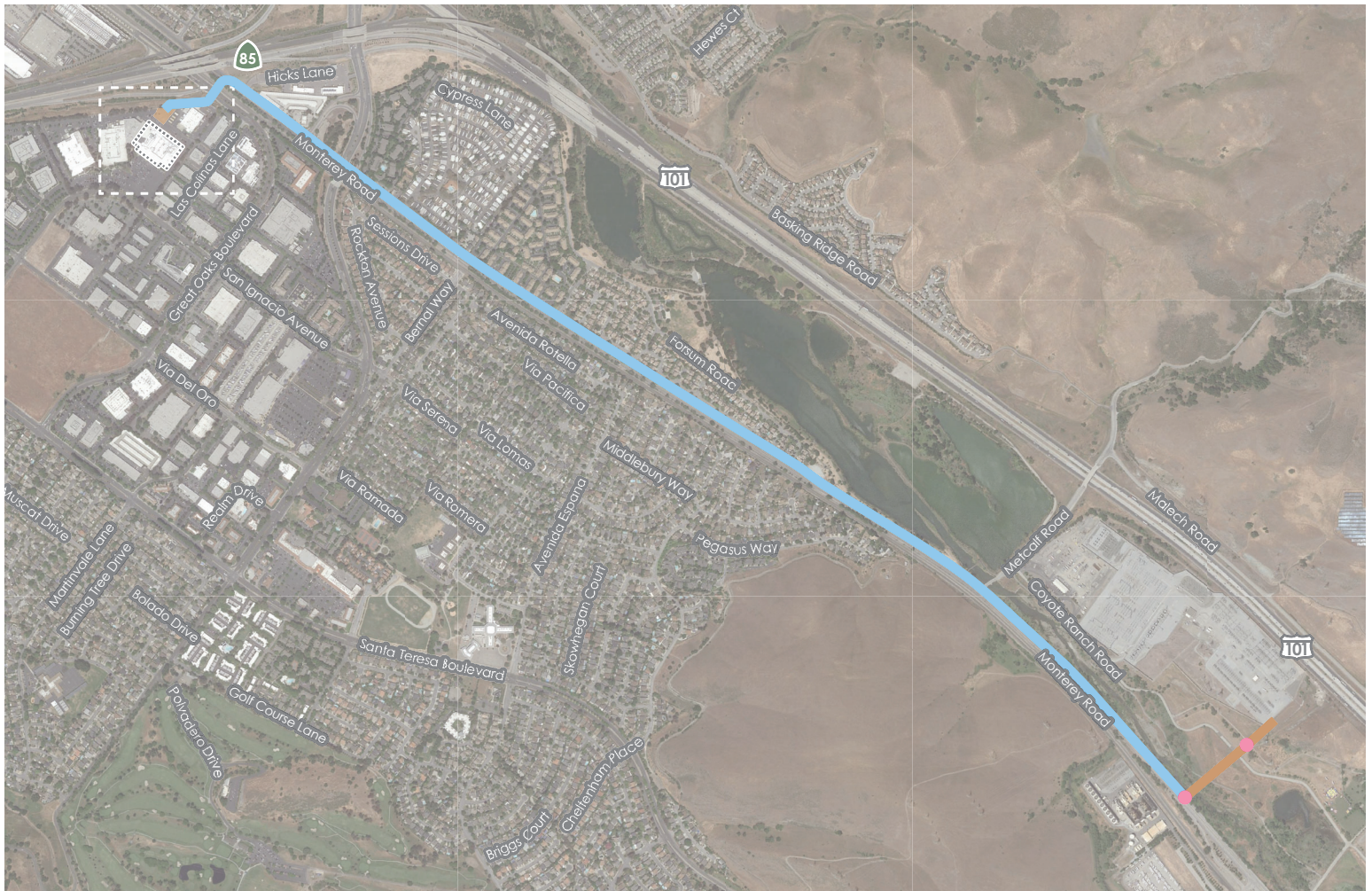


Initial Study

Hummingbird Energy Storage Project



Prepared by



In Consultation with



March 2020

TABLE OF CONTENTS

Section 1.0	Introduction and Purpose	1
Section 2.0	Project Information	2
Section 3.0	Project Description.....	6
Section 4.0	Environmental Setting, Checklist, and Impact Discussion	13
4.1	Aesthetics.....	14
4.2	Agriculture and Forestry Resources	22
4.3	Air Quality	25
4.4	Biological Resources	34
4.5	Cultural Resources.....	54
4.6	Energy.....	61
4.7	Geology, Soils, and Mineral Resources.....	67
4.8	Greenhouse Gas Emissions.....	76
4.9	Hazards and Hazardous Materials	83
4.10	Hydrology and Water Quality	93
4.11	Land Use, Planning, PoPulation and Housing.....	101
4.12	Noise.....	105
4.13	Public Services and Recreation	116
4.14	Transportation.....	120
4.15	Tribal Cultural Resources	124
4.16	Utilities and Service Systems	127
4.17	Wildfire.....	132
4.18	Mandatory Findings of Significance	135
Section 5.0	References.....	138
Section 6.0	Lead Agency and Consultants.....	141

TABLE OF CONTENTS

Figures

Figure 2.7-1: Regional Map	3
Figure 2.7-2: Vicinity Map	4
Figure 2.7-3: Aerial Photograph and Surrounding Land Uses.....	5
Figure 3.2-1: Conceptual Site Plan	8
Figure 3.2-2: Conceptual Transmission Line Plan.....	10
Figure 4.4-1: Project Area Habitat Types	39

Tables

Table 4.3-1: Health Effects of Air Pollutants	25
Table 4.3-2: BAAQMD Air Quality Significance Thresholds	29
Table 4.3-3: Construction Period Emissions.....	31
Table 4.3-4: Operational Emissions.....	32
Table 4.4-1: Tree Replacement Ratios.....	50
Table 4.8-1: Annual Project GHG Emissions (MT of CO ₂ e)	80
Table 4.8-1: Voluntary Greenhouse Gas Reduction Strategy Criteria.....	82
Table 4.12-1: Envision San José 2040 General Plan Land Use Compatibility Guidelines	106
Table 4.12-2: Overhead Construction Noise Levels.....	110
Table 4.12-3: Underground Construction Activities Noise Levels.....	111
Table 4.12-4: Substation Construction Noise Levels.....	111
Table 4.12-5: Energy Storage Building Mechanical Equipment Noise Levels	114
Table 4.12-6: Substation Mechanical Equipment Noise Levels	114
Table 4.12-7: Vibration Source Levels for Construction Equipment	115

Appendices

Appendix A: Air Quality Memo & CalEEMod Operational Output
Appendix B: Biological Resources Report
Appendix C: Tree Inventory Report
Appendix D: Phase I Environmental Site Assessment
Appendix E: Noise and Vibration Assessment

SECTION 1.0 INTRODUCTION AND PURPOSE

The City of San José, as the Lead Agency, has prepared this Initial Study for the Hummingbird Energy Storage Project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City San José, California. The project proposes to conduct interior tenant improvements for operation of an energy storage facility (batteries), construct a substation, and construct approximately 2.5 miles of underground transmission line connecting the substation to the Pacific Gas & Electric (PG&E) Metcalf Substation. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.1 PUBLIC REVIEW PERIOD

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

Kara Hawkins
City of San José
Department of Planning, Building & Code Enforcement
200 East Santa Clara Street
San José, CA 95113
(408)535-7852
kara.hawkins@sanjoseca.gov

1.2 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

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

1.3 NOTICE OF DETERMINATION

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

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Hummingbird Energy Storage Project

2.2 LEAD AGENCY CONTACT

Kara Hawkins
City of San José
Department of Planning, Building & Code Enforcement
200 East Santa Clara Street
San José, CA 95113
(408)535-7852
kara.hawkins@sanjoseca.gov

2.3 PROJECT APPLICANT

esVolta, LP – Rishad Olpadwala
65 Enterprise Road, 3rd Floor
Aliso Viejo, CA 92656

2.4 PROJECT LOCATION

The project is located at 6321 San Ignacio Avenue, which is situated on the northeast corner of San Ignacio Avenue in the City of San José. Regional, vicinity, and aerial maps are shown on Figure 2.7-1, Figure 2.7-2, and Figure 2.7-3, respectively.

2.5 ASSESSOR’S PARCEL NUMBER

Assessor’s Parcel Number (APN): 706-09-094

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

General Plan Designation: Industrial Park
Existing Zoning Designation: Industrial Park

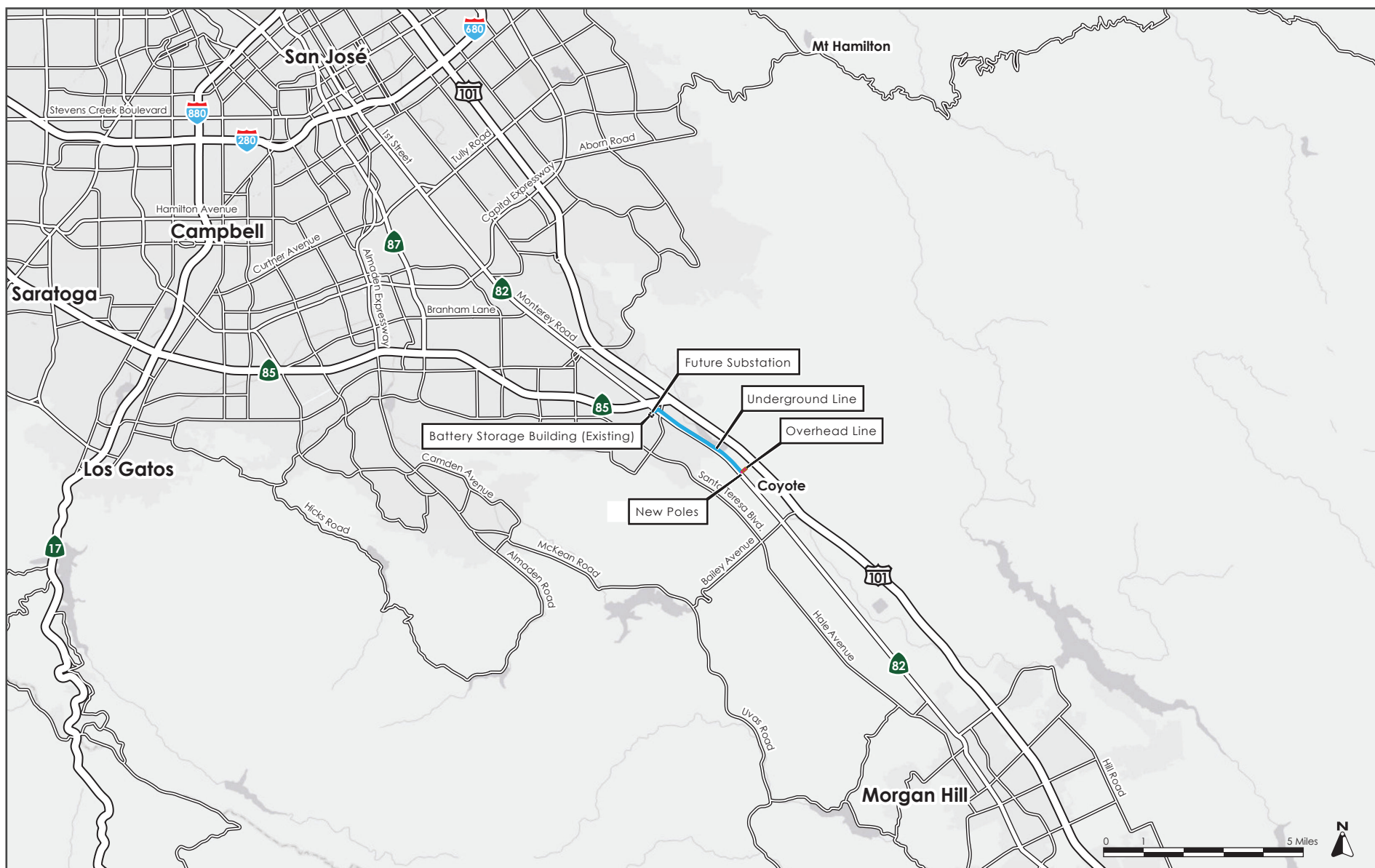
2.7 HABITAT PLAN DESIGNATION

Land Cover Designation: Urban – Suburban; Mixed Riparian Woodland and Forest; Golf Courses Urban Parks

Development Zone: Urban Development Covered Equal to or Greater than Two Acres, Rural Development Covered Equal to or Greater than Two Acres, Private Development Covered, Rural Development Not Covered

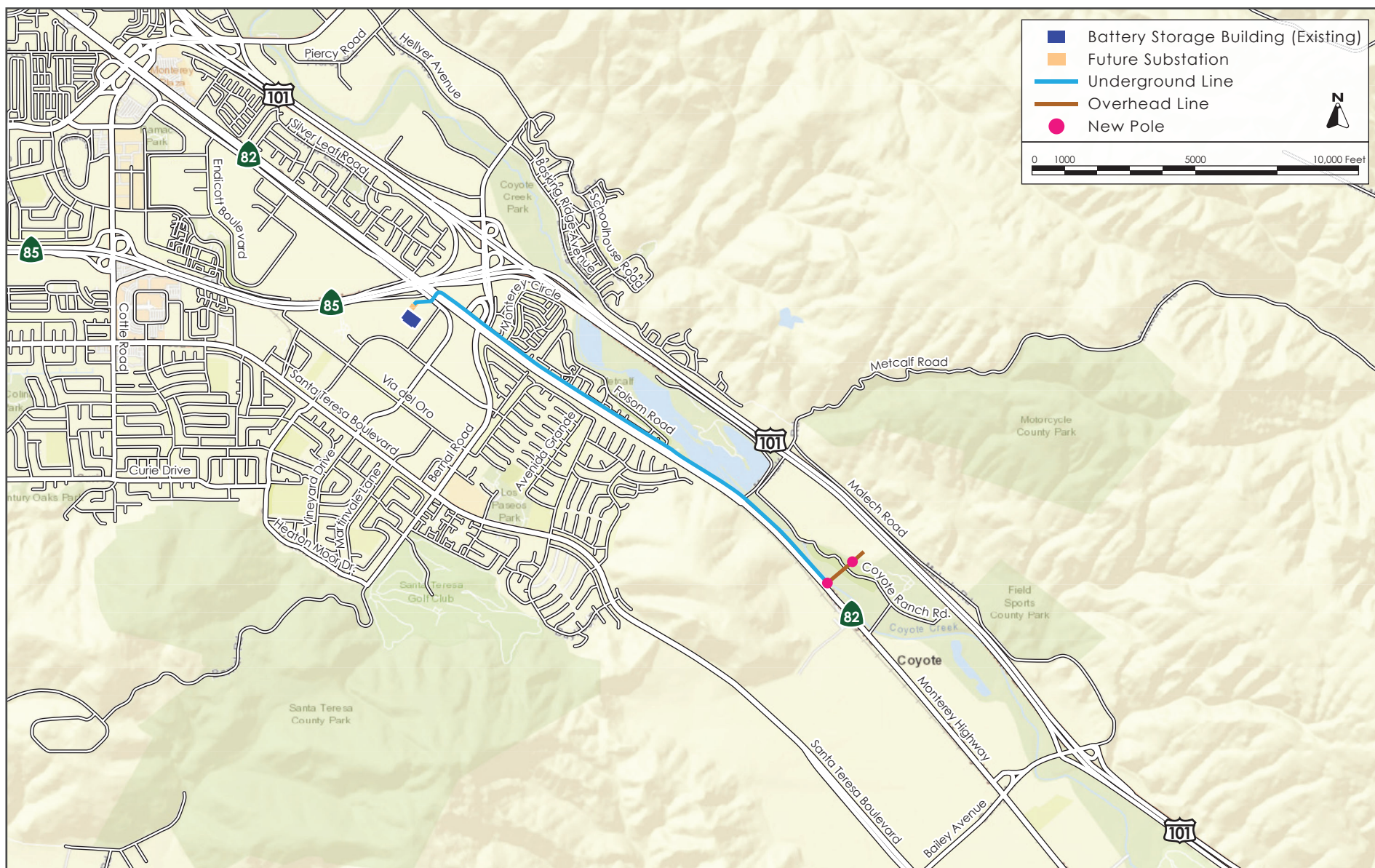
Fee Zone: Urban Areas (No Land Cover Fee); Fee Zone B (Agricultural and Valley Floor Lands)

Wildlife Survey Area: Tricolored Blackbird, Plant Survey Area



REGIONAL MAP

FIGURE 2.4-1



VICINITY MAP

FIGURE 2.4-2



AERIAL PHOTOGRAPH

FIGURE 2.4-3

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT LOCATION

The proposed project is located the southern portion of the City of San José. The project has two main components: 1) the approximately 102,462-square-foot battery-based energy storage building and substation at 6321 San Ignacio Avenue (APN 706-09-094), and 2) an approximately 2.5-mile-long transmission line. The transmission line would travel underground along the east side of Monterey Road for approximately two miles, then the line would daylight and turn east to traverse over Coyote Creek and ultimately connect into Pacific Gas and Electric Company (PG&E) Metcalf Substation.

3.1.1 Existing Site Conditions

The battery storage and substation site at 6321 San Ignacio is General Plan designated and zoned Industrial Park (IP). The project site is part of a larger Techhub@85 industrial/office park located generally south of Highway 85, west of Monterey Road, north of San Ignacio Road, and east of Via Del Oro. Techhub@85 contains four buildings totaling approximately 353,186 square feet. The buildings are surrounded by surface parking. Minimal landscaping (consisting of trees, shrubs, and grass) surrounds the site.

Monterey Road is a four-lane roadway with a physical median along the entire proposed transmission line route. The proposed transmission line alignment would be located adjacent to areas General Plan designated and zoned for single-family uses, except where the transmission line would span Coyote Creek (within unincorporated Santa Clara County, the county will be a responsible agency under the CEQA process) between Monterey Road and enter the Metcalf Substation. This area is General Plan designated Major Gas and Electric Utilities and Regional Parks, and zoned A-20Ac-sr, which allows primarily agricultural uses.

3.2 PROJECT DESCRIPTION

The project involves construction of a 75 mega-watt (MW)/300 mega-watt hour (MWh) battery-based energy storage system. The project was awarded a long-term agreement with PG&E to address an electrical capacity deficiency in the South Bay-Moss Landing sub-capacity area (which includes the south portion of the City of San Jose) caused by the potential retirement of Calpine's Metcalf Energy Center (a natural gas-fired electricity generating plant).. The project requires a Conditional Use Permit from the City of San José.

Energy storage is an essential part of enabling the state's transition to a carbon-free electricity system. Intermittent resources, such as wind and solar, require the ability to store excess generated energy that would otherwise be wasted (curtailed). The renewable energy is stored and redistributed for later use when demand is high. The energy storage capacity created as part of the project would assist the City and State of California in meeting their carbon-free electricity goals.

3.2.1 Project Components

3.2.1.1 *Battery Storage Facility*

The proposed project would utilize an existing approximately 102,462-square-foot, vacant industrial building at 6321 San Ignacio Avenue to house lithium-ion batteries that would store excess energy generated by the electrical grid during the day (see Figure 3.2-1). No power will be generated on-site. The batteries would be assembled within racks and cabinets that are seismically anchored to the building foundation and constructed of non-flammable aluminum and steel. In addition to the batteries, inverters and medium-voltage transformers would be installed inside the existing building. Once fully operational, the energy storage facility would be able to store up to 75MW/300 (MWh) of electricity generated within the South Bay-Moss Landing area.

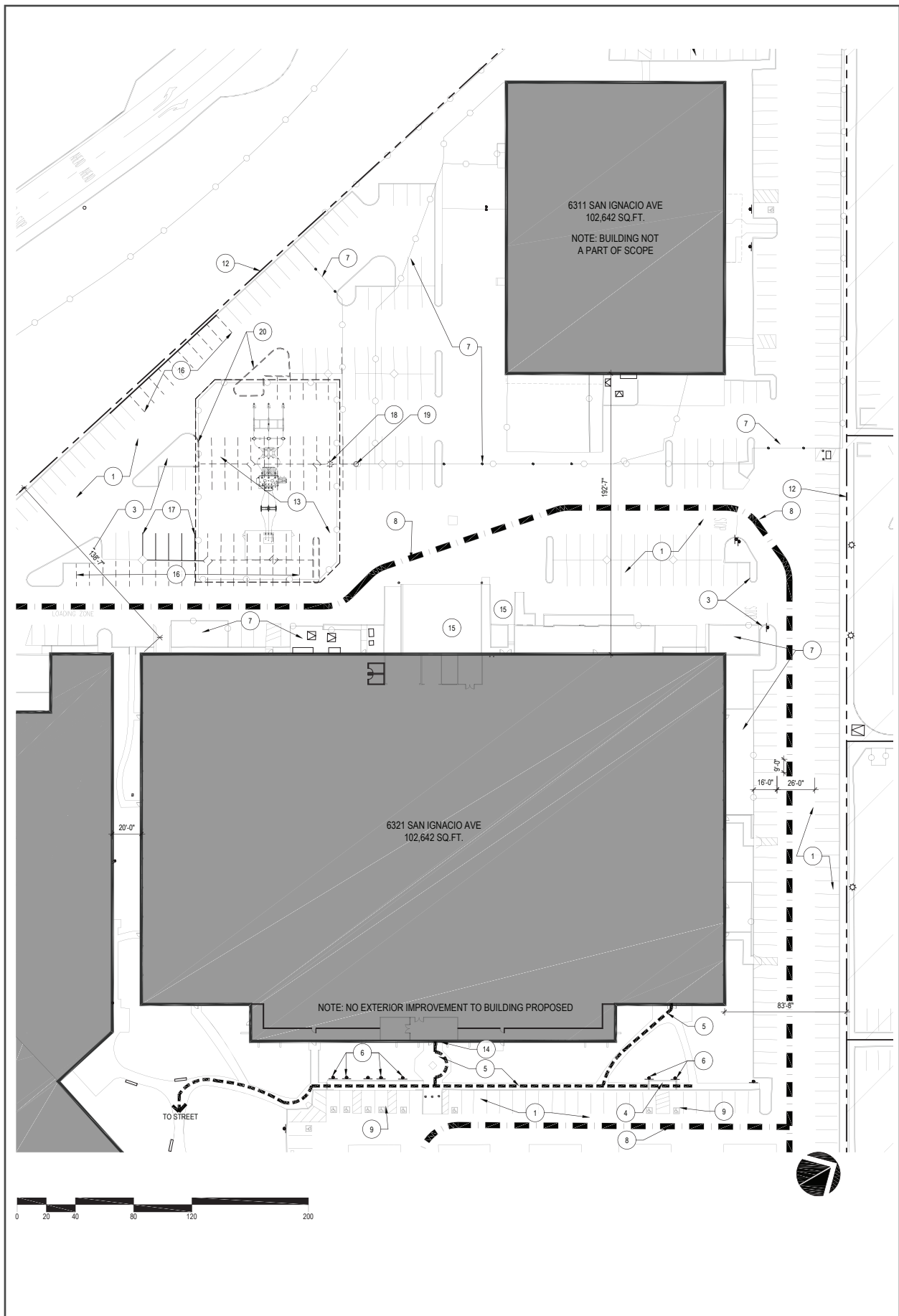
The energy storage facility would be controlled by a battery management system that would continuously monitor the batteries. If faults are detected, the system diagnoses the issue and automatically sends alerts to operational personnel. Depending on the fault's severity, the energy storage facility would automatically shut down to maintain safety and protect equipment. When the energy storage system is being charged (absorbing energy from the electric grid), it is considered an electric 'load' (similar to an electric car). When the energy storage system is discharging (releasing energy back to the grid), it is considered a generator releasing stored energy.

Chemicals are contained within the individual sealed battery cells. Risk of exposure occurs only if the battery is mechanically or electrically abused or altered. The batteries are not considered hazardous as the electrolyte is non-toxic and does not contain cobalt or other toxic elements.

3.2.1.2 *Substation*

Metal-clad switchgear, a power transformer, and additional electrical equipment would be installed north of the energy storage facility building within an approximately 15,000-square-foot fenced substation located in the parking area to the west of the energy storage facility (see Figure 3.2-1). Approximately 60 parking stalls would be removed to accommodate the substation and 345 stalls would remain to accommodate the building (for a ratio of 3.9 parking spaces per 1,000 square feet of industrial floor space). The substation is needed to transform the electricity voltage for storage and use consistent with PG&E requirements. The substation would operate 24 hours per day and 365 days per year, similar to other area electrical substations.

