect exists); or (2) when a party concludes that mutual agreement cannot be reached. Mitigation measures agreed upon during consultation must be recommended for inclusion in the environmental document. AB 52 also identifies mitigation measures that may be considered to avoid significant impacts if there is no agreement on appropriate mitigation. Recommended measures include:

- Preservation in place
- Protecting the cultural character and integrity of the resource
- Protecting the traditional use of the resource
- Protecting the confidentiality of the resource
- Permanent conservation easements with culturally appropriate management criteria

California Public Resources Code Section 21074—Effects on Tribal Cultural Resources

AB 52 amended the CEQA statute to identify an additional category of resource to be considered under CEQA, called "Tribal Cultural Resources," and added Public Resource Code Section 21074, which defines "Tribal Cultural Resources" as follows:

(a) "Tribal Cultural Resources" are either of the following:
  (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
    A) Included or determined to be eligible for inclusion in the CRHR.
    B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
  (2) 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

(b) A cultural landscape that meets the criteria of subdivision (a) is a Tribal Cultural Resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

(c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a Tribal Cultural Resource if it conforms with the criteria of subdivision (a).

Local

Envision San Jose 2040 General Plan

The Environmental Resources chapter of the General Plan contains the following goals and policies regarding air quality that are applicable to the project.

Goal ER-10	Archaeology and Paleontology Preserve and conserve archaeologically significant structures, sites, districts and artifacts in order to promote a greater sense of historic awareness and community identity.
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 their discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable State laws shall be enforced.
Policy ER-10.3	Ensure that City, State, and federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and prehistoric resources.
Policy ER-10.4	The City will maintain a file of archaeological and paleontological survey reports by location to make such information retrievable for research purposes over time.

3.16.4 - Methodology

This evaluation focuses on whether implementation of the proposed Project would impact TCRs. The TCR impact analysis is based on information collected from record searches at the NAHC and information from Tribal consultation conducted pursuant to AB 52. Impacts are typically associated with construction and/or ground-disturbing activities that have the potential to immediately alter, diminish, or destroy all or part of the character and quality of Native American Artifacts and/or human remains that could be uncovered.

3.16.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the CEQA Guidelines Appendix G Environmental Checklist to determine whether cultural resources impacts resulting from the implementation of the proposed Project would be considered significant if the project would:

a) Cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape

that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).

b) 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 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.

3.16.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed Project and provides mitigation measures where appropriate.

Significance of Tribal Cultural Resource and Eligibility for California Register Listing

Impact TCR-1:	**The proposed Project would not cause a substantial adverse change in the significance of a Tribal Cultural Resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).**

Impact Analysis

Construction

A review of the CRHR, pedestrian survey, and local registers of historic resources failed to identify any listed TCRs that may be adversely affected by the proposed Project. However, a records search conducted at the NWIC identified one archaeological resource within the Project site boundaries. The NAHC SLF results were negative for TCRs within the Project site. Letters containing project information and requesting any additional information regarding TCRs were sent to each Tribal member on October 30, 2025.

The proposed Project grading plans indicate that the known archaeological resource on the Project site would not be subject to ground disturbance or adversely impacted by construction activities, as all proposed grading, excavation, and utility work are confined to areas outside the recorded resources boundaries. However, excavation and trenching during project construction could result in the discovery of previously unknown buried TCRs. If encountered, project activity could result in a substantial adverse change in the significance of a TCR and therefore a potentially significant impact.

Archaeological monitoring during ground-disturbing activities, coupled with a treatment plan containing procedures to identity, evaluate, and address the discoveries, would ensure that TCRs, if

encountered, are treated with care and in a culturally appropriate manner. Should any undiscovered TCRs be encountered during project construction, adherence to SPC CUL-1, SPC CUL-2, and implementation of MM CUL-2a and MM CUL-2b, would ensure that potential impacts to TCRs are reduced to less than significant levels.

Operation

Impacts related to a project's potential to cause a substantial adverse change in the significance of a State-listed or eligible TCRs are limited to construction impacts. No respective operational impacts would occur.

Impact TCR-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

Implement MM CUL-2a and MM CUL-2b.

Level of Significance

Less than significant impact.

Significance of Tribal Cultural Resource and Eligibility as Determined by Lead Agency

Impact TCR-2:	**The proposed Project would not cause a substantial adverse change in the significance of a Tribal Cultural 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 Analysis

Construction

The City initiated Tribal consultation pursuant to AB 52 on February 26, 2026 to identify additional significant TCRs meeting the criteria set forth in Public Resources Code Section 5024.1 (c). The City sent AB 52 notification letters to Tamien Nation, Indian Canyon Mutsun Band of Costanoan People and the Muwekma Ohlone Tribe. A representative of the Tamien Nation requested formal consultation on April 27, 2026. The consultation meeting was conducted on May 14, 2026 during which the Tamien Nation inquired about the extent of ground disturbance and recommended Tribal Cultural Awareness Training and Tribal monitoring due to known cultural resources nearby. No responses were received from the Indian Canyon Mutsun Band of Costanoan People, or the Muwekma Ohlone Tribe within the 30-day response period. The City, in its capacity as lead agency, has not identified any TCRs within the proposed Project area that meet the significance criteria set forth in subdivision (c) of Public Resources Code Section 5024.1 that would be impacted by the proposed Project.

Although there are no TCRs listed or formally determined that have been identified within the Project site by the City, as discussed under Impact CUL-2, the Project site is entirely situated upon Holocene-era deposits, which are recognized as having a greater potential to contain archaeological deposits when compared to earlier Pleistocene deposits. The likelihood of this increases with a less steep slope and proximity to water resources. The Guadalupe River is located approximately 0.5-mile west of the project site and Coyote Creek is located approximately 0.7-mile east, which, with the presence of known pre-contact resources within 0.5 miles of the project site, indicates a high potential for unanticipated buried cultural resources. Ground-disturbing activities, particularly those involving excavation, may uncover previously unknown TCRs that are significant to California Native American Tribes but not documented in existing records. Such resources may include sacred sites, cultural landscapes, or artifacts that hold cultural value and are protected under Public Resources Code Section 21074. This constitutes a potentially significant impact.

To address this possibility, the proposed Project would be required to comply with City SPC CUL-2, which provides direction and guidance should human remains be encountered during project construction. In addition, COA TCR-1 requires the retention of a qualified Archaeologist for construction monitoring, while COA TCR-2 requires Tribal Cultural Resources awareness training and Tribal monitoring by a representative from a culturally affiliated Tribe.

Standard Permit Conditions

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 Assembly Bill (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 Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified Archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner 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 an 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 his/her authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

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

ii. The MLD identified fails to make a recommendation; or
iii. The landowner or their authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

City of San Jose Conditions of Approval

COA TCR-1 Prior to issuance of any demolition, tree removal, grading, or building permits, whichever occurs first, the permittee shall retain a qualified Archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology (codified in 36 Code of Federal Regulations Part 61; 48 Federal Register 44738-44739) to monitor all ground disturbance and ensure that any required measures related to archaeological resources are carried out. The permittee shall provide the contract agreement with the Archaeologist to the Director of Planning, Building and Code Enforcement or the Director's designee to demonstrate compliance.

COA TCR-2 Prior to issuance of any tree removal, demolition or grading permits, whichever occurs first, the permittee shall be required to submit evidence that a Cultural Awareness Training has been provided to construction personnel prior to ground disturbance, such as copies of worker sign-in sheets to confirm attendance. The training shall be facilitated by a qualified project Archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. Documentation verifying that Cultural Awareness Training has been conducted including training attendance logs and training materials shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee. Cultural Awareness Training shall be provided to any construction personnel who join the project after the original training session in accordance with the requirements of this condition. In addition, a qualified Archaeologist in collaboration with a Native American monitor registered with the NAHC for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall be present during applicable earthmoving activities (e.g., trenching, initial or full grading, lifting of foundation, boring on-site, or major landscaping, etc.). If the consulting Tribe or Native American representative registered with the NAHC for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in PRC Section 21080.3 does not respond to a request for monitoring within 30 days, then earthmoving activities can proceed.

Level of Significance

Less than significant impact.

3.16.7 - Cumulative Impacts

The geographic scope for cumulative impacts to TCRs is defined as the 0.5-mile NWIC records search radius. This is because any undiscovered TCRs will likely be archaeological in nature and the immediate project vicinity provides the smallest geographic unit within which significant cumulative impacts spanning multiple projects may occur. Two cumulative projects shown in Chapter 3, Environmental Impact Analysis, Exhibit 3-1, Cumulative Project Map, are within the 0.5-mile geographic scope.

The scope and nature of cumulative impacts to TCRs are inherently dependent on the cultural significance of the resource, its physical integrity, and the outcomes of Tribal consultation. As such, the analysis of cumulative impacts to TCRs are highly contingent on the nature of the resource and status of consultation.

Significance of Tribal Cultural Resource and Eligibility for California Register Listing

Significant impacts to TCRs may range from impacts to a resource meeting the CEQA definition of a significant historic resource to impacts to resources identified through consultation between a lead agency and Native American Tribe. As such, the scope and range of potential cumulative impacts to TCRs are highly contingent on the nature of the resource and status of consultation. Cumulative impacts related to a project's potential to cause a substantial adverse change in the significance of a State-listed or eligible TCR are limited to construction impacts.

Past, present, and reasonably foreseeable future projects within the 0.5-mile radius, would be subjected to individual environmental review and discretionary approval, which includes a Tribal consultation process to determine and, if necessary, avoid or mitigate significant impacts to TCRs. These projects would be subject to compliance with all applicable federal and State laws governing cultural resources and TCRs, including Section 106 of the NHPA, and CEQA. Although construction activities associated with cumulative development projects within the geographic scope may have the potential to encounter undiscovered cultural resources, each project would be required to mitigate for project-specific impacts through compliance with applicable federal and State laws governing cultural resources.

Previously recorded burial sites have been encountered in the project vicinity. Therefore, past, present, and reasonably foreseeable construction activities may also have the potential to encounter undiscovered human remains and/or dedicated cemeteries, and these cumulative projects would be required to mitigate for impacts through compliance with applicable federal and State laws governing human remains and/or dedicated cemeteries. Additionally, cumulative projects would be required to implement the SPCs to ensure undiscovered TCRs are not adversely affected by cumulative project-related construction activities. As such, cumulative development within the 0.5-mile radius is not anticipated to result in significant cumulative impacts to TCRs.

The proposed Project would not have a cumulatively considerable contribution to the less than significant cumulative impact. Although construction activities associated with the proposed Project

have the potential to encounter undiscovered TCRs, the proposed Project would reduce impacts to less than significant levels through compliance with applicable federal and State laws and regulations governing TCRs, City SPCs, and implementation of MM CUL-2a, MM CUL-2b, COA TCR-1, and COA TCR-2. Therefore, the proposed Project would not have a cumulatively considerable contribution.

