

# Draft Environmental Impact Report

## Graniterock Capitol Site Modernization Plan



**September 2022**

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## SUMMARY

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The approximately 22.18-acre project site is located at 120 Granite Rock Way in San José. The site is developed with an existing recycling, manufacturing, and distribution facility for aggregate, asphalt, concrete, and other construction materials. Currently, aggregate and other materials are transported to the site via rail and truck, with a majority of product transported by truck. At the site, aggregate, concrete and asphalt products are produced or recycled and these products and other construction materials are then distributed by truck to customers throughout the Bay Area and the greater region. The current hours of operation for the facility are Monday through Friday 6:00 AM to 8:00 PM.

The project proposes a phased expansion of the current concrete plant, aggregate and other construction materials distribution facility, and recycle yard operations. The project also includes the addition of an asphalt plant and cementitious distribution facility. The existing equipment storage and maintenance yard would be removed from the site. In addition, the existing rail spur would be extended to accommodate roughly 55 railcars with an increase in unloading capacity. The expanded facility would operate 24 hours per day, seven days per week.

The project proposes a General Plan Amendment, Planned Development Rezoning, and Planned Development permit to facilitate proposed changes in operations at the existing facility. The site has an IP Industrial Park Zoning District on the western portion of the site and a Planned Development (PD) Zoning District with a base zoning district of IP Industrial Park on the eastern portion of the site, which is intended for a wide variety of industrial uses and which, in combination with a Planned Development Permit, provides for more flexible development regulations consistent with the General Plan. The project proposes a General Plan Amendment to change the land use designation to Heavy Industrial (HI) and a rezoning of the east and west portions of the site to a PD Zoning District with a base zoning district of HI Heavy Industrial.

### Summary of Significant Impacts and Mitigation Measures

The following table provides a summary of the potentially significant impacts and mitigation measures addressed within this EIR (including the Initial Study in **Error! Reference source not found.**). A more detailed project description and discussion of impacts and mitigation measures is provided in Section 2.0 Project Information and Description and Section 3.0 Environmental Setting, Impacts, and Mitigation. Alternatives to the proposed project are also summarized at the end of this section, and are described in more detail in Section 7.0 Alternatives.

Summary of Significant Impacts and Mitigation Measures	
Significant Impact	Mitigation Measures
<b>Biological Resources</b>	
<b>Impact BIO-1:</b> Development of the proposed project would result in impacts to nesting birds, if present on the site at the time of construction. <b>(Less than Significant Impact with Mitigation Incorporated)</b>	<p><b>MM BIO-1.1:</b> The project applicant shall avoid demolition and construction activities during 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).</p> <p><b>MM BIO-1.2:</b> If demolition and construction cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey must be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive). During this survey, the qualified ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.</p> <p><b>MM BIO-1.3:</b> If during the survey described in MM BIO-1.2 the qualified ornithologist finds an active nest sufficiently close to work areas to be disturbed by construction, the qualified 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.</p> <p><b>MM BIO-1.4:</b> 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, Building and Code Enforcement or the Director's designee.</p>
<b>Cultural Resources</b>	
<b>Impact CUL-1:</b> Excavation and grading activities on the site could disturb and damage unrecorded subsurface resources. <b>(Less than Significant Impact with Mitigation Incorporated)</b>	<b>MM CUL-1.1:</b> Tribal Cultural Resources Sensitivity Training. A qualified Native American representative, registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area, will provide at least one cultural sensitivity training to construction crew prior to the initial ground-breaking activities.



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## Summary of Significant Impacts and Mitigation Measures

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Significant Impact	Mitigation Measures
	<p><b>MM CUL-1.2:</b> Tribal Monitoring. A qualified Native American monitor, registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area, shall be on-site to monitor for all major earthmoving activities, such as initial grading and foundation work. Evidence of a monitoring agreement shall be provided to the Director of Planning, Building and Code Enforcement or Director's Designee prior to the issuance of grading permits.</p>

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### Greenhouse Gas Emissions

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**Impact GHG-1:** Full buildout of the project, starting with the commencement of Phase 3 of project operation, would result in an increase in non-stationary emissions from truck traffic that would exceed the significance threshold of 660 metric tons of CO<sub>2</sub>e for non-stationary sources. Phase 3 of project operation would also result in stationary GHG emissions from the asphalt batch plant that exceed the significance threshold of 10,000 metric tons of CO<sub>2</sub>e for stationary sources. Therefore, the project would have a significant GHG emissions impact. **(Less than Significant Impact with Mitigation Incorporated)**

**MM GHG-1:** Prior to the issuance of building permits for and operation of the asphalt plant (Phase 3 of the project), the project applicant shall retain a qualified consultant to complete a greenhouse gas (GHG) emissions inventory which shall be used to implement a GHG Reduction Plan that includes the proper elements to reduce emissions below the significance level of 660 metric tons CO<sub>2</sub>e for non-stationary sources and 10,000 metric tons CO<sub>2</sub>e for stationary sources for the lifetime of the project. The GHG Reduction Plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to issuance of building permits for the asphalt plant (Phase 3 of the project). Elements of this plan may include, but would not be limited to, the following:

- Use of on-road and off-road vehicles and switching locomotives with lower GHG-emitting engines, such as electric or hybrid equipment.
- Use of clean truck fleet.
- Commitment to use carbon-free electricity provided by San José Clean Energy.
- Installation of solar power systems or other renewable electric generating systems that provide electricity to power on-site equipment and possibly provide excess electric power.
- Limit annual production, as GHG emissions would be proportional to annual production in tons.
- Construct on-site or fund off-site carbon sequestration projects (such as a forestry or wetlands projects for which inventory and reporting protocols have been adopted). If the project develops an off-site project, it must be registered with the Climate Action Reserve or otherwise be approved by BAAQMD in order to be used to offset project emissions.
- Purchase of carbon credits to offset project annual emissions. The project applicant shall demonstrate its

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## Summary of Significant Impacts and Mitigation Measures

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Significant Impact	Mitigation Measures
	<p>reduction of GHG emissions through the retirement of carbon offset credits provided that the following conditions are satisfied:</p> <ul style="list-style-type: none"><li>○ <u>Registry Performance Standards</u>: The project applicant shall provide proof to the Director of Planning, Building and Code Enforcement or the Director's designee that the carbon offset credits were issued by a registry meeting the following requirements:<ul style="list-style-type: none"><li>▪ The registry shall account for and quantify emission reductions using clear and defined standards and incorporating recognized principles of GHG emissions reduction accounting, including those set forth in the ISO 14064 and the World Resource Institute/World Business Council for Sustainable Development Greenhouse Gas Protocol for Project Accounting;</li><li>▪ The registry shall use clear information sufficient for reviewers to assess the credibility of GHG emission reductions underlying the carbon offset credits. Upon request by the Director of Planning, Building and Code Enforcement or the Director's designee of the City of San José, any governmental entity, or any person or agency with a vested interest in the project outcome, the registry shall provide the following information within a reasonable time period in connection with any carbon offset credit retired by the project applicant: (i) the applicable quantification protocol; and (ii) all third-party confirmation or verification reports issued in connection with the carbon offset credits. Such information shall be sufficient to monitor compliance by the project applicant with this mitigation measure to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee of the City of San José.</li></ul></li><li>○ <u>Carbon Offset Credit Performance Standards</u>: The carbon offset credits retired by the project applicant for the purpose of mitigating GHG emissions shall represent GHG emission reductions that are real, permanent, additional, quantifiable, verifiable and enforceable.</li></ul> <p>To demonstrate compliance with the offset requirements listed above, the developer shall provide the following to the Director of Planning, Building and Code Enforcement or the Director's designee of the City of San José: (i) the protocol used to quantify and issue such carbon offset credits, (ii) the third-party verification report(s) pursuant to which such carbon offset</p>



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## Summary of Significant Impacts and Mitigation Measures

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Significant Impact	Mitigation Measures
	<p>credits were issued, and (iii) the unique serial numbers of the carbon offset credits to be retired to ensure that the offset cannot be further used in any manner. The Director of Planning, Building and Code Enforcement or the Director's designee of the City of San José, shall reject any carbon offset credits that do not comply with these requirements, and where reductions are not direct reductions within a confined project boundary or provide opportunities for reversal of the avoided emissions. The Director of Planning, Building and Code Enforcement or the Director's designee of the City of San José shall reject any credits for a project that includes technology or GHG abatement practices that are already widely used and practiced in the industry.</p> <ul style="list-style-type: none"><li>○ <u>Geographic Limitations</u>: The carbon offset credits shall be from credit projects developed in the United States. Carbon offset credits resulting from international credit projects shall not be acceptable to satisfy this mitigation measure.</li><li>○ <u>Timing</u>: The project applicant shall mitigate GHG emissions resulting from Phase 3 project operations by purchasing and retiring offset credits prior to each year's emissions that exceed the threshold. The project applicant shall provide proof in the form of a compliance report to the Director of Planning, Building and Code Enforcement or Director's designee of the City of San José that carbon offset credits equal to the amount of project operational GHG emissions in excess of the threshold have been purchased and retired, prior to the operational year in which those emissions would occur. The project applicant shall also have the right, at any time, to purchase and retire carbon offset credits for some or all of the operational emissions of the project in advance of the issuance of certificates of occupancy, temporary or permanent.</li><li>○ <u>Enforcement</u>: The purchase and retirement of carbon offset credits required to mitigate the GHG emissions resulting from the operation of the project shall be a condition of the issuance of any certificate of occupancy, temporary or permanent, for Phase 3 of the project and shall be required for continual operation. Should the Director of Planning, Building and Code Enforcement or Director's designee of the City of San José determine that the offset credits are non-compliant with the requirements of MM GHG-1, the City may issue a notice of non-consistency and cease permitting activities and/or stop project operations, until the City determines via an issued public notice</li></ul>

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## Summary of Significant Impacts and Mitigation Measures

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Significant Impact	Mitigation Measures
	<p>that the offsets comply with the aforementioned standards.</p> <ul style="list-style-type: none"> <li>○ <u>Adjustment:</u> The required amount of carbon offset credits may be adjusted to account for changes in climate science, GHG regulation, technology, and updated/refined project emissions, as follows: <ul style="list-style-type: none"> <li>▪ The project applicant may recalculate the project emissions in this EIR to update/refine the amount of carbon credits required to be purchased and/or demonstrate emissions achieve the year-specific threshold or an applicable quantitative threshold that may be adopted by the City or BAAQMD in the future. If the project applicant chooses to refine or recalculate project GHG emissions, the project applicant shall retain a qualified air quality/GHG professional to calculate the project's GHG emissions, in accordance with the BAAQMD CEQA Air Quality Guidelines, as they may be updated from time to time. Re-evaluation of project GHG emissions could reflect additional on-site measures incorporated into the project (such as installing solar panels, cool roofs, charging for parking, providing free transit passes, etc.) or increased operational efficiencies (e.g., the state's increased vehicle fuel efficiency standards and renewable energy portfolio requirement). The calculation shall be summarized in a report and submitted as part of the documentation submitted to the Director of Planning, Building and Code Enforcement or the Director's designee of the City of San José for review and approval.</li> </ul> </li> </ul>

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## Hazards and Hazardous Materials

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**Impact HAZ-1:** Project construction could expose construction workers, neighboring uses, and the environment to hazardous materials, including residual concentrations of pesticides and contaminants from previous agricultural operations. **(Less than Significant Impact with Mitigation Incorporated)**

**MM HAZ-1.1:** Prior to the issuance of any grading permits, a qualified environmental specialist shall collect shallow soil samples from the native soil layers within the areas of proposed construction activities and have the samples analyzed to determine if contaminated soil from previous agricultural operations is located on-site with concentrations above established construction/trench worker and residential thresholds. The soil shall be tested for organochlorine pesticides and pesticide-based metals, arsenic and lead. Once the soil sampling analysis is complete, a report of the findings will be provided to the Director of Planning, Building and Code Enforcement or the Director's designee and the Municipal



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## Summary of Significant Impacts and Mitigation Measures

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Significant Impact	Mitigation Measures
	<p>Compliance Officer of the City of San José Environmental Services Department for review.</p> <p><b>MM HAZ-1.2:</b> If contaminated soils are found in concentrations above established regulatory environmental screening levels, prior to the issuance of any grading permits the project applicant shall enter into an agreement with the Site Cleanup Program of the Santa Clara County Department of Environmental Health (SCCDEH) to provide regulatory oversight. The applicant shall meet with the SCCDEH and perform additional soil and groundwater sampling and testing to adequately define the known and suspected contamination. A Remedial Action Work Plan and/or Soil Management Plan shall be prepared and submitted to the SCCDEH for their approval to demonstrate that cleanup standards shall be met for the development of the site and the site meets all applicable environmental screening levels. All measures identified in the plan(s) shall be implemented during all phases of construction, as applicable.</p> <p>Evidence of regulatory oversight and approved plan(s) shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee of the City of San José for approval prior to the issuance of any grading permits.</p>
<p><b>Impact HAZ-2:</b> Groundwater monitoring wells could be encountered during or after project construction. If encountered, these structures could pose a hazard to construction workers and future development on the site. <b>(Less than Significant Impact with Mitigation Incorporated)</b></p>	<p><b>MM HAZ-2.1:</b> Prior to issuance of any grading permits, the project applicant shall research well records from Valley Water to locate abandoned wells at the site. If the wells are identified, or subsequently encountered during earthwork activities, the wells shall be properly destroyed in accordance with Valley Water Ordinance 90-1.</p>

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## **Significant Unavoidable Impacts**

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

### **Summary of Alternatives to the Proposed Project**

CEQA requires that an Environmental Impact Report (EIR) identify alternatives to the project as proposed. The CEQA Guidelines state that an EIR must identify alternatives that would feasibly attain the most basic objectives of the project but avoid or substantially lessen the project's significant environmental effects or would further reduce impacts that are considered less than significant with the incorporation of identified mitigation. A summary of the project alternatives follows. A full analysis of the project alternatives is provided in Section 7.0 of this Draft EIR.