Substation electrical equipment would be housed in fire-rated enclosures and screened from view using slatted fencing. Substation electrical cabling would be installed underground and no new lighting would be required. Fencing materials and colors used to enclose the substation would be consistent with those materials and colors currently in use at existing industrial/office park (i.e., chain link with earth-toned slats), including along the property's northern boundary and surrounding an abutting fenced area in the rear of the building at 6311 San Ignacio Avenue. Up to 15 existing ornamental landscape trees would be removed in order to construct the substation and would be replaced in accordance with the City's tree protection ordinance.



CONCEPTUAL SITE PLAN

FIGURE 3.2-1

The transformers located within the substation will use mineral transformer oil, which is an electrical insulating oil that is stable at high temperatures. It is used in oil-filled transformers, high-voltage capacitors, fluorescent lamp ballasts, and high-voltage switches and circuit breakers. As an alternative, the project is exploring the use of Envirotampo FR3 Fluid, a biodegradable and non-toxic transformer cooling fluid derived from renewable vegetable oils.

3.2.1.3 *Transmission Line*

The energy storage facility and associated substation would connect to the Metcalf Substation via a 2.5-mile-long, underground transmission line within the Monterey Road public right-of-way (ROW). The underground transmission line would exit the energy storage building at the northeast corner and travel northeast through the northeast portion of the business park, under the existing BNSF railroad tracks, and under Monterey Road (see Figure 3.2-2). It would then run along the east side of Monterey Road reaching the existing PG&E transmission line corridor that traverses Coyote Creek. The transmission line would daylight and span Coyote Creek on three, new approximately 130-foot-tall riser pole structures—spanning the creek entirely.

The transmission line would avoid direct impacts on state or federally protected wetlands and aquatic habitats; however, installation of one of the riser poles would result in the temporary disturbance of a 1,219-square-foot work area on the bank of Coyote Creek, as well as the permanent removal of 79 square feet of habitat on the creek bank. This is because the shoulder of Monterey Road forms the top of bank of Coyote Creek on the west side, and the riser pole next to Monterey Road would be situated within the riparian habitat. The installation of this riser pole would require construction of a 10-foot diameter concrete footing (for a total area of 79 square feet of permanent impacts in the riparian habitat). The riser pole would be located in an existing clearing approximately 10 feet off of Monterey Road, such that there will be no removal of trees within the riparian corridor and only minor tree trimming to support the riser pole installation.

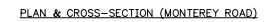
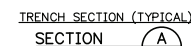
The overhead line would travel along an existing PG&E transmission line corridor (with an easement being granted to the project by PG&E) and would connect to the Metcalf Substation via an approximately 1,500-foot-long buried line in a trench from the riser pole to the Metcalf Substation. Within the PG&E-owned substation property, 115kV equipment will be added to accommodate the transmission line. Existing fencing will be moved within PG&E property to accommodate the new equipment, as needed.

3.2.2 Access, Circulation, and Parking

Access to the battery energy storage building would be provided via an existing driveway from San Ignacio Avenue. The existing research and development/manufacturing building currently has approximately 405 parking spaces. Construction of the substation and provision of additional emergency vehicle egress would result in the removal of 60 parking spaces; however, approximately 345 parking spaces would remain for the building at 6321 San Ignacio Avenue.

3.2.3 Operation and Staffing

The energy storage facility would be monitored remotely with maintenance staff visiting the facilities approximately four times per month. No permanent employees would occupy the building. Remote access to battery status, meters, schedules, and other data would be available to off-site personnel.



If unplanned equipment repair and/or replacement is required, up to eight contractors would be needed for a one to two-week period. This is assumed to occur once every three to five years.

In the event of an unforeseen emergency, including but not limited to a change in battery temperature, the monitoring system would immediately notify local operations and maintenance personnel in the vicinity. If necessary, a temporary shutdown of the facility would be automatically triggered until the issue is diagnosed and resolved.

3.2.4 Construction

3.2.4.1 *Battery Storage Facility and Substation*

Construction of the proposed project (including the battery storage facility, substation, and transmission line) would begin in 2020 and would be completed in approximately nine months. The energy storage facility building would include tenant improvements within the existing building, as well as the installation of rooftop and exterior mechanical equipment. Construction of the substation would require grading and excavation to a depth of approximately two feet to allow installation of the transformers and related equipment.

3.2.4.2 *Transmission Line*

Construction of the majority of the underground transmission line would occur within the public ROW, except at the northern end (where the line would connect to the substation and battery storage facility at 6321 San Ignacio Avenue) and southern end (where it would connect to the PG&E Metcalf Substation). A two-foot-wide by six-foot-deep trench would be dug to accommodate the transmission line. The trench would be located within the paved roadway ROW on the east side of Monterey Road. Construction of the trench would occur within an approximately 20-foot-wide work area centered approximately at the eastern edge of the northbound travel lane on Monterey Road. Where the line would cross Coyote Creek to enter the Metcalf Substation, it would daylight and travel overhead between three new approximately 130-foot-tall riser pole structures—spanning the creek though resulting in temporary disturbance of a 1,219-square-foot work area on the bank of Coyote Creek. This area will be temporarily impacted by vegetation clearing, minor tree trimming, light grading, installation of a temporary ballast rock pad for supporting an excavator/auger and staging of equipment and materials. Upon completion of the pole installation, the temporary ballast rock pad will be removed, the area will be restored to previous grades, and the area will be reseeded with a native grass and forb seed mix to prevent erosion per the requirements of the Santa Clara Valley Habitat Plan.

A 10-foot diameter concrete footing (79 square feet) would be installed along the bank of Coyote Creek because the shoulder of Monterey Road forms the top of bank of Coyote Creek. After spanning the creek, the transmission line would then transition underground from the riser pole within in an approximately two-foot-deep and 1,500-foot-long trench where it would connect into the Metcalf Substation.

3.2.4.3 *Tree Removal*

The project would avoid impacting existing trees to the extent feasible; however, limited tree removal would occur in the public ROW at the northern end of the transmission line alignment where

the line crosses west under a median island as it travels to connect to the substation and battery storage facility at 6321 San Ignacio Avenue. Installation of the southern, approximately 0.9-mile portion of the transmission line could require minor amounts of vegetation removal to accommodate work areas on the east side of the roadway. This is needed due to the fact that this portion of Monterey Road does not have an improved roadway shoulder (i.e., curb, gutter, and sidewalk) to accommodate the needed work area. Approximately 15 existing trees would be removed as part of the project (located primarily in and adjacent to the parking lot where the substation will be constructed). These trees would be replaced in accordance with the City's tree protection ordinance (see Section 4.4 Biological Resources for a detailed discussion).

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

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

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

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project’s impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.3 refers to the third mitigation measure for the first impact in the Biological Resources section.

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. There are no state-designated scenic highways in San José. Interstate 280 from the San Mateo County line to State Route (SR) 17, which includes segments in San José, is an eligible, but not officially designated, State Scenic Highway.¹

Local

Outdoor Lighting Policy

The City of San José's Outdoor Lighting Policy (City Council Policy 4-3) promotes energy efficient outdoor lighting on private development to provide adequate light for nighttime activities while benefiting the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

Envision San José 2040 General Plan

The General Plan identifies scenic Gateways on its Scenic Corridors Diagram, which are locations which announce to a visitor or resident that they are entering the city, or a unique neighborhood. San José Gateways contribute greatly to the overall image of San José and contribute to the quality of life. Additionally, the General Plan includes the following policies that are specific to aesthetic resources and are applicable to the proposed project.

Policy	Description
CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
CD-1.18	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.
CD-1.27	When approving new construction, require the undergrounding of distribution utility lines serving the development. Encourage programs for undergrounding existing overhead distribution lines. Overhead lines providing electrical power to light rail

¹ California Department of Transportation. "Scenic Highways." Accessed April 26, 2019.
<http://www.dot.ca.gov/design/lap/livability/scenic-highways/index.html>.

Policy	Description
	transit vehicles and high-tension electrical transmission lines are exempt from this policy.
CD-10.1	Recognize the importance of Gateways in shaping perceptions of San José.
CD-10.2	Require that new public and private development adjacent to Gateways, freeways (including U.S.101, I-880, I-680, I-280, SR17, SR85, SR237, and SR87), and Grand Boulevards consist of high-quality architecture, use high-quality materials, and contribute to a positive image of San José.
CD-10.3	Require that development visible from freeways (including U.S.101, I-880, I-680, I-280, SR17, SR85, SR237, and SR87) be designed to preserve and enhance attractive natural and man-made vistas.

4.1.1.2 *Existing Conditions*

The project site, located at 6321 San Ignacio Avenue, is currently developed with an existing 102,642 square-foot, vacant industrial building. The project site is part of a larger Techhub@85 industrial/office park located generally south of Highway 85, west of Monterey Road, north of San Ignacio Avenue, and east of Via Del Oro. Techhub@85 contains four buildings totaling 353,186 square feet. The buildings are surrounded by surface parking. Minimal landscaping (consisting of trees, shrubs, and grass) surrounds the site. Views of the project site can be seen in Photo 1 through Photo 7, which follow.

An approximately 2.5-mile-long transmission line alignment would run from the proposed substation at 6321 San Ignacio Avenue to the PG&E Metcalf Substation to the south at 150 Metcalf Road. The transmission line would run underground along the east side of Monterey Road until it reaches the existing PG&E transmission line corridor that traverses Coyote Creek and connects to the Metcalf Power Plant substation. Monterey Road is a four-lane roadway with a physical median along the entire proposed transmission line route.

Surrounding Land Uses

The project site is located south of Highway 85, west of Monterey Road, north of San Ignacio Avenue, and east of Via Del Oro. The project area consists primarily of office buildings. There are no scenic resources on-site, and the site is not visible from a scenic highway.

Scenic Views and Resources

The project site is flat and primarily visible from only the immediate vicinity and SR 85. While views of the Diablo foothills to the east and the Santa Cruz Mountains to the west are partially obscured by existing, surrounding development, the Santa Teresa Hills, located to the south, are visible from the site. SR 85 is designated as a scenic urban throughway under the General Plan but is not a designated state scenic highway.²

² California Department of Transportation. *California Scenic Highway Mapping System*. Accessed July 16, 2019. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm



Photo 1: Front of battery storage building.



Photo 2: Industrial buildings and parking lot adjacent to battery building.



Photo 3: Rear of battery building facing north.



Photo 4: Proposed substation location facing north.



Photo 5: Monterey Road and Larisa Oaks Place facing south.



Photo 6: Monterey Road at transmission line overcrossing facing north.



Photo 7: PG&E Metcalf Substation east of Coyote River facing east.

The intersection of Monterey Road and Metcalf Road, approximately 0.5 mile north of the proposed transmission line overcrossing, is a designated scenic Gateway. There are no historic buildings or resources located on, or in the immediate vicinity of the site.

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
1) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? ³ If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Impact AES-1: The project would not have a substantial adverse effect on a scenic vista. (Less than Significant Impact)				

The project site is 250 feet from the freeway and the area where the substation will be installed is visible from southbound SR 85, which is General Plan-designated a scenic urban throughway. The freeway along the project site is, however, elevated in this location and the grade difference and presence of vegetation (a row of existing trees that are to remain) obscures clear views into the site from the freeway and the Great Oaks Boulevard offramp. The substation would be approximately 18 feet and six inches in height and would be fenced. Fencing materials and colors used to enclose the project substation would be consistent with those materials and colors currently in use at several other locations around the existing industrial park (i.e., chain link with earthen-toned slats), including along the property's northern boundary and surrounding an abutting fenced area in the rear of the building at 6311 San Ignacio Avenue.

Where the transmission line will daylight from Monterey Road and enter the substation, there are already multiple high-tension wires and substation and power plant infrastructure on both sides of the freeway. The addition of two new poles and transmission line in this location will not affect a scenic view because one is not present given the amount of infrastructure already in the viewshed. In

³ Public views are those that are experienced from publicly accessible vantage points.

addition, the poles would be too far away from the scenic Gateway to be visible. For these reasons, the impact would be less than significant.

The visual conditions in the Edenvale area are described in the certified 2000 Edenvale EIRs. The visual analysis focuses on conformance of new development with established City of San José design guidelines. It was concluded in the 2000 Edenvale EIRs and the General Plan EIRs that future development's conformance with the City's Title 20 Zoning Ordinance, City's Outdoor Lighting Policies, and Industrial Design Guidelines would avoid significant visual and aesthetic impacts. The project is consistent with applicable City policies, ordinances, and design guidelines; therefore, it would not have a significant visual and aesthetic impact.

Impact AES-2:	The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. (No Impact)
----------------------	--

The project is not located along a state scenic highway; therefore, there would be no impact on scenic resources.

Impact AES-3:	The project is located in an urbanized area and would not conflict with applicable zoning and other regulations governing scenic quality. (No Impact)
----------------------	--

Consistent with General Plan policy CD-1.27, the project would underground the proposed utility lines serving the substation. Consistent with General Plan policy CD-1.18, the proposed substation would be shielded by the existing industrial buildings on the site to minimize their visibility. Thus, there would be no conflict and no impact.

Impact AES-4:	The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. (No Impact)
----------------------	---

Exterior nighttime lighting at the project substation would not be required, and no new light fixtures would be installed on the industrial building at 6321 San Ignacio Road. An existing parking lot light stanchion will be relocated a few stalls away from its current location in order to accommodate construction of the project substation; however, this relocation will not increase the amount of nighttime lighting found on-site compared with existing conditions. For these reasons, there would be no impact.

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is called Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.⁴

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.⁵

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.⁶ Programs such as CAL FIRE's Fire and Resource Assessment Program and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.⁷

4.2.1.2 *Existing Conditions*

According to the Santa Clara County Important Farmland 2017 Map, the project area is designated as Urban and Built-Up Land. Urban and Built-Up Land is defined as residential land with a density of at least six units per 10-acre parcel, as well as land used for industrial and commercial purposes, golf courses, landfills, airports, sewage treatment, and water control structures.⁸

⁴ California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed July 18, 2019. <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>.

⁵ California Department of Conservation. "Williamson Act." <http://www.conservation.ca.gov/dlrp/lca>.

⁶ Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

⁷ California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed July 18, 2019. <http://frap.fire.ca.gov/>.

⁸ California Department of Conservation, *Santa Clara County Important Farmland Map 2014*. October 2016. Available at: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/sc114.pdf>

The project area is not zoned or used for agricultural purposes, nor is it the subject of a Williamson Act contract.⁹ The project site is located in an urban area of San José; is already developed with an industrial complex and there are no agricultural or forestry uses in the project area.

4.2.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) Conflict with existing zoning for, or cause rezoning of, forest land, or timberland zoned Timberland Production?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Result in a loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact AG-1: The project would not convert Farmland, as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, to non-agricultural use. **(No Impact)**

The project site is designated as Urban and Built-Up Land in the Santa Clara County Important Farmland 2017 Map and is not considered a significant agricultural resource under CEQA Section 21060.1(a); therefore, the project would not convert Farmland to a non-agricultural use.

Impact AG-2: The project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. **(No Impact)**

The project area is not designated for agricultural uses in the General Plan; nor is it zoned or used as farmland or agricultural purposes. The project site is not under a Williamson Act contract. Therefore,

⁹ Santa Clara County. Williamson Act Properties.

<https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce>

the proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act contract and there would be no impact.

Impact AG-3: The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. **(No Impact)**

The project site and surrounding area are not zoned forest land, timberland, or Timberland Production; therefore, the proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. Thus, there would be no impact.

Impact AG-4: The project would not result in a loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

The project site and surrounding area are not forest land. The proposed project would not result in a loss of forest land or conversion of forest land to non-forest use and there would be no impact.

Impact AG-5: The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. **(No Impact)**

The proposed project does not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. No impact would occur.

4.3 AIR QUALITY

The discussion within this section is based in part on an air quality memo prepared by Illingworth & Rodkin on August 9, 2019, as well as operational data produced by the CalEEMod Model for the project. These documents are included as Appendix A to this report.

4.3.1 Environmental Setting

4.3.1.1 *Background Information*

Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O₃), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.¹⁰ Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 4.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Table 4.3-1: Health Effects of Air Pollutants		
Pollutants	Sources	Primary Effects
O ₃	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	<ul style="list-style-type: none">• Aggravation of respiratory and cardiovascular diseases• Irritation of eyes• Cardiopulmonary function impairment
Nitrogen Dioxide (NO ₂)	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	<ul style="list-style-type: none">• Aggravation of respiratory illness• Reduced visibility
Fine Particulate Matter (PM _{2.5}) and Coarse Particulate Matter (PM ₁₀)	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	<ul style="list-style-type: none">• Reduced lung function, especially in children• Aggravation of respiratory and cardiorespiratory diseases• Increased cough and chest discomfort• Reduced visibility
Toxic Air Contaminants (TACs)	Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products	<ul style="list-style-type: none">• Cancer• Chronic eye, lung, or skin irritation• Neurological and reproductive disorders

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

¹⁰ The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of sulfur dioxide or lead. These criteria pollutants are not discussed further.

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

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

Toxic Air Contaminants

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

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).¹¹ Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors.

4.3.1.2 *Regulatory Framework*

Federal and State

Clean Air Act

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

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act.

¹¹ California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed June 16, 2018. <https://www.arb.ca.gov/research/diesel/diesel-health.htm>.

The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Risk Reduction Plan

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

Regional

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs).¹²

CEQA Air Quality Guidelines

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

Local

Envision San José 2040 General Plan

In connection with the implementation of the 2017 CAP, various policies in the General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts from development projects. The following air quality-related policies applicable to the project.

¹² BAAQMD. *Final 2017 Clean Air Plan*. April 19, 2017. <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.

Policy	Description
MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
MS-13.3	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

4.3.1.3 *Existing Conditions*

The Bay Area (including the project location) is considered a non-attainment area for ground-level O₃ and PM_{2.5} under both the federal Clean Air Act and state Clean Air Act. The area is also considered nonattainment for PM₁₀ under the state act, but not the federal act. The area has attained both state and federal ambient air quality standards for CO. As part of an effort to attain and maintain ambient air quality standards for O₃ and PM₁₀, BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for O₃ precursor pollutants (ROG and NO_x), PM₁₀, and PM_{2.5}, and apply to both construction period and operational period impacts. The closest sensitive receptors are the residences along Monterey Road that are approximately 25 feet from where the future transmission line would be placed underground. The nearest residences to the substation and batter site are location 850 feet north, across SR 85.

4.3.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
4) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Accepted Thresholds

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

Table 4.3-2: BAAQMD Air Quality Significance Thresholds			
Pollutant	Construction Thresholds	Operation Thresholds	
	Average Daily Emissions (pounds/day)	Annual Daily Emissions (pounds/year)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG, NO _x	54	54	10
PM ₁₀	82 (exhaust)	82	15
PM _{2.5}	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	Single Source	Combined Cumulative Sources	
Excess Cancer Risk	10 per one million	100 per one million	
Hazard Index	1.0	10.0	
Incremental Annual PM _{2.5}	0.3 µg/m ³	0.8 µg/m ³ (average)	

Impact AIR-1: The project would not conflict with or obstruct implementation of the applicable air quality plan. **(Less than Significant)**

BAAQMD recommends that the agency approving a project where an air quality plan consistency determination is required analyze the project with respect to the following questions.

- Does the project support the primary goals of the CAP?
- Does the project include applicable control measures from the CAP?
- Does the project disrupt or hinder the implementation of any CAP control measures?

The proposed project supports the primary goals of the 2017 CAP. As discussed below, project construction and operation would not exceed the BAAQMD thresholds for ozone precursor pollutant (ROG, NO_x) and exhaust (PM₁₀, PM_{2.5}) emissions during the construction period. Additionally, the project is consistent with the City's General Plan land use designation for the site.

The 2017 CAP also contains control strategy BL2, intended to decarbonize buildings. The proposed project would store clean energy (wind and solar) so that peak-hour dependence of natural gas or coal-fired electricity could be lessened, fulfilling control strategy BL2. For these reasons, the proposed project would not inhibit BAAQMD or partner agencies from attaining state and federal air quality standards. Therefore, the project would not result in a significant impact related to consistency with the 2017 CAP.

Impact AIR-2: The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. **(Less than Significant Impact)**

Construction

Emissions from construction-related automobiles, trucks, and heavy equipment are a primary concern due to release of diesel particulate matter (an air toxic contaminant due to its potential to cause cancer), TACs from all vehicles, and PM_{2.5}, which is a regulated air pollutant. Construction-related criteria pollutant emissions were estimated using CalEEMod and are summarized below in Table 4.3-3. As shown, the project would not exceed BAAQMD thresholds.

The California Emissions Estimator Model (CalEEMod) was used to predict emissions from project construction and operation at full buildout. The project land use type and size, and anticipated construction schedule were input into CalEEMod.

Construction period emissions were modeled based on construction schedule information provided by the applicant. Construction of the project, including tenant improvements within the existing building and construction of both the project substation and gen-tie line, would occur in one contiguous phase starting in 2020. Total construction is anticipated to last 6 months with overlapping phases that include the overhead transmission lines, underground transmission lines, and the substation. The type of equipment to be used during project construction (and assumed in the model)

includes excavators, graders, tractors/backhoes, cranes and more. Table 4.3-3 summarizes the average daily construction emissions of ROG, NO_x, PM₁₀ exhaust, and PM_{2.5} exhaust during construction of the project.

Table 4.3-3: Construction Period Emissions				
Scenario	ROG	NO_x	PM₁₀ Exhaust	PM_{2.5} Exhaust
Transmission Line, Substation, and Building Renovation Construction Emissions (tons)	0.26 tons	2.49 tons	0.11 tons	0.11 tons
Average daily emissions (pounds)*	4 lbs.	38 lbs.	2 lbs.	2 lbs.
<i>BAAQMD Thresholds (pounds per day)</i>	<i>54 lbs.</i>	<i>54 lbs.</i>	<i>82 lbs.</i>	<i>54 lbs.</i>
<i>Exceed Threshold?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>
*Assumes 6 months or 132 workdays.				

Although the project's construction period emissions for ROG, NO_x, PM₁₀ exhaust and PM_{2.5} exhaust would not exceed the BAAQMD thresholds, the project would be required to implement the following practices recommended by BAAQMD and listed below as Standard Permit Conditions.

Standard Permit Conditions:

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

- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

Construction activities proposed by the project would result in emissions below BAAQMD thresholds. The project would further reduce construction period emissions by adhering to the Standard Permit Conditions described above; therefore, the impact would be less than significant.

Operation

The project would utilize an existing R&D building in a larger industrial/office park. The project would be remotely monitored throughout the day and night. No permanent full-time or part-time employees would occupy the building. Operational air emissions from the project would be generated primarily by electricity use and occasional maintenance vehicles accessing the project site. CalEEMod was used to predict emissions from operation of the proposed project and Table 4.3-4 reports the predicted emission in terms of annual emissions in tons and average daily operational emissions.

Table 4.3-4: Operational Emissions				
Scenario	ROG	NO_x	PM₁₀	PM_{2.5}
Energy Storage Facility (annual emissions)	0.46 tons	0.02 tons	0.001 tons	0.001 tons
BAAQMD Thresholds (tons /year)	10 tons	10 tons	15 tons	10 tons
<i>Exceed Annual Threshold:</i>	No	No	No	No
Average Daily Net Emissions (pounds)*	2.5 lbs.	0.1 lbs.	0.007 lbs.	0.007 lbs.
BAAQMD Thresholds (pounds/day)	54 lbs.	54 lbs.	82 lbs.	54 lbs.
<i>Exceed Average Daily Threshold:</i>	No	No	No	No
*Assumes 365-days per year for operations.				

Because the proposed project would not exceed the BAAQMD operational thresholds, the project would have a less than significant air quality impact.

Impact AIR-3: The project would not expose sensitive receptors to substantial pollutant concentrations. **(Less than Significant Impact)**

Construction activity is expected to have less than significant impacts in terms of construction impacts associated with exposure of sensitive receptors to TACs and PM_{2.5}. Much of the construction activity associated with substation construction and building rehabilitation would not occur near sensitive receptors. Construction activities near sensitive receptors include placement of the transmission line, which is expected to be temporary activities at any one location. The total construction period is expected to be six months, with activities near any sensitive receptor (i.e., residences along Monterey Road) lasting for much shorter periods.

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

the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less than significant if best management practices (described above as Standard Permit Conditions) are implemented to reduce these emissions. With implementation, dust impacts would be less than significant.