Level of Cumulative Significance

Less than significant impact.

THIS PAGE INTENTIONALLY LEFT BLANK

3.17 - Utilities and Service Systems

3.17.1 - Introduction

This section describes the existing conditions related to utilities and service systems (water, wastewater, stormwater, and solid waste) in the City and project area as well as the relevant regulatory framework. This section then evaluates the possible impacts related to such utilities and service systems that could result from implementation of the proposed Project. Information in this section is based on information provided by the Santa Clara Valley Water District, Muni Water, CalRecycle, PG&E, and the Utility Plan included in the planning application submittal.

3.17.2 - Environmental Setting

Water

The City has three water suppliers: San Jose Water, Muni Water, and Great Oaks Water Company. Muni Water is owned and operated by the City, while San Jose Water and Great Oaks Water Company are privately owned. The Project site is served by Muni Water. Muni Water supplies water to more than 100,000 people and is the fourth largest water retailer in Santa Clara County.

The Project site is served by existing water infrastructure, including 3-inch domestic water mains on the Project site that are connected to the existing domestic water facilities within Junction Avenue. As noted in Chapter 2, Project Description, two of the existing industrial buildings on the Project site are occupied. While only two buildings are occupied, historic uses on the Project site have resulted in water demand consistent with the IP land use type.

Water Source and Supply

Muni Water is comprised of four water service areas: North San José/Alviso; Evergreen, Edenvale, and Coyote Valley. Water sources for Muni Water depend on the service area.[1] The Project site is located within the North San José/Alviso service area. For this service area, Muni Water purchases treated water from the SFPUC. The Hetch Hetchy Watershed provides most of the SFPUC water supply which originates from spring snowmelt flowing down the Tuolumne River to the Hetch Hetchy Reservoir, where it is stored. Additional SFPUC water supply comes from watersheds in Alameda and Santa Clara counties. Surface water from rainfall and runoff is collected in local reservoirs. Before it is used, the water is treated at the Sunol Valley Water Treatment Plant. There are also four groundwater wells with a combined pumping capacity of approximately 6,500 gallons per minute; two of the wells are currently permitted to be used under normal conditions to supply water, and the other two are

[1] City of San José. Water Supply. Website: https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/water-utilities/drinking-water/water-supply. Accessed February 20, 2026.

available for emergency use purposes.[2] According to the Muni Water 2020 UWMP, the reasonably projected water supply for 2025 is 25,856 acre-feet.

Further, the Muni Water UWMP evaluates water supply reliability in five-year increments over a 20- to 25-year horizon. The UWMP incorporates growth projections and conservation measures, showing that potable and recycled water supplies are expected to meet demand through 2045, even accounting for population and job growth.[3] In the event of single dry or multiple dry years, the Muni Water would experience a supply shortage and would need to implement conservation measures identified in its Water Shortage Contingency Plan. Further, SB 606 and AB 1668 require new five-year drought risk assessments and additional requirements for water shortage contingency planning. The SJWMS UWMP and Water Shortage Contingency Plan address the SB 606 and AB 1668 requirements.[4]

Recycled Water

The City operates the South Bay Water Recycling (SBWR) system and distributes disinfected, treated wastewater for non-drinking water uses. SBWR is the regional permit holder for recycled water in the City, Santa Clara, and Milpitas, ensuring compliance with State regulations for recycled water quality and use. SBWR is a recycled water wholesaler to four retailers: San Jose Water Company, Muni Water, City of Santa Clara, and City of Milpitas. Customers buy recycled water from the retailer in their location. SBWR's recycled water system consists of over 150 miles of pipeline, five pump stations, and 10 million gallons of storage in reservoirs. Overall, SBWR delivers more than 4 billion gallons of recycled water per year to more than 900 commercial customers.[5]

There is no recycled water infrastructure on the Project site.

Wastewater

Wastewater from Muni Water service areas is collected and treated at the San José/Santa Clara Regional Wastewater Facility (RWF) located at the southern end of San Francisco Bay, which has a design capacity of 167 million gallons per day (mgd) and serves over 1.4 million people in the region. The City's Environmental Services Department is responsible for managing wastewater and operates the RWF. In addition to the Muni Water service areas, the RWF treats wastewater from other City water suppliers, including Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Monte Sereno, and Saratoga, serving an area of over 300 square miles and a population of more than 1.4 million.

---

2 City of San José. 2021. 2020 Urban Water Management Plan. Website: https://www.sanjoseca.gov/home/showpublisheddocument/422/637602045327100000. Accessed February 20, 2026.

3 City of San José. 2021. 2020 Urban Water Management Plan. Website: https://www.sanjoseca.gov/home/showpublisheddocument/422/637602045327100000. Accessed February 20, 2026.

4 City of San José. 2021. Water Shortage Contingency Plan. Website: https://www.sanjoseca.gov/home/showpublisheddocument/74987/637602046315870000. Accessed February 20, 2026.

5 City of San José. Water Utilities – Recycled Water. https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/water-utilities/recycled-water. Accessed Nov 5, 2025.

Wastewater is currently generated by the existing uses on the Project site. The Project site is served by existing sanitary sewer manholes with connections to existing sanitary sewer facilities within Junction Avenue, Zanker Road, East Plumeria Drive, and Montague Expressway.

Stormwater

The 23.75-acre Project site is currently developed with five two-story R&D buildings with a total building square footage of approximately 422,635 square feet and minimal existing landscaped areas. Stormwater runoff from the Project site is currently captured by an existing storm drain system in the project area that is owned and operated by the City. Specifically, existing surface runoff from the Project site flows into existing storm drain lines that run along Zanker Road, Montague Expressway, and Junction Avenue.[6]

Solid Waste

Commercial businesses within the City receive solid waste collection service from Republic Services. Republic Services has an exclusive franchise agreement with the City to collect wet waste (organics), dry waste (mixed non-organic garbage and recycling), and customized (clean recycling) from businesses. Republic Services owns and operates a material recovery facility which processes the dry and customized material collected from commercial businesses to remove recyclables before it is sent to a landfill. Republic Services collects organic waste from commercial businesses and delivers the organics to the Zero Waste Energy Development dry anaerobic digestion facility for processing into energy and compost.

For waste services not included in Republic's agreement, such as construction and demolition (C&D) waste services, businesses can choose a City-approved non-exclusive hauler.[7] C&D is the largest component of the City's overall waste stream by weight, partly because C&D waste is composed of heavy materials (e.g., concrete, asphalt) which do not break down in the same way as other waste and thus take up more volume.

All residue that is generated from processing San José solid waste is landfilled at Newby Island Sanitary Landfill (NISL). However, City-certified C&D recycling facilities should be used during the construction phase. As of January 2025, the NISL is permitted to receive a maximum of 4,000 tons per day of solid waste for disposal (including C&D and municipal waste).[8] The NISL has approximately 10,500,000 cubic yards of remaining capacity and is estimated to remain in operation until 2041.

---

6 City of San José. Utility Viewer. Website: https://gis.sanjoseca.gov/maps/utilityviewer/. Accessed February 20, 2026.

7 City of San José. Authorized Construction and Demolition Haulers. Website: https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/recycling-garbage/construction-demolition-debris/authorized-construction-demolition-haulers. Accessed February 20, 2026.

8 California Department of Resources Recycling and Recovery (CalRecycle). SWIS Facility/Site Activity Details Newby Island Sanitary Landfill (43-AN-003). Website: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1362?siteID=3388. Accessed February 20, 2026.

The Project site is currently served by Republic Services. Two of the proposed Project buildings are occupied (totaling approximately 169,054 square feet). "Manufacturing/Warehouse" uses, which include those currently operating on the Project site, are estimated to produce solid waste at a rate of 1.42 pounds per 100 square feet per day.[9] As such, the existing Project site is estimated to generate approximately 2,400.57 pounds, or 1.09 tons, of trash per day.[10]

Energy and Telecommunications

Electricity at the Project site is currently provided by PG&E. PG&E provides natural gas and electricity services to approximately 16 million people throughout a 70,000-square-mile service area in northern and central California.[11] As of 2024, PG&E's electrical power mix includes 23 percent renewable sources (such as wind and solar), 12 percent large hydroelectric, 63 percent nuclear, and 2 percent natural gas.[12] With the exception of natural gas, all other electricity sources are GHG-free or renewable. Electricity within the City is also provided by SJCE. The 2023 base package, Green Source, was 55 renewable energy from a combination of biomass, hydropower, wind, and solar sources with a GHG intensity of 50 pounds CO_2e/MWh. SJCE's Total Green Program offered 100 percent renewable from wind sources while its Solar Access Program offered 100 percent renewable Solar option.[13]

Numerous telecommunications providers serve the City and provide access to infrastructure for broadband, fiber optic, wireless, and other emerging technologies. AT&T, Xfinity from Comcast, Spectrum, and others provide telecommunication and cable television services to residents and businesses in the City. Existing electrical, telephone, and fiber optic line connections are located along Zanker Road.

3.17.3 - Regulatory Framework

Federal

Safe Drinking Water Act

The Safe Drinking Water Act authorizes the EPA to establish national standards for drinking water, called the National Primary Drinking Water Regulations, to protect against both naturally occurring and man-made contaminants. These standards set enforceable maximum contaminant levels in drinking water and require all water providers in the United States to treat water to remove

[9] California Department of Resources Recycling and Recovery (CalRecycle). 2026. Estimated Solid Waste Generation Rates. Website: https://www2.calrecycle.ca.gov/wastecharacterization/general/rates. Accessed February 11, 2026.

[10] 169,054 square feet / 100 square feet = 1,690.54. 1,690.54 square feet x 1.42 lbs = 2,400.57

[11] Pacific Gas and Electric Company (PG&E). 2026. Company Profile. Website: https://www.pge.com/en/about/company-information/company-profile.html. Accessed February 20, 2026.

[12] Pacific Gas and Electric Company (PG&E). Clean Energy Solutions. Website: https://www.pge.com/en/about/corporate-responsibility-and-sustainability/taking-responsibility/clean-energy-solutions.html. Accessed February 20, 2026.

[13] San José Clean Energy (SJCE). 2025. 2023 Power Content Label. Website: https://sanjosecleanenergy.org/wp-content/uploads/2024/11/SJCE-2023-PCL.pdf. Accessed October 10, 2025

contaminants, except for private wells serving fewer than 25 people. In California, the State Department of Health Services conducts most enforcement activities.

Clean Water Act (National Pollutant Discharge Elimination System)

The Water Pollution Control Act of 1972, more commonly known as the Clean Water Act (CWA), regulates the discharge of pollutants into watersheds throughout the nation. Under the CWA, the EPA implements pollution control programs and sets wastewater standards.