#### Location Alternative

Graniterock currently operates another facility on a roughly 7.5-acre site located at 11711 Berryessa Road in San José. The site could be utilized to achieve some of the objectives of the project by converting the current operations at the facility. However, the limited size of the site would not allow the project to achieve the same objectives that are proposed on the project site, namely the overall increase in throughput and construction of a new aggregate distribution facility, asphalt plant, cementitious distribution facility, and concrete plant.

Additionally, even if the project could be implemented at 11711 Berryessa Road property in a manner that achieves the project objectives, it would not avoid or lessen the severity of the project's impacts, and may even increase impacts in some areas. The project would still require construction and tree removal, thus resulting in the same potential impact to nesting birds. However, the 11711 Berryessa Road property is located directly adjacent to Coyote Creek, and substantially increasing operations at the site may result in additional biological impacts to special status plant and animal species in the riparian corridor that would not otherwise occur with the proposed project. Also, the project would still result in a similar level of GHG emissions and, therefore, would not avoid associated impacts. Further, there is a history of soil and groundwater contamination on and adjacent to the Berryessa site, as well as existing groundwater monitoring wells on the site, meaning the project would result in similar hazards and hazardous materials impacts. For these reasons, this alternative is not considered further.

#### No-Project – No Development Alternative

The No Project – No Development Alternative would retain the existing operations on the project site. If the project site were to remain as is, there would be no significant impacts related to biological resources since construction and tree removal would not occur, nor would there be impacts related to cultural resources or hazards and hazardous materials since no ground disturbing activities would occur that may encounter buried cultural resources, contamination, or groundwater monitoring wells. Although this alternative would avoid an increase in GHG emissions, current operational emissions from the existing facility are above the relevant CEQA threshold and would be considered significant if associated with a new development proposal. As a result, this project would not avoid ongoing emissions that are currently above a level that would be considered a significant GHG impact, but would lessen the severity of the significant GHG impact that would occur with the proposed project. This alternative would not meet any of the project objectives.

### Reduced Throughput Alternative

The project would result in significant impacts related to biological resources, GHG emissions, and hazards and hazardous materials, all of which would be reduced to less than significant levels with implementation of mitigation measures. The biological resources, cultural resources, and hazards and hazardous materials impacts would result from tree removal and ground disturbance during construction and would occur with most potential alternative iterations of the project, thus requiring mitigation to reduce impacts to less than significant levels. The purpose of the Reduced Throughput Alternative would be to reduce the GHG emissions impact to a level that no longer requires mitigation to be considered less than significant.

The net increase in GHG emissions associated with the project site would exceed both the operational and stationary source thresholds. The net increase in operational emissions from non-stationary sources would be 1,887 MT CO<sub>2</sub>e, exceeding the threshold by 1,227 MT CO<sub>2</sub>e. Operational emissions would need to be reduced by roughly 13 percent to be below the threshold. Similarly, stationary source emissions would total 12,240 MT CO<sub>2</sub>e, exceeding the threshold by 2,240 MT CO<sub>2</sub>e. Stationary source emissions would need to be reduced by roughly 21 percent to be below the threshold. The stationary source emissions are all associated with the proposed asphalt plant. Therefore, reducing the throughput of the asphalt plant by 21 percent would reduce associated GHG emissions in a corresponding manner. The operational emissions are associated with all other operations on the site. Reducing the throughput of the remaining operations by 13 percent would reduce associated GHG emissions in a corresponding manner.

This alternative would meet all the project objectives, albeit to a lesser degree than the proposed project, and would reduce GHG emissions to a level that no longer requires mitigation to be considered less than significant. However, the mitigation proposed by the project would achieve the same reduction in emissions as this alternative. As a result, the net benefit of this alternative is negligible when compared to the proposed project and would come at the expense of achieving the project objectives to a lesser degree than the proposed project.

### **Environmentally Superior Alternative**

The environmentally superior alternative is the No Project – No Development Alternative which would not meet any of the project objectives. Beyond the No Project – No Development Alternative, the Reduced Throughput Alternative would be the environmentally superior alternative as it would reduce GHG emissions without the need for mitigation.

### **Areas of Public Controversy**

Areas of public concern identified during the Notice of Preparation (NOP) scoping process include:

- Incompatibility with existing and planned land uses in the project vicinity
- Air quality impacts
- GHG impacts
- Presence of wells on the site

## **SECTION 1.0 INTRODUCTION**

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### **1.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT**

The City of San José, as the Lead Agency, has prepared this Draft Environmental Impact Report (EIR) for the Graniterock Capitol Site Modernization Plan Project in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

As described in CEQA Guidelines Section 15121(a), an EIR is an informational document that assesses potential environmental impacts of a proposed project, as well as identifies mitigation measures and alternatives to the proposed project that could reduce or avoid adverse environmental impacts (CEQA Guidelines 15121(a)). As the CEQA Lead Agency for this project, the City of San José is required to consider the information in the EIR along with any other available information in deciding whether to approve the project. The basic requirements for an EIR include discussions of the environmental setting, significant environmental impacts including growth-inducing impacts, cumulative impacts, mitigation measures, and alternatives. It is not the intent of an EIR to recommend either approval or denial of a project.

### **1.2 EIR PROCESS**

#### **1.2.1 Notice of Preparation and Scoping**

In accordance with Section 15082 of the CEQA Guidelines, the City of San José prepared a Notice of Preparation (NOP) for this EIR. The NOP was circulated to local, state, and federal agencies on January 14, 2021. The standard 30-day comment period concluded on February 15, 2021 and was subsequently extended to February 23, 2021 to allow additional time for comments. The NOP provided a general description of the proposed project and identified possible environmental impacts that could result from implementation of the project. The City also held a public scoping meeting on January 25, 2021 to discuss the project and solicit public input as to the scope and contents of this EIR. The meeting was held online due to public health requirements related to COVID-19. Appendix A of this EIR includes the NOP and comments received on the NOP.

#### **1.2.2 Draft EIR Public Review and Comment Period**

Publication of this Draft EIR will mark the beginning of a 45-day public review period. During this period, the Draft EIR will be available to the public and local, state, and federal agencies for review and comment. Notice of the availability and completion of this Draft EIR will be sent directly to every agency, person, and organization that commented on the NOP, as well as the Office of Planning and Research. Written comments concerning the environmental review contained in this Draft EIR during the 45-day public review period should be sent to:

City of San José  
Department of Planning, Building and Code Enforcement  
Attn: Maira Blanco, Environmental Project Manager  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San José CA 95113-1905  
Phone: (408) 535-7837  
Email: [Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)



### **1.3 FINAL EIR/RESPONSES TO COMMENTS**

Following the conclusion of the 45-day public review period, the City of San José will prepare a Final EIR in conformance with CEQA Guidelines Section 15132. The Final EIR will consist of:

- Revisions to the Draft EIR text, as necessary;
- List of individuals and agencies commenting on the Draft EIR;
- Responses to comments received on the Draft EIR, in accordance with CEQA Guidelines (Section 15088);
- Copies of letters received on the Draft EIR.

Section 15091(a) of the CEQA Guidelines stipulates that no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings. If the lead agency approves a project despite it resulting in significant adverse environmental impacts that cannot be mitigated to a less than significant level, the agency must state the reasons for its action in writing. This Statement of Overriding Considerations must be included in the record of project approval.

#### **1.3.1 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 and available for public inspection 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 15094(g)).

## **SECTION 2.0      PROJECT INFORMATION AND DESCRIPTION**

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### **2.1                  PROJECT LOCATION**

The approximately 22.18-acre project site is located at 120 Granite Rock Way in San José (APNs 462-17-024 and 462-17-025). See Figure 2.1-1: Regional Map, Figure 2.1-2: Vicinity Map, and Figure 2.1-3: Aerial Photograph. The site is currently developed with an existing recycling, manufacturing, and distribution facility for aggregate, asphalt, concrete, and other construction materials. Granite Rock Way forms a cul-de-sac that bisects the eastern portion of the site, with one driveway providing access to the material processing area to the west, and one driveway providing access to the equipment storage and maintenance area to the east.

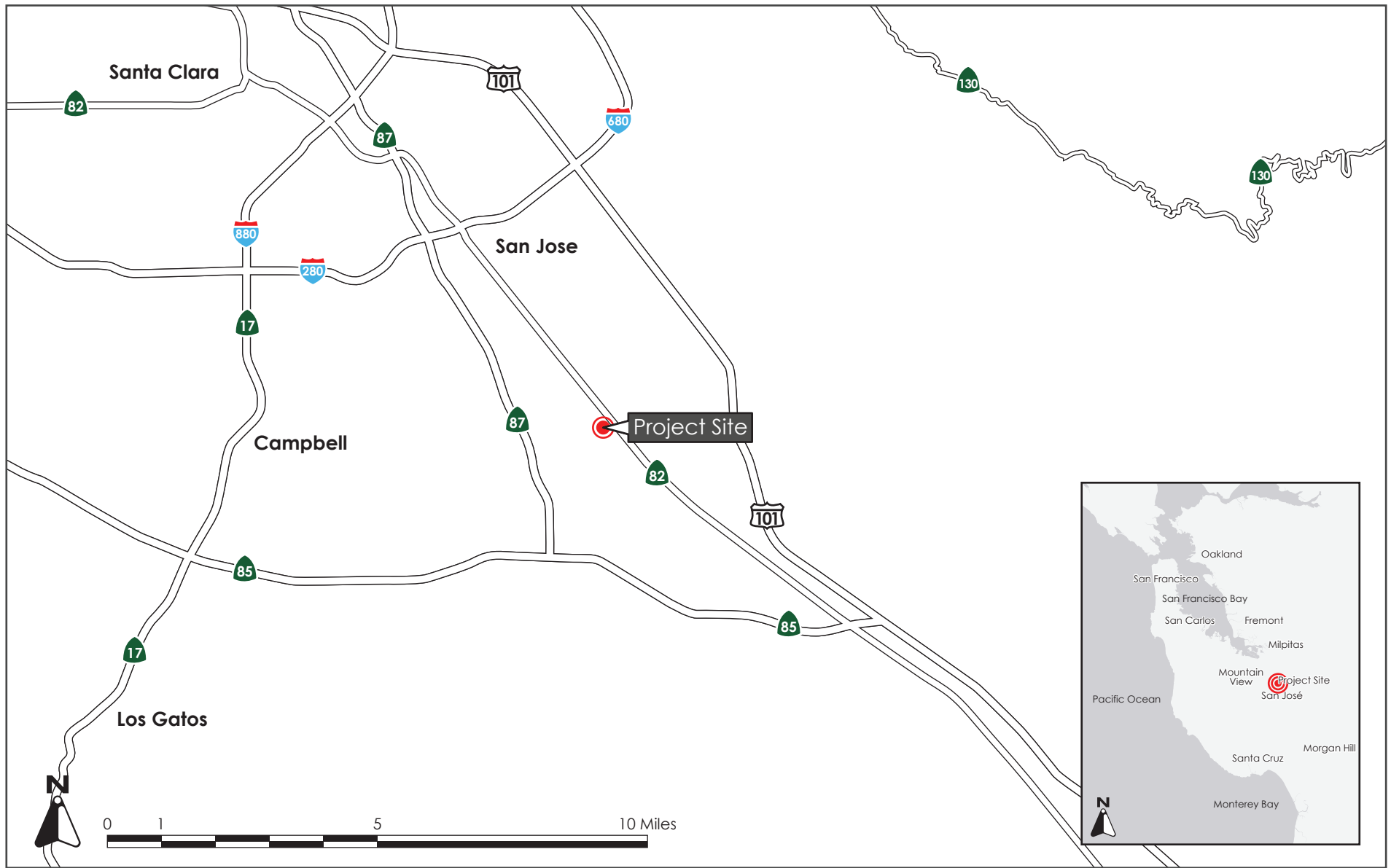
### **2.2                  PROJECT DESCRIPTION**

The project proposes a General Plan Amendment, Planned Development Rezoning, and Planned Development permit to facilitate proposed changes in operations at the existing recycling, manufacturing, and distribution facility for aggregate, asphalt, concrete, and other construction materials. Currently, aggregate and other materials are transported to the site via rail and truck, with a majority of product transported by truck. At the site, aggregate, concrete and asphalt products are produced or recycled and these products and other construction materials are then distributed by truck to customers throughout the Bay Area and the greater region. As described in further detail in Section 2.2.2 below, the project proposes an expansion of the current concrete plant, aggregate and other construction materials distribution facility, and recycle yard operations. The project also includes the addition of an asphalt plant and cementitious distribution facility. The existing equipment storage and maintenance yard would be removed from the site. In addition, the existing rail spur would be extended to accommodate roughly 55 railcars with an increase in unloading capacity to 2,000 tons per hour. The expanded facility would operate 24 hours per day, seven days per week. Development of the project would also result in the removal of 47 trees on the site, 43 of which are ordinance-size