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

Odors from construction equipment (e.g. diesel fumes) would be temporary and localized and would be minimized through implementation of Standard Permit Conditions, including limits on vehicle idling. The project does not include operational sources of odors. As a result, the project would not create objectionable odors affecting a substantial number of people.

4.4 BIOLOGICAL RESOURCES

The following discussion is based in part on a biological resources report prepared by H.T. Harvey & Associates in December 2019, and an arborist report prepared by HortScience | Bartlett Consulting in August 2019. These documents are included as Appendix B and Appendix C (respectively) to this report.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

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

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

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. The taking and killing of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.¹³ Nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

¹³ United States Department of the Interior. “Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take.” Accessed March 28, 2019. <https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf>.

Sensitive Habitat Regulations

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

Fish and Game Code Section 1602

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

Regional and Local

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

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

The Habitat Plan is both a habitat conservation plan (HCP) and natural community conservation plan (NCCP). The planning document helps private and public entities plan and conduct projects and activities in ways that lessen impacts on natural resources, including specific threatened and endangered species. The Habitat Plan identifies regional lands (called reserves) to be preserved or restored to the benefit of at-risk species, and describes how reserves will be managed and monitored to ensure that they benefit those species. In providing a long-term, coordinated planning for habitat restoration and conservation, the Habitat Plan aims to enhance the viability of threatened and endangered species throughout the Santa Clara Valley.

The Habitat Plan defines measures to avoid, minimize, and mitigate impacts on covered species and their habitats while allowing for the implementation of certain “covered projects”. Chapter 6 of the Habitat Plan includes detailed and comprehensive conditions to avoid and minimize impacts on the 18 “covered species” (nine animal species and nine plant species) included in the plan area, which consists of 519,506 acres, or approximately 62 percent of Santa Clara County. These conditions are designed to achieve the following objectives:

- provide avoidance of certain covered species during implementation of covered activities throughout the project site;
- prevent take of individuals of certain covered species from covered activities as prohibited by law (e.g., take of fully protected species);

- minimize impacts on natural communities and covered species where conservation actions will take place; and
- avoid and minimize impacts on jurisdictional wetlands and waters throughout the study area to facilitate project-by-project wetland permitting.

In conformance with the Habitat Plan, project proponents are required to pay impact fees in accordance with the types and acreage of habitat or “land cover” impacted, and to implement conservation measures specified by the Habitat Plan. Land cover impacts are used because it is the best predictor of potential species habitat, and is applicable to all of the covered species (with the exception of the burrowing owl).

Envision San José 2040 General Plan

The General Plan includes the following biological resources-related policies applicable to the project.

Policy	Description
ER-2.1	Ensure that new public and private development adjacent to riparian corridors in San José are consistent with the provisions of the City’s Riparian Corridor Policy Study and any adopted Santa Clara Valley Habitat Conservation Plan/ Natural Communities Conservation Plan (HCP/NCCP).
ER-2.2	Ensure that a 100-foot setback from riparian habitat is the standard to be achieved in all but a limited number of instances, only where no significant environmental impacts would occur.
ER-5.1	Avoid implementing activities that result in the loss of active native birds’ nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
MS-21.8	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals:

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

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

San José Tree Ordinance

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

San José Riparian Policy

Measures to protect riparian corridors are provided in the City's Riparian Corridor Policy Study, which was incorporated into the City's General Plan, the Zoning Code (Title 20 of the San José Municipal Code); and the City Council-adopted Habitat Plan (Condition 11). The term riparian corridor as defined by the City means any defined stream channel, including the area up to the bank full-flow line, as well as all characteristic streamside vegetation in contiguous adjacent uplands.

In 2016, the City released Council Policy 6-34 to provide guidance on the implementation of riparian corridor protection consistent with all City policies and requirements that provide for riparian protection. Council Policy 6-34 indicates that riparian setbacks should be measured from the outside edges of riparian habitat or the top of bank, whichever is greater, and that development of new buildings and roads generally should be set back 100 feet from the riparian corridor. However, Council Policy 6-34 also indicates that a reduced setback may be considered under limited circumstances, including the existence of legal uses within the minimum setback, and utility or equipment installations or replacements that involve no significant disturbance to the riparian corridor during construction and operation and that generate only incidental human activity.

4.4.1.2 Existing Conditions

The project is located in south San José in the northern area of Coyote Valley. The proposed battery storage building, substation, and part of the transmission line corridor would be located in developed and urban areas. The southern portion of the transmission line corridor and the overcrossing to the

PG&E Metcalf Substation would cross through (or over) three different types of habitat. These habitats are shown in Figure 4.4-1 and described further below. The project alignment is located within the Habitat Plan permit area. Therefore, project activities are considered covered under the Habitat Plan and are required to comply with Habitat Plan conditions

Urban-Suburban

Vegetation

Most of the project components (i.e., battery storage building, substation, and parts of the alignment along Monterey Road) are situated in existing developed land uses and landscaped areas, which fall within the Habitat Plan urban-suburban land cover type. These areas include existing buildings and hardscape, such as paved asphalt parking lots and roadways. Landscaped areas have been planted with ornamental trees, shrubs and groundcovers common to the region, including eucalyptus, acacia, European olive, and London plane.

Wildlife

Developed areas provide limited habitat for wildlife. Species that are present in developed areas include common birds and reptiles. Raccoons, opossums, rats, and feral cats will forage in developed areas. In addition, the eaves and corners of buildings, bridges, and large nonnative trees on or adjacent to the project site provide attractive nesting sites for a variety of bird species.

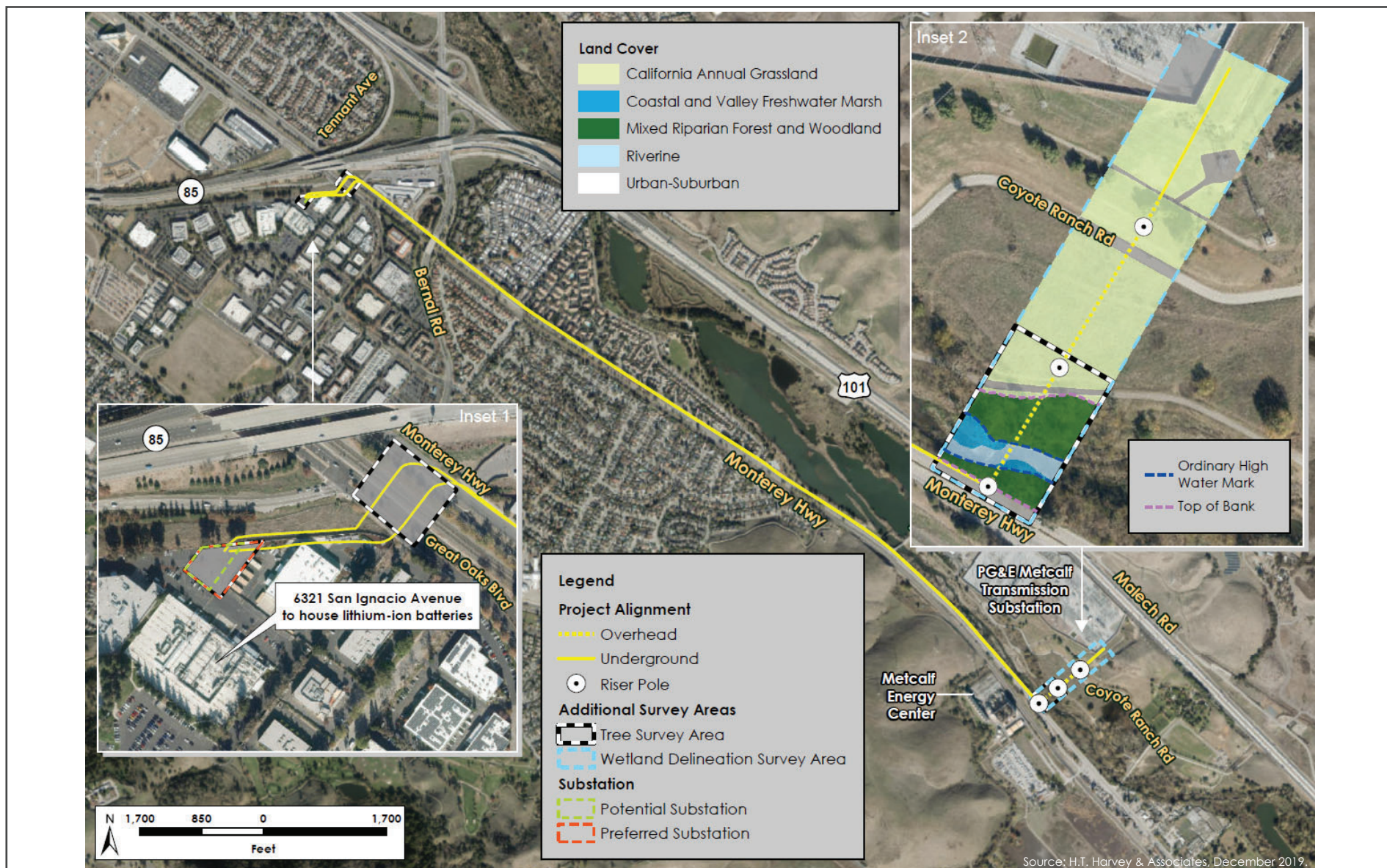
California Annual Grassland

Vegetation

California annual grassland habitat along the project alignment is present outside the top of bank along Coyote Creek, in between the Coyote Creek bikeway and the Metcalf Substation. This habitat type is dominated by non-native grasses such as ripgut brome, and wild oat, and weedy forbs such as summer mustard, wild radish, and yellow star thistle. Closer to the Metcalf Substation the annual grassland is browsed by horses, so that vegetation height is even shorter and sparser, and the dominant species are weedy ruderal forb species such as mallows, stinkwort, horseweed, bristly ox-tongue, and prickly lettuce. Grassland vegetation around the Metcalf Substation is also regularly mowed and disked for fire prevention and vegetation management.

Wildlife

Wildlife use of grasslands along the project alignment is limited by human disturbance (e.g., due to mowing around the substation for fire prevention), the limited extent of the grassland area, and the isolation of this habitat from more extensive grasslands in the region. As a result, some of the wildlife species associated with extensive grasslands in the South Bay are absent from the grasslands along the project alignment. Many of the wildlife species that occur in the grassland areas within the project alignment occur primarily in adjacent developed or riparian areas and use the grasslands along the project alignment for foraging. Such species include house finch, bushtit, and lesser goldfinch. Rodent species, such as the California ground squirrel, Botta's pocket gophers, California vole, and deer mouse can be found in grassland habitats.



PROJECT AREA HABITAT TYPES

FIGURE 4.4-1

Several reptile species also regularly occur in grassland habitats, including the western fence lizard, gopher snake, and southern alligator lizard. Mammals such as the native striped skunk, raccoon, and black-tailed jackrabbit, as well as the nonnative Virginia opossum, and feral cat use grassland habitats along the project alignment for foraging.

Mixed Riparian Forest and Woodland

Vegetation

Mixed riparian forest and woodland habitat is located on either side of Coyote Creek where the project alignment crosses from Monterey Road to the Metcalf Substation. The riparian woodland habitat is characterized by a relatively open canopy of California black walnut, Fremont cottonwood, coast live oak, red willow, and valley oak. Understory shrubs include California rose, poison oak, Himalayan blackberry, and coyote brush. Herbaceous species include ripgut brome, Italian thistle, summer mustard, milk thistle, and poison hemlock.

Wildlife

The riparian habitat along Coyote Creek is of high value to wildlife, particularly to those species that are tolerant of, or are associated with the adjacent developed/landscaped areas and grasslands. The riparian habitat along Coyote Creek within the project alignment is, however, somewhat sparse. It provides moderate-quality habitat compared to other reaches of Coyote Creek that are characterized by dense trees and understory vegetation.

Resident bird species that nest and forage in this habitat include the song sparrow, lesser goldfinch, Anna's hummingbird, Bewick's wren, and bushtit. Swallows forage for insects over Coyote Creek on the project site. Mallards will nest in dense riparian understory vegetation or adjacent grasslands and forage along the creek. Larger trees in the riparian habitat provide potential nesting sites for common raptors such as red-shouldered hawks, Cooper's hawks, and red-tailed hawks. In addition to permanent resident and breeding birds, a number of migratory and wintering species occur in the site's riparian habitat, including species of warblers, vireos, flycatchers, and sparrows.

Garter snakes and gopher snakes will forage for insects and amphibians in this riparian habitat, and western fence lizards will also forage for insects. Amphibians, such as the arboreal salamander and Pacific tree frog are also present. Urban-adapted mammals, such as the native raccoon and striped skunk, non-native Virginia opossum, Norway rat, and eastern gray squirrel, reside in riparian habitat and adjacent habitats on the project site. Small numbers of individual bats may roost in small cavities and crevices in trees within and adjacent to the alignment.

Riverine and Coastal and Valley Freshwater Marsh

Vegetation

The open water of Coyote Creek within the project alignment riverine habitat includes areas of unvegetated, flowing water, and small, unvegetated gravel and sand bars within the ordinary high water (OHW) mark. Two small, narrow freshwater emergent wetlands are located along the edge of Coyote Creek. These wetlands are situated on low gravel and sand terraces within Coyote Creek. The freshwater marsh wetlands are dominated by strongly hydrophytic vegetation, including rice

cutgrass, spotted knotweed, and common rush, with arroyo willow and sandbar willow saplings along the edge.

Wildlife

The riverine habitat in Coyote Creek supports several species of native fish such as the Sacramento hitch, Central California roach, Sacramento sucker, and Pacific lamprey, as well as non-native fish such as mosquitofish, bluegill, and inland silverside. The Central California Coast steelhead and Central Valley fall-run Chinook salmon are present in Coyote Creek and can potentially occur in the project area. Amphibians, such as the Pacific tree frog and non-native bullfrog, occur in this reach of Coyote Creek. The western pond turtle occurs in low numbers in the creek in the site vicinity. The creek provides foraging habitat for waterbirds—including the mallard, Canada goose, and great egret. Wading birds, such as the killdeer and spotted sandpiper, nest and forage along its banks.

Special-Status Species

Special-status species habitat is located in the project area, including habitat for Central California Coast steelhead, Central Valley fall-run Chinook salmon, Pacific lamprey, Central California roach, Sacramento hitch, California tiger Salamander, western pond turtle, Yellow warbler, and white-tailed kite. Several special-status bird and mammal species occur along the project alignment as nonbreeding migrants, transients, or foragers including the tricolored blackbird, grasshopper sparrow, American peregrine falcon, American badger, and pallid bat. These species are discussed in further detail in the impacts section below for continuity of the impact discussion.

4.4.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact BIO-1: The 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 CDFW or USFWS. **(Less than Significant Impact with Mitigation Incorporated)**

Special-Status Animal Species

Special-Status Fish

Impacts on water quality in the creek could potentially occur as a result of sedimentation or spills of fluids or materials into the creek during the installation of the riser pole on the bank of Coyote Creek (as the bank is immediately adjacent to Monterey Road). Indirect impacts on Coyote Creek or water quality within the channel due to the installation of the second of the three riser poles and excavation of a trench, located approximately 570 feet upslope from Coyote Creek, are unlikely due to the distance between these activities and the creek; however, the potential for water quality impacts cannot be ruled out.

The project will comply with Habitat Plan Conditions 3 and 4, which require implementation of design, construction, and post-construction measures, including BMPs, performance standards, and control measures, to minimize increases of peak discharge of stormwater and to reduce runoff of pollutants to protect water quality. Indirect impacts on water quality from installation of the riser poles to span the transmission line over Coyote Creek would be further avoided and minimized by implementing erosion and sediment control measures, as well as BMPs for work near aquatic environments. The project would also be required to comply with the NPDES General Permit including preparation of a SWPPP.

Project activities may also result in effects on the Central California Coast steelhead, Central Valley fall-run Chinook salmon, Pacific lamprey, Central California roach, and Sacramento hitch in Coyote

Creek due to a temporary increase in erosion, sedimentation, and turbidity in aquatic habitats located downstream of the work area. Additionally, minor spills of petrochemicals, hydraulic fluids, and solvents may occur during vehicle and equipment refueling could adversely affect water quality downstream of construction activities. Compliance with the NPDES General Permit and Conditions 3 and 4 to protect water quality, as described above, would minimize the potential for impacts to water quality due to increases in erosion, sedimentation, and turbidity as well as releases of pollutants into Coyote Creek.

The project would result in the temporary disturbance of a 1,219 square-foot area within the banks of the creek as well as the permanent removal of 79 square feet of habitat in the creek banks due to the installation of the new riser pole. However, these impact areas are located high on the creek banks, outside the ordinary high-water mark, and are thus not used by special-status fish species because water levels rarely reach this height in the channel—even during high flows. Therefore, construction of the project is not expected to impact or reduce habitat for special-status fish species in Coyote Creek.

Although no substantial noise or vibration disturbance (e.g., pile driving) is anticipated to occur during installation of the riser pole on the west side of Coyote Creek, any fish that are present in the channel when work occurs may be disturbed by the presence of workers near the creek and from whatever construction noise, vibrations, and visual disturbances do occur. Individual fish present in this reach of the creek could move away from work activities as a result, potentially exposing them to stress (e.g., if they move into lower-quality habitat) or increasing their likelihood of predation. For Central Valley fall-run Chinook salmon, Pacific lamprey, Central California roach, and Sacramento hitch, this impact is not expected to adversely affect their populations within the Coyote Creek watersheds based on the small area that will be affected and the small number of individuals (relative to regional populations) likely to be disturbed by the proposed work. However, due to the extremely small population size of Central California Coast steelhead in Coyote Creek, the loss of even one individual may have population-level effects and would result in a significant impact.

Mitigation Measure: The measure below would avoid indirect impacts on Central California Coast steelhead in Coyote Creek due to potential construction-related disturbance by restricting work activities on the banks to the dry season. Although this reach of the creek functions as a migration corridor for individuals traveling between the San Francisco Bay and spawning and rearing habitat present farther upstream during the cooler wet season, water temperatures in this reach are likely too high to be used by steelhead during the summer and early fall. Thus, Central California Coast steelhead are not expected to be present adjacent to the work area during the work window specified.

MM BIO-1.1a: Project activities within the banks of Coyote Creek shall occur between June 15 and October 15, when Central California Coast steelhead are not present. The applicant shall submit construction plans for bank work to the Director of Planning, Building, and Code Enforcement prior to any grading or demolition permit. The bank construction plan shall detail the timeline and anticipated starting and ending dates for physical work.

With compliance with Habitat Plan Conditions 3 and 4 and MM BIO-1.1a, potential impacts on water quality and special-status fish species would be less than significant.

Nonbreeding Birds and Mammals

Several special-status bird and mammal species occur along the project alignment as nonbreeding migrants, transients, or foragers including the tricolored blackbird, grasshopper sparrow, American peregrine falcon, American badger, and pallid bat.

Condition 17 of the Habitat Plan requires projects within 250 feet of riparian areas to determine if suitable habitat for the tricolored blackbird (a state threatened species and covered under the Habitat Plan) is present. The proposed project is within 250 feet of a riparian area (i.e., Coyote Creek); therefore, a field investigation of the project area was performed in September of 2019. No suitable habitat for tricolored blackbirds was present and no additional surveys or avoidance and minimization measures would be required.

The grasshopper sparrow (a California species of special concern) breeds in expansive grassland habitats in the foothills, and individuals may occasionally forage in grassland habitat in the project area during migration. The American peregrine falcon (a state fully protected species) is not expected to breed in the area due to a lack of suitable nesting habitat, though individuals may occasionally forage along Coyote Creek or around the Metcalf Substation in small numbers. The American badger (a California species of special concern) may occur as an occasional dispersant or forager but is not expected to establish breeding dens in the project area or make use of these areas regularly due to high levels of human disturbance. The pallid bat (a California species of special concern) may be present southeast of Forsum Road as an occasional forager but is not expected to breed in the project area due to a lack of suitable habitat, and there are no known maternity colonies within or adjacent to the project area. Nevertheless, individuals from more remote colonies could potentially forage over the open grassland habitat in the area on rare occasions.

The project would have some potential to impact foraging habitats and/or individuals of the above discussed species. Construction activities could result in a temporary direct impact through the alteration of foraging patterns (e.g., avoidance of work sites because of increased noise and activity levels during maintenance activities) but would not result in the loss of individuals, as individuals of these species would move away from any construction areas or equipment before they could be injured or killed. Further, the habitats along the project alignment do not provide important foraging habitat used regularly or by large numbers of individuals of any of these species. For these reasons, the project would have a less than significant impact on these species' foraging habitat and no substantive impact on regional population levels.

Yellow Warbler and White-Tailed Kite

The yellow warbler (a California species of special concern) could potentially nest in riparian habitat within and immediately adjacent to the project area along Coyote Creek southeast of Forsum Road. Individuals may forage in this habitat during migration and winter. The white-tailed kite (a state fully protected species) may nest in trees along this reach of Coyote Creek and in grassland areas near the Metcalf Substation. Individuals may forage in grasslands near the substation year-round. The yellow warbler and white-tailed kite are assessed together because the potential impacts of the project on these species would be similar.

Based on site observations, the areal extent of suitable habitats along the project alignment, and known breeding densities of these species, no more than two pairs of yellow warblers and one pair of white-tailed kites could potentially nest within or immediately adjacent to the project area. The project would not result in the loss of suitable nesting habitat for these species, as no activities are proposed within the bed and banks of Coyote Creek and no trees would be removed in the creek vicinity.

The project would result in temporary and permanent impacts on a small area of suitable foraging habitat for white-tailed kites. In addition, activities that occur during the nesting season and cause a substantial increase in noise or human activity near active nests of yellow warblers or white-tailed kites may result in the abandonment of active nests (i.e., nests with eggs or young). Heavy ground disturbance, noise, and vibrations caused by project activities could also potentially disturb nesting and foraging individuals and cause them to move away from work areas.

Because the number of nesting pairs of each species that could be disturbed is very small (i.e., one to two pairs), the impacts of project activities would represent a very small fraction of the regional population of these species. In addition, the project would comply with Habitat Plan Condition 1 by implementing the following mitigation measures. These measures would also be implemented during tree removal (of approximately 15 trees) in the vicinity of the battery building and substation where nesting and/or foraging habitat for raptors and migratory birds could be present. Migratory birds are protected under provisions of the Migratory Bird Treaty Act and CDFW Code Sections 3503, 3503.5, and 3800. The CDFW defines “taking” as causing abandonment and/or loss of reproductive efforts through disturbance. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact.

Mitigation Measures: In accordance with the Habitat Plan, Migratory Bird Treaty Act, CDFW, and General Plan Policy ER-5.1 and Policy ER-5.2, the following mitigation measures are included to reduce impacts to special-status birds during construction:

MM BIO-1.1b: Avoidance: The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).

MM BIO-1.2b: Nesting Bird Surveys: If demolition and construction cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

MM BIO-1.3b: Buffer Zones: If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California

Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

MM BIO-1.4b: Reporting: Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement.

Implementation of mitigation measure MM BIO-1.1b through MM BIO-1.4b would reduce potential impacts to yellow warblers, white-tailed kites and other nesting or migratory birds to a less than significant level.

California Red-Legged Frog

Recent surveys have not detected California red-legged frogs in Coyote Ranch Pond and along Coyote Creek adjacent to the project alignment, and the presence of predatory fish and bullfrogs in these areas likely precludes the presence of viable breeding populations. Nevertheless, Coyote Creek provides a potential avenue for dispersal for red-legged frogs. Given the suitable breeding habitat conditions in Coyote Creek and Coyote Ranch Pond, red-legged frogs could occur as occasional dispersants along the project alignment southeast of Forsom Road. California red-legged frogs are absent from the project alignment northwest of Forsom Road, as these areas are entirely developed.

Project activities would result in the temporary loss of California red-legged frog foraging and dispersal habitat, and potentially result in loss of individuals during construction activities. For example, project activities may result in the injury or mortality of individuals as a result of worker foot traffic, equipment use, or vehicle traffic. Seasonal movements may be temporarily affected because of disturbance. Substrate vibrations may cause individuals to move out of refugia, exposing them to a greater risk of predation or desiccation. In addition, petrochemicals, hydraulic fluids, and solvents that are spilled or leaked from construction vehicles or equipment may kill individuals, although BMPs to control releases of such chemicals make this unlikely. Additionally, increases in human concentration and activity in the vicinity of suitable habitat may result in an increase in native and nonnative predators that would be attracted to trash left at the work site and that would prey opportunistically on California red-legged frogs. Movement of project personnel along the project alignment, and between on-site and off-site areas, could also spread pathogens such as chytrid fungus, which can impair the health of amphibians. The project would, however, comply with Habitat Plan Condition 3, the NPDES General Permit, and the City's Grading Ordinance to pollutant runoff and erosion. In addition, the project would comply with Habitat Plan Condition 7, which includes measures to minimize ground disturbance during construction. The project would also be setback from riparian areas in compliance with Habitat Plan Condition 11 and the City's Riparian Corridor Policy. For these reasons impacts to the California red-legged frog would be reduced to a less than significant level.