The NPDES permit program was established within the CWA to regulate municipal and industrial discharges to surface waters of the United States. Federal NPDES permit regulations have been established for broad categories of discharges, including point-source municipal waste discharges and nonpoint-source stormwater runoff. NPDES permits generally identify effluent and receiving water limits on allowable concentrations and/or mass emissions of pollutants contained in the discharge; prohibitions on discharges not specifically allowed under the permit; and provisions that describe required actions by the discharger, including industrial pretreatment, pollution prevention, self-monitoring, and other activities. Wastewater discharge is regulated under the NPDES permit program for direct discharges into receiving waters and by the National Pretreatment Program for indirect discharges to a sewage treatment plant.

State

California Porter-Cologne Water Quality Control Act

Under the Porter-Cologne Water Quality Control Act, which was passed in California in 1969, the State Water Board has the ultimate authority over State water rights and water quality policy. Porter-Cologne also establishes nine RWQCBs to oversee water quality on a day-to-day basis at the local and regional level. The RWQCBs engage in a number of water quality functions in their respective regions and regulate all pollutant or nuisance discharges that may affect either surface water or groundwater.

California Urban Water Management Planning Act

The Urban Water Management Planning Act (California Water Code Sections 10610–10656) requires that all urban water suppliers with at least 3,000 customers prepare UWMPs and update them every five years. The 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 schedule of implementation, program 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 meet the total requirements of all water users adequately, dependably, and safely under maximum-demand conditions.

California Senate Bills 610 and 221

SB 610 and SB 221 (Water Code § 10910(c)(2)) amended state law, effective January 1, 2002, to improve the link between information on water supply availability and certain land use decisions made by cities and counties. SB 610 and SB 221 seek to promote more collaborative planning between local water suppliers and cities and counties by requesting that detailed information regarding water availability be provided to decision-makers prior to approval of specified large development projects. SB 610 requires that detailed information be included in a Water Supply Assessment, which is then included in the administrative record that serves as the evidentiary basis for an approval action by a city or county. SB 221 requires that the detailed information be included in a verification of water supply. Under SB 610, WSAs must be furnished to local governments for inclusion in any environmental documentation for certain projects (as defined in Water Code Section 10912(a)) subject to CEQA.

California Water Conservation Act

The California Water Conservation Act (SB X7-7) was enacted in November 2009 and requires each urban water supplier to select one of four water conservation targets contained in California Water Code Section 10608.20 with the Statewide goal of achieving a 20 percent reduction in urban per-capita water use by 2020. Under SBX7-7, urban retail water suppliers are required to develop water use targets and submit a water management plan to the Department of Water Resources by July 2011. The plan must include the baseline daily per-capita water use, water use target, interim water use target, and compliance daily per-capita water use.

California Model Water Efficient Landscape Ordinance

The California Model Water Efficient Landscape Ordinance was adopted by the California Office of Administrative Law in September 2009 and requires local agencies to implement water efficiency measures as part of their review of landscaping plans. Local agencies can either adopt the Model Water Efficient Landscape Ordinance or incorporate provisions of the ordinance into their own code requirements for landscaping. The County has not adopted a local ordinance.

California Integrated Waste Management Act

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 in 1995 and 50 percent in 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, amendments to the California Integrated Waste Management Act introduced 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: a jurisdiction's population (or in some cases employment) and 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 four 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 two or more cubic yards of commercial solid waste per week. AB 1826 sets a Statewide goal for 50 percent reduction in organic waste disposal by the year 2020.

Senate Bill 1383

SB 1383 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 Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling

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

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

Regional

National Pollutant Discharge Elimination System Waste Discharge Requirements

Discharges of stormwater runoff from MS4s are regulated by the Municipal Regional Stormwater NPDES permit, under Order No. R2-2022-0018; NPDES Permit No. CAS612008, issued by the San Francisco Bay RWQCB.

Under CWA Section 402(p), stormwater permits are required for discharges from MS4s that serve populations of 100,000 or more. The MRP manages the Phase I Permit Program (serving municipalities of more than 100,000 people), the Phase II Permit Program (for municipalities of fewer than 100,000 people), and the Statewide Storm Water Permit for Caltrans.

The State Water Board and the individual water boards implement and enforce the MRP. Multiple municipalities, including the City of San José, along with Santa Clara County and Valley Water, are co-permittees. These entities formed the Santa Clara Valley Urban Runoff Pollution Prevention Program to collectively address waste discharge requirements and manage stormwater runoff from storm drains and watercourses within their jurisdictions.

Municipal Regional Permit Provisions C.3

Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area, or 5,000 square feet or more of impervious surface area for regulated projects involving special land use categories (i.e., auto service, retail gasoline station, restaurant, and/or uncovered parking), are required to implement site design, source control, and LID–based stormwater treatment controls to treat post-construction stormwater runoff. LID–based treatment controls are intended to maintain or restore the site's natural hydrologic functions,

maximizing opportunities for infiltration and evapotranspiration and for using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures be properly installed, operated, and maintained.

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

Local

San José Municipal Water System 2020 Urban Water Management Plan

Muni Water meets the definition of an urban water supplier and has prepared a 2020 UWMP. This 2020 UWMP documents information on water supply, water usage, recycled water, water conservation programs, water shortage contingency planning, and water supply reliability in Muni 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.

San José Water Conservation Programs

The City's water conservation programs are intended to meet future water needs and minimize flows to the sanitary sewer and sewage treatment systems. The program includes the following elements:

- Limited landscape watering hours
- Restrictions on the use of potable water for construction purposes
- Ultra-low-flow toilet incentives
- A shower head retrofit program
- Landscape ordinances for non-residential new construction
- Commercial/industrial water audits
- Financial incentives for commercial/industrial conservation
- Water use prohibitions
- A ban on cleaning vehicles without an automatic shut-off valve

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 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 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.

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 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.

San José Municipal Code

Municipal Code Chapter 15.11 (Water Efficient Landscape Standards for New and Rehabilitated Landscaping) is intended to promote the conservation and efficient use of water and to prevent the waste of this valuable resource by regulating landscape design, installation, and maintenance. New construction projects with a total landscape area equal to or greater than 500 square feet are subject to the requirements of Municipal Code Chapter 15.11, including landscape and irrigation design specifications.

City of San José 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 of 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.

Construction and Demolition Diversion Deposit Program

The Construction and Demolition Diversion Deposit Program requires projects to divert at least 50 percent of total projected project waste to be refunded the deposit. Permit holders pay this fully refundable deposit upon application for the construction permit with the City if the project is a demolition, alteration, renovation, or a certain type of tenant improvement. The minimum project valuation for a deposit is $2,000 for an alteration-renovation residential project and $5,000 for a non-residential project. There is no minimum valuation for a demolition project and no square footage limit for the deposit applicability. The deposit is fully refundable if C&D materials were reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photos, estimated weight quantities, and receipts from donations centers stating materials and quantities.

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

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling

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

3.17.4 - Methodology

The following evaluation discusses whether the proposed Project would result in direct impacts on utilities or services such as existing wastewater and stormwater drainage facilities, water supply, or water treatment facilities. The estimated number of employees associated with the proposed Project on the Project site was calculated using the ITE Trip Generation Manual. A total of 507 employees is estimated to utilize the Project site as a result of proposed Project development, currently excluding potential customers and visitors. This employee estimate was used to determine generation of wastewater and solid waste for the proposed Project.

The evaluation also discusses whether the proposed Project would result in indirect impacts on utilities and services systems, such as construction impacts from new stormwater drainage systems. The analysis involved reviewing published data and material provided by the Santa Clara Valley Water District, Muni Water, CalRecycle, PG&E, and the Utility Plan included in the planning application submittal.

3.17.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the CEQA Appendix G Environmental Checklist to determine whether impacts on utilities and service systems are significant environmental effects. Significant environmental effects would occur if the proposed Project would:

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

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

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

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

e) Comply with federal, State, and local statutes and regulations related to solid waste.

3.17.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed Project and provides mitigation measures where appropriate.

Water or Wastewater Treatment Facilities

Impact UTIL-1:	**The proposed Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.**

Impact Analysis

Water Utilities

Construction of the proposed Project would involve connecting the project's internal water distribution system to the existing 3-inch domestic water mains within Junction Avenue. New 12-inch fire service lines and associated valves would be installed throughout the site to ensure adequate fire protection. All work would comply with City standards for potable water and fire flow and temporary water shutoffs may be required during tie-ins. Though construction of the proposed Project would require expanded water facilities, the proposed Project would be constructed on a developed site that is in an urbanized area near existing utility infrastructure and improvements and would replace a similar existing use. The water demand for the proposed Project would be met by the existing service provider, as discussed further under Impact UTIL-2 below. The proposed Project would not result in

the relocation or construction of water facilities outside the project boundaries. As such, no expansion or relocation of off-site water facilities would be required. Thus, impacts would be less than significant.

Wastewater Treatment

Wastewater would be managed via existing and new sanitary sewer connections, directing flows to the RWF. The proposed Project would construct a new 6-inch sewer line connecting to existing sanitary sewer manholes along Junction Avenue. Existing on-site manholes would be reused where feasible, minimizing disruption. All connections and new lines would be constructed in accordance with City and regional wastewater management requirements to ensure proper collection and treatment. The proposed Project would be constructed on an already developed site that is in an urbanized area near existing utility infrastructure and improvements and would replace a similar existing use. As discussed further under Impact UTIL-3 below, the RWF has sufficient capacity to serve the proposed Project. Thus, no expansion or relocation of off-site wastewater facilities is anticipated. Impacts would be less than significant.

Stormwater Drainage

Stormwater would be served by existing and new stormwater facilities on the Project site. The proposed Project would construct new on-site drainage systems, bioretention areas, and connections to City storm drains. As discussed in Section 3.9, Hydrology and Water Quality, these facilities would be specifically designed to accommodate stormwater flows on the Project site. Stormwater facilities would be required to comply with NPDES MRP and all applicable plans, policies, and regulations for the management and treatment of stormwater. As such, environmental effects related to on-site development of stormwater facilities are anticipated to be minimal and related construction impacts have been considered throughout this document. No expansion or relocation of off-site stormwater facilities is anticipated. Therefore, impacts would be less than significant.

Energy and Telecommunications

Energy services for the proposed Project would be provided by SJCE. As described in Section 3.5, Energy, the proposed Project would enroll in SJCE's GreenSource program. Although SJCE procures this power, PG&E continues to deliver electricity over existing power lines, maintain the lines, send bills, and provide customer service. Phone and internet services would be provided by local private telecommunications providers, including, but not limited to, AT&T, Comcast, and Spectrum.