#### **2.2.1              General Plan and Zoning**

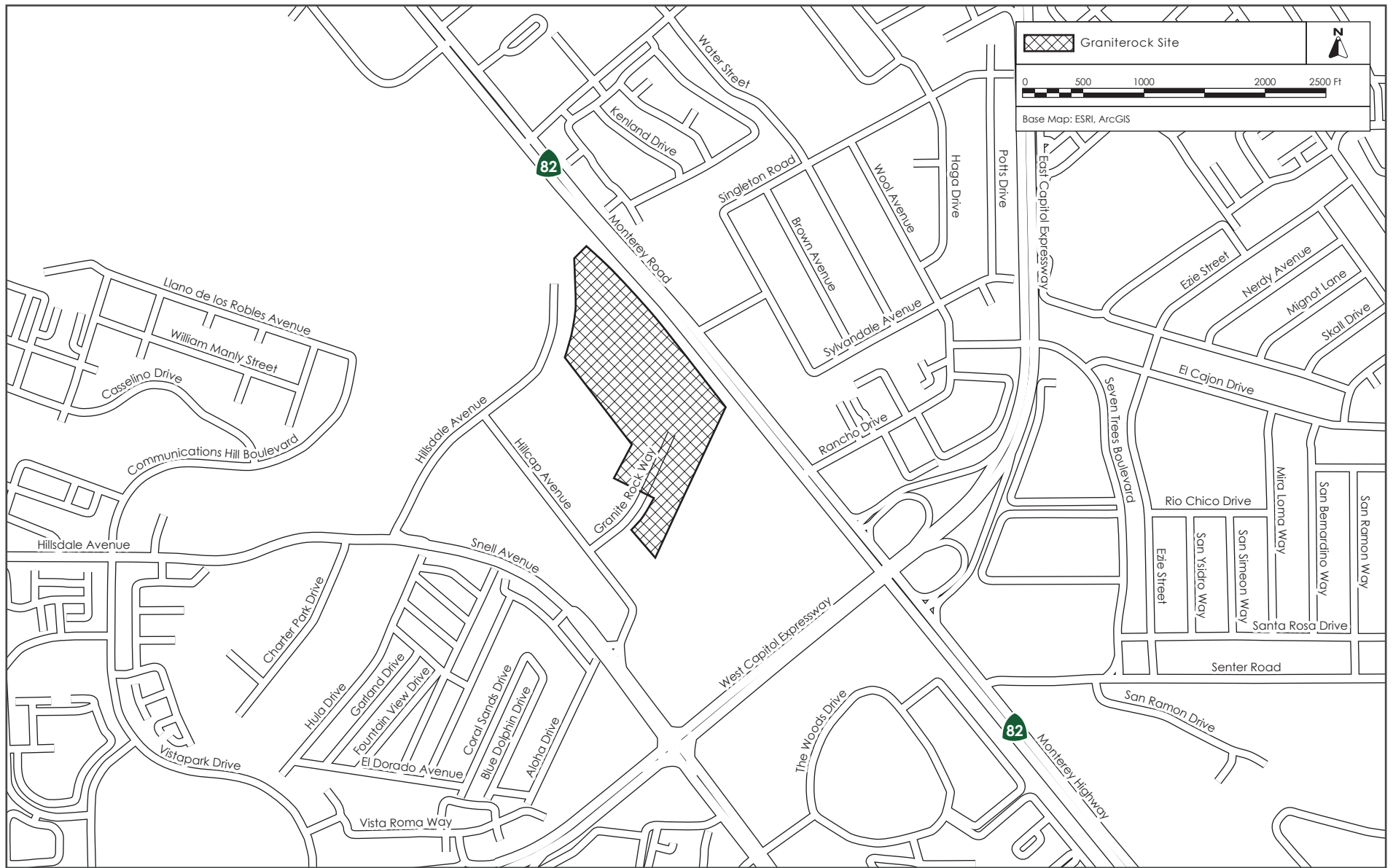
The site is currently designated as Combined Industrial/Commercial (CIC) under the Envision San José 2040 General Plan, which allows for a Floor Area Ratio (FAR) of 1 to 12 (up to 24 stories) and a significant amount of flexibility for the development of a varied mixture of compatible commercial and industrial uses, including manufacturing, in order to maintain an industrial character. The site has an IP Industrial Park Zoning District on the western portion of the site and a Planned Development (PD) Zoning District with a base Zoning District of IP Industrial Park on the eastern portion of the site, which is intended for a wide variety of industrial uses and which, in combination with a Planned Development Permit, provides for more flexible development regulations consistent with the General Plan.

The project proposes a General Plan Amendment to change the land use designation to Heavy Industrial (HI) and a rezoning to a PD Zoning District with a base zoning district of HI Heavy Industrial. The proposed PD Zoning District would facilitate the proposed modernization of the existing facility. The proposed HI General Plan land use designation is intended for industrial uses



REGIONAL MAP

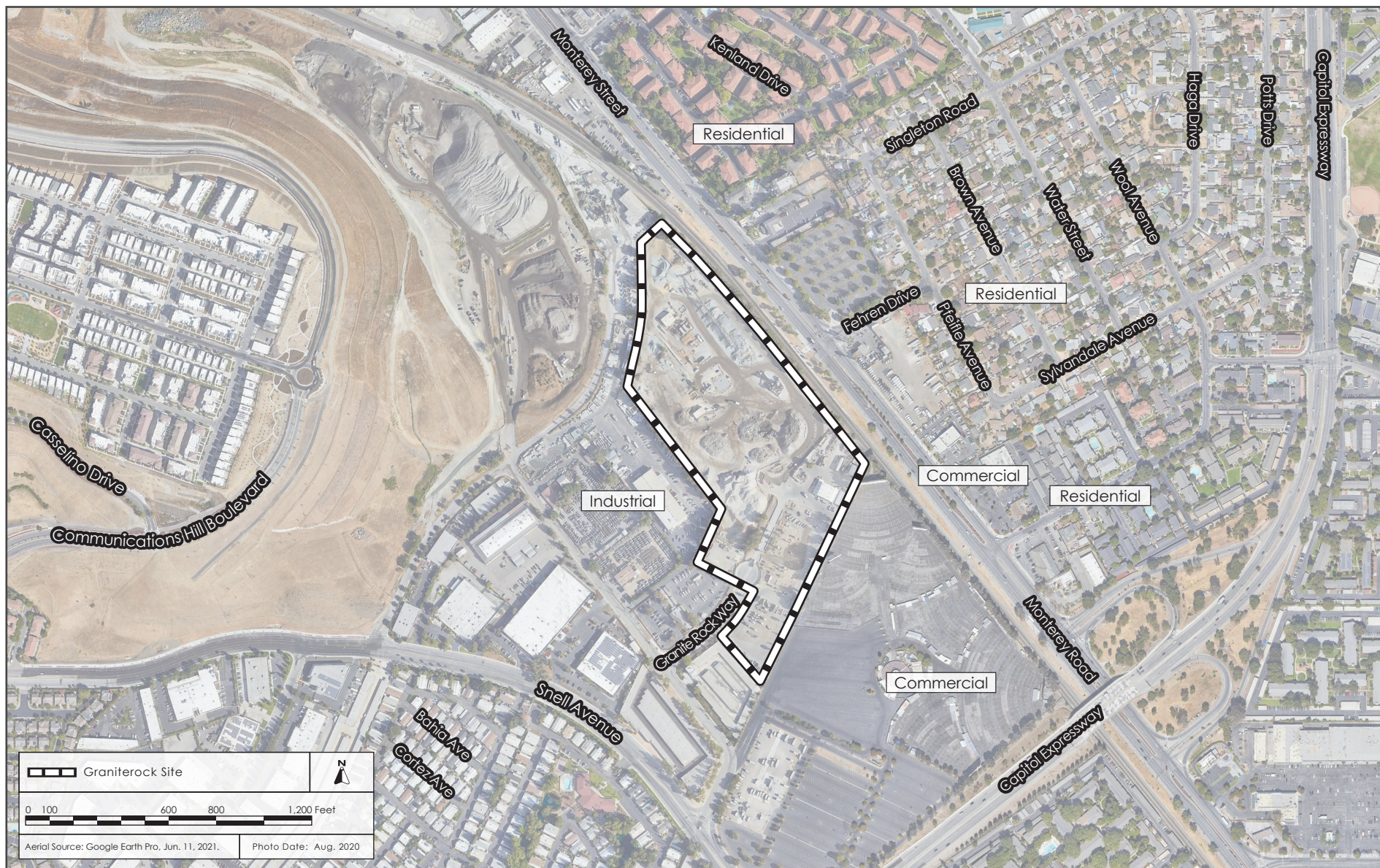
FIGURE 2.1-1



VICINITY MAP

FIGURE 2.1-2





AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.1-3



with nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or welfare are best segregated from other uses. Extractive and primary processing industries, such as the use on-site, are typical of this category. The HI land use designation has a maximum FAR of up to 1.5.<sup>1</sup>

## **2.2.2      Existing and Proposed Operations**

Current operations on-site consist of a concrete plant, distribution facility for aggregate and other construction materials, recycle yard, and maintenance/construction equipment dispatch yard. The aggregate distribution operation utilizes an existing 25-railcar capacity spur track with an unloading capacity of 400 tons per hour. The current hours of operation for the facility are Monday through Friday 6:00 AM to 8:00 PM. The existing site plan is shown on Figure 2.2-1.

Consistent with the proposed HI Heavy Industrial General Plan land use designation and HI base zoning district, the project proposes an expansion of the current concrete plant, aggregate and other construction materials distribution facility, and recycle yard operations. The project also includes the addition of an asphalt plant and cementitious<sup>2</sup> distribution facility. The existing equipment storage and maintenance yard would be removed from the site. In addition, the existing rail spur would be extended to accommodate up to 55 railcars with an increase in unloading capacity to 2,000 tons per hour. The entire site, which is currently entirely unpaved, would be paved. The expanded facility would operate 24 hours per day, seven days per week. A site plan of the proposed facility is shown on Figure 2.2-2.

### **2.2.2.1      *Aggregate Distribution Facility***

The site currently receives aggregate from the A.R. Wilson Quarry in Aromas, California (approximately 45 miles south of the site) via railcar and truck. The railcars arrive on-site between the hours of 12:00 AM and 5:00 AM and are stored on an on-site spur track with a 25-railcar capacity located in the northern portion of the site along Monterey Road. The railcars are then unloaded by employees during the typical operating hours of the facility (6:00 AM to 8:00 PM) and the aggregate is stockpiled in open piles. This aggregate is then sold to customers and loaded onto haul trucks for distribution or is used on-site to make concrete, which is then sold and distributed by truck to customers.

A new railcar offloading system and nine 122-foot high silos would be constructed in the northern portion of the site to enable aggregate to be offloaded, handled, and stored in a fully enclosed environment, instead of the open piles which are utilized now (refer to Figure 2.2-3). The project would also include air handling systems within the facility to abate dusting from the offloading and storage operation. Aggregate customers would also be able to drive under the silos 24-hours per day and self-load product on demand.

Currently there is a single railcar unloading operation capable of unloading a railcar at the rate of 400 tons/hour. In order to increase the unloading rate and efficiency of the facility, a double railcar unloading operation would take its place capable of unloading at a combined rate of 2,000 tons/hour. The on-site spur track would be expanded to the eastern portion of the site to accommodate up to 55

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<sup>1</sup> The maximum FAR of 1.5 only applies to occupied buildings, not silos or production plants.

<sup>2</sup> Cementitious materials are various materials used in the production of concrete.

railcars. Graniterock would move the railcars within the site with its own private locomotive to position the cars over the unloading pit and then move them out of the way for the next set of railcars. This operation is anticipated to happen continuously between the hours of 3:00 AM to 7:30 PM.

Overall, the annual throughput of the aggregate distribution facility would increase from 150,000 tons/year to 1,300,000 tons/year, with 715,000 tons/year used on-site to produce asphalt and concrete and 585,000 tons/year exported commercially.

#### **2.2.2.2      *Asphalt Plant***

The project would construct a new asphalt plant in the central portion of the site (refer to Figure 2.2-4). The asphalt plant would reach a maximum height of 98 feet. Aggregate would be conveyed directly from the newly constructed silos to the aggregate distribution facility for the asphalt manufacturing operation. As a result, all materials would be handled within a fully enclosed environment. The annual throughput of the asphalt plant would be 750,000 tons/year.

#### **2.2.2.3      *Cementitious Distribution Facility***

The project would construct a new cementitious railcar unloading, storage and distribution facility in the northern portion of the site (refer to Figure 2.2-5). The facility would reach a maximum height of 65 feet. Cementitious materials would be handled within a full enclosed system, combined with air abatement devices to mitigate air and noise emissions. The annual throughput of the cementitious distribution facility would be 100,000 tons/year, with 70,000 tons/year used on-site to produce concrete and 30,000 tons/year exported commercially.

#### **2.2.2.4      *Concrete Plant***

A new concrete plant would be constructed in the central portion of the site to replace the existing concrete facility on the site (refer to Figure 2.2-6). The concrete plant would reach a maximum height of 113 feet. The new concrete plant would enable aggregate to be conveyed directly from the newly constructed silos associated with the aggregate distribution facility and cementitious distribution facility so that all materials could be handled within an enclosed environment. A modern concrete truck washout and reclaiming system would be installed to reclaim left-over concrete, sand and water for reuse. The maximum annual throughput of the concrete plant would increase from 70,000 cubic yards/year to 300,000 cubic yards/year.