Western Pond Turtle

Western pond turtles occurring along Coyote Creek may nest in adjacent grasslands and riparian habitats in the project area or disperse across these areas. Project activities may disturb upland habitat used for nesting. Individual turtles or their eggs that are present in the work areas may be harmed or killed due to crushing by construction personnel or equipment, or as a result of desiccation or burying (e.g., during grading). Although western pond turtles are widespread in the region, the species is not particularly abundant, and the loss of individuals could reduce the viability of a population to the extent that it would be extirpated. As discussed previously, the project would comply with Habitat Plan Conditions 3, 7, and 11 for impact avoidance and minimization. With implementation of these conditions, impacts to western pond turtles during project construction would be reduced to a less than significant level.

Bird Collision Impacts

The proposed project includes the installation of 130-foot tall riser poles to support overhead transmission lines that would span Coyote Creek and connect to the existing Metcalf Substation. Horizontal power lines are known to be a significant cause of avian collisions and mortality.¹⁴

Many of the birds moving through the project alignment at Coyote Creek during spring and fall are nocturnal migrants, which would be flying at altitudes well above the proposed height of the transmission lines. Coyote Creek does, however, provide habitat for numerous birds, many of which make north-south movements along the creek corridor at elevations similar to that of the proposed transmission lines and thus risk encountering the lines.

Existing transmission lines extend across Coyote Creek approximately 780 feet north of the proposed project alignment creek crossing to connect with the PG&E Metcalf Substation. These lines vary in height from approximately 60 to 120 feet as they cross Coyote Creek, and birds moving along Coyote Creek likely collide with these lines periodically. Given that the proposed project transmission lines would be installed at a similar height to these existing lines (up to approximately 120 feet, given anticipated sag of lines attached to 130-foot poles) and relatively close to the existing lines crossing the creek, the construction of the new lines would not be expected to substantially increase bird collisions along Coyote Creek compared to existing conditions. As a result, the potential impacts of the proposed overhead transmission line due to bird strikes would be less than significant.

Special-Status Plant Species

Project activities would result in a very small footprint of permanent impacts (where the riser pole would be installed) and up to 0.2 acre of temporary impacts (where the trench would be excavated) on California annual grassland habitat from the installation of the overhead-to-underground riser pole near the Metcalf Substation and the trenching of the transmission line from this structure to the substation. These small areas of California annual grassland occur in a location that has been subject to disturbance and fragmentation in the past (i.e., for the creation of the Metcalf Substation) and as a result of ongoing maintenance (i.e. mowing and disking to maintain a firebreak around the

¹⁴ H.T. Harvey & Associates. *Hummingbird Energy Storage Project Biological Resources Report*. September 19, 2019.

substation). As such, these areas do not provide regionally rare or high-value habitat for native vegetation or wildlife, or special-status species but would still reduce the extent of vegetation within the impact area and would result in a reduction in abundance of some of the common plant and wildlife species that use the site.

California annual grassland is, however, abundant and widespread regionally and is not particularly sensitive, valuable (from the perspective of providing important plant or wildlife habitat), or an exemplary occurrence of this habitat type. Further, because the number of individuals of any common plant or animal species within this habitat that could be disturbed, is very small, the project's impacts would not substantially reduce regional populations of these species. For these reasons, the impact on plant species would be less than significant.

Impact BIO-2: The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. **(Less than Significant Impact)**

The riparian corridor of Coyote Creek is directly adjacent to Monterey Road for the southern half of the project alignment along Monterey Road. The majority of ground-disturbing project impacts (i.e., trenching for the underground transmission lines and construction of the two riser poles located east of Coyote Creek) would occur in either existing pavement or landscaped areas, or in California annual grassland outside of the riparian corridor. Because the road shoulder of Monterey Road forms the top of bank of Coyote Creek on the west side, however, the riser pole next to Monterey Road would be situated within riparian habitat on the southwest bank of Coyote Creek.

The installation of this riser pole would require construction of a 10-foot diameter concrete footing (for a total area of 79 square feet of permanent impacts in the riparian habitat). The pole location would be located in an existing clearing approximately 10 feet off of Monterey Road such that there would be no required removal of trees within the riparian corridor and only minor tree trimming to support the riser pole installation. The clearing is occupied by a dense cover of non-native poison hemlock, milk thistle, and black mustard. A 1,219-square-foot work area surrounding the pole would be utilized. This area will be temporarily impacted by vegetation clearing, minor tree trimming, light grading, installation of a temporary ballast rock pad for supporting the excavator/auger and staging of equipment and materials. Upon completion of the pole installation, the temporary ballast rock pad will be removed, the area would be restored to previous grades, and the area will be reseeded with a native grass and forb seed mix to prevent erosion (per the requirements of Conditions 3 and 4 of the Habitat Plan). The impacted area would be restored to pre-project or ecologically improved conditions within one year.

Impacts to riparian habitat would be minimized through implementation of Habitat Plan Conditions 3 and 4, which require implementation BMPs, performance standards, and control measures, to minimize increases of peak discharge of storm drain water and to reduce runoff of pollutants to protect water quality, including during construction. Work will be brief, and vegetation removal would not include vegetation (such as trees and shrubs) that would take longer than one year to recover. Also, the project will pay Habitat Plan fees for impacts of the project on natural habitats, including riparian/stream impact fees. Those fees will contribute to the Habitat Plan's conservation

program, which includes restoration, enhancement, and management of riparian habitats, thus compensating for impacts to covered projects on riparian habitats. Thus, with implementation of the avoidance and minimization measures included in the Habitat Plan conditions, as well as payment of fees, impacts on riparian habitat would be less than significant under CEQA.

Impact BIO-3: The project would not have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. **(Less than Significant Impact)**

The project would avoid direct impacts on state or federally protected wetlands and aquatic habitats. Two riser poles to support the overhead portion of the alignment will be installed 35 feet northeast of the Coyote Creek bike path and in between the Metcalf Substation and Coyote Ranch Road; these poles are located well away from wetlands within Coyote Creek. One riser pole would be located within the banks of Coyote Creek, but this pole will be placed high on the banks outside of wetlands or aquatic habitats. The project will comply with Habitat Plan conditions, including Conditions 3 and 4, which requires implementation of design, construction, and post-construction measures, to minimize increases of peak discharge of storm drain water and to reduce runoff of pollutants to protect water quality. In addition, required construction period BMPs and post-construction stormwater requirements will apply to the project to further avoid and reduce these impacts. For these reasons, the project would not result in substantial adverse effects on state or federally protected wetlands and any impact would be less than significant.

Impact BIO-4: The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. **(Less than Significant Impact)**

No important wildlife nursery areas are present in the project vicinity or would be impacted by the project. Along the project alignment, however, Coyote Creek functions as a wildlife movement corridor. By temporarily disturbing habitats southeast of Forsum Road along the project alignment, project activities could temporarily discourage some wildlife species from easily moving between suitable habitat patches during the construction period. In addition, noise and disturbance associated with construction activities could cause species that commonly use habitats along the project alignment for dispersal to avoid dispersal through the area.

Although construction activities may temporarily affect wildlife movement southeast of Forsum Road, animals would still be able to move through or around the project work areas during construction, and no permanent impacts on wildlife movement would result from the project. Thus, the project will not interfere substantially with the movement of any native resident or migratory wildlife species or with established native resident or migratory wildlife corridors, and this impact is less than significant. Although no mitigation is necessary to reduce project impacts on wildlife movement to less than significant levels, the Habitat Plan conservation program will assemble a Reserve System with landscape linkages and wildlife movement in mind to protect and, where possible, enhance movement pathways on a regional scale. The project's impact fees would thus contribute to the maintenance and improvement of opportunities for movement and genetic exchange

of native plants and animals within and between natural communities inside and connecting to areas outside of the Habitat Plan Reserve System.

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

Tree Replacement

The project would avoid impacting existing trees to the extent feasible; however, tree removal (approximately 15 total trees) would occur in the public ROW at the northern end of the transmission line alignment where the line crosses west under a median island as it travels to connect to the substation and battery storage facility at 6321 San Ignacio Avenue. The trees located in this area consist of European white birch (non-native), Crape myrtle (non-native), and California black walnut (native) in good to fair condition. Tree removal would also occur in the parking lot at 6321 San Ignacio Avenue in order to accommodate the proposed substation. Trees in the parking lot consist of Purpleleaf plum (non-native), Red ironbark (non-native), and Crape Myrtle in good condition. Installation of the southern, approximately 0.9-mile portion of the transmission line could require minor amounts of vegetation removal to accommodate work areas on the east side of the roadway. This is needed due to the fact that this portion of Monterey Road does not have an improved roadway shoulder (i.e., curb, gutter, and sidewalk) needed to accommodate the transmission line work area. As part of the project's Standard Permit Conditions, trees removed as part of the project would be required to be replaced in accordance with the following and summarized in the Standard Permit Condition that follows:

- City of San José Tree Removal Control (Municipal Code Section 13.31.010 to 13.32.100)
- San José Municipal Code Section 13.28
- General Plan Policies MS-21.4, MS-21.5, and MS-21.6

Standard Permit Condition: The trees removed by the proposed project would be replaced according to the City's required replacement ratios, as provided in Table 4.4-1 or alternative measures listed below. The species, location, and number of trees to be planted would be determined in consultation with the City Arborist, the Department of Planning, Building and Code Enforcement, and the Department of Transportation

Table 4.4-1: Tree Replacement Ratios				
Circumference of Tree to be Removed¹	Type of Tree to be Removed²			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more ³	5:1	4:1	3:1	15-gallon
19 to 38 inches	3:1	2:1	None	15-gallon
Less than 19 inches	1:1	1:1	None	15-gallon
¹ As measured 4.5 feet above ground level				

² X:X = tree replacement to tree loss ratio

³ Ordinance-sized tree

Notes: Trees greater than or equal to 38 inches in circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For multi-family residential, commercial, and industrial properties, a Tree Removal Permit is required for removal of trees of any size.

A 38-inch tree = 12 inches in diameter.

A 24-inch box tree = two 15-gallon trees

- Since approximately 15 trees on-site would be removed (11 non-native less than 19 inches, two non-native 19 to 38 inches, and two native 19 to 38 inches), 21 trees would be replaced. The species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement for private trees, and with the Director of the Department of Transportation for any trees in the Right of Way.
- In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures would be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement and the Director of the Department of Transportation, 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 Public Works grading permit(s), in accordance to the City Council approved Fee Resolution. The City would use the off-site tree replacement fee(s) to plant trees at alternative sites.

Additionally, (where applicable) the project would implement a Tree Protection Plan and include measures to implement during project construction to minimize impacts to trees to remain. The measures include marking trees to remain in place on project plans and establishing tree protection zones around the canopy drip-line zone to avoid serious injury or loss.

By conforming to the above conditions, the proposed project would meet applicable tree removal and tree protection guidelines set forth by the City of San José. Therefore, the proposed project would not conflict with any ordinance protecting biological resources and there would be no impact as a result of a conflict.

Riparian Buffer

The City of San José's Riparian Corridor Policy Study describes suggested riparian setbacks for development. The policy states that riparian setbacks for the proposed project should be measured 100 feet from the outside edges of riparian habitat or the top of bank, whichever is greater. The study also states that setback distances for individual sites may vary if consultation with the City and a qualified biologist indicates that a smaller or larger setback is more appropriate for consistency with the City's riparian preservation objectives. Goal E2.2 of the City's General Plan also requires a 100-foot setback in all but a limited number of circumstances, which are only applicable if no significant environmental impacts would occur from reduction of the setback distance. The Habitat Plan, specifically Condition 11, includes appropriate setbacks based on stream hydrology and function.

The Habitat Plan setback for the Coyote Creek, which is a Category 1 stream, adjacent to the project alignment is 150 feet. The Habitat Plan provides for exceptions to standard stream setbacks. Regardless of project location, the Habitat Plan does not allow a stream setback to be reduced to a distance less than 50 feet for new development.

The proposed 130-foot tall riser pole within the banks of Coyote Creek will not substantially reduce the quality of riparian habitat along the creek, as this structure is located on the outer edge of riparian habitat and is expected to result in only minor short-term impacts (e.g., due to minor tree trimming) and no long-term impacts (e.g., due to tree removal or shading) on the riparian habitat. Although this structure may provide a perching site for corvids such as common ravens and raptors such as red-tailed hawks, a number of similar structures are present in the project vicinity and construction of the new riser pole is not expected to substantially increase predation of wildlife along Coyote Creek compared to existing conditions. As a result, impacts due to encroachment within the riparian setback would not occur and thus the impact due to policy conflict would be less than significant.

Impact BIO-6:	The 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 Impact)
----------------------	--

Habitat Plan

The proposed project is classified as an Urban Development project, which is a covered project under the Habitat Plan. The project will avoid impacts to natural areas within the Habitat Plan-mapped serpentine fee zone that extends across the project alignment; therefore, fees in lieu of mitigation for impacts on this habitat type would not be required. The project alignment does not include lands mapped as occupied burrowing owl nesting habitat and no burrowing owl fee applies. Most of the project transmission line is classified as Urban Area and has no land cover fee; however, the portion of the line that extends east of Monterey Road to the PG&E Metcalf Substation falls within Fee Zone B Agricultural and Valley Floor Lands. In conformance with the Habitat Plan, project proponents are required to pay impact fees in accordance with the types and acreage of habitat or land cover impacted and adhere to applicable Habitat Plan Conditions (as discussed in Impact BIO-1 and MM BIO-1.1).

The project would apply for Habitat Plan coverage, pay any applicable Habitat Plan land cover fees, and adhere to the required conditions; therefore, the proposed project would not be in conflict with the Habitat Plan and there would be no impact as a result.

Nitrogen Deposition Impacts on Serpentine Habitat

The project would result in an anticipated four vehicle trips per month by personnel visiting the facilities, which results in nitrogen emissions. All development covered by the Habitat Plan is required to pay a nitrogen deposition fee as mitigation for cumulative impacts to serpentine plants in the Habitat Plan area. Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the Habitat Plan area, as well as the host plants that support the Bay checkerspot butterfly. All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout

the Bay Area including the project area. Because serpentine soils tend to be nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species. The displacement of these species, and subsequent decline of the several federally listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County.

Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. The impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. The nitrogen deposition fees collected under the Habitat Plan for new vehicle trips (see Section 4.14 Transportation) would be used as mitigation to purchase and manage conservation land for the Bay checkerspot butterfly and other sensitive species. The project would implement the following standard permit condition.

Standard Permit Condition: The project shall implement the following condition to reduce the impacts to endangered and threatened species:

- The project is subject to applicable Habitat Plan conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant would be required to submit the Santa Clara Valley Habitat Plan Coverage Screening Form to the Director of Planning or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement for review and shall complete subsequent forms, reports, and/or studies as needed prior to the issuance of grading permits.

Compliance with the Standard Permit Condition listed above would ensure that the project does not conflict with the provisions of the Habitat Plan. The project would pay nitrogen deposition fees based on the trip generation associated with the proposed uses and there would be no conflict and no impact.

4.5 CULTURAL RESOURCES

The discussion within this section is based in part on an Archaeological Literature Search and Native American Consultation prepared by Holman & Associates in August 2019. A copy of this report is on file with the City of San José.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

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

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.¹⁵

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

California Native American Historical, Cultural, and Sacred Sites Act

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

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are

¹⁵ California Office of Historic Preservation. "CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6." March 14, 2006.

outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

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

Local

City of San Jose Municipal Code – Historic Preservation Ordinance

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

Envision San José 2040 General Plan

The following General Plan policies related to cultural resources would apply to the project.

Policy	Description
ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
LU-13.15	Implement City, state, and federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.

4.5.1.2 Existing Conditions

Project Area

Two cultural resources are recorded within the project area; however, they did not contain a sufficient range of artifacts to answer local prehistory questions and it lacks integrity and is not eligible to the NRHP or CRHR. Lands near Coyote Creek, however, often contain buried Native American resources; therefore, the area is considered to be highly sensitive for these resources. No historical buildings or structures within or adjacent to the project area (indicative of the past history of agricultural/orchard use with sparse residential or commercial development) are present; therefore, there is a low potential for specific historic-era archaeological deposits.

Adjacent Sites

Within 0.25 mile of the project area, six cultural resources are recorded. Two document the built environment. P-43-3559 consists of a district of dams constructed between 1934 and 1936, including the Coyote and Coyote Percolation Dams on the east side of Monterey Road. P-43-3038 recorded the 1930 Laguna Seca Bridge associated with the Southern Pacific Railroad/SCL-898H as a single structure. The bridge was located west of Monterey Road near the very southern portion of the current project area. The remaining four cultural resources are Native American sites that document the use of the lands adjacent to Coyote Creek and its tributaries.

In 2014, geoarchaeological investigations were conducted prior to the installation of security fencing at Metcalf Substation. The substation is located on deposits that have a high- to very-high potential for buried Native American resources when combined with their close proximity to Coyote Creek.¹⁶

Initial Native American Consultation

On July 22, 2019, the Native American Heritage Commission (NAHC) was contacted by Holman & Associates to request a review of the Sacred Land Files (SLF) for any evidence of cultural resources or traditional properties of potential concern that might be known on lands within or adjacent to the project area. On August 7, 2019, the NAHC responded that no tribal cultural resources were identified during the SLF review. The NAHC provided a contact list of seven Native American individuals/organizations who may know of cultural resources in this area or have specific concerns about the project. Holman & Associates sent an email to each of the identified individuals/organizations with an attachment including a letter describing the project, a map of the project area, and inquiring whether they had any concerns.

One response was received on from Andrew Galvan August 12, 2019, requesting a summary of the records search. Hollman & Associates provided the records search summary, as well as the recommendations from the Archaeological Literature Search report. No further comments or concerns were expressed. There have been no additional responses and no specific Native American

¹⁶ In the late 1800s, Coyote Creek was approximately 0.15 mile east of Monterey Road and it did not cross the roadway. In 1917, a western branch of Coyote Creek flowed under Monterey Road only near the southernmost portion of the project area. Within the next 15 years, the only improvements were to Coyote Creek with its course veering to the west and to Monterey Road where it currently.

archaeological resources have been identified during the initial Native American consultation process.

4.5.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Cause a substantial adverse change in the significance of an archaeological resource as pursuant to CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact CUL-1: The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. (**Less than Significant Impact**)

The buildings on the project site were constructed in the 1980s. No historic resources have been identified within or immediately adjacent to the project area. Given the lack of historical development (the project area was used for orchards and agricultural-related uses until the 1950s), it also has a low potential for buried historic-era resources. Thus, any impact to historical resources would be less than significant.

Impact CUL-2: The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. (**Less than Significant Impact with Mitigation Incorporated**)

Transmission Line

Two cultural resources are recorded within the project area. NRHP/CRHR-ineligible Native American lithic scatters have historically been found near the southeastern terminus of the project area; and documents buildings, structures, and objects related to the Southern and Central Pacific Railroad across four counties also exist, none of which have been recorded in the project area. The area is considered to be highly sensitive for Native American archaeological resources. Disturbance these resources during construction would be considered a significant impact under CEQA

Mitigation Measure: To ensure significant impacts to unknown buried archaeological resources do not occur, the following mitigation measure will be implemented during construction.

MM CUL-2.1: Construction monitoring by a qualified archaeologist shall occur during trenching activities for the underground conductor. Specifically, monitoring shall be conducted for trenching from 6321 San Ignacio Avenue south to Coyote Creek, and for the installation of the two new poles between Monterey Road and the Metcalf Substation. If archaeological deposits or features that appear eligible to the CRHR are identified during monitoring by the qualified archaeologist, all activity shall be temporarily stopped, and an archaeological research design and work plan shall be prepared by a qualified archeologist to facilitate archaeological excavation.

The archaeological research design and work plan shall utilize data recovery methods to reduce impacts on subsurface resources. The plan shall be prepared and submitted to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval prior to restarting any trenching activities. The plan shall contain, at a minimum:

- Identification of the scope of work and range of potential subsurface effects
- Detailed field strategy used to record, recover, or avoid the finds and address research goals
- Analytical methods
- Disposition of the artifacts
- Site records, correspondence, and consultation with Native Americans

A final report verifying completion of the research design and work plan shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee for approval prior to project completion. This report shall contain a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources (as necessary).

With implementation of MM CUL-2.1, the proposed project would have a less than significant impact on archaeological resources.

Battery Storage Facility and Substation

The project area has a high potential for buried Native American sites and archaeological resources as described above, though impacts are less likely to occur as part of construction of the substation and any connections to the battery storage facility building. To ensure impacts do not occur as part of installation of the substation and any connections to the battery storage facility building, the following Standard Permit Conditions would be implemented, consistent with City policies. While the project site is located adjacent to an area of archaeological sensitivity, discovery of archaeological resources or pre-historic human remains is unlikely given the location of the project site in comparison to known culturally sensitive areas and previous development activities. excavation and trenching as part of the substation could, however, damage as yet unrecorded subsurface resources. Consistent with General Plan policies, the following Standard Permit

Conditions will be implemented by the project to reduce and avoid impacts to buried archaeological resources during construction

Standard Permit Conditions: Implementing the following conditions would reduce impacts of the project on subsurface cultural resources:

- **Subsurface Cultural Resources.** In the event that 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 Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement will be notified, and a qualified archaeologist will examine the find. The archaeologist will 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. If the finds do not meet the definition of a historical or archaeological resource, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then it should be avoided by project activities. Project personnel should not collect or move any cultural material. Fill soils that may be used for construction purposes should not contain archaeological materials.
- **Human Remains.** If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. In the event of the discovery of human remains 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 Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American.
- If the remains are believed to be Native American, the Coroner will contact the NAHC within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.
- If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:
 - The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
 - The MLD identified fails to make a recommendation; or
 - The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

With the implementation of the Standard Permit Conditions detailed above, the proposed project would have a less than significant impact to archaeological resources.

Impact CUL-3: The project would not disturb any human remains, including those interred outside of dedicated cemeteries. **(Less than Significant Impact with Mitigation Incorporated)**

As mentioned above, the site is located within an archaeologically sensitive area. Although unlikely, it is possible that project construction activities could disturb undiscovered human remains. Implementation of MM CUL-2.1 and the Standard Permit Conditions described under Impact CUL-2 (above) would ensure that an appropriate process is followed in the event of accidental discovery of human remains during project construction. By following the process set forth, the proposed project would not result in a significant impact to human remains.

4.6 ENERGY

The discussion within this section is based in part on an air quality memo prepared by Illingworth & Rodkin, as well as operational data produced by the CalEEMod Model for the project. These documents are included as Appendix A to this report.

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

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

Renewables Portfolio Standard Program

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

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years, and the 2016 Title 24 updates went into effect on January 1, 2017.¹⁷ Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.¹⁸

California Green Building Standards Code

CALGreen establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. The most recent update to CALGreen went into effect on January 1, 2017,

¹⁷ California Building Standards Commission. "Welcome to the California Building Standards Commission." Accessed February 6, 2018. <http://www.bsc.ca.gov/>.

¹⁸ California Energy Commission (CEC). "2016 Building Energy Efficiency Standards." Accessed February 6, 2018. <http://www.energy.ca.gov/title24/2016standards/index.html>.

and covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.¹⁹

Local

Envision San José 2040 General Plan

The General Plan includes the following policies for the purpose of reducing or avoiding impacts related to energy that would be applicable to the project.

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

¹⁹ California Air Resources Board. “The Advanced Clean Cars Program.” Accessed April 6, 2018. <https://www.arb.ca.gov/msprog/acc/acc.htm>.

Policy	Description
MS-14.4	Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, and passive solar building design and planting of trees and other landscape materials to reduce energy consumption.
MS-14.5	Consistent with state and federal policies and best practices, require energy efficiency audits and retrofits prior to or at the same time as consideration of solar electric improvements.

City of San José Municipal Code and Building Codes

The City's Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include a Green Building Ordinance for Private Sector New Construction (Chapter 17.84) to foster practices to minimize the use and waste of energy, water and other resources in the City of San José, Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10), requirements for Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105), and a Construction & Demolition Diversion Program (CDD) that requires recycling of construction and demolition materials (Chapter 9.10).