Telecommunications and electrical needs would be met by leveraging existing lines along Zanker Road and installing new transformers, providing service for future tenants. No gas utilities would be utilized for the proposed Project. The project applicant would coordinate with the appropriate electric power, and telecommunication providers, including SJCE and PG&E, on providing service to the Project site. The proposed Project would be constructed on an already developed site that is in an urbanized area near existing utility infrastructure and improvements and would replace a similar existing use. No new telecommunications facilities would be constructed outside of the proposed Project boundaries, and no relocation of existing off-site telecommunications infrastructure would be required.

As previously mentioned in Section 3.5, Energy, existing conditions on the Project site utilize electricity and related vehicular trips result in fuel consumption. The proposed Project would be designed with recent CALGreen Title 24, Part 6 (Building Energy Efficiency Standards) and Part 11 (CALGreen Code) energy efficiency standards which require up-to-date energy conservation measures. Therefore, the proposed Project would not result in the relocation or construction of energy or telecommunication facilities outside or within the proposed Project boundaries that would cause significant environmental effects. As such, impacts would be less than significant.

Overall, based on the above analysis, the proposed Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, or telecommunications facilities. Impacts would be less than significant.

Level of Significance

Less than significant impact.

Water Supplies

Impact UTIL-2: The proposed Project would have sufficient water supplies available to serve the proposed Project and reasonably foreseeable future development during normal, dry, and multiple dry years.

Impact Analysis

Construction

During construction, water would be required primarily for dust suppression and would also be used for soil compaction. These construction activities would be temporary. Construction water volumes would be minimal and would not require new or expanded water supplies or entitlements. Therefore, construction impacts would be less than significant.

Operation

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. Nonetheless, operation of the proposed Project would generate water demand.

Muni Water supplies water to the Project site, drawing from a blend of Hetch Hetchy surface water (via SFPUC), local groundwater, and treated imported water. The proposed Project is considered under the UWMP as it is located within the service area and General Plan growth assumptions. According to the Muni Water UWMP, the reasonably projected water supply for 2025 is 25,856 acre-feet.[14] The UWMP also evaluated future water demands based on estimated growth projections from the General Plan. Based on these demand rates, the proposed Project would have a water demand of approximately 64,896 gallons per day,[15] which is equivalent to approximately 72.7 acre-feet per

[14] City of San José. 2021. 2020 Urban Water Management Plan. Website: https://www.sanjoseca.gov/home/showpublisheddocument/422/637602045327100000. Accessed February 20, 2026.

[15] The 2020 UWMP assumed a business water demand factor of 128 gallons per day per job. Total water demand = 128

year.[16] As such, water demand associated with the proposed Project would represent approximately 0.28 percent of the 25,856 acre-feet of projected water supply for 2025. Approximately 25,783.3 acre-feet of water would remain available to serve all other uses in the Muni Water service area. This represents a conservative estimate as the Project site is currently occupied and generates an existing water demand.

Moreover, as discussed in Section 3.10, Land Use and Planning, the proposed Project would be consistent with the land use designation for the Project site and similar to existing and historic Project site uses. Thus, the proposed Project was accounted for in the growth projections utilized by the Muni Water. 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 remains 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. In the event of single dry or multiple dry years, the Muni Water would implement conservation measures identified in its Water Shortage Contingency Plan, such as restricting landscape irrigation, enforcing water budgeting programs, and limiting the use of potable water for cleaning building exteriors.[17] Additionally, the proposed Project would be required to comply with State and local water conservation regulations, including the Model Water Efficient Landscape Ordinance and California Water Conservation Act, which mandate planning for dry years and supply reliability, as well as implementing water efficient landscaping for consistency with General Plan Policies MS-1.4, MS-3.1, MS-3.2, and MS-3.3. 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 would be less than significant.

Level of Significance

Less than significant impact.

Wastewater Treatment Capacity

Impact UTIL-3:	**The proposed Project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.**

Impact Analysis

Construction

Wastewater generation during construction would be minimal and construction activities would be temporary. Therefore, impacts would be less than significant.

gallons per day * 507 employees = 64,896 gallons per day

[16] 64,896 gallons per day * 365 days = 23,687,040 gallons per year. 23,687,040 gallons per year * one acre-foot per 325,851 gallons = 72.7 acre-feet per year.

[17] City of San José. 2021. Water Shortage Contingency Plan. Website: https://www.sanjoseca.gov/home/showpublisheddocument/74987/637602046315870000. Accessed March 4, 2026.

Operation

The Project site is served by the existing sanitary sewer system maintained by the City's Environmental Services Department, with wastewater treated at the RWF. The RWF has a design capacity of 167 mgd and serves over 1.4 million people in the region.[18] As stated above, the proposed Project would reuse existing sanitary sewer manholes and connections to city sewer mains and would add a new 6-inch sanitary sewer line that would be designed to adequately handle flows from the proposed Project.

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. Furthermore, the RWF's Plant Master Plan and associated Capital Improvement Program account for growth and new development consistent with the General Plan, including industrial projects such as the proposed Project.[19] The Capital Improvement Program confirms that, with development of the planned infrastructure rehabilitation, the RWF has adequate capacity to sustainably serve both current and future needs.[20]

The proposed Project would have an estimated water demand of approximately 72.7 acre-feet per year, or 64,896 gallons per day (conservatively assuming no existing water use). It is conservatively assumed that all water utilized on the Project site would be transformed into wastewater after use. As such, the proposed Project would generate approximately 64,896 gallons of wastewater per day (approximately 0.065 mgd). Based on a total available daily wastewater treatment capacity at the RWF of 167 mgd, the proposed Project's wastewater generation would be approximately 0.04 percent of the total daily capacity, allowing for approximately 166 mgd of treatment capacity for all other uses in the RWF service area. Additionally, the proposed Project would be required to pay for a sanitary sewer use charge that would fund improvements under the Capital Improvement Program.[21] Thus, there is adequate capacity to serve the proposed Project's demand in addition to existing commitments and impacts would be less than significant.

Level of Significance

Less than significant impact.

[18] City of San José. San José-Santa Clara Regional Wastewater Facility. https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/water-utilities/regional-wastewater-facility. Accessed. November 14, 2025.

[19] City of San José. 2013. The Plant Master Plan. Website: https://www.sanjoseca.gov/home/showpublisheddocument/206/636611441889800000. Accessed March 3, 2026.

[20] City of San José. San José-Santa Clara Regional Wastewater Facility. Website: https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/water-utilities/regional-wastewater-facility. Accessed March 3, 2026.

[21] City of San José. Sanitary Sewer Service & Use Charge. Website: https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/water-utilities/regional-wastewater-facility/sanitary-sewer-service-charges. Accessed March 3, 2026.

Attainment of Solid Waste Reduction Goals

Impact UTIL-4: The proposed Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

Impact Analysis

Construction

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 NISL, located in the City, or to other appropriate regional landfills. With permit and regulatory compliance, construction impacts would be less than significant.

Operation

During the operational phase of the proposed Project, solid waste would be collected by Republic Services. All solid waste generated by businesses in San José is processed, and the residue is landfilled at NISL. Solid waste can be self-hauled to any landfill including NISL. The proposed Project would generate additional solid waste as compared to existing conditions due to the increased building square footage. The NISL is permitted to receive 4,000 tons per day, and, as of January 2025, the landfill had a remaining capacity of 10,500,000 cubic yards.[22]

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 per 1,000 square feet per day.[23] Therefore, the proposed Project, which involves approximately 365,001 square feet of warehouse space, and approximately 72,600 square feet of office space, is expected to produce approximately 5,618.61 pounds, or 2.55 tons, of solid waste per day.[24] This solid waste generation equates to only 0.001 percent of the NISL's permitted capacity per day. Approximately 3,997.5 tons of daily capacity at NISL would remain for other waste generating uses within the City.

Under implementation of the City's Zero Waste Strategic Plan and Climate Smart San José in combination with other applicable laws, regulations, and programs such as General Plan policies,

[22] California Department of Resources and Recycling (CalRecycle). 2026. SWIS Facility/Site Activity Details. Website: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1362?siteID=3388. Accessed February 11, 2026.

[23] California Department of Resources and Recycling (CalRecycle). 2026. Estimated Solid Waste Generation Rates. Website: https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates. Accessed February 11, 2026.

[24] Warehouse space: 365,001 square feet / 100 square feet = 3,650.01 square feet. 3,650.01 square feet x 1.42 lbs = 5,183.01 lbs. Office space: 72,600 square feet / 1,000 square feet = 72.6 square feet. 72.6 square feet x 6 lbs = 435.6 lbs. 435.6 lbs + 5,183.01 lbs = 5,618.61 lbs total.

adherence would ensure that the proposed Project would not result in 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. Specifically, General Plan Goal 6, Waste Reduction, outlines policies that support programs and incentives to reduce waste as well as improve waste technologies and systems. 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 not generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure or otherwise impair the attainment of solid waste reduction goals. Impacts would be less than significant.

Level of Significance

Less than significant impact.

Solid Waste Regulations

Impact UTIL-5: The proposed Project would comply with federal, state, and local statutes and regulations related to solid waste.

Impact Analysis

The proposed Project would generate additional solid waste as compared to existing conditions. The proposed Project would support the goals of the Zero Waste Strategic Plan by complying with the City's C&D Diversion Program (which ensures that at least 75 percent of this construction waste is recovered and diverted from landfills), providing readily accessible areas for recycling that serve all of the buildings on-site, and providing enclosures for trash receptacles. Additionally, the estimated increases in solid waste generation from the proposed Project would be reduced through implementation of the City's Zero Waste Strategic Plan. The proposed Project would also be required to comply with applicable federal, State, and local laws and regulations related to solid waste, such as AB 939 and SB 1383, to achieve a 50 percent reduction in organic waste. As such, a portion of solid waste would be diverted from the landfill through recycling, composting, and other methods in compliance with applicable federal, State, and local management and reduction statutes. Therefore, the proposed Project would not conflict with applicable federal, State, and local management and reduction statutes and regulations related to solid waste and impacts would be less than significant.

Level of Significance

Less than significant impact.

3.17.7 - Cumulative Impacts

The geographical scope of the cumulative impact analysis for Utilities and Service Systems is the service area of each provider. The analysis considers the foreseeable development projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects, and Exhibit 3-1, Cumulative Projects Location Map, in the City of San José and the surrounding areas, in addition to the proposed Project.

Water Facilities

The geographic scope of the cumulative potable water analysis is the service area of the Muni Water, which provides potable water to residents and businesses within the City.

Cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1 are located within areas of the City, as well as the City of Milpitas and the City of Santa Clara. Cumulative projects not located within the City were not considered for this analysis as they are located outside of the Muni Water service area. Cumulative projects that are within the City are located within the Muni Water service area and, in turn, would increase the water supply demand. As discussed under Impact UTIL-2, the Muni Water has available water supplies to serve the proposed Project. The proposed Project would be required to comply with Model Water Efficient Landscape Ordinance and California Water Conservation Act, which mandate planning for dry years and supply reliability, as well as implementing water efficient landscaping. Developers of other cumulative projects would also be required to comply with these policies. Additionally, the proposed Project use and the other pending projects' uses are accounted for in the UWMP and would not create the need for any new or expanded facilities that could have significant cumulative impacts. The Muni Water 2020 UWMP determined that Muni Water estimated water demand of future development in the service area and forecasted that there is sufficient water supply for population growth through 2045. Therefore, cumulative impacts would be less than significant. Because the proposed Project would comply with these requirements as well, the proposed Project would not have a cumulatively considerable contribution toward the less than significant cumulative impacts related to water supply.

Wastewater Treatment Capacity

The geographic scope of the cumulative wastewater analysis is the service area of the RWF, which provides wastewater collection and treatment services for contracted cities, including residents and business in the City. The RWF has identified necessary infrastructure improvements through the Plant Master Plan and Capital Improvement Program across the region, which will ensure wastewater capacity remains sufficient into the future. All future projects that are tributary to the Reclamation Facility would be required to demonstrate that sewer service is available to ensure that adequate sanitation can be provided.

Cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1 are located in the RWF service area and would generate volumes of wastewater. As noted in Impact UTIL-3, the RWF has a design capacity of 167 mgd. The proposed Project is estimated to generate approximately 0.065 mgd at buildout. The proposed Project's estimated wastewater generation of 0.065 mgd per day would represent about 0.04 percent of the average daily flow treated by the expanded RWF, allowing for approximately 166 mgd of treatment capacity for all other uses in the RWF service area. As such, cumulative impacts would be less than significant. Moreover, future cumulative projects along with the proposed Project would be required to pay a capacity fee established by the City with the amount depending on the proposed Project's land use and lot size. The capacity fee is mandated to provide funds to maintain and improve the existing wastewater system from the potential impacts generated from future planned developments. Therefore, the proposed Project's contribution to this

less than significant impact related to wastewater generation and treatment would not be cumulatively considerable.

Stormwater

The City oversees municipal storm drainage within the city limits. The municipal storm drainage system consists of ditches, inlets, basins, and underground piping that ultimately discharges flows into the San Francisco Bay. As such, the geographic scope of this cumulative analysis is the city limits.

All future development projects in the City are required to provide storm drainage facilities that collect and detain stormwater. During project construction, the proposed Project would implement standard stormwater pollution prevention measures to ensure downstream water quality impacts are minimized to the greatest extent possible.

Cumulative projects would be required to prepare and implement a SWPPP for project construction and to include evaluation for site design measures and on-site treatment systems pursuant to Provision C.3 of the MRP. This would reduce the volume of stormwater runoff that cumulative projects would generate. Therefore, cumulative impacts in this regard would be less than significant.

The proposed Project would install an on-site storm drainage system consisting of bioretention areas with catch basins, storm drain inlet protections, and silva cell tree stormwater management systems. These facilities would be specifically designed to accommodate stormwater flows on the Project site. As such, the proposed Project would ensure no net increase in stormwater would leave the Project site during a storm event and would avoid cumulatively significant stormwater impacts to downstream waterways at times when capacity is most constrained. The proposed Project would similarly be required to prepare and implement a SWPPP. Therefore, the proposed Project's contribution to this less than significant impacts related to storm drainage would not be cumulatively considerable.

Solid Waste

The geographic scope for cumulative solid waste analysis is the service area of Republic Services. Cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1 consist of residential, mixed-use, commercial, light industrial, and research and development uses and would generate solid waste that would increase demand on solid waste facilities to receive, process, and dispose of solid waste.

As discussed under Impact UTIL-4, the NISL had approximately 10.5 million cubic yards (22.96 million tons) of capacity remaining and a permitted capacity of 4,000 tons per day. The proposed Project would generate approximately 2.55 tons of solid waste per day. Approximately 3,997.5 tons of daily capacity at NISL would remain for other waste generating uses within the City. As such, it appears that sufficient capacity would be available to serve the proposed Project as well as existing and planned land uses in the City for the foreseeable future.

The proposed Project's construction and operational solid waste generation would represent less than 0.001 percent of the remaining capacity at the NISL. Existing solid waste facilities provide

sufficient capacity to serve cumulative development anticipated in the City. In addition, all new development would be required to comply with federal, State, and local regulations regarding solid waste. Similarly, the proposed Project would be required to comply with such applicable regulations. Therefore, the proposed Project, in conjunction with identified cumulative projects, would result in a less than significant cumulative impact related to solid waste generation and landfill capacity.

Level of Cumulative Significance

Less than significant impact.

THIS PAGE INTENTIONALLY LEFT BLANK

CHAPTER 4

4.0 - EFFECTS FOUND NOT TO BE SIGNIFICANT

4.1 - Introduction

This chapter is based on the Montague Point Industrial Project Draft EIR NOP, dated February 2, 2026, and contained in Appendix A of this Draft EIR. The NOP was prepared to identify the potentially significant effects of the proposed Project and was circulated for public review between February 2, 2026, and March 5, 2026.

During the NOP evaluation, construction and operation of the proposed Project were found to have no impact on certain environmental topic areas. This chapter provides a brief description of effects found not to be significant, based on the NOP or more detailed analysis conducted as part of the EIR preparation process.

Note that a number of impacts that are found to be less than significant are addressed in the various EIR topical sections (Sections 3.1 through 3.17) to provide more comprehensive discussion of why impacts are less than significant, in order to better inform decision-makers and the general public.

4.2 - Environmental Effects Found not to be Significant

4.2.1 - Aesthetics

Scenic Vistas

The General Plan defines scenic vistas in the City as views of and from the Santa Clara Valley, surrounding hillsides, and urban skyline. The Project site is relatively flat and would be located on the Santa Clara Valley floor. Because of the flat nature of the Project site and urban development within the Project area, the identified scenic vistas are not visible from the Project site. The proposed Project would not obstruct any public views of the distant scenic vistas. Therefore, no impacts to scenic vistas would occur.

State Scenic Highways

According to the California Department of Transportation, the nearest route eligible for the State Scenic Highway Program is a segment of I-680, located approximately 4.7 miles northeast of the Project site.[1] Additionally, the nearest officially State-designated Scenic Highway is a portion of I-680 approximately 9.8 miles northeast of the Project site. The Project site would not be visible from either scenic highway segment. Likewise, neither of these locations are visible from the Project site or its

[1] California Department of Transportation (Caltrans). 2018. Statewide Scenic Highway Map. Website: https://experience.arcgis.com/experience/47e2009986264718a5a13a2c81382774. Accessed February 23, 2026.

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

4.2.2 - Agriculture and Forestry Resources

The Project site and its surroundings are classified as "Urban and Built-up Land" by the California Department of Conservation, which is described as land occupied with a building density of at least one unit to 1.5 acres and is considered a nonagricultural soil classification.[2] The Project site and surrounding area do not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The proposed Project is not subject to the Williamson Act according to the California Department of Conservation Williamson Act Enrollment Finder, nor is the proposed Project zoned for agricultural uses by the City of San José.[3] Further, the Project site is developed with existing commercial/office uses and is not suitable for agriculture or forestry use. Therefore, the proposed Project would have no impact on farmland or forest land.

4.2.3 - Biological Resources

Wetlands and Jurisdictional Features

No federally protected wetlands as defined by Section 404 of the CWA were identified within the Project site. Review of historical imagery using Google Earth Pro provided no evidence of streams being diverted away from the Project site, or wetlands being converted to development, or that such habitats had been eliminated from the site. A review of the USGS National Hydrography Data Set shows no stream drainages occurring on the Project site. The USFWS National Wetlands Inventory maps show no wetlands or deep-water habitats mapped within the site. The field survey conducted by FCS confirmed that no wetlands/waters of the United States or State were found on the property. As such, the proposed Project would not directly or indirectly remove, fill, or hydrologically interrupt State or federally protected wetlands. No impacts would result from Project construction or operation.

4.2.4 - Cultural Resources

Historic Resources

Historical resources in the context of this analysis primarily refers to the built environment; mainly buildings and structures over 50 years in age that may be eligible for inclusion on the CRHR or NRHP. Records search results conducted at the NWIC failed to identify any historical resources located within the Project site or within the 0.5-mile search radius. While buildings were encountered during the pedestrian field survey, the review of historic aerial photographs show that the existing office complex on the Project site was under active construction between 1980 and 1987. This makes

[2] California Department of Conservation. 2022. California Important Farmland Finder. Website: https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed December 16, 2025.

[3] California Department of Conservation. 2025. Williamson Act Enrollment Finder. Website: https://maps.conservation.ca.gov/dlrp/WilliamsonAct/App/index.html#data_s=id%3Awidget_22_output_config_default_geocode_0_0%3A0. Accessed December 16, 2025.

the buildings and structures less than 50 years in age likely ineligible for inclusion on the NRHP, CRHR, or on any local register of historically significant buildings or resources. Therefore, construction of the proposed Project would not have an adverse impact on historic era built environment resources.

Proposed on-site operations would be similar to those currently on-site and consistent with existing land use and zoning designations. No historical resources are located on-site or in the Project vicinity. Therefore, the proposed Project's operation would not have the potential to cause a substantial adverse change in the significance of a historical resource and no impact would occur.

4.2.5 - Geology and Soils

Septic or Alternative Wastewater Disposal Systems

The Project site is currently developed and maintains existing connections to the City's wastewater system. The proposed Project would similarly 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 existing treatment facilities for processing and disposal. The proposed Project does not include new septic tanks or alternative wastewater disposal systems. Therefore, no impact would occur.

4.2.6 - Land Use and Planning

Division of an Established Community

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 established community and an outlying area.

The Project site is located within an urbanized area and is surrounded by a range of commercial and industrial uses. The proposed Project does not propose a large linear feature that would separate an established community. The proposed Project would demolish five existing buildings and develop three industrial warehouse buildings, consistent with the existing land use and zoning for the Project site. Therefore, the proposed Project would not 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. No impacts would occur.

4.2.7 - Mineral Resources

The Mineral Land Classification Map prepared by the California Department of Conservation indicates that the City, including the Project site, does not contain any known mineral resources or aggregate operations.[4] The General Plan states that other than the Communications Hill Area, which is located

[4] California Department of Conservation. California Geological Survey: Mineral Land Classification. Website: https://maps.conservation.ca.gov/cgs/minerals/?page=Mineral-Land-Classification&views=Legend---MLC-Reports. Accessed December 16, 2025.

approximately 10.9 miles southeast of the Project site, there are no other areas in the City that contain mineral deposits which are either of Statewide significance or the significance of which requires further evaluation. Furthermore, the Project site is developed with urbanized uses on land zoned as IP, which is intended for a wide variety of industrial uses, such as R&D, manufacturing, assembly, testing, and offices and, as such, does not allow for mining operations. For these reasons, the proposed Project would have no impact on mineral resources.