#### **2.2.2.5      *Recycle Yard***

Currently, a recycle yard consisting of open-air piles of construction materials such as recycled asphalt and concrete, soil, sand and other materials is located in the central portion of the site. These materials are delivered via truck, sorted and processed on-site, and exported via truck to the end users.

Under the proposed project, the recycle yard would shift to the eastern portion of the site and receive the same amount of materials (650,000 tons/year). However, instead of exporting all the materials as is the practice under existing conditions, the project would utilize 350,000 tons/year for on-site asphalt processing, resulting in a reduction in export of recycled materials.



### 2.2.2.6 *Equipment Storage and Maintenance Yard*

The eastern portion of the project site is currently utilized for equipment storage and maintenance. These operations would be removed from the site, and the area would be utilized for the relocated recycle yard and the new rail spur.

### 2.2.2.7 *Ancillary Facilities*

A new one-story 10,000-square-foot materials warehouse and storage facility would be constructed in the western portion of the site to support existing and proposed site operations. Additionally, a new one-story 5,500-square-foot quality assurance/quality control (QA/QC) facility with office space would be constructed in the southern portion of the site to support existing and proposed site operations.

Table 2.2-1 summarizes the existing and proposed facilities and operations described above..

<b>Table 2.2-1: Existing and Proposed Operations</b>	
<b>Existing Operations</b>	<b>Proposed Operations</b>
<b><u>Aggregate Distribution Facility</u></b> Imported: 25,000 tons/year (rail); 125,000 tons/year (truck) Exported: 35,000 tons/year (truck) Used on-site: 115,000 tons/year 25-railcar spur track Railcar unloading capacity: 400 tons/hour Open truck loading and unloading Open conveyor/front end loader distribution Open bunker storage	<b><u>Aggregate Distribution Facility</u></b> Imported: 1,300,000 tons/year (rail) Exported: 585,000 tons/year (truck) Used on-site: 715,000 tons/year 55-railcar spur track Enclosed railcar unloading capacity: 2,000 tons/hour Enclosed truck self-loading Nine 5,000-ton enclosed storage silos
<b><u>Asphalt Plant</u></b> Not currently present on-site	<b><u>Asphalt Plant</u></b> Exported: 750,000 tons/year (truck) Two truck lane distribution Six 250-ton enclosed silos Crumb rubber blending capacity Six 75-ton liquid asphalt cement (AC) storage tanks Emulsion manufacturing facility and storage tanks
<b><u>Cementitious Distribution Facility</u></b> Not currently present on-site	<b><u>Cementitious Distribution Facility</u></b> Imported: 100,000 tons/year (truck) Exported: 30,000 tons/year (truck) Used on-site: 70,000 tons/year Enclosed rail unloading and silo storage Two 4,000-ton storage silos and one 200-ton loadout silo
<b><u>Concrete Plant</u></b> Exported: 70,000 cubic yards/year (truck) One truck lane distribution Concrete wash out	<b><u>Concrete Plant</u></b> Exported: 300,000 cubic yards/year (truck) Three truck lane distribution Concrete wash out and concrete reclaiming system <sup>3</sup>

<sup>3</sup> The concrete wash out and concrete reclaiming system allows for the cleaning of used concrete off of equipment and reclamation of the concrete for reuse.

<b>Table 2.2-1: Existing and Proposed Operations</b>	
<b>Existing Operations</b>	<b>Proposed Operations</b>
<b><u>Recycle Yard</u></b> Materials: asphalt, concrete, blended (asphalt and concrete) Imported: 650,000 tons/year (truck) Exported: 650,000 tons/year (truck) Used on-site: 0 tons/year	<b><u>Recycle Yard</u></b> Materials: asphalt, concrete, blended (asphalt and concrete) Imported: 650,000 tons/year (truck) Exported: 300,000 tons/year (truck) Used on-site: 350,000 tons/year
<b><u>Equipment Storage and Maintenance Yard</u></b> Parts delivery for maintenance mobile mechanics Fuel delivery Mobile service vehicle Mobile equipment transport Asphalt grinders transport Small tools	<b><u>Equipment Storage and Maintenance Yard</u></b> Not proposed on-site

### **2.2.3 Site Access, Circulation, and Parking**

Access to the site is provided by Granite Rock Way, which currently extends into the interior of the site and terminates in a cul-de-sac. Under the proposed project, vehicles would enter and exit the project site via a two-way driveway at the new cul-de-sac. The driveway would align with Granite Rock Way so turn-movements would not be required when entering and exiting the driveway.

Passenger vehicles entering the site would be directed to a parking area west of the cul-de-sac and would not be permitted to access the operational areas of the site. Trucks entering the facility would proceed through the site in a one-way circulation pattern and exiting back onto Granite Rock Way (refer to Figure 2.2-7).

Parking for employees and visitors would be provided in the aforementioned parking area located west of the cul-de-sac. The parking area would include 75 spaces for passenger vehicles, as well as bicycle parking for employees. A paved truck parking area capable of accommodating up to 40 trucks would be located in the interior portion of the site along the southern boundary.

### **2.2.4 Construction**

The project would be constructed in three phases. Phase 1, which includes the aggregate distribution facility, concrete plant, and new rail spur, would occur in 2023. Phase 2, which would include the cementitious distribution facility, would occur in 2025. Phase 3, which would include the asphalt plant, would occur in 2027. Operations on the site would continue during construction. Development of the project would result in the removal of 47 trees on the site, 43 of which are ordinance-size.

## **2.3 PROJECT OBJECTIVES**

### **2.3.1 Project Applicant Objectives**

Pursuant to CEQA Guidelines Section 15124, the EIR must identify the objectives sought by the proposed project. The project applicant has stated the following objectives:

- Modernize the existing recycling, manufacturing, and distribution facility for aggregate, asphalt, concrete, and other construction materials on the site to increase throughput and operational efficiency by constructing a new aggregate distribution facility, asphalt plant, cementitious distribution facility, and concrete plant.
- Amend the General Plan land use designation on the site from CIC to HI and rezone the entire site from IP and IP(PD) to HI(PD) to facilitate the proposed modernization of the existing facility.
- Minimize air quality, noise, and visual impacts by constructing state-of-the-art processing facilities that allow processing activities to occur within enclosed areas.
- Reduce the number of truck trips associated with the delivery of aggregate to the site by constructing an expanded railcar spur track and increasing railcar unloading capacity and efficiency, allowing the facility to receive additional aggregate via rail.
- Reduce environmental impacts associated with transporting asphalt and concrete in the region by increasing the supply of asphalt and concrete in a central location in close proximity to construction projects.

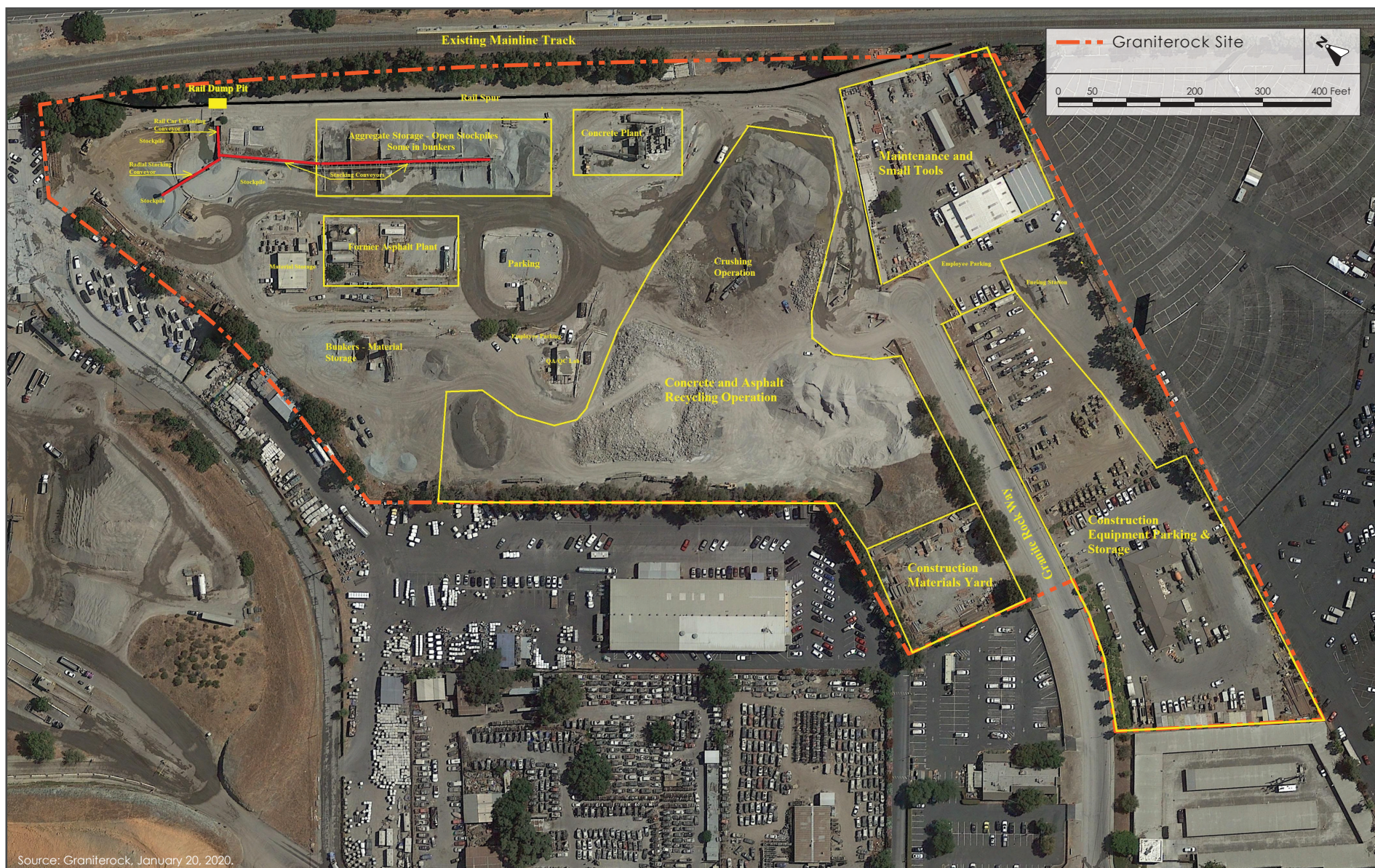
## 2.4 USES OF THE EIR

The EIR provides decision makers in the City with environmental information to use in considering the proposed project. It is intended that this Draft EIR be used for the discretionary approvals necessary to implement the project, as proposed. These discretionary actions include, but are not limited to, the following:

- General Plan Amendment
- Planned Development (PD) Rezoning
- Planned Development (PD) Permit

Ministerial permits from the City would also be required, including the issuance of demolition, building, encroachment, utility occupancy permits, and other Public Works clearances including a grading permit.