Climate Smart San José

Climate Smart San José, adopted in February 2018, is a plan to reduce air pollution, save water, and create a healthy community. Climate Smart San José focuses on three pillars and nine key strategies to transform San José into a climate smart city that is substantially decarbonized and meeting requirements of Californian climate change laws.

4.6.1.2 Existing Conditions

Total energy usage in California was approximately 7,881 trillion British thermal units (Btu) in the year 2017, the most recent year for which this data was available.²⁰ Out of the 50 states, California is ranked second in total energy consumption and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,416 trillion Btu) for residential uses, 19 percent (1,473 trillion Btu) for commercial uses, 23 percent (1,818 trillion Btu) for industrial uses, and 40 percent (3,175 trillion Btu) for transportation.²¹ This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

San José Clean Energy (SJCE) is the electricity provider for residents and businesses in the City of San José. SJCE sources the electricity and the Pacific Gas and Electric Company (PG&E) delivers it to customers over their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can

²⁰ United States Energy Information Administration. "State Profile and Energy Estimates, 2017." Accessed August 1, 2019. <https://www.eia.gov/state/?sid=CA#tabs-2>.

²¹ United States Energy Information Administration. *State Profile and Energy Estimates, 2017*. Accessed August 1, 2019. <https://www.eia.gov/state/?sid=CA#tabs-2>.

choose to enroll in SJCE's TotalGreen program at any time to receive 100 percent GHG emission-free electricity from entirely renewable sources.

Natural Gas

PG&E provides natural gas services within the City of San José. In 2017, approximately 1.4 percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada. In 2018, residential and commercial customers in California used 34 percent of the state's natural gas, power plants used 35 percent, the industrial sector used 21 percent, and other uses used 10 percent.²² transportation accounted for one percent of natural gas use in California. In 2017, Santa Clara County used approximately 3.5 percent of the state's total consumption of natural gas.²³

Fuel for Motor Vehicles

In 2017, 15 billion gallons of gasoline were sold in California.²⁴ The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 24.9 mpg in 2018.²⁵ Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks model years 2011 through 2020.^{26,27}

Energy Use of Existing Development

The battery storage building is vacant and for the purposes of this section, it is assumed no energy is currently used.

²² California Gas and Electric Utilities. 2018 *California Gas Report*. Accessed March 15, 2019. https://www.socalgas.com/regulatory/documents/cgr/2018_California_Gas_Report.pdf.

²³ California Energy Commission. "Natural Gas Consumption by County." Accessed February 21, 2019. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

²⁴ California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed February 16, 2018. http://www.cdtfa.ca.gov/taxes-and-fees/MVF_10_Year_Report.pdf.

²⁵ United States Environmental Protection Agency. "The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." March 2019.

²⁶ United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed February 8, 2018. <http://www.afdc.energy.gov/laws/eisa>.

²⁷ Public Law 110-140—December 19, 2007. *Energy Independence & Security Act of 2007*. Accessed February 8, 2018. <http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf>.

4.6.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<hr/>				
Impact EN-1:	The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. (No Impact)			

Construction

Construction activities associated with the proposed project are estimated to occur at the site over an approximate six-month period and would consist of site preparation, trenching, paving, tenant improvements, and installation of the substation. The overall construction schedule and process is designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel are not typically used wastefully on the site because of the added expense associated with renting the equipment, as well as maintaining and fueling it.

The project includes several measures that would improve the efficiency of the construction process. Implementation of the BAAQMD Standard Permit Conditions identified in Section 4.3 Air Quality, would restrict excessive equipment use by reducing idling times to five minutes or less and would require contractors to post signs on the project site reminding workers to shut off idle equipment. Further, the project would comply with the City's CDD program ensures that at least 75 percent of construction waste is recovered and diverted from landfills. For these reasons, the project would not result in an impact due to wasteful, inefficient, or unnecessary consumption of energy during construction.

Operation

The project would utilize an existing R&D building in a larger industrial/office park. No permanent full-time or part-time employees would occupy the building. Energy would be used for cooling, equipment, and lighting (approximately 363,590 kWh/year), and water heating (approximately 357,410 kBtu/year). The energy storage facility would be monitored remotely with maintenance staff visiting the facilities approximately four times per month. Assuming a 22-mile round trip for the maintenance truck, the project would generate 1,056 vehicle miles and associated gasoline use of 42 gallons per year. Further, the project would comply with CBC energy efficiency requirements, CalGreen. Given the small amount of energy used and compliance with City code requirements, the

project would not result in an impact due to wasteful, inefficient, or unnecessary consumption of energy during operation.

Impact EN-2: The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(No Impact)**

The project would conform to General Plan policies and regulations which promote the use and expansion of renewable energy resources, including solar and wind, by providing needed storage when the renewable energy is generated—thereby reducing the need for natural-gas electricity generation. By conforming to applicable General Plan policies related to renewable energy and energy efficiency, and the CBC and CalGreen, the project would not preclude the City from meeting local or state renewable energy or energy efficiency goals; rather, it would facilitate the City’s desires and state RPS requirements to meet these goals.

4.7 GEOLOGY, SOILS, AND MINERAL RESOURCES

This section addresses both Geology and Soils, as well as Mineral Resources.

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

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

Seismic Hazards Mapping Act

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

California Building Standards Code

The CBC prescribes standards for constructing safe buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years; the current version is the 2016 CBC.

California Division of Occupational Safety and Health Regulations

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

Public Resources Code Section 5097.5

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

Local

Municipal Code

Title 24 of the San José Municipal Code includes the 2016 California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.10 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

Envision San José 2040 General Plan

The General Plan includes the following geology and soils-related policies that are applicable to the proposed project.

Policy	Description
EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
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.
EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.

EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.
EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
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.
ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
ER-10.3	Ensure that City, state, and federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

4.7.1.2 *Existing Conditions*

Soils

The project site is relatively flat and situated at an elevation of approximately 205 feet above mean sea level (msl).²⁸ The site has silty loam soils with a moderate potential for expansion.²⁹ The transmission line corridor is approximately 240 feet above msl and contains silty clay loam soils with a moderate potential for expansion.³⁰

Seismicity and Seismic-Related Hazards

The project site is in the seismically active San Francisco Bay Area which has a 72 percent probability of experiencing at least one magnitude 6.7 earthquake during the next 30 years. Earthquake faults in the region, specifically the San Andreas, Hayward, and Calaveras faults, are capable of generating earthquakes larger than 7.0 in magnitude. The project site would experience intense ground shaking in the event of a large earthquake. The project site is not, however, within a mapped State of California Earthquake Fault Zone, Fault Rupture Hazard Zone, or City of San José

²⁸ Cornerstone Earth Group. Phase I Environmental Site Assessment 6321 and 6325 San Ignacio Avenue, San Jose, California. August 23, 2019.

²⁹ W.W. Olive, A.F. Chleborad, C.W. Frahme, Julius Schlocker, R.R. Schneider, and R.L. Shuster. "Swelling clays map of the conterminous United States". <http://www.cslandscapearchitect.com/2012/02/11/where-to-find-expansive-soils-in-california/>.

³⁰ United States Department of Agriculture. "Web Soil Survey". Accessed December 19, 2019. <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>.

Special Studies Zone for active faulting and no known active faults. The closest active fault is the Hayward fault, located approximately seven miles east of the proposed project.³¹

Liquefaction

Liquefaction is the temporary transformation of loose, saturated granular sediments from a solid state to a liquefied state as a result of seismic ground shaking. The project site is located within a State of California and Santa Clara County Geologic Hazard Zone for potential liquefaction.³²

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of sloping, saturated soil deposits caused by earthquake-induced liquefaction, and often occurs along sloping creek banks. Coyote Creek is located approximately 3,500 feet east of the battery storage facility and substation but immediately adjacent to the southern portion of the transmission line where it would enter the Metcalf Substation. Coyote Creek is the closest slope capable of lateral spreading.

Landslides

The project site is located in a flat area and would not be exposed to substantial slope instability, erosion, or landslide-related hazards. The project site is not located within an area susceptible to earthquake-induced landslides or Landslide Hazard Zone³³

Paleontological Resources

The Substation is located on two similar geological deposits: Latest Pleistocene to Historic alluvial fan/levee deposits and Holocene to Historic alluvial fan/levee deposits due to the close proximity to Coyote Creek. Most of the City of San José is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources; however, older Pleistocene sediments present at or near the ground surface at some locations have high potential to contain these resources. The area is mapped in Appendix J of the General Plan EIR as an area of high paleontological sensitivity at depth, but not at ground surface.

Minerals

The project site is not located in an area containing known mineral resources as identified by the state or the City of San José General Plan. Other than the Communications Hills area, San José does not have mineral deposits. The project site is not located on or near Communications Hill, and therefore, does not contain known mineral resources.

³¹ Google Maps. San Andreas and Bay Area Faults. Accessed August 27, 2019.
<https://www.google.com/maps/d/viewer?hl=en&gl=us&ptab=0&ie=UTF8&oe=UTF8&msa=0&mid=1jhImZGBqVfS4oekH0pX6Jpto0Ig&ll=36.87727667763314%2C-120.04147549999999&z=7>.

³² City of San José. Public GIS Viewer. Accessed on August 27, 2019.
<http://csj.maps.arcgis.com/apps/webappviewer/index.html?id=3c5516412b594e79bd25c49f10fc672f>.

³³ Ibid.

4.7.2

Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
– Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
– Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Be located on expansive soil, as defined in the current CBC, creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact GEO-1: The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides. **(Less than Significant Impact)**

The project site is not located on or adjacent to a known earthquake fault, such that potential substantial adverse effects, including the risk of loss, injury, or death would occur. The project site is not prone to landslides; therefore, there would be no impact.

The project site would be subject to strong seismic ground shaking and seismic-related ground failure, including liquefaction in the event of a large earthquake. Consistent with the City's General Plan and Municipal Code, to avoid and/or minimize potential damage from seismic shaking, the proposed project would be built (substation and new poles)/improved (existing battery storage building) using standard engineering and seismic safety design techniques. Consistent with these requirements, the following condition shall be implemented proposed project to ensure the proposed development is designed to address seismic hazards.

Standard Permit Condition:

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

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

Impact GEO-2: The project would not result in substantial erosion or the loss of topsoil. **(Less than Significant Impact)**

Ground disturbance would be required for demolition of the existing surface parking lots, grading, and construction of proposed development. Ground disturbance would expose soils and increase the potential for wind or water related erosion and sedimentation at the site until construction is complete.

The City's NPDES Municipal Permit (refer to Section 4.10 Hydrology and Water Quality), urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process. The General Plan FEIR concluded that with the

regulatory programs currently in place, the possible impacts of accelerated erosion during construction would be less than significant. The City will require all phases of the project to comply with all applicable City regulatory programs pertaining to construction related erosion, including the following Standard Permit Conditions:

Standard Permit Conditions:

- All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
- Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
- Ditches shall be installed to divert runoff around excavations and graded areas if necessary.

Because the project would comply with the regulations identified in the General Plan EIR and the above Standard Permit Conditions, implementation of the proposed project would have a less than significant soil erosion impact.

Impact GEO-3: The 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. **(Less than Significant Impact)**

Refer to the discussion above under Impact GEO-1 for a discussion on landslide, lateral spreading, and liquefaction.

Development of the project site would not change or exacerbate the geologic conditions of the project area and, therefore, would not result in a significant geologic hazards impact. The project site is flat and is not at risk of becoming unstable following the development proposed by the project. Thus, there would be no impact.

Impact GEO-4: The project would not be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property. **(No Impact)**

The project site is located in an area of moderate expansion potential. By constructing the substation and improving the existing industrial building for the battery storage facility in accordance with standard engineering practices, the proposed project would not result in a significant impact as a result of the soils underlying the site. Additionally, the project would be subject to the following Standard Permit Condition.

Standard Permit Condition:

- The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.

As a result, the proposed project would not exacerbate existing soil conditions on the project site creating risks to life or property.

Impact GEO-5: The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. **(No Impact)**

The disposal of wastewater from the project site will be facilitated by connection to the City's existing sewer system. The existing utilities in the project area would serve the project. No on-site septic system would be constructed for the proposed project. By connecting to existing City sewer lines, the project would avoid potential impacts related to wastewater disposal via an on-site septic system or alternative wastewater disposal system.

Impact GEO-6: The project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. **(Less than Significant Impact)**

These older sediments, often found at depths of greater than 10 feet below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. While unlikely given that the project would excavate to a depth of approximately six feet, the proposed project could potentially disturb undiscovered paleontological resources during construction activities.

The General Plan EIR recognized that while development allowed under the General Plan could directly impact paleontological resources, implementation of General Plan policies and existing regulations and programs would reduce potential impacts to a less than significant level. As such, the following Standard Permit Condition would be applied to the proposed project to reduce and avoid impacts to unidentified paleontological resources.

Standard Permit Condition:

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

paleontologist. A report of all findings shall be submitted to the Director of Planning or Director's designee of the PBCE.

Implementation of the Standard Permit Condition discussed above would reduce impacts to paleontological resources to a less than significant level.

Impact GEO-7: The project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**

The Communications Hill area in central San José is the only area within the City of San José that is designated by the State Mining and Geology Board as containing mineral deposits of regional significance. The project site is 5.1 miles southeast of Communications Hill. The project would not result in the loss of availability of a known mineral resource.

Impact GEO-8: The project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. **(No Impact)**

The project site is not located in an area with known mineral resources. Therefore, the project would not result in the loss of availability of a mineral resource recovery site.

4.8 GREENHOUSE GAS EMISSIONS

The discussion within this section is based in part on an air quality memo prepared by Illingworth & Rodkin in August 2019, as well as operational data produced by the CalEEMod Model for the project. These documents are included as Appendix A to this report.

4.8.1 Environmental Setting

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of greenhouse gases (GHGs) have a broader, global impact. Global warming is a process whereby GHGs accumulating in the atmosphere contribute to an increase in temperature of the earth's atmosphere. The principal GHGs contributing to global warming and associated climate change are CO₂, methane (CH₄), nitrous oxide (N₂O), and fluorinated compounds. 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.

4.8.1.1 *Regulatory Framework*

State

Assembly Bill 32

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

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of CO₂E (MMTCO₂e). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCO₂e.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035. The per-capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2040. Plan Bay Area 2040 establishes a course for reducing per-capita GHG emissions

through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

Regional and Local

2017 Clean Air Plan

Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards would be met. BAAQMD's most recently adopted plan is the 2017 CAP. The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

CEQA Air Quality Guidelines

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

Local

Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy

The General Plan includes strategies, policies, and action items that are incorporated into the City's GHG Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The GHG Reduction Strategy is intended to meet the mandates outlined in the CEQA Air Quality Guidelines through 2020, as well as the BAAQMD requirements for Qualified GHG Reduction Strategies.

The City's GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects as part of three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary and could be incorporated as mitigation measures for proposed projects, at the City's discretion. These measures, however, only cover emissions through the year 2020 and additional measures may be required to reduce emissions beyond 2020.

The following General Plan policies are related to GHG emissions and are applicable to the proposed project.

Policy	Description
MS-2.3	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).
MS-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, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

Climate Smart San José

The City Council adopted Climate Smart San Jose (CSSJ) on February 28, 2018. Climate Smart San José is a new San José community-wide initiative to reduce air pollution, save water, and create a strong and healthy community. The adoption of Climate Smart San José made San José one of the first U.S. cities to chart a path to achieving the greenhouse gas emissions reductions contained in the international Paris Agreement on climate change. Climate Smart San José focuses on three areas: energy, mobility and water.

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

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

4.8.1.2 *Existing Conditions*

The project site currently contains a vacant 102,462-square-foot industrial building and a parking lot. GHG emissions are generated from heating, cooling, and lighting of the building.

4.8.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

As described previously, BAAQMD adopted thresholds of significance to assist in the review of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD has determined that GHG emissions would cause significant environmental impacts. The significance thresholds identified by BAAQMD are 1,100 MT of CO₂e per year or 4.6 MT CO₂e per service population (on-site residents and employees) per year. In addition, a project that is in compliance with the City's Climate Action Plan (a qualified GHG Reduction Strategy) is considered to have a less than significant GHG impact.

The numeric thresholds set by BAAQMD were calculated to achieve the state's 2020 target of 1990 GHG levels. The project is anticipated to take approximately four years to complete, starting in 2020 and finishing in 2024. The project, therefore, would be fully constructed and occupied by 2025.

The state has completed a Scoping Plan which will be utilized by BAAQMD to establish the 2030 efficiency threshold. The efficiency threshold would need to be met by individual projects in order for state and local governments to comply with the SB 32 2030 reduction target. At this time BAAQMD has not published a quantified threshold for 2030. For the purposes of this analysis, however, a Substantial Progress 2030 "bright-line" threshold of 660 MT of CO₂e per year has been calculated based on the GHG reduction goals of Senate Bill 32 and Executive Order B-30-15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels.

Impact GHG-1: The project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. (**Less than Significant Impact**)

Construction

Construction of the proposed project would result in a minor increase in GHG emissions from on-site equipment and emissions from construction workers' personal vehicles traveling to and from the project site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of San José nor BAAQMD have established a quantitative threshold or standard for determining whether a project's construction-related GHG emissions are significant, although BAAQMD recommends quantifying emissions and disclosing GHG construction emissions. GHG emissions associated with construction (e.g., on-site site construction equipment, vendor and hauling truck trips, and worker trips) were estimated to be 395 MT of CO₂e for the entire construction period. Neither BAAQMD nor the City have a threshold of significance for construction-related GHG emissions. BAAQMD does, however, encourage the incorporation of best management practices to reduce GHG emissions during construction, including using local building

materials, and recycling or reusing construction waste. Thus, any impact due to the generation of GHG emissions would be less than significant.

Operations

The proposed project would result in increased GHG emissions as a result of maintenance vehicle trips to the battery storage building (approximately four per month) and from cooling, lighting and water heating in the building. It is estimated that the project would be completed in 2021. Table 4.8-1 summarizes the project's estimated operational emissions. Refer to Appendix A for modeling details, data inputs, and assumptions.

Table 4.8-1: Annual Project GHG Emissions (MT of CO₂e)	
Source Category	Proposed Project
Area	0.002
Energy Consumption	125
Mobile	0.008
Solid Waste Generation	2.5
Water Usage	0.074
Total	127.584
<i>Significance Threshold</i>	<i>660</i>
<i>Significant?</i>	<i>No</i>

As shown in Table 4.8-1, the project's net emissions would not exceed the 2030 "bright-line" threshold of 660 MT of CO₂e per year; therefore, the project would have a less than significant operational GHG emissions impact.

Impact GHG-2: The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. **(Less than Significant Impact)**

2017 Clean Air Plan

The project supports the goals of the 2017 CAP of protecting public health and protecting the climate consistent with 2017 CAP by:

- Implementing mitigation measures to reduce dust and vehicle emissions during construction; and
- Complying with applicable regulations that would result in energy and water efficiency including Title 24 of the CBC and CalGreen.

For these reasons, the proposed project would not conflict with implementation of the 2017 CAP.

GHG Reduction Strategy

The General Plan contains goals and policies adopted for the purpose of reducing GHG emissions. These goals and policies are also discussed within the City's GHG Reduction Strategy. Some measures are considered mandatory for all proposed development projects, while others are voluntary. Voluntary measures can be incorporated as mitigation measures for projects at the discretion of the City. Mandatory GHG reduction criteria is detailed below.

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP-1, LU-10)
2. Implementation of Green Building Measures (GP Goals: MS-1, MS-2, MS-14) with regard to
 - Construction Techniques
 - Consistency with City Green Building Ordinance and Policies
 - Consistency with GHG Reduction Strategy Policies: MS-2.3, MS-2.11, and MS-14.4
3. Pedestrian/Bicycle Site Design Measures
 - Consistency with Zoning Ordinance
 - Consistency with GHG Reduction Strategy Policies: CD-2.1, CD-3.2, CD-3.3, CD-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7) **Not Applicable**
4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable; **Not Applicable**
5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g. data centers) (General Plan Policy MS-2.8), if applicable; **Not Applicable**
6. Preparation and implementation of the Transportation Demand Management Program at large employers (General Plan Policy TR-7.1), if applicable; **Not Applicable**
7. Limit on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g. drive-through windows, car washes, service stations) must not disrupt pedestrian flow (General Plan Policy LU-3.6). **Not Applicable**

Per Criteria 1, the proposed project is consistent with the General Plan designation for the site in the Land Use/Transportation Diagram. Per Criteria 2 and 3, new structures would be constructed in compliance with Municipal Code Chapter 17.84 (Green Building Regulations for Private Development) and CALGreen. Criteria 3 through 7 are not applicable to the proposed project because the site does not contain historic structures, the project is not an energy-intensive use or a large employer, and the project will reuse an existing commercial/industrial building.

The following Table 4.8-2 provides a summary of the voluntary GHG Reduction Strategy criteria and describes the proposed project's compliance with each criterion.

Table 4.8-2: Voluntary Greenhouse Gas Reduction Strategy Criteria		
Policies	Description of Project Measure	Project Applicability
BUILT ENVIRONMENT AND RECYCLING		
Installation of solar panels or other clean energy power generation sources on development sites, especially over parking areas (MS-2.7, MS-15.3, MS-16.2)	The project does not propose installation of solar panels or other clean energy sources on-site. The project is a battery storage facility for storing clean energy	<input type="checkbox"/> Proposed <input type="checkbox"/> Not Proposed <input checked="" type="checkbox"/> Not Applicable
Use recycled water wherever feasible and cost-effective (MS-17.2, MS-19.4)	There are no recycled water lines currently available to the project.	<input type="checkbox"/> Proposed <input type="checkbox"/> Not Proposed <input checked="" type="checkbox"/> Not Applicable
TRANSPORTATION AND LAND USE		
Have new residential developers build and maintain trails when development occurs adjacent to a designated trail location (PR-8.5, TN-2.7)	The project is not a residential project.	<input type="checkbox"/> Proposed <input type="checkbox"/> Not Proposed <input checked="" type="checkbox"/> Not Applicable
Promote car share programs to minimize the need for parking spaces (TR-8.5)	A car share program is not currently proposed as a part of project and no spaces are proposed to be reserved in the parking lot for this use. The project generates minimal trips.	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Not Proposed <input type="checkbox"/> Not Applicable
Parking in downtown and urban village overlay areas: avoid the construction of surface parking except as an interim use and use structured parking to fulfill parking requirements (CD-2.11)	The project site is not located within downtown or an Urban Village Overlay area.	<input type="checkbox"/> Surface Parking Proposed <input type="checkbox"/> Surface Parking Not Proposed <input checked="" type="checkbox"/> Not Applicable
Limit parking above code requirements (TR-8.4)	The proposed number of parking spaces would not exceed requirements in the Municipal Code.	<input checked="" type="checkbox"/> Parked at or below Code Requirements <input type="checkbox"/> Parked above Code Requirements <input type="checkbox"/> Not Applicable
Consider opportunities for reducing parking spaces, such as shared parking, TDM, and parking pricing to reduce demand (TR-8.12)	A reduction in parking spaces is proposed.	<input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Project Does Not Propose <input type="checkbox"/> Not Applicable

The proposed project is consistent with the existing General Plan land use designation (Industrial Park) and would comply with applicable mandatory measures of the GHG Reduction Strategy. For these reasons, the proposed project is consistent with local policies and programs designed to reduce GHG emissions and impacts would be less than significant.

4.9 HAZARDS AND HAZARDOUS MATERIALS

The discussion in this section is based in part on a Phase I Environmental Site Assessment prepared by Cornerstone Earth Group in August 2019. The Phase I is included as Appendix D.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Overview

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

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

Federal and State

Government Code Section 65962.5

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

California Accidental Release Prevention Program

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

Asbestos-Containing Materials

Friable asbestos is any asbestos containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl floor tiles, and transite siding made with cement. The EPA phased out use of friable asbestos products between 1973 and 1978. National Emission Standards for Hazardous Air Pollutants guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

The Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying and Surface Mining Operations (California Code of Regulations, Title 17, Section 93105) became effective in the Bay Area Air Quality Management District in 2002. The purpose of this regulation is to reduce public exposure to naturally occurring asbestos from activities that emit dust (such as construction and mining), which may contain naturally occurring asbestos that can result in health ailments.