4.2.8 - Noise

Excessive Noise Levels from Airport Activity

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 ALUCP or, where such a plan has not been adopted, within two miles of a public airport or public use airport.

The nearest airport to the Project site is Norman Y. Mineta San José International Airport, located approximately 1.6 miles south of the site. The Project site is well outside the 65 dBA CNEL airport noise contours and is not located within an ALUCP.

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.

4.2.9 - Population and Housing

Housing Displacement/Replacement Housing

The proposed Project would include demolition of an existing industrial use building and related improvements and would not involve displacement of people or housing since there are no existing residential units on-site. Further, the Project site is designated and zoned as IP, which does not allow for residential uses. Therefore, the proposed Project would not necessitate construction of replacement housing. No impact would occur.

4.2.10 - Recreation

Recreational Facilities Physical Effect on Environment

The proposed Project would not include the construction of recreational facilities. The proposed Project would be served by existing public parks, recreational facilities, and open space areas provided at the local, regional, and State levels.

Further, as discussed in threshold REC-1 above, the City's standard of 7.5 acres of public park space per 1,000 residents is upheld through the General Plan, which accounted for potential indirect population growth consistent with the projection of 507 new employees at the Project site. The City currently exceeds this standard, providing approximately 18.1 acres of regional/City parkland per 1,000 residents. As such, adverse effects related to the construction or expansion of recreation facilities are not anticipated. Therefore, no impact would occur.

4.2.11 - Wildfire

CAL FIRE identifies and maps areas of significant fire hazards based on fuels, terrain, and other relevant factors. These maps categorize this information by FHSZ, grouped into unzoned, moderate, high, and very high zones. SRAs are locations where the State of California is responsible for wildfire protection, while LRAs are locations where the responding agency is the county or city.

The Project site is not located in a FHSZ and is designated as an LRA.[5] The Project site is located approximately 3.5 miles southwest of land identified as a Moderate FHSZ within a SRA. The Project vicinity is highly developed and lacking features that result in increased wildfire hazard (e.g., dry vegetation and steep slopes). The Project site is surrounded by urbanized uses and is currently connected to existing infrastructure. Furthermore, as part of the proposed Project, landscaping and vegetation would be managed as to not provide fuel for a fire. Therefore, no impact would occur with regard to wildfire.

[5] California Department of Forestry and Fire Protection (CAL FIRE). FHSZ Viewer. Website: https://osfm.fire.ca.gov/what-wedo/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones. Accessed February 17, 2026.

THIS PAGE INTENTIONALLY LEFT BLANK

CHAPTER 5

5.0 - OTHER CEQA CONSIDERATIONS

5.1 - Significant Unavoidable Impacts

CEQA Guidelines Section 15126.2(a)(c) requires an EIR to identify and focus on the significant environmental effects of the proposed Project, including effects that cannot be avoided if the proposed Project were implemented.

Based on the analyses contained in this Draft EIR, the City has determined that the proposed Project and the proposed Project in conjunction with other cumulative development would not result in any significant and unavoidable impacts.

5.2 - Growth-Inducing Impacts

There are two types of growth-inducing impacts that a project may have: direct and indirect. To assess the potential for growth-inducing impacts, projects characteristics that may encourage and facilitate activities that individually or cumulatively may affect the environment must be evaluated (CEQA Guidelines § 15126.2(e)). CEQA Guidelines, as interpreted by the City, state that a significant growth-inducing impact may result if the project would:

- Induce substantial population growth in an area (for example, by proposing new homes and commercial or industrial businesses beyond the land use density/intensity envisioned in the general plan);
- Substantially alter the planned location, distribution, density, or growth rate of the population of an area; or
- Include extensions of roads or other infrastructure not assumed in the general plan or adopted capital improvements project list when such infrastructure exceeds the needs of the project and could accommodate future developments.

5.2.1 - Direct Population Growth

Direct growth-inducing impacts occur when the development of a project imposes new burdens on a community by directly inducing unplanned population growth, such as through the construction of residential uses, or by leading to the construction of additional developments in the same area. The proposed Project does not propose any residential uses, nor does it propose development in a previously undeveloped area. The proposed Project would result in the demolition of the five two-story office/R&D buildings and construction of three new speculative industrial warehouse buildings for a range of potential uses, including R&D and manufacturing. The proposed Project would develop a flexible industrial space that can accommodate an evolving mix of users or tenants and would

include 437,601 square feet of warehouse area and office space. It does not propose construction of residential units that could directly induce population growth.

Furthermore, the proposed industrial warehouse use would be consistent with the long-range planned land use vision for the Project site under the applicable IP General Plan land use and zoning designations and have been contemplated in the City's planned population growth. According to Municipal Code Chapter 20.50.100, which outlines allowed uses and permit requirements for industrial zoning districts including IP, the Project site does not permit residential land uses. As such, the General Plan has contemplated nonresidential, industrial use at the Project site and therefore has accounted for related job growth. The proposed Project would replace existing employment generating uses on the Project site with a similar scale of development.

Because of the urbanized and already developed nature of the Project site that has existing, available infrastructure, and given that the proposed Project contemplates development consistent with the Project site's General Plan land use designation, it is not anticipated that the proposed Project would induce substantial unplanned direct population growth in an area. Therefore, the direct population growth associated with the proposed Project would not be considered unplanned or substantial.

5.2.2 - Indirect Population Growth

Indirect population growth occurs when a project creates substantial new permanent employment opportunities (thereby generating the need for more housing or other facilities) or upsized infrastructure (such as new roads or utility infrastructure) that could lead to additional unplanned growth.

Because of the urbanized and already developed nature of the Project site that has existing, available infrastructure, and given that the proposed Project contemplates development consistent with the Project site's General Plan land use designation and is largely a replacement of existing Project site uses, it is not anticipated that the proposed Project would induce substantial unplanned indirect population growth in an area.

While no residences are included in the proposed Project, the 507 jobs associated with the proposed Project could result in indirect population growth. Using the daily trip rates based on the ITE Trip Generation Manual for Industrial Park Projects (ITE Code 130), it was determined that the proposed Project would produce a total of 507 employees. According to the General Plan EIR, the City is estimated to have a population of approximately 1,500,000 persons by 2040. Conservatively assuming that all 507 new jobs would be filled by people moving to the City, the proposed Project would result in a less than 0.01 percent increase in the population of the City. Therefore, the proposed Project's potential indirect population growth would be within the expected and planned population growth projections and would not induce substantial indirect 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. The proposed

Project would develop an internal circulation system; however, no extension or construction of off-site roadway infrastructure would occur. In addition, utility improvements included in the proposed Project would be sized to support only the proposed Project and would not extend off-site. As such, the proposed Project would not remove a barrier of growth through the extension of infrastructure or utilities to an unserved area. Therefore, any indirect population growth associated with the proposed Project would not be considered unplanned or substantial.

5.3 - Significant Irreversible Environmental Changes

As mandated by the CEQA Guidelines Section 15126.2(d) and 15127, an EIR must evaluate and identify any significant irreversible environmental change(s) that would result from implementation of the proposed Project. Primary impacts and, particularly, secondary impacts (such as a highway improvement that would provide access to a previously inaccessible area) generally commit future generations to similar uses. Specifically, pursuant to the CEQA Guidelines Section 15126.2(d), such an impact would occur if:

- The proposed Project would involve a large commitment of nonrenewable resources, which makes removal or nonuse thereafter unlikely;
- The proposed Project involves uses in which irreversible damage could result from environmental accidents associated with the project; or
- The proposed Project involves any irretrievable commitment of resources in which consumption is not justified (e.g., the project results in the wasteful use of energy).

5.3.1 - Changes in Land Use That Would Commit Future Generations

The proposed Project would result in the demolition of all existing buildings and construction of three new speculative industrial warehouse buildings for a range of potential uses, including R&D and manufacturing. The proposed Project would include 437,601 square feet of warehouse area and office space.

The proposed industrial warehouse use would be consistent with the long-range planned land use vision for the Project site under the applicable IP General Plan land use and zoning designations and has been contemplated in the City's planned population growth. The proposed Project would develop an internal circulation system, but no extension or construction of off-site roadway infrastructure would occur. Utility improvements included in the proposed Project would be sized only to support the proposed Project and would not extend off-site. The proposed Project would be infill in nature and would locate employment opportunities near existing public transit facilities and major transportation corridors. Moreover, the proposed Project does not preclude future reconfiguration or alternative uses as the land remains within the jurisdiction of local planning authorities and subject to future discretionary review. Therefore, the proposed Project does not represent an irreversible commitment

of resources or land use that would constrain future generations or a commitment to a course of action that would limit the options available to future generations.

5.3.2 - Irreversible Changes from Environmental Accidents

An irreversible change from an environmental accident would result if the proposed Project would result in the release of hazardous materials into the environment as a result of accident conditions. As discussed in Section 3.8, Hazards and Hazardous Materials, construction of the proposed Project would involve the transport, use, and disposal of hazardous materials such as paints, cements, aggregates, metals, and diesel fuels and the demolition of on-site structures, which could result in potential exposure to ACMs. No lead-based paints are suspected in existing structures. Construction activities would also require use of typical building maintenance items, including paint, sealants, cleaning supplies. Transport and disposal of these substances would occur in compliance with the Hazardous Materials Transportation Act, California Health and Safety Code, and California Code of Regulations Title 8 to limit the risk of an accident. The project-specific Phase I ESA identified no RECs or other environmental conditions associated with the previous or existing businesses on the Project site. Since there are no on-site RECs and the proposed Project would comply with federal, State, and local rules and regulations pertaining to the transportation, disposal, and management of hazardous materials, including existing hazardous building materials, construction of the proposed Project would not create a significant hazard through the release of hazardous materials due to potential reasonably foreseeable upset or accidental conditions.

The Phase I ESA did not identify any RECs that could result in impacts to future occupants and visitors on the Project site. Further, the proposed Project would implement MM HAZ-1 to conduct a Phase II ESA to identify any remediation issues, if applicable, due to the potential of soil vapor impacts related to previous agricultural uses on the Project site. With incorporation of MM HAZ-1, the impacts related to vapor encroachments that could expose future occupants to pollutant concentrations would be less than significant. Future tenants would also be required to obtain necessary permits for the storage, use, and disposal of hazardous materials and abide by all local, State, and federal laws, policies, and regulations in order to use and/or store hazardous materials. Thus, operation of the proposed Project would not create a significant hazard through the release of hazardous materials due to potential reasonably foreseeable upset or accidental conditions. Therefore, the proposed Project would not result in irreversible changes from environmental accidents.

5.3.3 - Consumption of Nonrenewable Resources

Consumption of nonrenewable resources includes conversion of agricultural lands, loss of access to mining reserves, and use of nonrenewable energy sources. As described in Section 3.15, Effects Not Found to Be Significant, of the EIR, the Project site is not located on agricultural land or in an area of known mineral resources.