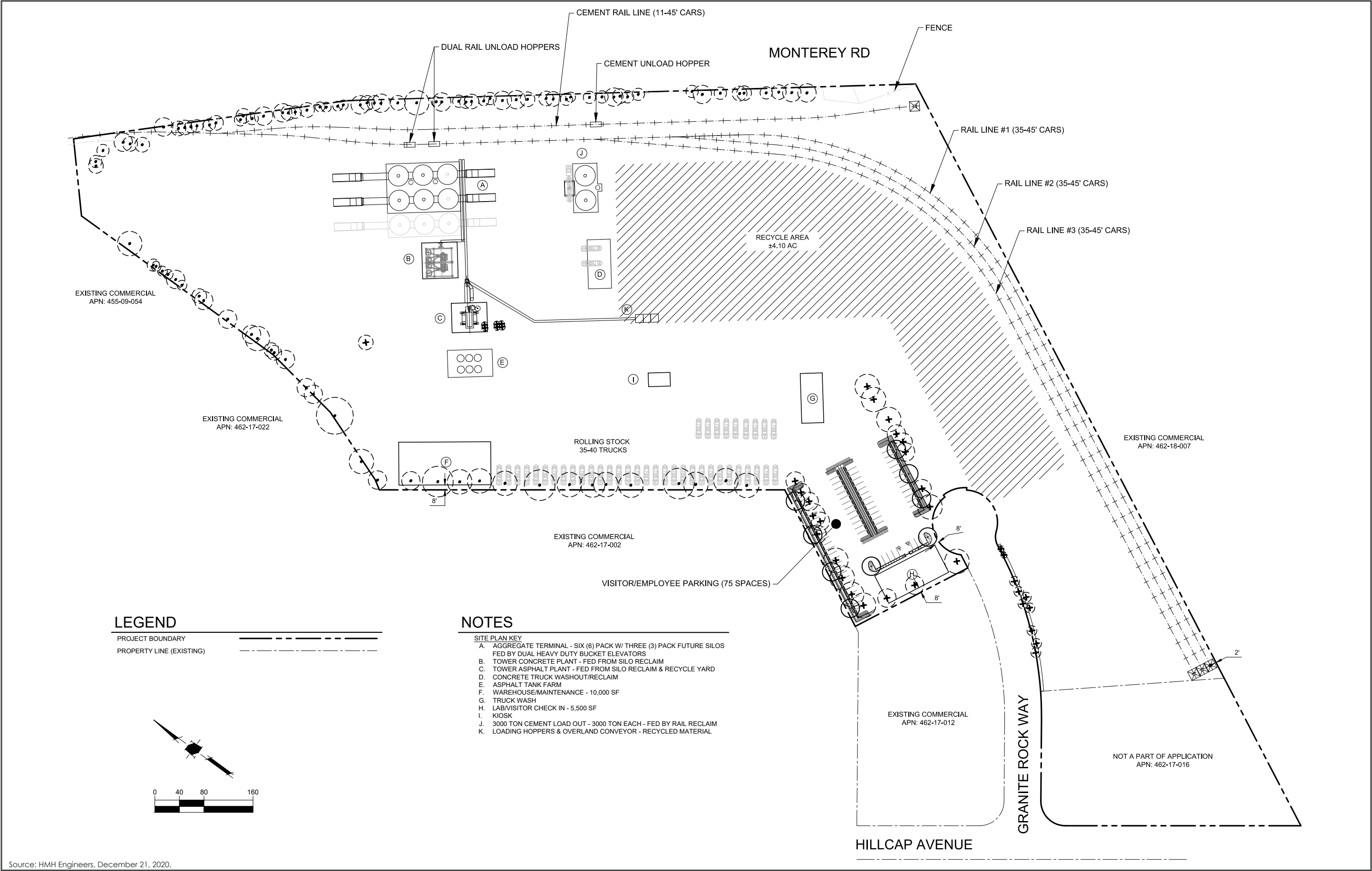




EXISTING SITE PLAN

FIGURE 2.2-1

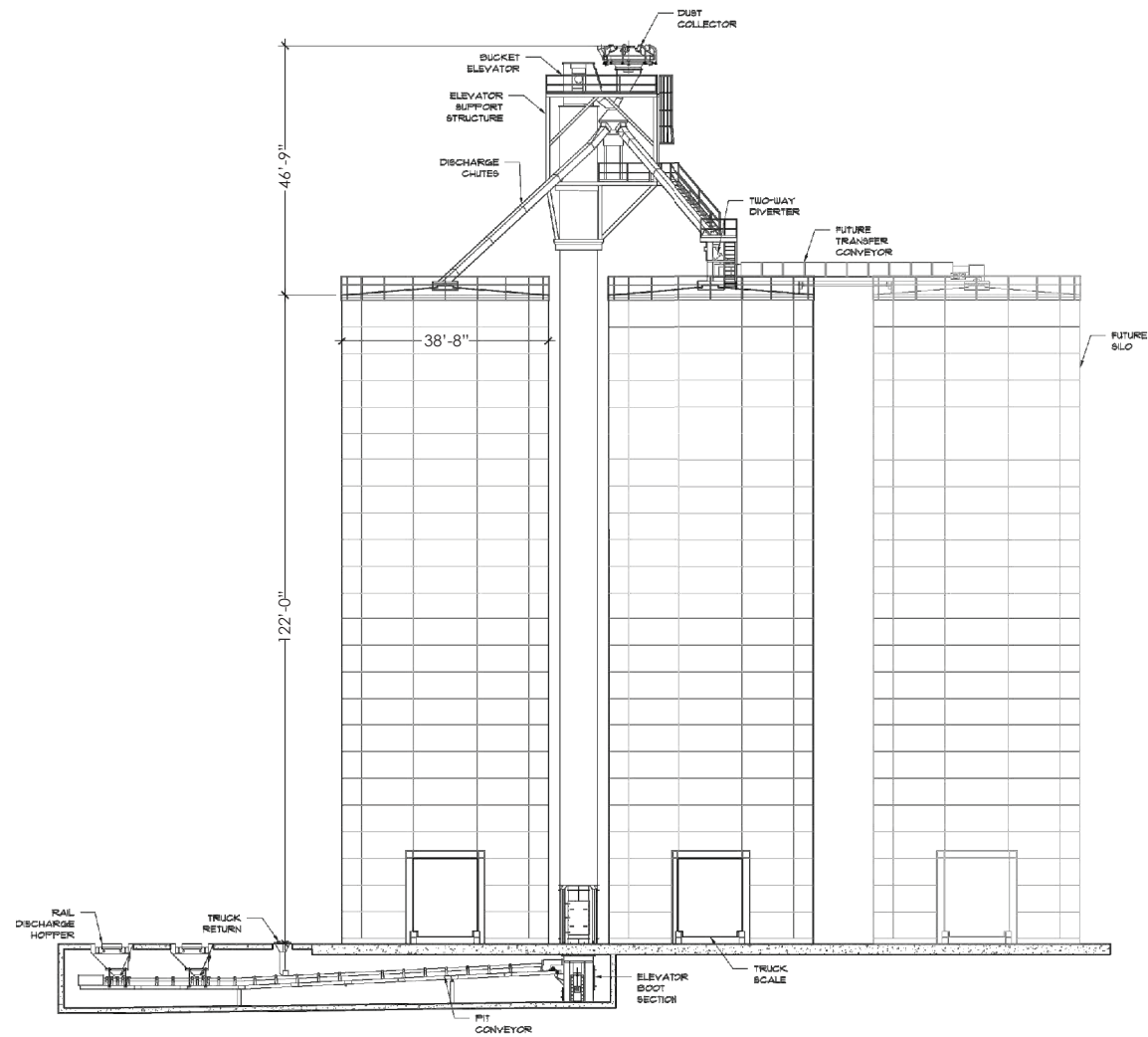




Source: HMM Engineers, December 21, 2020.

CONCEPTUAL SITE PLAN

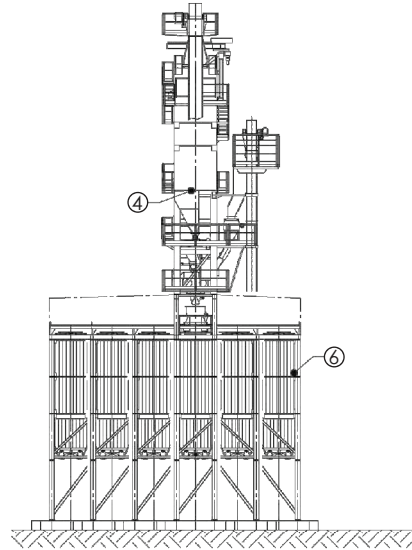
FIGURE 2.2-2



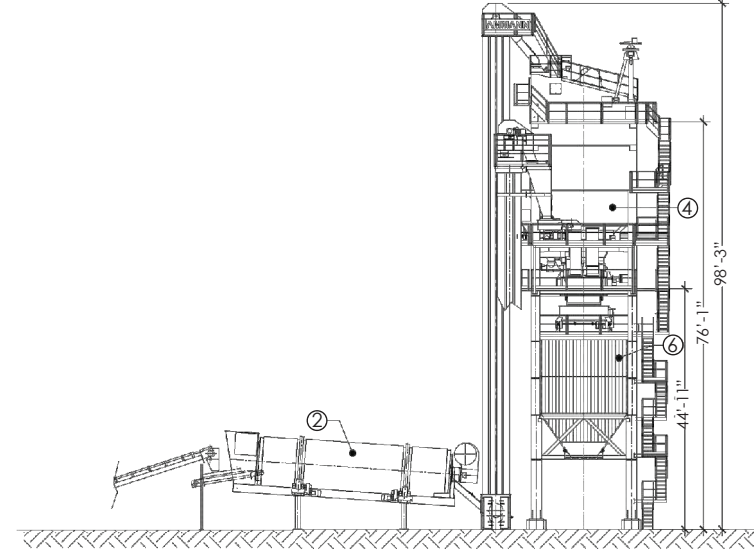
Source: PA-PO Industrial Systems, October 21, 2020.

AGGREGATE DISTRIBUTION FACILITY ELEVATIONS

FIGURE 2.2-3



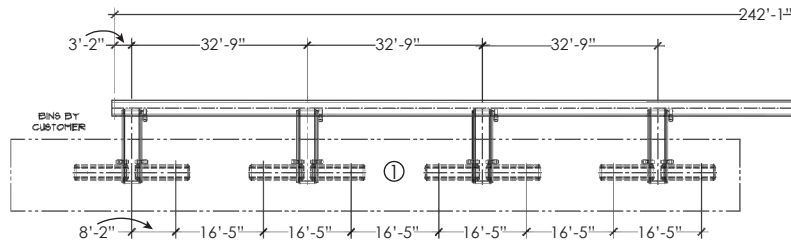
ELEVATION



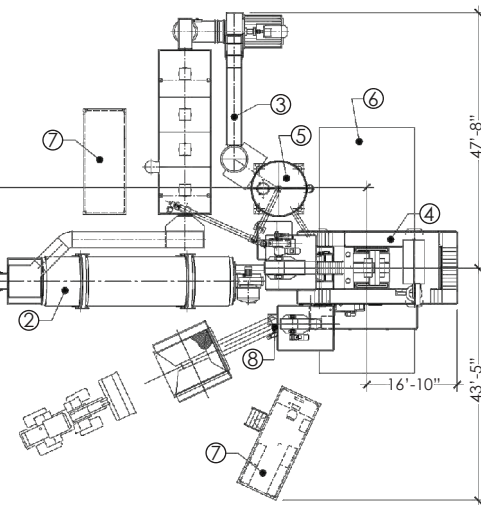
ELEVATION

EQUIPMENT

1. COLD FEED
  2. DRYER
  3. BAGHOUSE & STACK
  4. MIXING TOWER
  5. FILLER SYSTEM
  6. READY MIX SILO
  7. CONTROL CABIN/MCC
  8. RAP SYSTEM
- NOTE: BITUMEN SYSTEM - BY CUSTOMER  
BINS BY CUSTOMER

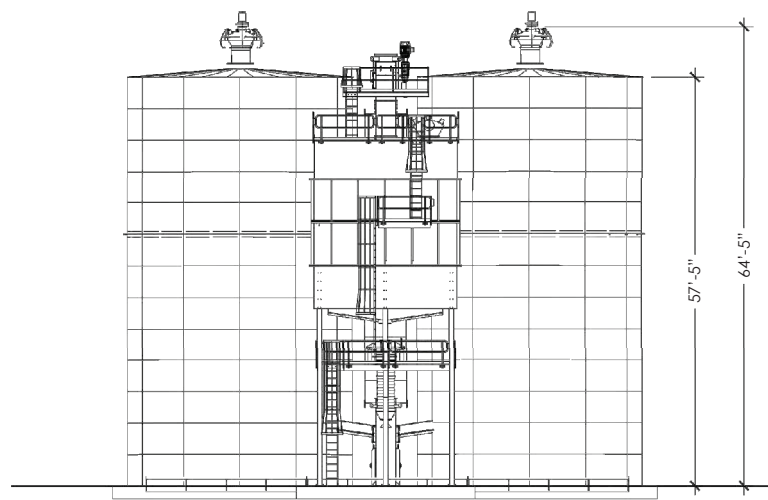


PLAN VIEW

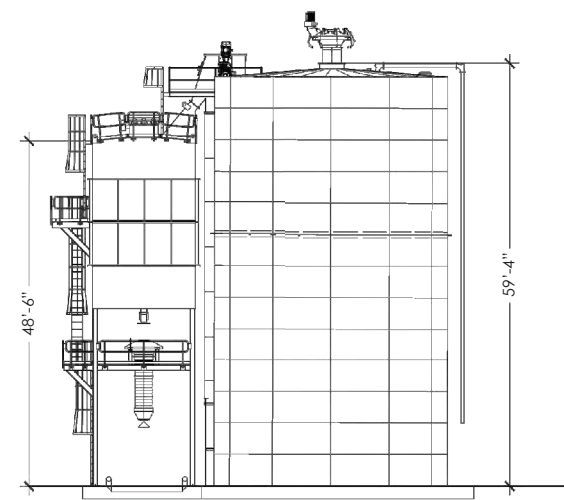


Source: PA-PO Industrial Systems, October 21, 2020.



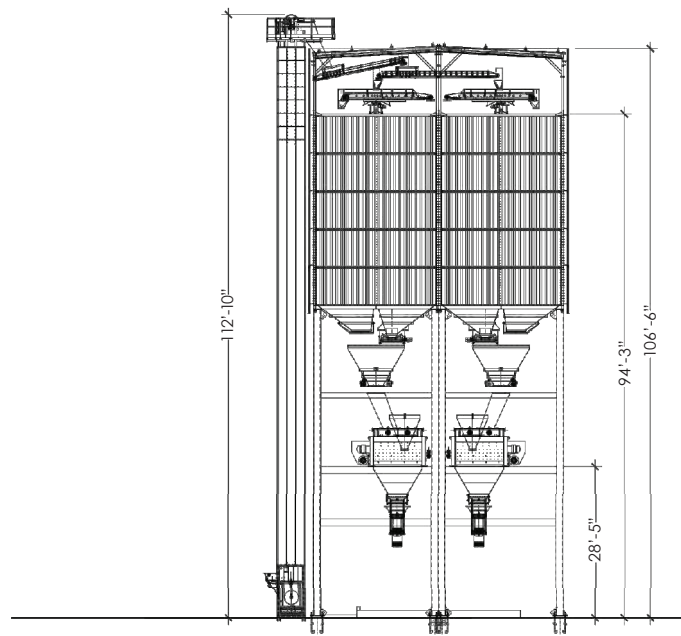


ELEVATION

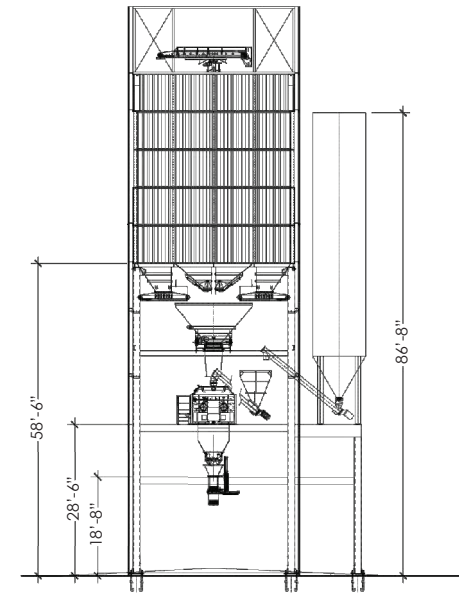


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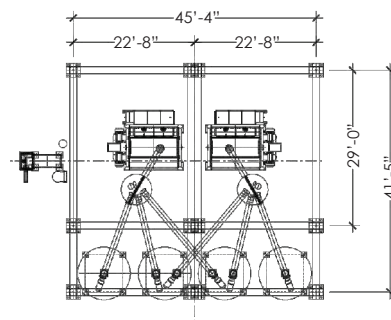
Source: PA-PO Industrial Systems, October 21, 2020.