CCR Title 8, Section 1532.1

The United States Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by Cal/OSHA Lead in Construction Standard, CCR Title 8, Section 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead-based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

Hazardous Materials Business Plan

California's Health and Safety Code requires that any business that handles hazardous materials prepare a hazardous materials business plan (HMBP), which must include the following:

- Details, including floor plans, of the facility and business conducted at the site;
- An inventory of hazardous materials that are handled or stored on-site;
- An emergency response plan; and
- A safety and emergency response training program for new employees with annual refresher courses.

The goal of the HMBP program is to protect human and environmental health from adverse effects as a result of the storage or possible release of hazardous materials. This is done primarily by documenting significant amounts of hazardous materials so that emergency responders can effectively protect the public.

Local

Envision San José 2040 General Plan

The proposed project would be subject to the following hazards and hazardous materials policies of the City's General Plan.

Policy	Description
EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
EC-7.8	Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.
EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, RWQCB, DTSC, or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

4.9.1.2 *Existing Conditions*

No hazardous materials were observed during field visits to the San Ignacio Avenue property or along the planned transmission line alignment. The following discussion summarizes the potential on- and off-site hazardous materials that may impact the property.

Battery Storage Facility and Substation

The 6321 San Ignacio Road site was historically used for agricultural purposes (orchards and row crops). Outbuildings (e.g., barns and shed structures) were present at the southeast portion of the parcel. Pesticides may have been applied to crops in the normal course of farming operations.

Residual concentrations of agricultural chemicals may remain in on-site soil, such as organochlorine pesticides and pesticide-related metals (i.e., arsenic, lead, and mercury).

The outbuildings were removed from the site and the existing industrial building was constructed in the 1980s. It was occupied by IBM for office, research, laboratory and manufacturing purposes from 1981 to 1993. Avnet occupied the building for office and manufacturing uses from 1997 to 2006. From 2008 to 2018, the building was occupied by Stion Corporation for research associated with solar panels and operation of a manufacturing line. The building has been unoccupied since 2018.

Stion Corporation was identified on the HAZNET database, which contains data from hazardous waste manifests received by the DTSC. Listed wastes disposed between 2008 and 2017 were categorized as off-specification, aged or surplus inorganics, laboratory waste chemicals, oil-containing waste, alkaline solutions with metals, and liquids with cyanides. Stion Corporation was also identified in databases of facilities with permits for storage of hazardous materials and generation of hazardous wastes, and on the Emissions Inventory database that includes toxics and criteria pollutant emissions data collected by CARB and local air pollution agencies.

Avnet was identified on the HAZNET database and on a Santa Clara County database of facilities with permits for generation of hazardous waste. Listed wastes disposed between 1999 and 2003 were categorized as oxygenated solvents, organic solids, unspecified organic liquid mixtures, and alkaline solutions with metals.

Transmission Line

Properties adjacent to the planned transmission line alignment along Monterey Road were historically used mainly for agricultural purposes. Most of bordering former agricultural land was developed with the current residential and commercial structures during the 1980s and 1990s. The Metcalf Substation property also historically was used for agricultural purposes (an orchard). A portion of the substation was constructed during the mid-1950s and it was expanded to its current configuration during subsequent decades.

On May 14, 2015, the Bank 4 transformer failed at the Metcalf Substation as a result of an equipment malfunction. As a result, approximately 10,000 gallons of transformer oil (mineral oil) were released to the ground surface from the Bank 4 transformer. The released transformer oil flowed west from the Bank 4 transformer into an existing concrete swale and a spill-control pond. Approximately 8,500 gallons of the transformer oil were recovered from the pond and the concrete swale and 341 tons of soil were excavated and disposed of off-site in accordance with a Site Management Plan and Remediation Work Plan.

The Santa Clara County Department of Environmental Health (DEH) issued a case closure letter in 2018 confirming the completion of remedial activities at the substation. The letter notes that residual contamination remains at the property at concentrations below established environmental screening levels that are acceptable for the intended land use (i.e., an electrical substation). The letter requires that the DEH be notified if there are proposed changes in land use

Lead

Lead in soil is sometimes found next to older and/or heavily traveled roadways in California primarily due to the historical use of leaded gasoline. There is a potential that elevated lead concentrations could be present in shallow soil along the planned transmission line alignment along Monterey Road.

Naturally Occurring Asbestos

Serpentine bedrock is located southeast of the PG&E Metcalf Substation and Monterey Road. Asbestos occurs naturally in the rock. A portion of the transmission line alignment is located in an area that may contain naturally occurring asbestos.

Rail-road Chemical Use

The proposed transmission line alignment would cross under the Union Pacific railroad tracks that run parallel to Monterey Road. Assorted chemicals were commonly used for dust suppression and weed control along rail lines. Common contaminants along railroad lines include metals, petroleum hydrocarbons, and pesticides. There is a potential for contaminants to be present in shallow soil within the railroad right-of-way.

Hazardous Materials Issues in the Project Vicinity

Three closed leaking underground storage tank (LUST) cases were identified along Monterey Road adjacent to the planned electrical transmission line alignment. These include a Shell station at 6050 Monterey Road and two former gasoline stations referred to as Kaufman & Broad Site #1 and Site #2 at 6240 Monterey Road and 6300 Monterey Road, respectively. These closed LUST cases have not affected soil or groundwater beneath the planned transmission line alignment.

Other Hazards

Airports

The project site is located approximately 10 and 5 miles south of the Norman Y. Mineta San José International Airport and Reid-Hillview Airport, respectively, and is not within Santa Clara County Airport Land Use Commission's (ALUC) defined Airport Influence Area (AIA). There are no private airstrips within project vicinity.

Wildfire

The project site is surrounded by residential and light industrial development. The site is not mapped within a Very-High Fire Hazard Severity Zone for wildland fires designated by California Department of Forestry and Fire Protection (CalFIRE).³⁴

³⁴ CalFIRE. *Very High Fire Hazard Severity Zones in LRA*. October 8, 2018.
https://osfm.fire.ca.gov/media/6764/fhszl_map43.pdf.

4.9.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact HAZ-1: The project would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials. **(Less than Significant Impact)**

Energy Storage Facility

No hazardous materials, liquids, or chemicals that would create a significant hazard are required to construct or operate the energy storage facility. The chemicals associated with the lithium ion batteries that would be housed in the battery storage facility are contained within the individual sealed battery cells. Risk of exposure occurs only if the battery is mechanically or electrically abused or altered, leading to rupture of the cells. The batteries are not considered hazardous as the electrolyte is non-toxic and do not contain cobalt or other toxic elements.

The battery system is designed with automatic software that monitors the system and can take certain batteries offline or power the whole system down (such as in the case of smoke or fire detection, loss of grid power, or other similar high-level threat). The battery system would be designed such that the batteries are isolated from each other, the power conversion system, and the grid. Additionally, on-call local contractors will be available 24 hours a day, 365 days a year to take action in the event of an issue and to troubleshoot any issues that arise on-site.

During operation of the energy storage facility, some electronic waste would be generated from battery repair and maintenance work. Waste will be disposed of in accordance with applicable local, state, and federal requirements. For the reasons described above, the project would not create a significant hazard through routine transport, use, or disposal of hazardous materials.

Substation

The transformers located within the substation will use mineral transformer oil in transformers, high-voltage capacitors, fluorescent lamp ballasts, and high-voltage switches, and circuit breakers. The project is also exploring the use of Envirotampo FR3 Fluid, a biodegradable and non-toxic transformer cooling fluid derived from renewable vegetable oils. A Spill Control and Countermeasure Plan and/or HMBP, as well as a Health and Safety Plan (described below as part of MM HAZ-2.1) would be prepared for the site describing emergency procedures, secondary containment for the oil-filled transformers, and clean-up requirements. Compliance with these documents would ensure that a release of transformer oil at the substation would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials.

Impact HAZ-2:	The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. (Less than Significant Impact with Mitigation Incorporated)
----------------------	---

There is a potential that residual lead or pesticides could be present in project area soils as a result of past agricultural uses and the historical use of leaded gasoline, as well as the past use of chemicals for dust suppression and weed control within the Union Pacific railroad right-of-way that parallels Monterey Road. There is a potential that residual contaminants could be present in soil at the Metcalf Substation property as a result of past agricultural uses, and/or resulting from the past old spill. If not handled correctly during excavation, soils containing these chemicals could be disturbed resulting in a release that could significantly impact the environment, project construction workers, or the public.

Mitigation Measure: To ensure impacts due to release of existing soils contaminants do not occur, the following mitigation measure shall be required as part of the project.

MM HAZ-2.1: Prior to any site grading, excavation, or construction soils sampling shall occur consistent with a Phase II Environmental Assessment (Phase II ESA). The Phase II ESA shall apply to properties along the transmission alignment as well as in areas where subsurface work will be performed near the PG&E Metcalf Substation and at 6321/6325 San Ignacio Avenue. The Phase II ESA should evaluate potential soil

impacts associated with prior agricultural uses, aerial deposited lead, naturally occurring asbestos, and releases from transformer equipment at the Metcalf Substation. The Phase II ESA shall describe methods for soils testing (i.e. analytical methods, the approximate location, spacing, depth of boring, etc.) and characterization. The Phase II ESA and shall be provided to the Director of Planning or Director's designee of the City of San José Department of Planning, Building and Code Enforcement and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

MM HAZ-2.2: If the Phase II results indicate soil contamination above San Francisco Regional Water Quality Control Board Environmental Screening Levels (ESLs) for construction worker safety and/or commercial/industrial uses, the applicant must obtain regulatory oversight from Santa Clara County Department of Environment Health. Any further investigation and remedial actions must be performed under regulatory oversight to mitigate the contamination and make the site suitable for the proposed transmission line and substation. The Phase II and evidence of regulatory oversight in the form of an email or letter shall be provided to the Director of Planning or Director's designee of the City of San José Department of Planning, Building and Code Enforcement and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

MM HAZ-2.3: Based on the results of the soils testing associated with the soils sampling conducted under the SSP, a Site Management Plan (SMP) and Health and Safety Plan (HSP) shall be prepared by a qualified environmental professional and implemented during project construction activities. The SMP and HSP shall characterize the soil sand establish appropriate management practices for handling impacted soil that may be encountered during construction activities. The SMP shall evaluate potential disposal options if excess soil is generated that will require off-haul and describe methods for segregating impacted and non-impacted soil during excavation activities. The HSP shall establish soil management practices to ensure construction worker safety and the health of future workers and visitors.

If naturally occurring asbestos is identified during soil sampling or if it is determined that it is likely to be encountered during excavation and trenching activities, the SMP and HSP shall include asbestos dust mitigation measures and protocols to perform personnel and perimeter air and dust monitoring to evaluate the effectiveness of dust-control measures.

If groundwater dewatering is to be conducted, the SMP shall describe methods for groundwater extraction. The SMP shall outline protocols for pumping groundwater into appropriate storage containers, as well as sampling and analysis. The SMP shall also establish appropriate disposal options for the groundwater.

The SMP and HSP and evidence of regulatory oversight, if needed based on the findings of the Phase II ESA, shall be provided to the Director of Planning or Director's designee of the City of San José Department of Planning, Building and

Code Enforcement and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

In addition to MM HAZ-2.1 through MM HAZ-2.3, the following Standard Permit Conditions shall be implemented in order to reduce potential impacts from the presence of ACMs and/or lead-based paint. While the project does not propose the demolition of any buildings or structures on site, the following conditions are included as standard practice.

Standard Permit Conditions:

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

Impact HAZ-3: The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. **(No Impact)**

The nearest school is Santa Teresa Elementary School, located 0.40 mile west of the transmission line alignment at 121 Avenida Grande in San José. As such, the project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of a school.

Impact HAZ-4: The 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, create a significant hazard to the public or the environment. **(No Impact)**

The project site is not on the Cortese List pursuant to Government Code Section 65962.5; therefore, there would be no impact.³⁵

Impact HAZ-5: The project would not be located within an airport land use plan or within two miles of a public airport or public use airport and would not result in a safety hazard or excessive noise for people residing or working in the project area. **(No Impact)**

The project is not located within an ALUC-defined AIA, with the nearest airports being located five and 10 miles to the north (Norman Y. Mineta San José International Airport and Reid-Hillview Airport, respectively). Thus, the project would not result in aircraft safety or noise impacts.

Impact HAZ-6: The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **(Less than Significant Impact)**

During construction, Monterey Road will remain open to traffic. As part of the City's encroachment permit process, projects must plan for and maintain access to abutting parcels and access for emergency vehicles. Once complete, the project would not block defined evacuation or emergency logistics routes, as none are located in the vicinity. For these reasons, impair implementation of or physically interfere with the City's Emergency Operations Plan or other emergency evacuation plan.

Impact HAZ-7: The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. **(Less than Significant Impact)**

The project would result in less than significant impacts due to wildfire-related hazards. Wildfire hazards are discussed in detail in Section 3.17 Wildfire.

³⁵ CalEPA. "Cortese List Data Resources." Accessed October 22, 2018. <https://calepa.ca.gov/sitecleanup/corteselist>.

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

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

4.10.1.1 *Regulatory Framework*

Federal and State

National Flood Insurance Program

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

Statewide Construction General Permit

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

Regional and Local

San Francisco Bay Basin Plan

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

Valley Water Groundwater Management Plan

The Santa Clara Valley Water District (Valley Water) prepared a Groundwater Management Plan (GMP) for the Santa Clara and Llagas subbasins in 2016, describing its comprehensive groundwater management framework including objectives and strategies, programs and activities to support those objectives, and outcome measures to gauge performance. The GMP is the guiding document for how the Valley Water will ensure groundwater basins within its jurisdiction are managed sustainably. The Santa Clara subbasin has not been identified as a groundwater basin in a state of overdraft.

Municipal Regional Stormwater NPDES Permit (MRP)/Provision C.3.

The City of San José is required to operate under an NPDES permit to discharge stormwater from the City's storm drain system to surface waters. The Municipal Regional Stormwater Permit (MRP), adopted by the San Francisco Bay Regional Water Quality Control Board in 2015 (Order No. R2-2015-0049) covers 76 Bay Area municipalities and county agencies as co-permittees, including the City of San José. The MRP mandates that the co-permittees use their planning and development review authority to require that stormwater management measures such as site design, pollutant source control and treatment measures be included in new and redevelopment projects to minimize and properly treat stormwater runoff. Provision C.3 of the MRP regulates the following types of development projects:

- Projects that create or replace 10,000 square feet or more of impervious surface; and
- Special Land Use Categories that create or replace 5,000 square feet or more of impervious surface.

The MRP requires regulated projects to incorporate Low Impact Development (LID) practices, which are intended to reduce runoff and mimic a site's predevelopment hydrology by minimizing disturbed areas and impervious cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff close to its source. LID employs principles such as preserving and recreating natural landscape features and minimizing imperviousness to create functional and appealing site drainage that treats stormwater as a resource, rather than a waste product. Practices used to adhere to these LID principles include measures such as rain barrels and cisterns, green roofs, permeable pavement, preserving undeveloped open space, and biotreatment through rain gardens, bioretention units, bioswales, and planter/tree boxes. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

Post-Construction Urban Runoff Management (City Council Policy No. 6-29)

The City of San José's Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the MRP. City Council Policy No. 6-29 requires new development and redevelopment projects to implement post-construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs). This policy also established specific design standards for post-construction TCMs for projects that create or replace 10,000 square feet or more of impervious surfaces.

Post-Construction Hydromodification Management (City Council Policy No. 8-14)

The City of San José's Policy No.8-14 implements the hydromodification management requirements of Provision C.3 of the MRP. Policy No. 8-14 requires new development and redevelopment projects that create or replace one acre or more of impervious surface area, and are located within a subwatershed that is less than 65 percent impervious, to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt generation, or other impacts to local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP). Projects that do not meet the minimum size threshold, drain into tidally influenced areas or directly into the Bay, or are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious would not be subject to the HMP requirement.

Envision San José 2040 General Plan

The proposed project would be subject to the following hydrology and water quality policies in the City's General Plan.

Policy	Description
EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
ER-9.5	Protect groundwater recharge areas, particularly creeks and riparian corridors.
IN-3.1	Achieve minimum level of services: <ul style="list-style-type: none">• For sanitary sewers, achieve a minimum level of service "D" or better as described in the Sanitary Sewer Level of Service Policy and determined based on the guidelines provided in the Sewer Capacity Impact Analysis (SCIA) Guidelines.• For storm drainage, to minimize flooding on public streets and to minimize the potential for property damage from stormwater, implement a 10-year return storm design standard throughout the City, and in compliance with all local, State and Federal Regulatory requirements.
IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
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 National Pollutant Discharge Elimination System (NPDES).
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.

MS-20.2	Avoid locating new development or authorizing activities with the potential to negatively impact groundwater quality in areas that have been identified as having a high degree of aquifer vulnerability by the Santa Clara Valley Water District or other authoritative public agency.
MS-20.3	Protect groundwater as a water supply source through flood protection measures and the use of stormwater infiltration practices that protect groundwater quality. In the event percolation facilities are modified for infrastructure projects, replacement percolation capacity will be provided.
ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
ER-9.5	Protect groundwater recharge areas, particularly creeks and riparian corridors.
EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

4.10.1.2 *Existing Conditions*

Flooding

The project site is not located within a 100-year flood zone. Based on FEMA Flood Insurance Rate Maps, the project site is located within Zone D.³⁶ Flood Zone D denotes areas of undetermined, but possible, flood hazards. There are no landlocked bodies of water near the project site that will affect the site in the event of a seiche. The project site is not located within a tsunami inundation hazard area.³⁷ The project site and surrounding area are flat; therefore, the site is not susceptible to mudflows.

Storm Drainage System

Storm drainage lines in the area are provided and maintained by the City of San José. The site is served by an 18-inch stormwater line in the rear of the project site next to the proposed substation. Stormwater runoff is conveyed through a network of storm drain lines, and ultimately discharged into the Guadalupe River, located five miles northwest of the site. Storm drain capacity is currently adequate to serve the existing commercial building and rear parking lot.

³⁶ FEMA. "FEMA Flood Map Service Center". Accessed September 4, 2019.

<https://msc.fema.gov/portal/search#searchresultsanchor>.

³⁷ California Department of Conservation. "Santa Clara County Tsunami Inundation Quads". Accessed April 19, 2018. Available at: http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/SantaClara

Groundwater

Groundwater levels fluctuate seasonally depending on variations in rainfall, underground drainage patterns, irrigation from landscaping, and other factors. The project site is not a designated groundwater recharge area.

Hydromodification

Based on the Santa Clara Valley Urban Runoff Pollution Prevention Program watershed map for the City of San José, the project site is exempt from the NPDES hydromodification requirements.

4.10.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
– result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
– substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
– 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
– impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact HYD-1: The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. **(Less than Significant Impact)**

Construction Impacts

Construction of the proposed project, including grading and excavation activities, may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. All construction or demolition activity that results in land disturbances equal to or greater than one acre must obtain coverage under the Construction General Permit, which is administered by the SWRCB. The project would disturb greater than one acre of land and, therefore, would require coverage under the Construction General Permit.

All development projects in San José must comply with the City's Grading Ordinance whether or not the projects are subject to the Construction General Permit. The City of San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 1st to April 30th), the applicant is required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The Plan must detail the Best Management Practices (BMPs) that would be implemented to prevent the discharge of stormwater pollutants.

Standard Permit Conditions: The following measures are included in the project to prevent stormwater pollution and minimize potential sedimentation during construction:

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

The proposed project, with implementation of the standard permit conditions listed above and design features included in the project, would result in less than significant construction-related water quality impacts.

Post-Construction Impacts

The proposed project would replace more than 10,000 square feet of existing impervious surface area to construct the substation; therefore, it is considered a regulated project under Provision C.3 of the MRP and must provide on-site runoff treatment in conformance with the Provision C.3 requirements, and in conformance with Runoff Policy 6-29.

The project proposes the use of a three-inch layer of crushed rock spread around the entire area of the substation to control the flow of runoff. The substation would be graded so water flows to the southwest portion of the substation area to an existing 15-inch storm drain. The substation would be placed on top of the existing surface parking lot and would not change the total amount of impervious surface area; therefore, the existing storm drain has capacity to treat the runoff prior to it entering the storm drainage system. For these reasons, development of the proposed project would result in less than significant impacts to post-construction water quality.

Impact HYD-2: The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. **(No Impact)**

The project site is not located within a designated groundwater recharge zone.³⁸ The proposed development portion of the site, in its existing condition, is 100 percent impervious surface area (surface parking and roadways). Because the site is already 100 percent impervious the proposed project would not decrease groundwater recharge.

Impact HYD-3: The 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 result in substantial erosion or siltation; substantially increase the rate or amount of surface runoff in a manner which would result in flooding; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. **(No Impact)**

The existing City stormwater system collects untreated stormwater from the San Ignacio Avenue site and surrounding area and ultimately discharges it to the Guadalupe River approximately five miles northwest of the site via a network of storm drainpipes. As discussed previously, the project area is 100 percent pervious and development of the proposed project would not alter the existing drainage pattern of the site. The existing commercial building (to be used for battery storage) would remain unchanged, the substation would be built on top of the existing parking lot, and the transmission lines would daylight and span Coyote Creek on two, new approximately 130-foot-tall riser pole structures—spanning the creek entirely. Thus, the project would not change the drainage patterns on

³⁸ Santa Clara Valley Water District. *Groundwater Management Plan*. November 2016.

the site or exceed the capacity of existing stormwater drainage facilities in the project area and there would be no impact.

Impact HYD-4: The project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. **(Less than Significant Impact)**

Given its location, the proposed project would not be subject to inundation by seiches, tsunamis, or mudflows. The project site is also not located within a 100-year floodplain. The site is located within the Anderson Dam failure inundation zones. The project would have limited hazardous materials on-site (as discussed in detail in Section 2.0 Project Description and Section 4.9 Hazards and Hazardous Materials). For the limited amounts of chemicals associated with the substation, a Spill Control and Countermeasure Plan and/or HMBP would be included as part of project operations. Further, however, the potential for dam failure is reduced by regulatory inspection programs and local hazard mitigation planning.³⁹ Thus, impacts due to potential release of release of pollutants would be would be less than significant.

Impact HYD-5: The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **(Less than Significant Impact)**

The transmission line would run adjacent to a Valley Water groundwater recharge pond; however, the transmission line would be installed within the existing roadway and would not interfere with actions set forth by the Valley Water in its GMP regarding groundwater recharge, transport of groundwater, and/or groundwater quality.⁴⁰ Therefore, the proposed project would not preclude the implementation of the GMP.

³⁹ Santa Clara Valley Water District. Lenihan (Lexington) Dam Flood Inundation Maps, Leroy Anderson Dam Flood Inundation Maps. April 2016.

⁴⁰ Valley Water. 2016 *Groundwater Management Plan*. Figure 1-3. 2016.

4.11 LAND USE, PLANNING, POPULATION AND HOUSING

This section addresses both Land Use and Planning, as well as Population and Housing resource areas.

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

State

In order to attain the state housing goal, cities must make sufficient suitable land available for residential development, as documented in an inventory, to accommodate their share of regional housing needs. California's Housing Element Law requires all cities to: 1) zone adequate lands to accommodate its Regional Housing Needs Allocation (RHNA); 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.

Regional and Local

The Association of Bay Area Governments (ABAG) allocates regional housing needs to each city and county within the nine-county Bay Area, based on statewide goals. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, Metropolitan Transportation Commission, and local jurisdiction planning staff created the Regional Forecast of Jobs, Population and Housing (upon which Plan Bay Area 2040 is based), which is an integrated land use and transportation plan looking out to the year 2040 for the nine-county San Francisco Bay Area.

Plan Bay Area 2040 is a state-mandated, integrated long-range transportation, land-use and housing plan intended support a growing economy, provide more housing and transportation choices, and reduce transportation-related pollution and GHG emissions in the Bay Area. Plan Bay Area promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs). The project site is not located within a PDA.

Envision San José 2040 General Plan

To meet the current and projected housing needs in the City, the General Plan identifies areas for mixed-use and residential development to accommodate approximately 120,000 new dwelling units by 2035. Through policies and actions that address orderly growth within the City, buildout of the General Plan is projected to help balance the ratio of local jobs with available housing within the City.

The General Plan includes policies for the purpose of avoiding or mitigation impacts resulting from planned development projects in the City. The proposed project would be subject to the land use policies of the City's General Plan, including the following:

Policy	Description
CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
CD-5.8	Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.
LU-1.5	With new development or expansion and improvement of existing development or uses, incorporate measures to comply with current Federal, State, and local standards.
LU-1.8	Preserve existing Public/ Quasi-Public lands in order to maintain an inventory of sites suitable for Private Community Gathering Facilities, particularly within the Residential Neighborhoods, Urban Villages and commercial areas, and to reduce the potential conversion of employment lands to non-employment use.
LU-6.2	Prohibit encroachment of incompatible uses into industrial lands, and prohibit non-industrial uses which would result in the imposition of additional operational restrictions and/or mitigation requirements on industrial users due to land use incompatibility issues.