During construction, the proposed Project would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., site clearing and grading), and the

subsequent building construction phases. Petroleum-based fuels, such as diesel fuel and gasoline, would be the primary sources of energy for these tasks. The overall construction schedule and process is designed to use equipment and fuel efficiently. Therefore, the opportunities for future efficiency gains during construction are limited. Compliance with regulations such as the In-use Off-road Airborne Toxic Control Measure minimizes emissions by using a modern fleet, keeping equipment well-tuned and limiting idling time. In addition, SPC AQ-1 would require that idling times do not exceed 2 minutes. Thus, it is anticipated that the construction phase of the proposed Project would not result in wasteful, inefficient, and unnecessary consumption of nonrenewable energy.

During building operations, the proposed Project would consume energy. The overall operational energy consumption for the proposed Project is described in Section 3.5, Energy, and is detailed in Tabel 3-5.1. The proposed Project would adhere to the guidance provided by Appendix F of the CEQA Guidelines, which includes 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. The proposed Project would be designed and constructed in accordance with applicable CALGreen energy efficiency standards of Title 24. These standards would decrease overall per capita energy consumption and would reduce reliance on fossil duel use during operations. The proposed Project would include the installation of EV charging infrastructure with applicable provisions of the City's Reach Code. Therefore, operation of the proposed Project would not result in wasteful, inefficient, and unnecessary consumption of nonrenewable energy.

THIS PAGE INTENTIONALLY LEFT BLANK

CHAPTER 6

6.0 - ALTERNATIVES TO THE PROPOSED PROJECT

6.1 - Introduction

In accordance with CEQA Guidelines Section 15126.6, this Draft EIR contains a comparative impact assessment of alternatives to the proposed Project. The primary purpose of this section is to provide decision-makers and the general public with a reasonable number of feasible Project alternatives that could attain most of the basic Project objectives, while avoiding or reducing any of the proposed Project's significant adverse environmental effects. Important considerations for these alternatives analyses are noted below (as stated in CEQA Guidelines § 15126.6).

- An EIR need not consider every conceivable alternative to a project;
- An EIR should identify alternatives that were considered by the lead agency, but rejected as infeasible during the scoping process;
- Reasons for rejecting an alternative include:
  - Failure to meet most of the basic project objectives;
  - Infeasibility; or
  - Inability to avoid significant environmental effects.

6.1.1 - Significant Impacts

Impacts that Would Be Mitigated to Less than Significant Levels

Impacts that would be mitigated to less than significant levels are summarized below:

- **Impact CUL-2:** The proposed Project could result in potential impacts pursuant to Section 15064.5 if there was an inadvertent discovery of previously undiscovered archaeological resources during ground disturbing activities.
- **Impact HAZ-1:** The proposed Project could result in exposure of construction workers, adjacent properties and future site workers to pesticide contamination.
- **Impact NOI-1:** The proposed Project would require construction activities for over 12 months and may potentially result in construction on Saturdays, which would result in a potential temporary construction noise impact.
- **Impact TCR-1:** The proposed Project could result in potential impacts to significant cultural resources if there was an inadvertent discovery of cultural resources during ground disturbing activities.

Significant Unavoidable Impacts

The proposed Project would not result in any significant unavoidable impacts.

6.1.2 - Alternatives to the Proposed Project

The two alternatives to the proposed Project analyzed in this section are as follows:

- **No Project Alternative:** The Project site would remain as is and would not undergo any demolition or development of new buildings.
- **Reduced Size Alternative:** Only two of the three proposed buildings would be constructed, and two of the existing buildings would remain.

The two alternatives to the proposed Project are analyzed below. These analyses compare the proposed Project and each individual Project alternative. In several cases, the description of the impact may be the same under each alternative when compared with the City's Thresholds of Significance which are based on Appendix G of the CEQA Guidelines (i.e., both the proposed Project and the alternative would result in a less than significant impact). The actual degree of impact may be slightly different between the proposed Project and each alternative, and this relative difference is the basis for a conclusion of greater or lesser impacts.

6.2 - Project Objectives

As stated in Chapter 2, Project Description, the objectives of the proposed Project are to:

- Develop a modern and flexible industrial warehouse facility that accommodates a range of uses, including R&D, manufacturing, logistics, warehousing, distribution, and other light industrial tenants, in an urban setting.
- Provide building design and scale that supports different industries and market needs over time, including anticipated growing demand for R&D, advanced manufacturing, and distribution, in an economically feasible way.
- Maximize site and operational efficiency through strategic building placement, circulation design for truck and employee access, and integration of loading docks, trailer parking, and drive-in doors to prioritize safety, accessibility, and seamless movement of goods and personnel.
- Redevelop an industrial infill site with employment generating uses near housing and that reduce vehicle miles traveled by locating such uses in San José proximate to multiple freeway corridors.
- Replace functionally outdated office space on the Project site with speculative first-class facilities and replenish the supply of employment-generating industrial space in the City.

- Utilize existing infrastructure efficiently including utilities and circulation, consistent with the surrounding IP zoning district.
- Incorporate architectural and landscaping designs that are compatible with the scale and character of the surrounding area.
- Design and construct buildings that meet applicable City sustainability and green building standards.

6.3 - Alternatives to the Proposed Project

6.3.1 - Alternatives Rejected From Further Consideration

Alternate Site Alternative

CEQA Guidelines Section 15126.6(f)(2)(A) provides: "The key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR." Here, the proposed Project would not result in any significant unavoidable impacts so there are none to be avoided in another location. Accordingly, the alternatives analysis evaluates whether feasible alternatives could attain most basic Project objectives while avoiding or substantially lessening one or more of the proposed Project's identified significant effects, including effects that would be mitigated to less than significant, if another location were identified. However, as discussed below, there are no feasible alternative locations that would further reduce or substantially lessen the already less than significant effects of the proposed Project

Therefore, the possibility of an alternate Project site location was analyzed and determined to be infeasible for the following reasons.

In order to identify an alternative site that might be reasonably considered to "feasibly accomplish most of the basic purposes" of the proposed Project, and would also reduce significant impacts, it was assumed that such a site would ideally have the following characteristics:

- Vacant
- Controlled by the applicant
- Would reduce impacts of the proposed Project

The Alternative Site Alternative would require the proposed Project to be constructed at an alternative location that could be reasonably assumed to be owned or otherwise controlled by the Project proponent. The Project proponent is not a public agency capable of invoking eminent domain; therefore, any alternative location(s) would need to be sites of similar size that the applicant is capable of acquiring and that allow development of a flexible industrial warehouse facility that accommodates a range of uses. There are no similarly sized parcels with applicable zoning available for sale in the City.

The feasibility of the Project proponent acquiring or controlling a similar property suitable for meeting the Project objectives identified for the proposed Project is unknown. Further, CEQA Guideline Section 15126.6(a) indicates an EIR shall "describe a range of reasonable alternatives to the project, or to the location," which case law has confirmed means an EIR need not always include a location alternative, which as noted above, is more meaningful for a public agency able to acquire an alternative site through eminent domain, if needed, while a private project applicant is limited to site(s) they can feasibly acquire or control. Additionally, proposed Project impacts related to cultural resources, noise, and tribal cultural resources are not site-specific, but rather due to the type of construction associated with the proposed development. As such, similar mitigation measures would still be required on any alternative site to reduce impacts to less than significant.

Thus, an alternative site would not reduce impacts related to cultural resources, noise, and tribal cultural resources. Therefore, discussion of an alternative location for the proposed Project is not required or useful, and this alternative is rejected from further consideration.

Manufacturing Use Alternative

The Project site has a General Plan Land Use Designation of IP. As such, an alternative was considered that included one allowed use under the City's General Plan, a manufacturing use, to consolidate uses on the Project site. This alternative would meet most of the Project objectives, although in some cases to a lesser extent than the proposed Project as it would provide less flexibility in future tenant uses. This alternative would not include the proposed approximately 72,600 square feet of office use on the Project site, instead replacing that square footage entirely with industrial manufacturing use space. The increase in manufacturing use would have the potential to increase operational impacts related to hazards and hazardous materials, noise, air quality, GHG emissions, and energy due to manufacturing uses intensity when compared to office uses. Additionally, given the same Project site and similar construction activities, this alternative would not eliminate or substantially reduce the need for MM CUL-2a, MM CUL-2b, M HAZ-1, and MM NOI-1. Therefore, this alternative was rejected as infeasible.

6.3.2 - Alternatives Considered

Alternative 1—No Project Alternative

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

Under the No Project Alternative, the proposed Project would not be developed, and the five existing buildings on the Project site would remain in their current state. The existing buildings were constructed around the 1980s with dated office, R&D, and manufacturing space. Of the five existing buildings, three are currently vacant while two remain in operation. The two in operation are occupied by an office use and an R&D use related to technical hardware production. Operation of the three currently vacant buildings with a variety of industrial uses is allowed under the current IP zoning

regulations; allowable uses include R&D, manufacturing, assembly, testing, and offices. Accordingly, the No Project Alternative assumes the vacant buildings would be re-tenanted for office/R&D uses as it is permitted by-right and the conditions of the buildings are adequate for a new tenant. Under the No Project Alternative, off-site improvements, including intersection improvements at the Montague Point and Zanker road intersection or any bike and pedestrian infrastructure improvements along the proposed Project boundary, would not occur.

Under this alternative, no construction would occur and, as a result, no impacts associated with ground disturbing activities, including potential impacts related to Cultural Resources, Hazards, Noise, or Tribal Cultural Resources would occur. Thus, impacts in these areas would be less than under the proposed Project.

Under the No Project Alternative, operation of the five existing buildings with office and R&D uses could result in increased energy use and related operational emissions than that of new buildings of a similar size with the same use considering the more stringent energy efficiency regulations applicable to new buildings. Unlike the proposed Project, this alternative would not include all-electric building design nor would it include enrollment in SJCE GreenSource. While there would be no construction-related impacts under the No Project Alternative, operational impacts related to energy and GHG emissions could occur at a greater level of impact as compared to the proposed Project due to older building stock, lower energy efficiency, lack of electrification, and enrollment in SJCE GreenSource.

Moreover, with respect to transportation, this alternative would not include bike and pedestrian infrastructure improvements. As such, consistency with the City's Better Bike Plan and City's Complete Street Guidelines would not be realized. In addition, the existing building square footage on the Project site is greater than the anticipated building square footage for the proposed Project. The trip generation estimates in Appendix H utilize an Industrial Park (IP) land use code, which would be the same applicable trip generation code associated with the existing Project site conditions, and calculate trip generation rates through building square footage. Since the total existing building square footage is greater than the proposed Project development square footage, this alternative would have the potential to generate a greater number of vehicle trips due to the occupation of the existing buildings by new tenants. Thus, operational transportation impacts would be similar to the proposed Project.