ELEVATION



ELEVATION



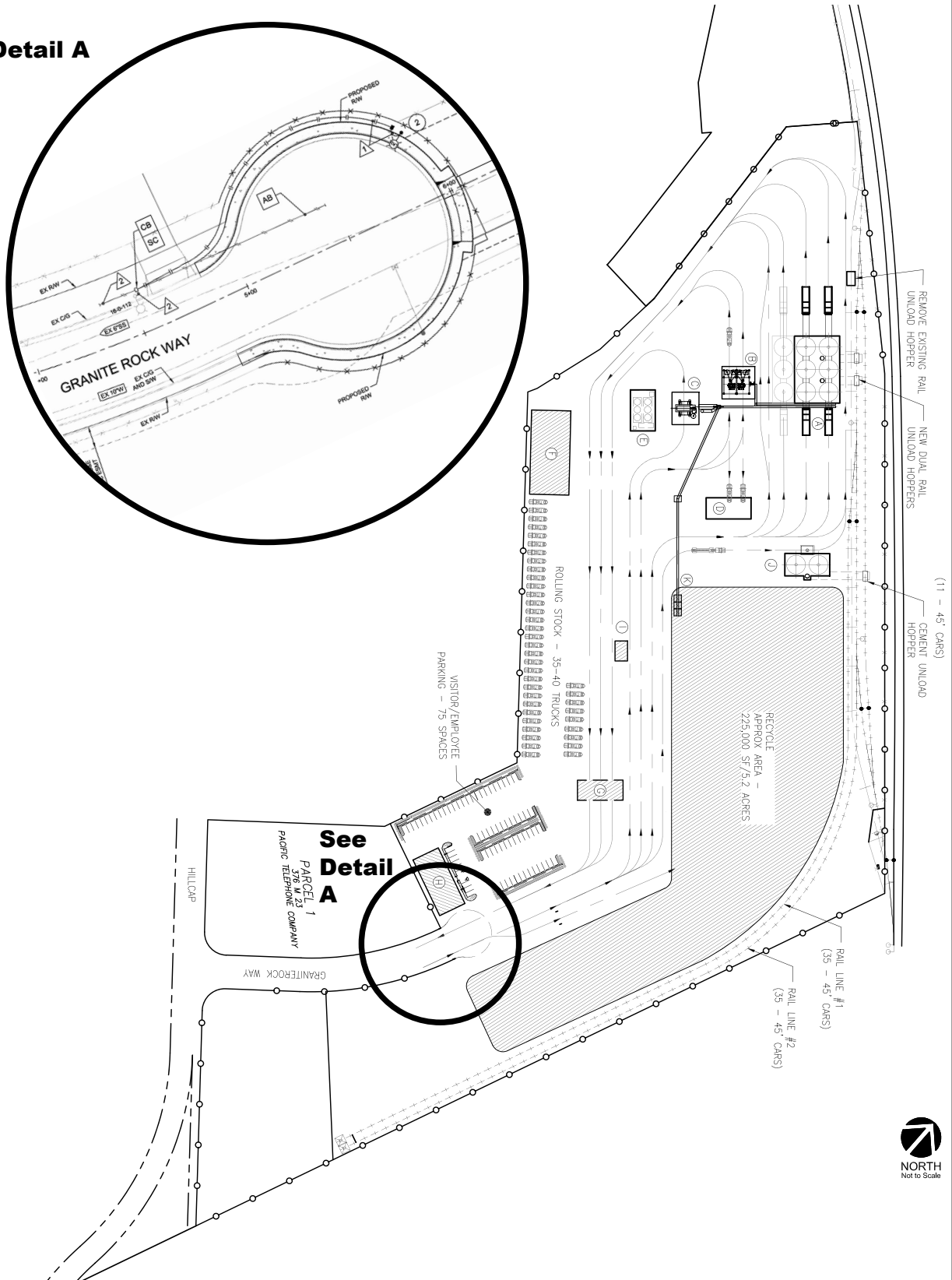
PLAN VIEW

Source: PA-PO Industrial Systems, October 21, 2020.

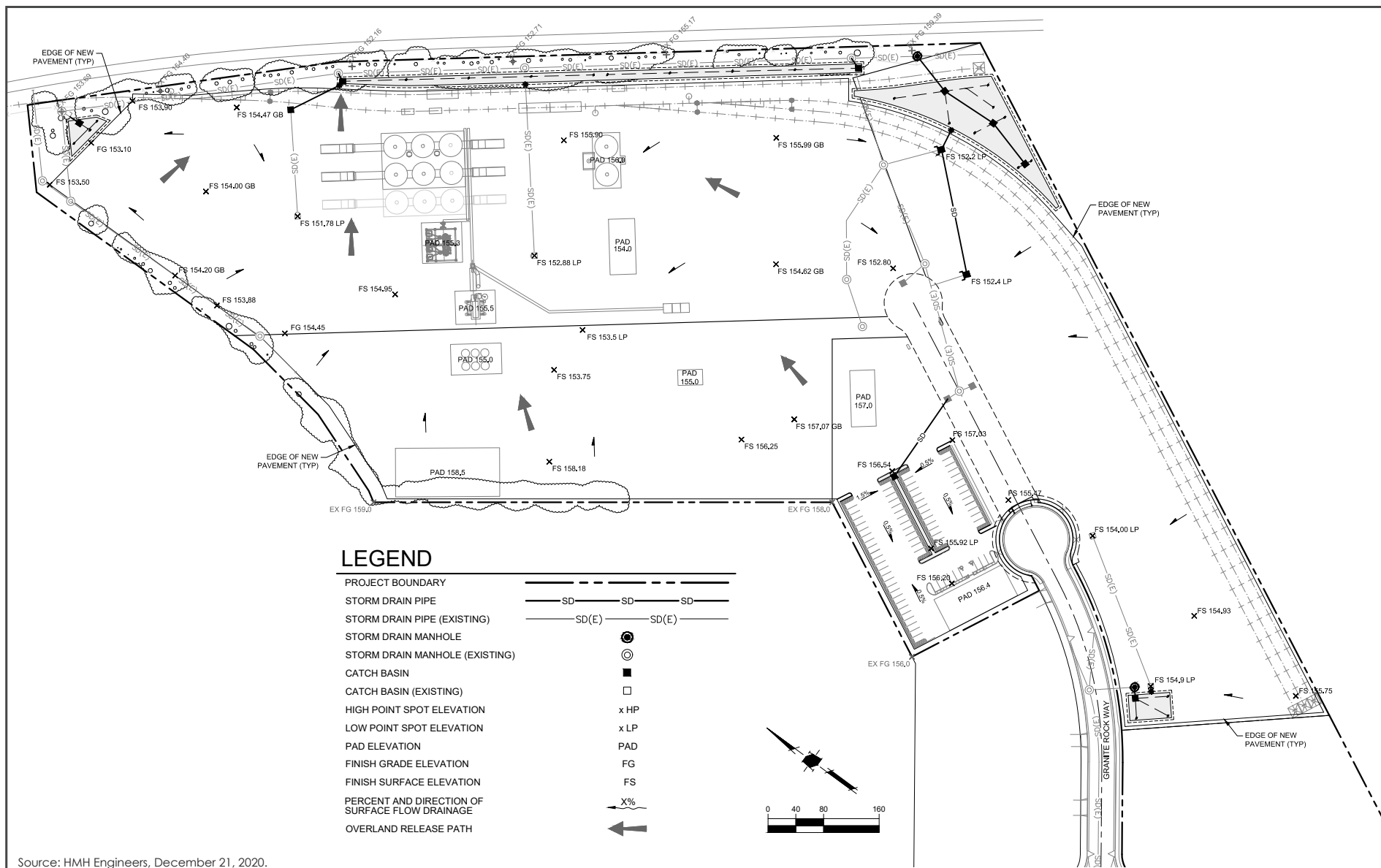
## CONCRETE PLANT ELEVATIONS

FIGURE 2.2-6

## Detail A



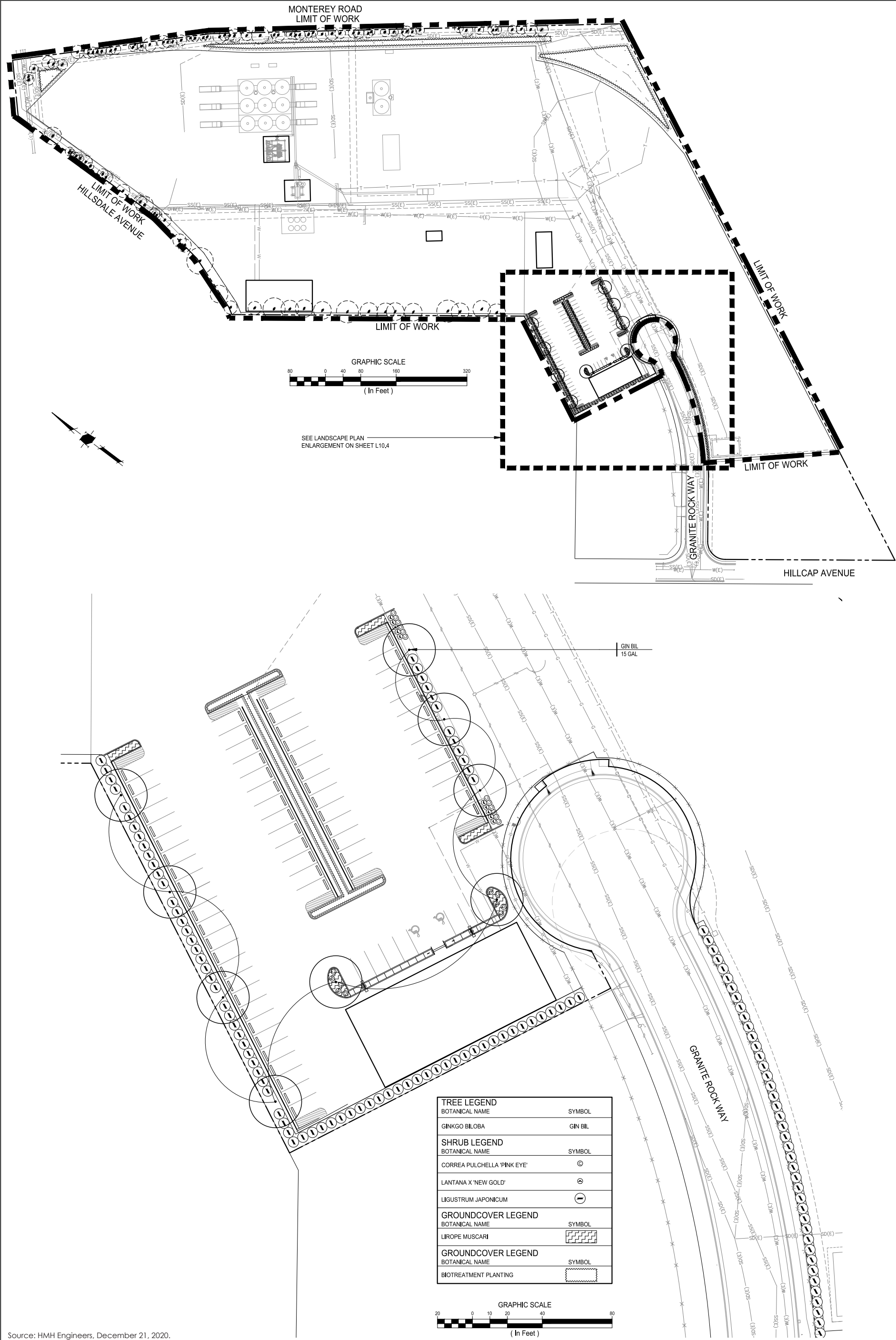
Source: Hexagon Transportation Consultants, Inc., December 1, 2020.



Source: HMM Engineers, December 21, 2020.

## STORMWATER CONTROL PLAN

FIGURE 2.2-8



Source: HMM Engineers, December 21, 2020.

## SECTION 3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION

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

3.1	Aesthetics	3.11	Land Use and Planning
3.2	Agriculture and Forestry Resources	3.12	Mineral Resources
3.3	Air Quality	3.13	Noise
3.4	Biological Resources	3.14	Population and Housing
3.5	Cultural Resources	3.15	Public Services
3.6	Energy	3.16	Recreation
3.7	Geology and Soils	3.17	Transportation
3.8	Greenhouse Gas Emissions	3.18	Tribal Cultural Resources
3.9	Hazards and Hazardous Materials	3.19	Utilities and Service Systems
3.10	Hydrology and Water Quality	3.20	Wildfire

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 includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts.