Edenvale Development Policy

The City of San José adopted the Edenvale Area Development Policy (EADP) to: 1) manage the traffic congestion associated with near-term development in the Edenvale Redevelopment Project Area (ERPA); 2) promote General Plan goals for economic development; and 3) encourage a reverse commute to jobs at southerly locations in San José. The ERPA encompasses a total of 451 acres on both sides of U.S. 101 in southeastern San José.

4.11.1.2 *Existing Conditions*

Land Use and Planning

The project area consists primarily of business park buildings and the project site is located at 6321 San Ignacio Avenue, part of a 25.33-acre business park. The project site is currently developed with a 103,894 square-foot, vacant industrial building and an associated paved parking area and is designated Industrial Park in the General Plan, a designation intended for a variety of industrial users such as research and development, manufacturing, assembly, testing and offices. The zoning district for the site is IP– Industrial Park, which is an exclusive designation intended for a wide variety of industrial uses such as research and development, manufacturing, assembly, testing, and offices. The project is also located within Sub-Area 2 of the ERPA as part of the latest EADP, which is characterized by a mix of industrial office and R&D uses.

Population and Housing

The City of San José population was estimated to be approximately 1,051,316 with a total of 335,164 housing units in January 2018. The average number of persons per household in San José was

estimated at 3.20.⁴¹ According to the City's General Plan, the projected population in 2035 will be 1.3 million persons occupying 429,350 households.

4.11.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact LUP-1: The project would not physically divide an established community. (**Less than Significant Impact**)

The project is located in the ERPA, which consists primarily of land designated for Industrial Park uses, and its development for such uses has been part of the City's General Plan for over twenty years. The project site is located in an area where existing land use designations are primarily industrial. The proposed project would not introduce a new or incompatible use into the area, nor would it divide an existing community. The proposed project does not include physical features (i.e., such as a railway, roadway, highway) that would physically divide the community.

Impact LUP-2: The 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. (**Less than Significant Impact**)

The project includes the construction of a new energy storage facility, substation, and underground transmission line, which is consistent with the project site's General Plan and zoning designation of Industrial Park. As described within the individual sections of this document, with incorporation of the City Standard Permit Conditions, mitigation measures, and regulatory requirements, the project

⁴¹ California Department of Finance. *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018 with 2010 Benchmark*. Accessed October 31, 2018. Available at: <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>.

would not cause a significant environmental impact due to a conflict with plans, policies or regulation adopted for the purpose of avoiding or mitigating an environmental effect. As a result, the impact is less than significant.

Impact LUP-3: The 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 Impact)

The ERPA is an existing redevelopment area that consists primarily of land designated by the City General Plan for Industrial Park uses. Development of the Edenvale area with new industrial uses has been part of the City's General Plan for over twenty years. The EADP would result in a greater increase in jobs than housing in the Edenvale area, which is consistent with the City's General Plan policies.

The project includes the construction of a new energy storage facility, substation, and underground transmission line. The energy storage facility would be monitored remotely with maintenance staff visiting the facilities approximately four times per month. No permanent employees would occupy the building. The site is currently developed with commercial uses and construction of the project would not displace existing housing or people on site.

Impact LUP-4: The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. **(No Impact)**

The project would not displace substantial numbers of existing people or housing because none currently exist on the site.

4.12 NOISE

The discussion within this section is based in part on a noise and vibration assessment prepared by Illingworth & Rodkin, dated August 12, 2019. This document is included as Appendix E to this report.

4.12.1 Environmental Setting

Noise

Noise is typically defined as unwanted sound. Acceptable levels of noise vary from land use to land use. State and federal standards have been established as guidelines for determining the compatibility of a particular land use with its noise environment.

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

Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq} , DNL, or CNEL.⁴² These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period. The Community Noise Equivalent Level (CNEL) is a measure of the cumulative noise exposure in a community, with a five dB penalty added to evening hours between 7:00 PM and 10:00 PM and a 10 dB addition to nighttime hours between 10:00 PM and 7:00 AM. The Day/Night Average Sound Level, DNL, is the average A-weighted noise level during a 24-hour day, obtained after the addition of 10 dB to noise levels measured in the nighttime between 10:00 PM and 7:00 AM.

Vibration

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

⁴² L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 PM and 10:00 PM. Where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq} .

4.12.1.1 *Regulatory Framework*




State and Local

California Green Building Standards Code

For commercial uses, CalGreen (Section 5.507.4.1 and 5.507.4.2) requires that wall and roof-ceiling assemblies exposed to the adjacent roadways have a composite STC rating of at least 50 or a composite OITC rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the commercial property falls within the 65 dBA L_{dn} or greater noise contour for a freeway or expressway, railroad, or industrial or stationary noise source. The state requires interior noise levels to be maintained at 50 dBA $L_{eq}(1-hr)$ or less during hours of operation at a proposed commercial use.

Envision San José 2040 General Plan

The General Plan includes the following noise policies applicable to the proposed project. The City's noise and land use compatibility guidelines are shown in Table 4.12-2, below.

Table 4.12-1: Envision San José 2040 General Plan Land Use Compatibility Guidelines						
Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care ¹						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						
<p>Notes: ¹Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.</p> <p>Normally Acceptable:  Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.</p> <p>Conditionally Acceptable:  Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.</p> <p>Unacceptable:  New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.</p>						

The Environmental Leadership Chapter in the Envision San José 2040 General Plan sets forth policies with the goal of minimizing the impact of noise and vibration on people, residences, and

business operations through noise reduction and suppression techniques, and through appropriate land use policies in the City of San José. The following policies are applicable to the proposed project:

Policy	Description
EC-1.1	<p>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:</p> <p style="text-align: center;">Interior Noise Levels</p> <p>The City’s standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.</p> <p style="text-align: center;">Exterior Noise Levels</p> <p>The City’s acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses including schools (Table 4.12-1). Outdoor sports and recreation areas and playgrounds are considered acceptable in noise environments of 65 dBA DNL or less.</p>
EC-1.2	<p>Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:</p> <ul style="list-style-type: none"> • Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain “Normally Acceptable;” or • Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level.
EC-1.3	<p>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.</p>
EC-1.6	<p>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.</p>
EC-1.7	<p>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:</p> <ul style="list-style-type: none"> • Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

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

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

Municipal Code

The City's Municipal Code limits noise levels at adjacent properties. Chapter 20.30.700 states that sound pressure levels generated by any use or combination of uses on a property shall not exceed 55 dB at any property line shared with land zoned for residential use or 60 dBA at any property line shared with land zoned for commercial use, except upon issuance and in compliance with a Conditional Use Permit. This code is not explicit in terms of the acoustical descriptor associated with the noise level limit.

Chapter 20.100.450 of the Municipal Code establishes allowable hours of construction within 500 feet of a residential unit between 7:00 a.m. and 7:00 p.m. Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence, unless permission is granted with a development permit or other planning approval.

City of San Jose Standards

Construction Noise: For temporary construction-related noise to be considered significant, construction noise levels would have to exceed ambient noise levels by five dBA Leq or more and exceed the normally acceptable levels of 60 dBA Leq at the nearest noise-sensitive land uses or 70 dBA Leq at office or commercial land uses for a period of more than 12 months.

Operational or Permanent Noise: Development allowed by the General Plan would result in increased traffic volumes along roadway throughout San José. The City of San José considers a significant noise impact to occur where existing noise sensitive land uses would be subject to permanent noise level increases of three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level, or five dBA DNL or more where noise levels would remain "Normally Acceptable".

Construction Vibration: The City of San José has concluded that a significant impact would be identified if the construction of the project would expose persons to excessive vibration levels. A conservative vibration limit of 5.0 mm/sec (0.2 inches/sec), PPV has been used for buildings that are found to be structurally sound but structural damage is a major concern. For historic buildings or buildings that are documented be structurally weakened, a conservative limit of 2.0 mm/sec (0.08 inches/sec), PPV is used to provide the highest level of protection.

4.12.1.2 *Existing Conditions*

The project site is located at 6321 San Ignacio Avenue in San José, California. The existing vacant building is surrounded by other industrial and commercial buildings and is bounded to the north by SR 85, which would be the dominant noise source in the project vicinity.

The nearest noise-sensitive receptors to 6321 San Ignacio Avenue would be the single-family residences to the north, opposite SR 85 and Monterey Road. These residences are over 700 feet from the proposed substation; however, the nearest residences along the transmission line are located on either side of Monterey Road, from Bernal Road to just north of Metcalf Road. The ambient noise environment at these residences would be dominated by Monterey Road and the Union Pacific Railroad tracks that run parallel to Monterey Road. Based on previous measurements made along Monterey Road, daytime ambient noise levels typically ranged from 63 to 70 dBA L_{eq} at three feet from the centerline of Monterey Road. Nighttime ambient noise levels would be about 7 dBA lower than daytime noise levels, ranging from approximately 56 to 63 dBA L_{eq} .

4.12.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact NOI-1: The project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. **(Less than Significant Impact)**

Construction Noise

Construction activities for the proposed project would include: 1) substation construction at the project site; 2) underground construction along the transmission line, which would run from the proposed substation to Coyote Creek where an above-ground transmission line would be required; and 3) overhead construction at Coyote Creek on the south end of the transmission line. All three components of the project would be constructed simultaneously and would last approximately six months.

Policy EC-1.7 of the City's General Plan requires that all construction operations within the City use best available noise suppression devices and techniques. The policy also requires limitation of construction hours near residential uses per the Municipal Code allowable hours, which are between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and no construction on weekends within 500 feet of a residential land use. Further, 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, or pile driving) continuing for more than 12 months.

Table 4.12-2 shows the construction noise levels are propagated to the nearest surrounding receptors during the overhead construction. As shown in Table 4.12-2, noise levels at the surrounding commercial and residential uses would be below the General Plan noise thresholds of 70 dBA and 60 dBA, respectively.

Table 4.12-2: Overhead Construction Noise Levels				
Number of Active Construction Equipment	Calculated Hourly Average L_{eq}, dBA			
	Metcalf Energy Center (430 feet)	Bad Boy Body Graphics (1,125 feet)	Residences on Coyote Ranch Road (1,275 feet)	Residences on Pegasus Court (3,620 feet)
Average of 7 pieces of equipment	65	56	5	46
Maximum of 12 pieces of equipment	66	58	57	48

As underground construction activities progress from the proposed substation to the PG&E Metcalf Substation, multiple residences would be exposed to construction noise at any given time; however, the total construction period would last for six months, which means that any single residence along the corridor would be exposed to noisy construction activities for a period of two months or less. The path of the transmission line is proposed to run along the east side of Monterey Road. Residential, commercial, and industrial uses are located on the eastern and western sides of Monterey Road.

Table 4.12-3 summarizes the estimated noise levels that would occur along the transmission line. Due to the close proximity of the underground construction work, noise levels would temporarily exceed ambient conditions at the residences located along Monterey Road between SR 85 and the PG&E Metcalf Substation, and industrial and commercial uses within 200 feet of the transmission line, during both daytime and nighttime hours.

Table 4.12-3: Underground Construction Activities Noise Levels				
Number of Active Construction Equipment	Calculated Hourly Average L_{eq}, dBA¹			
	East Residential (20 to 85 feet)	East Commercial and Industrial (20 to 30 feet)	West Residential (145 to 185 feet)	West Commercial and Industrial (20 to 165 feet)
Average of 12 pieces of equipment	84 to 97	93 to 97	77 to 79	78 to 97
Maximum of 18 pieces of equipment	87 to 99	96 to 99	80 to 82	81 to 99
¹ Estimated construction noise levels do not include reduction due to existing sound walls along residential property lines.				

Table 4.12-4 summarizes the construction noise levels expected at the property lines of the nearest receptors to the proposed substation. Three buildings in the industrial park would have unobstructed lines-of-sight to the proposed substation. Existing buildings would provide shielding for the remaining buildings in the industrial park. As shown in Table 4.12-4, noise levels at industrial park buildings near the substation would exceed the General Plan exterior noise threshold of 70 dBA during construction, however this would be for a period of less than 12 months.

Table 4.12-4: Substation Construction Noise Levels				
Number of Active Construction Equipment	Calculated Hourly Average L_{eq}, dBA			
	Industrial Park Buildings (75 to 430 feet)	Commercial Opposite Monterey Road (785 feet)	Residential – North (775 feet)	Equinix Data Center (820 feet)
Average of 7 pieces of equipment	65 to 80	59	59	59
Maximum of 12 pieces of equipment	66 to 81	61	60	61

While construction levels during the proposed project would at times exceed the exterior noise thresholds in the City's General Plan during transmission line and substation construction, the construction noise nuisance resulting from construction activities would be short-term. Further, during the underground work, construction activities would move along the transmission line corridor as work is completed; therefore, residences and commercial uses located along the corridor would only be exposed to limited periods of elevated construction noise levels when activities would occur in close proximity to the land uses. In addition, the temporary noise impact due to project

construction would be minimized with the incorporation of the following Standard Permit Conditions.

Standard Permit Conditions:

- Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at site within 500 feet of a residence. Construction outside of these hours may be approved through a development permit based on a site-specific “construction noise mitigation plan” and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- 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.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Implementation of the Standard Permit Conditions described above would reduce temporary construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance, resulting in a less than significant impact.

Operational Noise

Project Traffic

The proposed project would be monitored remotely, with maintenance staff visiting the facility approximately four times per month. No permanent full-time or part-time employees would occupy the building. At most, only one or two vehicle roundtrips to and from the project site would be generated per week. An increase of three dBA DNL is considered substantial in noise sensitive areas along roadways. A three dBA DNL noise increase would occur if the project doubled existing traffic volumes along a roadway. One to two trips would not result in a measurable noise level increase and would not double the existing traffic volumes along the surrounding roadways, therefore the proposed project would not result in a permanent noise level increase due to project-generated traffic.

Mechanical Equipment

The main noise source generated by the proposed energy storage building would be the HVAC equipment located on top of the existing building at 6321 San Ignacio Avenue. The HVAC equipment is anticipated to generate noise levels of 66 to 69 dBA at 35 feet and run continuously through daytime and nighttime hours. The project would also include batteries, inverters, and medium-voltage transformers installed within the existing building; however, the typical interior-to-exterior noise reduction for industrial buildings (approximately 25 dBA) would reduce interior equipment noise to a less than significant level.

Chapter 20.30.700 of the City's municipal code states that sound pressure levels generated by any use or combination of uses on a property shall not exceed 55 dB at any property line shared with land zoned for residential use or 60 dBA for land zoned for commercial use. As shown in Table 4.12-5, noise levels at nearby residential uses would be below 55 dBA; however, noise levels at nearby commercial uses could exceed 60 dBA. While this would not be considered a significant impact under CEQA, further measures may be considered to reduce noise levels emanating from the site.

Condition of Approval: The project shall hire a qualified noise consultant to ensure noise levels at surrounding commercial do not exceed 60 dBA. To achieve this, the project can include design features such as locating the HVAC units to less sensitive locations further away from the edge of the building, install a better noise-reducing sound enclosure around the units, or select quieter units. The applicant shall submit a site plan and letter from a qualified noise consultant to the Director of Planning, Building and Code Enforcement or Director's designee, showing that operational noise from the mechanical equipment will not exceed 60 dBA at surrounding commercial properties

Table 4.12-5: Energy Storage Building Mechanical Equipment Noise Levels				
Noise Source	Receiving Receptor Location	Distance from Noise Source (feet)	Assumed Noise Level Reduction (dBA)	Estimated Noise Level (dBA DNL)
Interior Noise – batteries, inverters, transformers	BAE Systems	15	25	48
	Offices to the East	85		33
	Offices to the North	130		<30
	Residences to the North	900		<30
HVAC units	BAE Systems	95	5*	62
	Offices to the East	95		62
	Offices to the North	130		59
	Residences to the North	980		42
* Assume the existing screens on rooftop provide 5 dBA noise reduction				

Substation

The main noise source at the proposed substation would be the transformers. Under the worst-case scenario (full load with fans and pumps running) the transformers would generate noise levels of 72 dBA at six feet. As shown in Table 4.12-6, noise generated by the transformers would not exceed the residential (55 dBA) or commercial (60 dBA) noise standards set by Chapter 20.30.700 of the municipal code. Thus, the proposed substation would have a less than significant operational noise impact.

Table 4.12-6: Substation Mechanical Equipment Noise Levels				
Noise Source	Receiving Receptor Location	Distance from Noise Source (feet)	Assumed Noise Level Reduction (dBA)	Estimated Noise Level (dBA DNL)
Main power transformers	BAE Systems	80	0	56
	Offices to the East	340		43
	Offices to the North	65		58
	Residences to the North	655		38

Impact NOI-2: The project would not result in generation of excessive groundborne vibration or groundborne noise levels. **(Less than Significant Impact)**

Per General Plan Policy EC-2.3, a significant impact would be identified if the project would result in vibration levels of 0.2 in/sec PPV or greater at nearby structures of conventional build.⁴³ Table 4.12-7 shows the typical vibration levels that could be expected from construction equipment at 25 feet and the distance required to meet 0.2 in/sec PPV.

⁴³ A PPV of 0.08 in/sec is used for projects near historic structures; however, no such structures exist in the project area.

Table 4.12-7: Vibration Source Levels for Construction Equipment			
Equipment		PPV at 25 ft. (in/sec)	Minimum Distance to Meet 0.2 in/sec PPV (feet)
Clam shovel drop		0.202	26
Hydromill (slurry wall)	in soil	0.008	1
	in rock	0.017	2
Vibratory Roller		0.210	27
Hoe Ram		0.089	12
Large bulldozer		0.089	12
Caisson drilling		0.089	12
Loaded trucks		0.076	10
Jackhammer		0.035	5
Small bulldozer		0.003	<1
Source: Transit Noise and Vibration Impact Assessment, United States Department of Transportation, Office of Planning and Environment, Federal Transit Administration, May 2006, as modified by Illingworth & Rodkin, Inc., August 2019.			

The nearest structures that would be affected by project construction, both commercial and residential, would be located approximately 30 feet east of the transmission line construction work. As shown in Table 4.12-7, vibration levels generated during project construction activities would be below the 0.2 in/sec PPV criteria when construction occurs at distances of 27 feet or greater from structures; therefore, the proposed project would not result in the generation of excessive groundborne vibration or groundborne noise levels.

Impact NOI-3: The project would not be 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 not expose people residing or working in the project area to excessive noise levels. **(No Impact)**

The project site is located more than 10 miles southeast of the nearest airport (Mineta San José International Airport) and is not within the City's projected aircraft noise impact area. Due to the distance of separation, there would be no impact.

4.13 PUBLIC SERVICES AND RECREATION

This section addresses both Public Services, as well as Recreation resource areas.

4.13.1 Environmental Setting

4.13.1.1 *Regulatory Framework*

Envision San José 2040 General Plan

The following General Plan policies are specific to public services and are applicable to the proposed project:

Policy	Description
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.
ES-3.1	Provide rapid and timely Level of Service (LOS) response time to all emergencies: <ol style="list-style-type: none">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 eleven 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.
ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly visible and accessible spaces.
ES-3.11	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.

4.13.1.2 *Existing Conditions*

Fire Protection Services

Fire protection services for the project would be provided by the San Jose Fire Department (SJFD). Fire stations are located throughout the City to provide adequate response times to service calls. SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. Emergency response is provided by 30 engine companies, nine truck companies, one urban search and rescue company, one hazardous incident team company, and numerous specialty teams and vehicles.

The SJFD has established the goal of responding to Priority 1 incidents (emergencies) within eight minutes, 80 percent of the time, and Priority 2 incidents (non-emergencies) within 13 minutes, 80

percent of the time. For 2017-2018, the SJFD responded to Priority 1 incidents within the set time standard only 71 percent of the time.⁴⁴

The closest station to the project site is Station 27, located at 6027 San Ignacio Avenue, 0.5 miles southeast of the project site.

Police Protection Services

Police protection services for the project site are provided by the San José Police Department (SJPD). Officers are dispatched from police headquarters, located at 201 West Mission Street. The SJPD has established the goal of responding to Priority 1 calls (present or imminent dangers to life or major damage to/loss of property) within six minutes and responding to Priority 2 calls (involving injury or property damage, or the potential for either to occur) within 11 minutes. In 2017-2018, the citywide average response time for Priority 1 calls was 9.2 minutes, and the average response time for Priority 2 calls was 22.4 minutes.⁴⁵

Schools

The project site is located in the Oak Grove School District and the East Side Union High School District. Oak Grove School District is comprised of 16 elementary schools and three intermediate (middle) schools. East Side Union High School District is comprised of 11 schools. The nearest school to the site is Santa Teresa Elementary School roughly 0.4 mile to the west of the proposed transmission line.

Parks

The City of San José owns and maintains over 3,500 acres of parkland, including neighborhood parks, community parks, and regional parks.⁴⁶ The City also manages 50 community centers, 17 community gardens, and six pool facilities. Other recreational facilities include seven public skate parks and 61.2 miles of interconnected trails. The General Plan objective for neighborhood/community serving parkland is 3.5 acres of land per 1,000 population, with a minimum of 1.5 acres of City-owned parkland and up to two acres of recreational school grounds located within a reasonable walking distance. The General Plan estimated a population of 1.3 million by 2035, which would increase the demand for park and recreational facilities and create a parkland deficit of 2,187 acres (including regional and local park lands).

Nearby parks include George Page Park, located approximately 0.8 mile west of the project site, and Los Paseos Park, located approximately 0.9 mile southeast of the project site.

⁴⁴ City of San José. *Annual Report on City Services 2017-2018*. December 2018. <http://www.sanJose.culture.org/DocumentCenter/View/81795>

⁴⁵ City of San José. *Annual Report on City Services 2017-2018*. December 2018. <http://www.sanJose.culture.org/DocumentCenter/View/81795>.

⁴⁶ City of San José Parks, Recreation, and Neighborhood Services. "Fast Facts 2018-2019." December 20, 2018.

Libraries

The San José Public Library System consists of one main library and 22 branch libraries. The libraries nearest the project site include the Edenvale Library, Pearl Avenue Library, and Santa Teresa Library. The main library branch is the Martin Luther King Jr. Library, located at 150 E. San Fernando Street in Downtown San José.

4.13.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 any of the public services:				
• Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact PSR-1: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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.
(Less than Significant Impact)

Police and Fire Services

The project would be constructed in conformance with current codes, including features that would reduce potential fire hazards. The project design would also be reviewed by the SJPd to ensure that it incorporates appropriate safety features to minimize criminal activity.

The project site is already served by the SJFD and SJPD, it is not anticipated the development of the proposed project would result in significant impacts to police and fire services; nor would this project alone require the construction of additional fire or police facilities. Furthermore, because the proposed facility is unmanned and would utilize an existing building, it would not result in any new or more significant impacts to fire and police service than were described in the 2000 Edenvale EIRs and General Plan EIRs.

Schools

The proposed project would not generate substantial population growth in the project area or result in the use of public facilities in the City by new residents. The project proposes an energy storage facility and substation and would therefore not generate students. Therefore, the proposed project will not impact schools in San José.

Parks

The proposed project would not generate substantial population growth in the project area or result in the use of public facilities in the City by new residents. No permanent employees would occupy the proposed energy storage facility or substation and it would, therefore, not generate park users. For these reasons, the proposed project would not impact park facilities in San José.

Other Public Facilities

The project proposes a new energy storage facility and substation. The proposed project does not include residential development and, therefore, would not increase demand upon public facilities, such as libraries and community centers, in the project area. Thus, there would be no impact.

Impact PSR-2:	The 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 Impact)
----------------------	--

See response to Impact PSR-1 above regarding park facilities. The proposed project would not generate permanent employees or housing that would create demand for, or accelerate the deterioration of recreation facilities.

Impact PSR-3:	The project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. (No Impact)
----------------------	--

See response to Impact PSR-1 above regarding park facilities. The proposed project would not generate permanent employees or housing that would create demand for, or accelerate the deterioration of recreation facilities.

4.14 TRANSPORTATION

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

Regional

Regional Transportation Planning

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes the region's Sustainable Communities Strategy (integrating transportation, land use, and housing to meet GHG reduction targets set by CARB) and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, state, regional and local sources over the next 24 years).

Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the Congestion Management Program (CMP), which is 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 gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management, a land use impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP designated intersections.

Local

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1 "Transportation Analysis Policy" (2018), the City of San José uses vehicle miles traveled (VMT) as the metric to assess transportation impacts from new development. According to the policy, an employment (e.g. office, R&D) or residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average citywide or regional per capita VMT.⁴⁷ If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis (LTA) to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, and site access and circulation. The LTA also addressed CEQA issues related to pedestrian, bicycle access, and transit.

Envision San José 2040 General Plan

The proposed project would be subject to the transportation policies in the General Plan, including the following:

⁴⁷ Residential is 15 percent below the citywide average and employment is 15 percent below the regional average.

Policy	Description
TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.

4.14.1.2 *Existing Conditions*

Roadway Network

Regional access to the project site is provided via State Route (SR) 85 and US 101. Local access to the battery storage and substation site is provided via Bernal Road, Monterey Road, and Santa Teresa Boulevard.

Bicycle and Pedestrian Facilities

Bicycle facilities are divided into three classes of relative significance. Class I bikeways are bicycle paths that are physically separated from motor vehicles and offer two-way bicycle travel on a separate path. Class II bikeways are striped bicycle lanes on roadways that are marked by signage and pavement markings. Class III bikeways are bicycle routes and only have signs to help guide bicyclists on recommended routes to certain locations.

Class II striped bike lanes are provided on San Ignacio Avenue, Great Oaks Boulevard, Bernal Road, Santa Teresa Boulevard, and the north side of Monterey Road in the project area.

Pedestrian facilities in the project area consist primarily of sidewalks along the streets. Sidewalks are located along most local roadways in the project area, except for the south side of Monterey Road. Other pedestrian facilities include crosswalks with pedestrian signal heads and push buttons at all the signalized intersections in the project area.

Transit Service

Existing transit service near the project is provided by the Santa Clara Valley Transportation Authority (VTA). The project area is served directly by Local Route 42, which stops adjacent to the project site on San Ignacio Avenue, and Express Route 68, which stops at the intersection of San Ignacio Avenue and Santa Teresa Boulevard approximately 0.5 mile southwest of the project site.

4.14.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact TRN-1: The project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities. **(No Impact)**

There are existing Class II bike lanes along several roadways in the project area, including along the project site's San Ignacio Avenue frontage. The proposed project would not interfere with the use of most of the bike lanes in the project area, except during construction of the transmission line corridor along Monterey Road. During this construction, sections of the Class II bike lane on the north side of Monterey Road may be closed at the transmission line is installed; however, the disruption would be limited in distance and temporary in nature. Further, bicycles would be permitted within the vehicle travel lane during construction in accordance with state regulations and City standards.

The proposed energy storage project would be monitored remotely and would not have full-time or part-time staff. Thus, use of public transit to and from the project site would be minimal and not affect bus route timing or capacity. For these reasons, and those stated above, the proposed project would not conflict with adopted program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian facilities.

Impact TRN-2: The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). **(Less than Significant Impact)**

As described above, the City's Transportation Analysis Policy (City Council Policy 5-1) includes screening criteria that have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to have a less than significant VMT impact. The screening criteria for small industrial infill projects is 30,000 square feet or less. The proposed project would use an existing industrial building for energy storage and construct an approximately 15,000 square-foot substation on an infill site; therefore, the project would meet the screening criteria. In addition, the proposed project would be monitored remotely,

with maintenance staff visiting the facility approximately four times per month. At most, only one or two vehicle roundtrips to and from the project site would be generated per week. ;1 For these reasons, the impact would be less than significant.

Impact TRN-3: The project would not substantially increase hazards due to a geometric design feature or incompatible uses. **(No Impact)**

Access to the project site would still be via two driveways on San Ignacio Avenue, leading to a large surface parking lot and the front entrance of the existing industrial building. The surface parking lot would continue to extend around the southeastern side of the existing industrial building to the rear, where the proposed substation would be constructed. Since the proposed project would not change the site access and circulation of the existing industrial building at 6321 San Ignacio Avenue, the project would not substantially increase hazards due to a geometric design feature or incompatible uses. Thus, the impact is less than significant.

Impact TRN-4: The project would not result in inadequate emergency access. **(No Impact)**

As discussed in Impact TRN-3 above, the proposed project would not change the existing site access and circulation. Emergency vehicles would be able to access the project site via two driveways on San Ignacio Avenue and access the rear of the project site via the surface parking lot on the southeastern side. Thus, the project would not result in inadequate emergency access.

4.15 TRIBAL CULTURAL RESOURCES

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

Assembly Bill (AB) 52, effective July of 2015, established a new category of resources for consideration by public agencies when approving discretionary projects under CEQA, called Tribal Cultural Resources (TCRs). Tribal resources are defined as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe. Under Assembly Bill 52, a lead agency can, at its discretion and supported by substantial evidence, choose to treat a resource as a tribal resource. AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached.

Local

Envision San José 2040 General Plan

The City of San José sets forth the following policies pertaining to tribal cultural resources in its General Plan, which would apply to the proposed project.

Policy	Description
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.

4.15.1.2 *Existing Conditions*

AB 52 requires lead agencies to complete formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency’s environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. In 2017, the City had sent a letter to tribal representatives in the area to welcome participation in consultation process for all ongoing, proposed, or future projects within the City’s Sphere of Influence or specific areas of the City. The Ohlone tribe has sent a written request for notification of projects citywide to the City of San José. The City of San José notified the Ohlone tribe of the project on December 10, 2019 per the representative’s request. To date, the tribe has not initiated formal consultation with the City.

On July 22, 2019, the NAHC was contacted by Holman & Associates to request a review of the Sacred Land Files (SLF) for any evidence of cultural resources or traditional properties of potential concern that might be known on lands within or adjacent to the project area. On August 7, 2019, the NAHC responded that no tribal cultural resources were identified during the SLF review. The NAHC provided a contact list of seven Native American individuals/organizations who may know of cultural resources in this area or have specific concerns about the project. Holman & Associates sent an email to each of the identified individuals/ organizations with an attachment including a letter describing the project, a map of the project area, and inquiring whether they had any concerns.

One response was received on from Andrew Galvan August 12, 2019, requesting a summary of the records search. Hollman & Associates provided the records search summary, as well as the recommendations from the Archaeological Literature Search report. No further comments or concerns were expressed. There have been no additional responses and no specific Native American archaeological resources have been identified during the initial Native American consultation process.

4.15.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
1) 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact TCR-1: The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). **(No Impact)**

While the project site is in an area of high potential for buried Native American sites and archaeological resources could be uncovered during project construction, the project would implement Standard Permit Conditions (see Section 4.5 Cultural Resources) related to archaeological resources and 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). Based on available data, there are no tribal cultural resources in the project area, therefore, the proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource and no impact would occur.

Impact TCR-2: The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. **(Less than Significant Impact)**

The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant; as no tribal cultural resources meeting the criteria set forth in Public Resources Code Section 5024.1 have been identified at the project site. Therefore, there would be no impact.

4.16 UTILITIES AND SERVICE SYSTEMS

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State and Regional

Urban Water Management Plan

Pursuant to The State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The Great Oaks Water agency adopted its most recent UWMP in 2015.

Wastewater

The San Francisco Bay Regional Water Quality Board (RWQCB) includes regulatory requirements that each wastewater collection system agency shall, at a minimum, develop goals for the City's Sewer System Management Plan to provide adequate capacity to convey peak flows.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or Assembly Bill 939 (AB 939), established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

Assembly Bill (AB) 341 sets forth the requirements of the statewide mandatory commercial recycling program in the Public Resources Code. All businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 1383

Senate Bill (SB) 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Green Building Standards Code

In January 2010, the State of California adopted the California Green Building Standards Code that establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include mandatory guidelines, as well as more rigorous voluntary measures, for new construction projects to achieve specific green building performance levels.

Local

Envision San José 2040 General Plan

The following policies and actions are specific to utilities and service systems and are applicable to the proposed project.

Policy	Description
IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
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.

San José Zero Waste Strategic Plan/Green Vision

The Green Vision provides a comprehensive approach to achieve sustainability through new technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José foster a healthier community and achieve its Green Vision goals, including 75 percent diversion by 2013 and zero waste by 2022. The Green Vision also includes ambitious goals for economic growth, environmental sustainability and an enhanced quality of life for San José residents and businesses.

4.16.1.2 *Existing Conditions*

Water Supply and Wastewater

The existing industrial building at the project site is currently vacant and does not use any water (aside from small amounts for irrigation of landscaping) or generate any wastewater.

Storm Drainage

Storm drainage lines in the area are provided and maintained by the City of San José. The site is served by an 18-inch stormwater line in the rear of the project site next to the proposed substation.

There is no overland release of stormwater directly into any water body from the project site. Stormwater runoff is conveyed through a network of storm drain lines, and ultimately discharged into the Guadalupe River, located five miles northwest of the site.

Solid Waste

In 2008, the City of San José diverted approximately 60 percent of the waste generated in the City. According to the IWMP, the County has adequate disposal capacity beyond 2022. In October 2007, the San José City Council adopted a Zero Waste Resolution, which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. The City landfills approximately 700,000 tons per year of solid waste including 578,000 tons per year at landfill facilities in San José. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year.

San José granted Republic Services a 15-year exclusive franchise to collect most standard garbage, recycling, and organics from businesses, which went into effect on July of 2012. Pursuant the City's solid waste ordinances and Republic's agreement for providing solid waste services in the City of San José, Republic has the exclusive right and duty to collect, transport, and dispose of all commercial solid waste in the City of San José.

4.16.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
5) Be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact UTL-1: The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. **(Less than Significant Impact)**

Water Facilities

The proposed project would be monitored remotely, with maintenance staff visiting the facility approximately four times per month. Currently the project site uses no water (except for small amount for the limited landscaping on-site), but water used during these visits would be an incremental increase and have little measurable impact on the City's water supply. The project is already connected to the City's water delivery system and would not necessitate expansion of existing facilities or construction of new facilities. Therefore, the project would have a less than significant impact.

Wastewater Facilities

As discussed above, the project would be monitored remotely, with maintenance staff visiting the facility approximately four times per month. A restroom is provided in the proposed energy storage building; however, the incremental increase in use would result in minimal wastewater and no wastewater treatment facilities would need to be constructed or expanded. Thus, the impact is less than significant.

Stormwater Drainage

Implementation of the project would not change the project site's impervious surfaces, as the site would continue to be 100 percent impervious (including the transmission line alignment). The project must comply with applicable General Plan policies, which would require implementation of stormwater best management practice and will be required to comply with the NPDES Municipal Regional Permit and applicable plans, policies, and regulations (including RWQCB permits) for the treatment of stormwater. For these reasons, expansion of the City's storm drain system would not be required and the impact is less than significant.

Electric Power, Natural Gas, and Telecommunication Utilities

The site is currently served by electric power, natural gas, and telecommunication utilities. The proposed redevelopment of the site would not require the expansion of these utilities. Therefore, the proposed project would not result in a significant impact due to the expansion or relocation of electric power, natural gas, or telecommunication facilities.

Impact UTL-2: The project would not have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. **(Less than Significant Impact)**

As discussed above, the project would be monitored remotely and maintenance staff would visit the facility approximately four times a month. Water usage during these visits would be minimal (i.e. cleaning, bathroom use, drinking water) and would, therefore, have little impact on the City's water supplies. Thus, the impact is less than significant.

Impact UTL-3: The project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. **(Less than Significant Impact)**

As discussed previously, the project site would be visited by maintenance staff approximately four times a month and generate minimal wastewater on an infrequent basis and it would not result in a determination by the wastewater treatment provider that it does not have adequate capacity; therefore, the impact is less than significant.

Impact UTL-4: The project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

Development in San José, including the proposed project, would be required to comply with existing local and state programs and regulations with regard to waste reduction. For example, in accordance with the current CALGreen Code, specific projects are required to provide on-site recycling facilities, develop a construction waste management plan, salvage at least 50 percent of nonhazardous construction/demolition debris (by weight), and implement other waste reduction measures. With implementation of these existing programs, and requirements, solid waste generated by the project would not exceed the permitted or actual capacity of existing landfills.

Impact UTL-5: The project would not be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste. **(Less than Significant Impact)**

As mentioned above, the project would be required to comply with federal, state, and local statutes and regulations related to solid waste. Policies implemented at the local level would ensure that state and federal solid waste statutes and regulations are met by the project. As a result, the impact would be less than significant.

4.17 WILDFIRE

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

Fire Hazard Severity Zones

CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZs), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. FHSZs are divided into areas where the state has financial responsibility for wildland fire protection, known as state responsibility areas (SRAs), and areas where local governments have financial responsibility for wildland fire protection, known as local responsibility areas (LRAs). Homeowners living in an SRA are responsible for ensuring that their property is in compliance with California's building and fire codes. Only lands zoned for very high fire hazard are identified within LRAs.

4.17.1.2 *Existing Conditions*

The project site is not located in an SRA or lands classified as very high fire hazard severity zones.⁴⁸ The nearest SRA is located approximately one mile south of the substation site and 0.25 mile east of the transmission line alignment.

4.17.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
1) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

⁴⁸ CAL FIRE. Fire and Resource Assessment Program. FHSZ Viewer. Accessed on July 19, 2019.
<https://egis.fire.ca.gov/FHSZ/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact WF-1: The project would not substantially impair an adopted emergency response plan or emergency evacuation plan. **(Less than Significant Impact)**

Construction and operation of the proposed project would not interfere with an adopted emergency response or evacuation plan as the project is not located along identified evacuation routes or near emergency responders. During construction, the project would not impede emergency vehicles traveling on Monterey Road (consistent with state vehicle code requirements). Thus, any impact would be less than significant.

Impact WF-2: The project would not, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. **(No Impact)**

The project involves construction of a new energy storage facility, substation, and associated transmission line. No permanent employees would occupy the building. For these reasons, the project would not expose project occupants to pollutant concentrations from a wildfire or the uncontrollable spread of a wildfire.

Impact WF-3: The project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. **(Less than Significant Impact)**

The energy storage facility would include a fire protection system, consistent with the City's building code requirements. The proposed transmission line is not located in an identified high-fire hazard area. Further, in the event of an emergency or wildfire, the line would be deactivated so as not to exacerbate fire risk. For these reasons, the impact would be less than significant.

Impact WF-4: The project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. (**Less than Significant Impact**)

The project site is relatively flat and not located in a landslide hazard area or 100-year flood hazard area.⁴⁹ Construction of the project would not require substantial grading and project areas would be stabilized during construction. As a result, impacts to people or structures from downslope or downstream flooding, landslides, or runoff would be less than significant.

⁴⁹ Santa Clara County. Geologic Hazard Zones. Accessed July 19, 2019.
<https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=5ef8100336234fbdafc5769494cfe373>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact MFS-1: The project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. **(Less than Significant Impact with Mitigation Incorporated)**

As discussed in the individual sections, the proposed project would not degrade the quality of the environment with the implementation of identified Standard Permit Conditions and mitigation measures. The project would implement MM BIO-1.1 through MM BIO-1.4 to reduce potential disturbance to nesting birds and raptors in the project vicinity during project construction activities and would implement Standard Permit Conditions and comply with Habitat Plan requirements (see Section 4.4 Biological Resources). The project would implement MM CUL-2.1 to reduce potential impacts buried cultural resources to a less than significant level (see Section 4.5 Cultural Resources). In addition, the project would implement MM HAZ-2.1 and MM HAZ-2.2 to prevent exposure to existing soil contaminants (see Section 4.9 Hazards and Hazardous Materials).

Impact MFS-2: The project does not have impacts that are individually limited, but cumulatively considerable. **(Less than Significant Impact with Mitigation Incorporated)**

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects “that are individually limited, but cumulatively considerable.” As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means “that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” In addition, under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

The proposed development would result in temporary air quality, biology, and noise impacts during construction. With implementation of the identified mitigation measures, Standard Permit Conditions, and consistency with adopted City policies, the construction impacts would be mitigated to a less than significant level. As the identified impacts are temporary and would be mitigated, the project would not have cumulatively considerable impacts on air quality, biology, and noise in the project area.

The project would have a less than significant impact on aesthetics, geology and soils, hydrology and water quality, population and housing, public services, recreation, transportation, tribal cultural resources and utilities, and would not contribute to cumulative impacts to these resources given the limited scope of the project. The project would not impact agricultural and forest resources or mineral resources. Therefore, the project would not contribute to a significant cumulative impact on these resources.

Impact MFS-3: The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. **(Less than Significant Impact with Mitigation Incorporated)**

The project site is currently developed with a vacant industrial building and surface parking lot. Urban development, including the proposed uses, are consistent with the long-term goals for the site outlined in the General Plan. Construction of the project would result in the temporary disturbance of developed land, as well as an irreversible and irretrievable commitment of resources and energy during construction.

Construction of the proposed project would not result in the conversion of a greenfield site to urban uses or otherwise commit resources in a wasteful or inefficient manner. The project proposes to utilize an existing building in suburban San José for energy storage; therefore, short-term effects resulting from construction would be substantially offset by meeting the long-term environmental goal of storing renewable energy. The operational phase would consume energy for multiple purposes including cooling, lighting, and electronics. While the project would result in a net increase in energy use, it would be subject to the CBC energy efficiency requirements and CalGreen. In addition, the project would store and use energy from renewable energy sources.

The project could result in a significant hazards and hazardous materials impact due to the potential presence of contaminated soils under the site. The project would implement MM HAZ-2.1 and MM HAZ-2.2 to determine if levels of contamination in near surface soils exceed established construction worker safety and commercial/industrial standard environmental screening levels. If contaminated soils are discovered, the project would address potential health risks related to underlying soil in accordance with the identified mitigation measures.

With implementation of the mitigation measures and Standard Permit Conditions, as well as compliance with City General Plan policies, the proposed project would not result in substantial adverse effects to human beings.

SECTION 5.0 REFERENCES

The analysis in this Initial Study is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references:

- BAAQMD. *Final 2017 Clean Air Plan*. April 19, 2017. <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.
- CalEPA. “Cortese List Data Resources.” Accessed October 22, 2018. <https://calepa.ca.gov/sitecleanup/corteselist>.
- CalFire. Fire and Resource Assessment Program. FHSZ Viewer. Accessed on July 19, 2019. <https://egis.fire.ca.gov/FHSZ/>
- CalFire. *Very High Fire Hazard Severity Zones in LRA*. October 8, 2018. https://osfm.fire.ca.gov/media/6764/fhszl_map43.pdf.
- California Air Resources Board. “Overview: Diesel Exhaust and Health.” Accessed June 16, 2018. <https://www.arb.ca.gov/research/diesel/diesel-health.htm>.
- California Air Resources Board. “The Advanced Clean Cars Program.” Accessed April 6, 2018. <https://www.arb.ca.gov/msprog/acc/acc.htm>.
- California Building Standards Commission. “Welcome to the California Building Standards Commission.” Accessed February 6, 2018. <http://www.bsc.ca.gov/>.
- California Department of Conservation, *Santa Clara County Important Farmland Map 2014*. October 2016. <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/sc114.pdf>
- California Department of Conservation. “Farmland Mapping and Monitoring Program.” Accessed July 18, 2019. <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>.
- California Department of Conservation. “Santa Clara County Tsunami Inundation Quads”. Accessed April 19, 2018. http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/SantaClara
- California Department of Conservation. “Williamson Act.” Accessed September 24, 2019. <http://www.conservation.ca.gov/dlrp/lca>.
- California Department of Finance. *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018 with 2010 Benchmark*. Accessed October 31, 2018. <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>.
- California Department of Forestry and Fire Protection. “Fire and Resource Assessment Program.” Accessed July 18, 2019. <http://frap.fire.ca.gov/>.

- California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed February 16, 2018. http://www.cdtfa.ca.gov/taxes-and-fees/MVF_10_Year_Report.pdf.
- California Department of Transportation. "Scenic Highways." Accessed April 26, 2019. <http://www.dot.ca.gov/design/lap/livability/scenic-highways/index.html>.
- California Department of Transportation. *California Scenic Highway Mapping System*. Accessed July 16, 2019. http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.
- California Energy Commission. "2016 Building Energy Efficiency Standards." Accessed February 6, 2018. <http://www.energy.ca.gov/title24/2016standards/index.html>.
- California Energy Commission. "Natural Gas Consumption by County." Accessed February 21, 2019. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.
- California Gas and Electric Utilities. 2018 *California Gas Report*. Accessed March 15, 2019.
- California Office of Historic Preservation. "CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6." March 14, 2006.
- City of San José Parks, Recreation, and Neighborhood Services. "Fast Facts 2018-2019." December 20, 2018.
- City of San José. *Annual Report on City Services 2017-2018*. December 2018. <http://www.sanJose.org/Culture/DocumentCenter/View/81795>
- City of San José. Public GIS Viewer. Accessed on August 27, 2019. <http://csj.maps.arcgis.com/apps/webappviewer/index.html?id=3c5516412b594e79bd25c49f10fc672f>.
- Cornerstone Earth Group. *Phase I Environmental Site Assessment 6321 and 6325 San Ignacio Avenue, San Jose, California*. August 23, 2019.
- FEMA. "FEMA Flood Map Service Center". Accessed September 4, 2019. <https://msc.fema.gov/portal/search#searchresultsanchor>.
- Google Maps. San Andreas and Bay Area Faults. Accessed August 27, 2019. <https://www.google.com/maps/d/viewer?hl=en&gl=us&ptab=0&ie=UTF8&oe=UTF8&msa=0&mid=1jhImZGBqVfS4oekH0pX6Jpto0Ig&ll=36.87727667763314%2C-120.04147549999999&z=7>.
- Holman & Associates. *Results of a CEQA Archaeological Literature Search and Initial Native American Consultation for Hummingbird Energy Storage Project in Southeast San Jose Santa Clara County, California*. August 2019.
- H.T. Harvey & Associates. Hummingbird Energy Storage Project Biological Resources Report. December 20, 2019.

Illingworth & Rodkin, Inc. *Hummingbird Energy Storage Project Noise and Vibration Assessment*. August 12, 2019.

Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007*. Accessed February 8, 2018. <http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf>.

Santa Clara County. Geologic Hazard Zones. Accessed July 19, 2019. <https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=5ef8100336234fbdafc5769494cfe373>.

Santa Clara County. Williamson Act Properties. <https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce>

Santa Clara Valley Water District. *Groundwater Management Plan*. November 2016.

Santa Clara Valley Water District. Lenihan (Lexington) Dam Flood Inundation Maps, Leroy Anderson Dam Flood Inundation Maps. April 2016.

Valley Water. *2016 Groundwater Management Plan*. Figure 1-3. 2016.

United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed February 8, 2018. <http://www.afdc.energy.gov/laws/eisa>.

United States Department of the Interior. “Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take.” Accessed March 28, 2019. <https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf>.

United States Energy Information Administration. “State Profile and Energy Estimates, 2017.” Accessed August 1, 2019. <https://www.eia.gov/state/?sid=CA#tabs-2>.

United States Energy Information Administration. *State Profile and Energy Estimates, 2017*. Accessed August 1, 2019. <https://www.eia.gov/state/?sid=CA#tabs-2>.

United States Environmental Protection Agency. “The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975.” March 2019.

W.W. Olive, A.F. Chleborad, C.W. Frahme, Julius Schlocker, R.R. Schneider, and R.L. Shuster. “Swelling clays map of the conterminous United States”. <http://www.cslandscapearchitect.com/2012/02/11/where-to-find-expansive-soils-in-california/>.

SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of San José

Department of Planning, Building, and Code Enforcement

Rosalynn Hughey, Director

David Keyon, Principal Planner

Thai Chau-Le, Supervising Environmental Planner

Kara Hawkins, Planner I

6.2 CONSULTANTS

David J. Powers & Associates, Inc.

Environmental Consultants and Planners

Akoni Danielsen, President & Principal Project Manager

Amie Ashton, Senior Project Manager

Natalie Noyes, Project Manager

Tyler Rogers, Associate Project Manager

Zach Dill, Graphic Artist

H.T. Harvey & Associates

Ecological Consultants

Robin Carle, Senior Wildlife Ecologist

Cornerstone Earth Group

Geotechnical Engineers

Kurt M. Soenen, P.E., Principal Engineer

Illingworth & Rodkin, Inc.

Noise Consultants

Michael Thill

Carrie J. Janello

Holman & Associates

Cultural Resources Consultant

Sunshine Posta, M.A., RPA, Senior Associate