Of the eight Project objectives identified, the No Project Alternative would only meet two, which include: utilizing existing infrastructure efficiently including utilities and circulation, consistent with the surrounding IP zoning district; and incorporating architectural and landscaping designs that are compatible with the scale and character of the surrounding area. This alternative would not develop a modern and flexible industrial warehouse facility that accommodates a range of uses, maximize site and operational efficiency through strategic building placement and integration of loading docks, redevelop an existing industrial infill site, replace functionally outdated office space, and construct buildings that meet the applicable City sustainability and green building standards. As such, the No Project Alternative would not fully meet all the Project objectives.

Conclusion

Implementation of the No Project Alternative would not include any construction activities, thereby avoiding ground disturbance and eliminating any potential impacts to Cultural Resources, Hazards and Hazardous Materials, Noise, and Tribal Cultural Resources identified in this Draft EIR that would require mitigation measures. Additionally, if the Project site were to remain as is with re-occupation of existing outdated buildings that have not been optimized for energy efficiency, this could create an increase in operational energy related impacts compared to the proposed Project and would not meet most of the Project Objectives listed above.

Alternative 2—Reduced Size Alternative

The primary impacts of the proposed Project would result from construction; therefore, a reduced-size alternative that would reduce the size of a project in massing or density, could reduce significant impacts of a proposed Project by reducing the extent of ground disturbance on the Project site, shortening the construction timeframe, and/or reducing the use of heavy equipment on-site.

Under the Reduced Size Alternative, the existing structures on the Project site would still be demolished. However, only Buildings 1 and 2 would be developed on the Project site and the total square footage of industrial/warehouse buildings would therefore be reduced from approximately 401,301 square feet under the proposed Project to approximately 248,856 square feet under this alternative. In addition, the Reduced Size Alternative would still include the construction of off-site improvements, including at the Montague Expressway and Zanker Road intersection, and bike and pedestrian improvements along the proposed Project boundary.

Construction of the Reduced Size Alternative would result in less ground disturbance and a reduced duration of construction activities given the decrease in proposed square footage. The reduction in ground disturbing activities would reduce the potential for impacts to cultural resources and tribal cultural resources as well as the potential for inadvertent discovery of these resources. However, the Reduced Size Alternative would still include ground disturbance and would be required to implement MMs CUL-2a and CUL-2b, similar to the proposed Project. Similarly, while the timeline for construction activities would be shortened, the type of construction would be similar due to the same proposed uses. Thus, the potential for weekend construction would still potentially occur. As such, this alternative would still be required to implement MM NOI-1 to reduce noise impacts to a less than significant level.

Furthermore, because the Reduced Size Alternative would be located on the same site, the potential for impacts related to hazardous materials associated with the site's previous agricultural uses would still be present and this Alternative would be required to implement MM HAZ-1.

Operationally, the reduction in proposed warehouse square footage would slightly reduce anticipated number of employees and operational building square footage compared to development of the proposed Project. As such, this alternative would slightly reduce the already less than significant impacts related to air quality, energy, GHG emissions, population and housing, public services, recreation, and utilities and service systems.

Moreover, this alternative would not fully meet the Project objectives to the same extent as the proposed Project. The Reduced Size Alternative would include developing modern industrial warehouses, redeveloping an industrial infill site, replacing functionally outdated office space, utilizing existing infrastructure, and constructing buildings that meet applicable City sustainability and green building standards. However, this alternative would not maximize site and operational efficiency through strategic building placement and circulation design, nor would it provide building design and scale that supports different industries and market needs over time, including anticipated growing demand of industrial uses, as this alternative would decrease available industrial square footage on the Project site. Further, this alternative would decrease the amount of employment-generating uses near housing. Therefore, the Reduced Size Alternative would not fully meet the Project objectives.

Conclusion

The Reduced Size Alternative would lessen the magnitude of certain construction-related impacts compared to the proposed Project, but because ground disturbance and construction activities would still occur on the same site, similar mitigation would still be required and the significance determinations would remain the same with respect to cultural resources, hazards and hazardous materials, noise, and tribal cultural resources. Due to the decreased amount of employees and operational building square footage, operational impacts related to air quality, energy, GHG emissions, population and housing, public services, recreation, and utilities and service systems would be slightly reduced. Further, this alternative would not fully meet Project objectives to the same extent as the proposed Project.

6.4 - Environmentally Superior Alternative

CEQA Guidelines Section 15126(e)(2) requires identification of an environmentally superior alternative. If the No Project Alternative is environmentally superior, CEQA requires selection of the "environmentally superior alternative other than the No Project Alternative" from among the proposed Project and the alternatives evaluated.

The qualitative environmental effects of each alternative in relation to the proposed Project are summarized in Table 6-1.

Table 6-1: Summary of Alternatives

Environmental Topic Area	Proposed Project	Alternative 1–No Project Alternative	Alternative 2–Reduced Size Alternative
Aesthetics, Light, and Glare	NI	NI =	NI =
Agriculture and Forestry Resources	NI	NI =	NI =
Air Quality	LTS	LTS =	LTS ≤
Biological Resources	LTS	LTS <	LTS <

Environmental Topic Area	Proposed Project	Alternative 1–No Project Alternative	Alternative 2–Reduced Size Alternative
Cultural Resources	LTSM	NI =	LTSM <
Energy	LTS	LTS >	LTS ≤
Geology, Soils, and Seismicity	LTS	NI =	LTS =
Greenhouse Gas Emissions	LTS	LTS >	LTS ≤
Hazards and Hazardous Materials	LTSM	NI <	LTSM =
Hydrology and Water Quality	LTS	NI <	LTS ≤
Land Use	LTS	NI <	LTS =
Minerals	NI	NI =	NI =
Noise	LTSM	LTS <	LTSM <
Population and Housing	LTS	LTS <	LTS ≤
Public Services	LTS	LTS <	LTS ≤
Recreation	LTS	LTS <	LTS ≤
Transportation	LTS	LTS =	LTS ≤
Tribal Cultural Resources	LTSM	NI <	LTSM <
Utilities and Service Systems	LTS	LTS <	LTS ≤
Wildfire	NI	NI =	NI =

Notes:
NI = No impact
LTS = Less than significant impact
LTSM = Less than significant with mitigation incorporated
SU = significant and unavoidable impact
< Impacts would be reduced compared to the proposed Project.
≤ Impacts would be similar to, but slightly reduced, compared to the proposed Project.
> Impacts would be greater than the proposed Project.
≥ Impacts would be similar to, but slightly increased, compared to the proposed Project.
= Impacts would be the same as the proposed Project.
Source: FirstCarbon Solutions (FCS). 2026.

CEQA Guidelines Section 15126(e)(2) requires an EIR to identify an environmentally superior alternative. If the No Project Alternative is the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other alternatives. The No Project Alternative would have reduced impacts for a majority of categories. Thus, the No Project Alternative would be the environmentally superior alternative. Since the No Project Alternative is the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other alternatives.

Alternative 2, the Reduced Size Alternative, would be the second environmentally superior alternative because it would decrease ground-disturbing activities and develop less industrial square footage, which would reduce impacts related to air quality, energy, GHG emissions, population and housing, public services, recreation, and utilities and service systems. However, ground-disturbing activities would still be required and the construction activities would be substantially similar. As such, MM CUL-2a, MM CUL-2b, M HAZ-1, and MM NOI-1 would still be required to reduce impacts to cultural resources, hazards and hazardous materials, noise, and tribal cultural resources to a less than significant level.

The Reduced Size Alternative would reduce the extent of several construction-related and operational effects overall and therefore is environmentally superior to the proposed Project and the No Project Alternative.

The Reduced Size Alternative would not fully meet the Project objectives to the extent of the proposed Project. The Reduced Size Alternative would include, to a lesser degree than the proposed Project, developing modern industrial warehouses, redeveloping an industrial infill site, replacing functionally outdated office space, utilizing existing infrastructure, and constructing buildings that meet applicable City sustainability and green building standards. However, this alternative would not maximize site and operational efficiency through strategic building placement and circulation design nor would it provide as much building space that supports different industries and market needs over time, including anticipated growing demand of industrial uses, as this alternative would decrease available industrial square footage on the Project site. Therefore, the Reduced Size Alternative would not fully meet the Project objectives.

THIS PAGE INTENTIONALLY LEFT BLANK

CHAPTER 7

7.0 - PERSONS AND ORGANIZATIONS CONSULTED/LIST OF PREPARERS

7.1 - Lead Agency

7.1.1 - City of San José

Planning Division

Supervising Planner ..... Cort Hitchens
Planner ..... Charlotte Yuen
Historic Preservation Officer ..... Dana Peak
Planning Project Manager ..... Rina Shah

7.1.2 - Private Parties and Organizations

McManagement Services, Inc.

Director of Development ..... Joe Goggiano

7.2 - List of Preparers

7.2.1 - Lead Consultant

FirstCarbon Solutions

Project Director ..... Janna Waligorski
Project Manager ..... Prathna Maharaj, AICP
Assistant Project Manager ..... Daniel Vermeulen
Legal Counsel ..... Megan Star
Analyst ..... Juliana Romano-Silverstein
Analyst ..... Taylor Davidson
Analyst ..... Heather Carr
Director of Cultural Resources ..... Dana DePietro, PhD, RPA
Principal Paleontologist ..... Joe Stewart
Senior Archaeologist ..... Stefanie Griffin
Archaeologist and Cultural Resources Specialist ..... Taylor Love
Archaeologist ..... Natalie Queatham
Director of Noise and Air Quality ..... Phil Ault, LEED® AP
Noise Analyst ..... Sara Landucci
Senior Air Quality Scientist ..... Jackie Winkle
Senior Air Quality Scientist ..... Marianne Aydil

Air Quality and Noise Scientist..... Tanay Pradhan
Senior Biologist ..... Robert Carroll
Biological Manager and Certified Arborist..... Hannah Carney
Biologist..... Kelly Evans
Senior Managing Editor..... Susie Harris
Publications Manager..... Alec Harris
Technical Editor..... Sarah Vine
Technical Document Manager..... Melissa Ramirez
GIS/Graphics..... Karlee McCracken
GIS/Graphics..... Sebastian Macias

7.2.2 - Technical Subconsultants

AEI Consultants

Associate Consultant ..... Christopher Olsen
National Client Manager..... Phillip A. Hoeksema

Cornerstone Earth Group (Geotechnical Investigation)

Project Engineer and Geotechnical Project Manager..... Jesse D. Serpa, PE
Principal Engineer and Quality Assurance Reviewer..... Maura F. Ruffato, PE

Hexagon Transportation Consultants, Inc. (Local Transportation Analysis)

Senior Associate ..... Brian Jackson