- **Project Impacts** – This subsection 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).
- **Cumulative Impacts** – This subsection discusses the project’s cumulative impact on the environmental subject. Cumulative impacts, as defined by CEQA, refer to two or more individual effects, which when combined, compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant effects taking place over a period of time. CEQA Guideline Section 15130 states that an EIR should discuss cumulative impacts “when the project’s incremental effect is cumulatively considerable.” The discussion does not need to be in as great detail as is necessary for project impacts, but is to be “guided by the standards of practicality and reasonableness.” The purpose of the cumulative analysis is to allow decision makers to better understand the impacts that might result from approval of past, present, and reasonably foreseeable future projects, in conjunction with the proposed project addressed in this EIR.

The CEQA Guidelines advise that a discussion of cumulative impacts should reflect both their severity and the likelihood of their occurrence (CEQA Guidelines Section 15130(b)). To accomplish these two objectives, the analysis should include either a list of past, present, and

probable future projects or a summary of projections from an adopted general plan or similar document (CEQA Guidelines Section 15130(b)(1)). This EIR uses the list of projects approach.

The analysis must determine whether the project's contribution to any cumulatively significant impact is cumulatively considerable, as defined by CEQA Guideline Section 15065(a)(3). The cumulative impacts discussion for each environmental issue accordingly addresses the following issues: 1) would the effects of all of past, present, and probable future (pending) development result in a significant cumulative impact on the resource in question; and, if that cumulative impact is likely to be significant, 2) would the contribution from the proposed project to that significant cumulative impact be cumulatively considerable?

Table 3.0-1 identifies the approved (but not yet constructed or occupied) and pending projects in the project vicinity that are evaluated in the cumulative analysis.

<b>Table 3.0-1: Cumulative Projects List</b>			
<b>Name and Location</b>	<b>Description</b>	<b>Distance to Proposed Project</b>	<b>Status</b>
PDA14-035-06: Communications Hill Phases 3 & 4 (northwest of the project site on the hillside area between Highway 87 and Monterey Road, north of Hillsdale Avenue and Southeast of Curtner Avenue)	Planned Development Permit Amendment to allow for the development of Phases 3 and 4 of the Communications Hill Project to construct 798 residences.	2,000 feet northwest	Under review
GP16-001/PDC16-007/PD18-007: Evans Lane (0 Evans Lane)	Construct 61 permanent supportive housing units.	2 miles northwest	Approved
H20-024: Monterey Mixed Use Project (4300 Monterey Road)	Construct 1,075 square feet of commercial space and 426 affordable residential units.	4,000 feet southeast	Approved
SP20-012: Blossom Hill Signature (605 Blossom Hill Road)	Signature project to construct one, six-story mixed-use residential/commercial building with 13,590 square feet of commercial space, 239 market rate units, and one five-story multifamily residential building with 89 affordable units.	2 miles south	Under review



For each resource area, cumulative impacts may occur over different geographic areas. For example, the project effects on air quality would combine with the effects of projects in the entire air basin, whereas noise impacts would primarily be localized to the surrounding area. The geographic area that could be affected by the proposed project varies depending upon the type of environmental issue being considered. Section 15130(b)(3) of the CEQA Guidelines states that lead agencies should define the geographic scope of the area affected by the cumulative effect. Table 3.0-2 provides a summary of the different geographic areas used to evaluate cumulative impacts.

<b>Table 3.0-2: Geographic Considerations in Cumulative Analysis</b>	
<b>Resource Area</b>	<b>Geographic Area</b>
Aesthetics	Project site and adjacent parcels
Agriculture and Forestry Resources	Countywide
Air Quality	San Francisco Bay Area Air Basin
Biological Resources	Project site and adjacent parcels
Cultural Resources	Project site and adjacent parcels
Energy	Energy provider's territory
Geology and Soils	Project site and adjacent parcels
GHGs	Planet-wide
Hazards and Hazardous Materials	Project site and adjacent parcels
Hydrology and Water Quality	Adjacent or nearby waterways (Coyote Creek watershed)
Land Use and Planning/Population and Housing	Citywide
Minerals	Identified mineral recovery or resource area
Noise and Vibration	Project site and adjacent parcels
Public Services and Recreation	Citywide
Transportation/Traffic	Citywide
Tribal Cultural Resources	Project site and adjacent parcels
Utilities and Service Systems	Citywide
Wildfire	Within or adjacent to the wildfire hazard zone

### 3.1 AESTHETICS

#### 3.1.1 Environmental Setting

##### 3.1.1.1 *Regulatory Framework*

#### State

##### Senate Bill 743

Senate Bill (SB) 743 was adopted in 2013 and requires lead agencies to use alternatives to level of service (LOS) for evaluating transportation impacts, specifically vehicle miles traveled (VMT). SB 743 also included changes to CEQA that apply to transit-oriented developments, as related to aesthetics and parking impacts. Under SB 743, a project's aesthetic impacts will no longer be considered significant impacts on the environment if:

- The project is a residential, mixed-use residential, or employment center project, and
- The project is located on an infill site within a transit priority area.<sup>4</sup>

SB 743 also clarifies that local governments retain their ability to regulate a project's aesthetics impacts outside of the CEQA process.

##### 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.<sup>5</sup> In Santa Clara County, the one state-designated scenic highway is SR 9 from the Santa Cruz County line to the Los Gatos City Limit. Eligible State Scenic Highways (not officially designated) include SR 17 from the Santa Cruz County line to SR 9, SR 35 from Santa Cruz County line to SR 9, Interstate (I-) 280 from the San Mateo County line to SR 17, and the entire length of SR 152 within the County.

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<sup>4</sup> An "infill site" is defined as "a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses." A "transit priority area" is defined as "an area within 0.5 mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations." A "major transit stop" means "a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." Source: Office of Planning and Research. "Changes to CEQA for Transit Oriented Development – FAQ." October 14, 2014. Accessed December 10, 2020.

<http://www.opr.ca.gov/ceqa/updates/sb-743/transit-oriented.html>.

<sup>5</sup> California Department of Transportation. "Scenic Highways." Accessed March 8, 2021.

<http://www.dot.ca.gov/design/lap/livability/scenic-highways/index.html>.

## Local

### Envision San José 2040 General Plan

Various policies in the Envision San José 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to aesthetic resources, as listed below.

<b>General Plan Policies – Aesthetic Resources</b>	
Policy CD-1.1:	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.12:	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-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).
Policy CD-10.2:	Require that new public and private development adjacent to Gateways and freeways (including 101, 880, 680, 280, 17, 85, 237, and 87), and Grand Boulevards consist of high-quality materials, and contribute to a positive image of San José.

#### **3.1.1.2      *Existing Conditions***

##### **Visual Character of the Project Site**

The approximately 22-acre site is an industrial property developed with a recycling, manufacturing, and distribution facility for aggregate, asphalt, concrete, and other construction materials. The site contains portable buildings and storage sheds, a garage, material processing piles, industrial equipment, a surface parking lot, and a rail spur (See Photos 1 through 10).

The western portion of the site consists of a material processing area and the eastern portion of the site contains an equipment storage and maintenance area.

##### **Aggregate Distribution Facility**

The site currently receives aggregate via railcar and trucks. The railcars are stored on an on-site spur track with a 25-railcar capacity located in the northern portion of the site along Monterey Road (see Photo 1). The railcars are then unloaded and the aggregate is stockpiled in open piles approximately thirty feet in height (see Photos 5, 7, and 10).

## **Recycle Yard**

Currently, a recycle yard, consisting of open-air piles of recycled construction materials such as asphalt and concrete, is located in the central portion of the site (see Photo 10).

## **Equipment Storage and Maintenance Yard**

The eastern portion of the project site is currently utilized for equipment storage and maintenance (See Photos 2 through 4).

## **Surrounding Land Uses**

Development in the project area is a mix of commercial and longstanding industrial land uses. Building heights vary by land use from one- to two-stories. The project site is bounded by Monterey Road and the Union Pacific Railroad to the northeast and Hillsdale Avenue to the west.

North of the project site is an industrial business selling concrete mixes (see Photo 15). East of Monterey Road are a variety of one- and -two-story auto-related businesses, a two-story hotel, a Caltrain station, and one-story restaurant (see Photo 11). Southeast of the project site is a drive-in movie theatre/flea market (See Photo 12). South of the project site is a storage facility (see Photo 13). Southwest of the project site is a mix of commercial and industrial land uses (see Photo 13). Communications Hill is located approximately 0.25 miles west of the site.

### **3.1.1.3      *Scenic Views and Resources***

The project site is not located along or visible from a state-designated scenic highway.<sup>6</sup> Views of the Diablo Range foothills (to the east and south) are visible from the site; however, these views are interrupted by existing urban development (see Photos 3, 6, 9, 10, 12, and 13). Views of Communications Hill are visible from the site (see Photos 8, 14, and 15), and the site is visible from Communications Hill (see Photo 16). The project area is not located within a designated scenic area or corridor based on the City of San José General Plan. There are no scenic resources within the project area.

The City's General Plan identifies Gateways and Urban Throughways (urban corridors) where preservation and enhancement of views of the natural and man-made environment are crucial. The nearest Gateway to the project site is State Route 87 (SR-87), approximately 1.25 miles west of the site. The site is not visible from the roadway.

### **3.1.1.4      *Light and Glare***

Sources of light and glare are abundant in the urban environment of the project area, including but not limited to street lights, parking lot lights, security lights, vehicular headlights, internal building lights, a drive-in movie theatre, and reflective building surfaces and windows.

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<sup>6</sup> The State Scenic Highways Program is under the jurisdiction of 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. The state laws governing the Scenic Highway Program are found in the Streets and Highway Code, Sections 260 through 263.





Photo Locations

FIGURE 3.1-1





**Photo 1:** View of Portable Office Building (Facing Northeast)



**Photo 2:** View of Truck Shop Garage (Facing Northwest)





**Photo 3:** View of Parking Lot (Facing South)



**Photo 4:** View of Portable Storage (Facing Northwest)





**Photo 5:** View of Open Stockpiles (Facing Northwest)



**Photo 6:** View of Onsite Track Spur (Facing East)





**Photo 7:** View of Open Stockpiles, Rail Car, and Concrete Plant (Facing Northwest)



**Photo 8:** View of Concrete Plant (Facing Northwest)





**Photo 9:** View of Track Spur and Offloading Equipment (Facing Southeast)



**Photo 10:** View of Open Stockpiles (Facing South)





**Photo 11:** View of Union Pacific Railroad and Surrounding Development (Facing Northeast)



**Photo 12:** View of Surrounding Development (Facing East)





**Photo 13:** View of Surrounding Development (Facing South)



**Photo 14:** View of Surrounding Development (Facing West)





**Photo 15:** View of Surrounding Development (Facing Northwest)



**Photo 16:** View of Project Site and Surrounding Area from Communications Hill (Facing East)

### 3.1.2 Impact Discussion

For the purpose of determining the significance of the project's impact on aesthetics, except as provided in Public Resources Code Section 21099, would the project:

- a) Have a substantial adverse effect on a scenic vista?
- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?<sup>7</sup> If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

#### 3.1.2.1 *Project Impacts*

---

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

---

Generally, visual effects discussed in a CEQA document would be of two types: impacts from the project's appearance (i.e., visual character) and what views, if any, a project would obscure. Aesthetic values are, by their nature, subjective. Opinions as to what constitutes a degradation of visual character would differ among individuals. The best available means for assessing what constitutes a visually acceptable standard for new structures are the City's Design Guidelines and policies adopted by the City Council. All future development on-site would be reviewed for consistency with applicable design guidelines and policies prior to issuance of planning permits. As with all CEQA impacts, the effects of a project must be considered in the physical context of the project site and they must be compared to the existing conditions. The project is not proposed in a pristine natural environment or a rural area, but rather at a developed site to continue and expand operations in an established urban community. Impacts to a scenic vista are considered significant when modification of a scenic feature, such as a hillside, or bayland areas, or scenic skyline, or built environment occurs.

While the proposed development may change views from adjacent residences and businesses, there are no existing scenic vistas available from the project area and private views are not protected scenic resources under CEQA. Therefore, the proposed project will have no impacts to scenic vistas. **(No Impact)**

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

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There are no state-designated scenic highways in the vicinity of the site, therefore, the project would not damage scenic resources within any state-designated scenic highways. **(No Impact)**

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<sup>7</sup> Public views are those that are experienced from publicly accessible vantage points.



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

---

The site is in an urbanized area and is currently designated as Combined Industrial/Commercial, which allows building heights to reach up to 24 stories.

The site currently contains portable one-story buildings and a heavy equipment maintenance facility. The project would modify the existing visual character of the site and its surroundings by increasing the height of equipment on-site in relation to the existing industrial equipment. The project proposes a new railcar offloading system and nine 122-foot tall silos constructed in the northern portion of the site to enable aggregate to be offloaded, handled, and stored in a fully enclosed environment, instead of the open piles which are utilized now. The project would also include two, 65-foot tall cement load outs, an approximately 113-foot tall concrete plant tower, an approximately 98-foot tall asphalt plant tower, and one-story auxiliary, office, and storage buildings.

The current site and proposed modernization would be visible to residents and visitors of Communications Hill (see Figure 3.1-1). The project would also be visible from Monterey Road, Hillsdale Avenue, Capitol Expressway, and the commercial development southeast of the site (see Figures 3.1-2 and 3.1-3). While the proposed development may further block skyline views for a limited number of off-site residences, private views are not protected scenic resources under CEQA. It is not a significant environmental impact for a structure to be visible in an existing urban setting. All new structures, by their existence, change the appearance of their location and immediate setting.

The project proposes a General Plan Amendment to change the land use designation to Heavy Industrial. While the proposed land use designation limits building height to a maximum of three stories, the designation does not place a limit on equipment height. The other document governing the use, design and character of the area is the Communications Hill Specific Plan.

Development under the proposed project would be reviewed in accordance with the City's Industrial Development Guidelines during the Planning Permit stage as part of the City's planning review process. With City approval of the proposed Planned Development Zoning District and General Plan Amendment, the project would comply with applicable zoning, land use designations, and all regulations governing scenic quality.

For the above reasons, the proposed project would not substantially degrade the existing visual character of the site or its surroundings nor conflict with applicable regulations governing scenic quality. **(Less than Significant Impact)**





Source: PA-PO Industrial Systems, 2021.

VIEW OF THE PROPOSED PROJECT FROM COMMUNICATIONS HILL (FACING EAST)

FIGURE 3.1-2





Source: PA-PO Industrial Systems, 2021.

VIEW OF THE PROPOSED PROJECT FROM MONTEREY ROAD (FACING NORTHWEST)

FIGURE 3.1-3





VIEW OF THE PROPOSED PROJECT FROM THE INTERSECTION OF MONTEREY ROAD AND CAPITOL EXPRESSWAY (FACING NORTHWEST)

FIGURE 3.1-4



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

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Development on the project site would be visible from surrounding properties, roadways, and Communications Hill. New development on-site would increase light levels in the immediate project area. All lighting would conform to the City's Outdoor Lighting Policy (4-3) as applicable and be shielded to direct light downwards to ensure that lighting does not spill over onto adjacent residential properties, consistent with City standards.

The project will be reviewed in accordance with the City's Industrial Development Guidelines during the Planning Permit stage as part of the City's planning review process. The project would be constructed with a variety of building materials which would be subject to the City's Design Guidelines and regulations to ensure future light and glare impacts are minimized.

The design of the proposed buildings and equipment do not include large uninterrupted expansions of glass or highly reflective materials such as mirrored glass.

For the reasons described above, the proposed project would not create a substantial source of daytime or nighttime glare. **(Less than Significant Impact)**

### **3.1.2.2 Cumulative Impacts**

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**Would the project result in a cumulatively considerable contribution to a significant cumulative aesthetics impact?**

---

The geographic area for cumulative aesthetic impacts is the immediate project vicinity.

#### **Scenic Vista, Scenic Highway, and Applicable Zoning and Other Regulations**

As discussed under Impact AES-a through AES-c, the project would have no impact on a scenic vista, state scenic highway, or applicable zoning and other regulations governing scenic quality. Therefore, the project would not contribute to cumulative impacts on those resources. **(No Cumulative Impact)**

#### **Light and Glare**

The proposed project would not result in a significant cumulative source of substantial light and glare which would adversely affect day or nighttime views in the area. The project is required to comply with the aforementioned General Plan policies, the Citywide Standards and Guidelines, the City's Industrial Design Guidelines, and City Council Lighting Policy 4-3.<sup>8</sup> **(Less than Significant Cumulative Impact)**

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<sup>8</sup> Policy 4-3 regulates outdoor lighting on private development projects. The policy provides regulations pertaining to how lights are directed, shielding of lights, and time of use for display lighting.

## 3.2 AGRICULTURE AND FORESTRY RESOURCES

### 3.2.1 Environmental Setting

#### 3.2.1.1 *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.<sup>9</sup>

##### 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.<sup>10</sup>

##### 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.<sup>11</sup> 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.<sup>12</sup>

#### 3.2.1.2 *Existing Conditions*

According to the Santa Clara County Important Farmland 2016 Map, the project site 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

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<sup>9</sup> California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed February 23, 2021. <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>.

<sup>10</sup> California Department of Conservation. "Williamson Act." <http://www.conservation.ca.gov/dlrp/lca>.

<sup>11</sup> Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

<sup>12</sup> California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed February 23, 2021. <http://frap.fire.ca.gov/>.

courses, landfills, airports, sewage treatment, and water control structures.<sup>13</sup> According to Santa Clara County Office of the Assessor, the site is not subject to a Williamson Act contract.

### **3.2.2            Impact Discussion**

For the purpose of determining the significance of the project's impact on agriculture and forestry resources, would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?
- d) Result in a loss of forest land or conversion of forest land to non-forest use?
- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

#### **3.2.2.1            *Project Impacts***

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

According to the Santa Clara County Important Farmland 2016 Map, the project site is designated as *Urban and Built-Up Land*. *Urban and Built-Up Land*.<sup>14</sup> The proposed project, therefore, would not convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance to a non-agricultural use. **(No Impact)**

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

The site has an IP Industrial Park Zoning District on the western portion of the site and a Planned Development (PD) Zoning District with a base Zoning District of IP Industrial Park on the eastern portion of the site.

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<sup>13</sup> California Department of Conservation, *Santa Clara County Important Farmland Map 2016*. Available at: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/sc116.pdf>

<sup>14</sup> California Department of Conservation, *Santa Clara County Important Farmland Map 2016*. Available at: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/sc116.pdf>

The project proposes a rezoning of the entire site to a PD Zoning District with a base Zoning District of HI Heavy Industrial. The proposed Planned Development Zoning District would facilitate the proposed modernization of the existing facility.

According to Santa Clara County Office of the Assessor, the site is not subject to a Williamson Act contract nor is it zoned for agricultural use. The project, therefore, would not conflict with existing zoning for agricultural use, or a Williamson Act contract. **(No Impact)**

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

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The site is not zoned as forest land, timberland, or timberland zoned Timberland Production. The project, therefore, would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. **(No Impact)**

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

---

No forestland is located on or near the site. The project, therefore, would not result in a loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

---

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

---

As described above, no farmland or forest land is located on or near the site. The project, therefore, would not involve other changes in the existing environment which could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use. **(No Impact)**

### **3.2.2.2 Cumulative Impacts**

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**Would the project result in a cumulatively considerable contribution to a significant cumulative agricultural and forestry resources impact?**

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As discussed under checklist questions “a” through “e”, the project would have no impact on agricultural or forestry resources. The project, therefore, would not contribute to a cumulative impact on agricultural or forestry resources. **(No Impact)**



### 3.3 AIR QUALITY

The following discussion is based in part on an Air Quality and GHG Emissions Assessment prepared for the project by Illingworth & Rodkin in May 2021. A copy of the report is attached as Appendix B.

#### 3.3.1 Environmental Setting

##### 3.3.1.1 *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 (O<sub>3</sub>), nitrogen oxides (NO<sub>x</sub>), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO<sub>x</sub>), and lead.<sup>15</sup> Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health risks are summarized in Table 3.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Table 3.3-1: Health Effects of Air Pollutants		
Pollutants	Sources	Primary Effects
Ozone (O <sub>3</sub> )	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	<ul style="list-style-type: none"><li>• Aggravation of respiratory and cardiovascular diseases</li><li>• Irritation of eyes</li><li>• Cardiopulmonary function impairment</li></ul>
Nitrogen Dioxide (NO <sub>2</sub> )	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	<ul style="list-style-type: none"><li>• Aggravation of respiratory illness</li><li>• Reduced visibility</li></ul>
Fine Particulate Matter (PM <sub>2.5</sub> ) and Coarse Particulate Matter (PM <sub>10</sub> )	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	<ul style="list-style-type: none"><li>• Reduced lung function, especially in children</li><li>• Aggravation of respiratory and cardiorespiratory diseases</li><li>• Increased cough and chest discomfort</li><li>• Reduced visibility</li></ul>
Carbon Monoxide (CO)	Incomplete combustion of fuels and other carbon-containing substances, such as motor exhaust. Natural events, such as decomposition of organic matter.	<ul style="list-style-type: none"><li>• Reduced tolerance for exercise</li><li>• Impairment of mental function</li><li>• Impairment of fetal development</li><li>• Death at high levels of exposure</li><li>• Aggravation of some heart diseases (angina)</li></ul>
Sulfur Dioxide (SO <sub>2</sub> )	Sulfur dioxide is a colorless, irritating gas formed primarily from incomplete combustion of fuels containing sulfur.	<ul style="list-style-type: none"><li>• Aggravation of respiratory diseases (asthma, emphysema)</li></ul>

<sup>15</sup> 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.

<b>Table 3.3-1: Health Effects of Air Pollutants</b>		
<b>Pollutants</b>	<b>Sources</b>	<b>Primary Effects</b>
	Industrial facilities also contribute to gaseous SO <sub>2</sub> levels in the region.	<ul style="list-style-type: none"> <li>• Reduced lung function</li> <li>• Irritation of eyes</li> </ul>
Lead	Lead is a metal found naturally in the environment as well as in manufactured products. The major sources of lead emissions have historically been mobile and industrial sources. As a result of the phase-out of leaded gasoline, metal processing is currently the primary source of lead emissions. The highest levels of lead in air are generally found near lead smelters. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufactures.	<ul style="list-style-type: none"> <li>• Impairment of blood functions and nerve conduction</li> <li>• Behavioral and hearing problems in children.</li> </ul>
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"> <li>• Cancer</li> <li>• Chronic eye, lung, or skin irritation</li> <li>• Neurological and reproductive disorders</li> </ul>

High O<sub>3</sub> levels are caused by the cumulative emissions of reactive organic gases (ROG) and NO<sub>x</sub>. These precursor pollutants react under certain meteorological conditions to form high O<sub>3</sub> levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce O<sub>3</sub> levels. The highest O<sub>3</sub> 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 (PM<sub>10</sub>) and fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM<sub>2.5</sub>). Elevated concentrations of PM<sub>10</sub> and PM<sub>2.5</sub> are the result of both region-wide emissions and localized emissions.

### **Toxic Air Contaminants**

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

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from

California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).<sup>16</sup> 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, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools.

#### **3.3.1.2 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, O<sub>3</sub>, CO, SO<sub>x</sub>, NO<sub>x</sub>, 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. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

#### 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<sub>x</sub>.

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<sup>16</sup> California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed June 22, 2021. <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>.

## Regional

### 2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.<sup>17</sup>

### 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.

### Community Air Risk Evaluation Program

Under the Community Air Risk Evaluation (CARE) program, BAAQMD has identified areas with high TAC emissions, and sensitive populations that could be affected by them, and uses this information to establish policies and programs to reduce TAC emissions and exposures. Impacted communities identified to date are located in Concord, Richmond/San Pablo, San José, eastern San Francisco, western Alameda County, Vallejo, San Rafael, and Pittsburg/Antioch. The main objectives of the program are to:

- Evaluate health risks associated with exposure to TACs from stationary and mobile sources;
- Assess potential exposures to sensitive receptors and identify impacted communities;
- Prioritize TAC reduction measures for significant sources in impacted communities; and
- Develop and implement mitigation measures to improve air quality in impacted communities.

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<sup>17</sup> BAAQMD. *Final 2017 Clean Air Plan*. April 19, 2017. <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.



## City of San José

### Envision San José 2040 General Plan

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

<b>General Plan Policies - Air Quality</b>	
MS-10.1	Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures.
MS-10.5	In order to reduce vehicle miles traveled and traffic congestion, require new development within 2,000 feet of an existing or planned transit station to encourage the use of public transit and minimize the dependence on the automobile through the application of site design guidelines and transit incentives.
MS-11.1	Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
MS-11.3	Review projects generating significant heavy duty truck traffic to designate truck routes that minimize exposure of sensitive receptors to TACs and particulate matter.
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-12.2	Require new residential development projects and projects categorized as sensitive receptors to be located an adequate distance from facilities that are existing and potential sources of odor. An adequate separate distance will be determined based upon the type, size and operations of the facility.
MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At a minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

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

### 3.3.1.3 Existing Conditions

Air quality is determined by the concentration of various pollutants in the atmosphere. The amount of a given pollutant in the atmosphere is determined by the amount of pollutants released within an area, transport of pollutants to and from surrounding areas, local and regional meteorological conditions, and the surrounding topography of the air basin.

BAAQMD is responsible for assuring that the national and state ambient air quality standards are attained and maintained in the Bay Area. Air quality studies generally focus on four criteria pollutants that are most commonly measured and regulated: CO, O<sub>3</sub>, NO<sub>2</sub>, and PM (PM<sub>10</sub> and PM<sub>2.5</sub>). Table 3.3-2 shows violations of state and federal standards at the monitoring station in downtown San José (the nearest monitoring station to the project site) during the 2017-2019 period (the most recent years for which data is available).

Table 3.3-2: Ambient Air Quality Standards Violations and Highest Concentrations				
Pollutant	Standard	Days Exceeding Standard		
		2017	2018	2019
SAN JOSÉ STATION				
Ozone	State 1-hour	3	0	1
	Federal 8-hour	4	0	2
Carbon Monoxide	Federal 8-hour	0	0	0
	State 8-hour	0	0	0
Nitrogen Dioxide	State 1-hour	0	0	0
PM <sub>10</sub>	Federal 24-hour	0	0	0
	State 24-hour	19	12	4
PM <sub>2.5</sub>	Federal 24-hour	6	16	0

“Attainment” status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB. The Bay Area does not meet federal and state ambient air quality standards for PM<sub>2.5</sub> and O<sub>3</sub>. The area is also considered in non-attainment for PM<sub>10</sub> under state standards. The Bay Area is considered in attainment or unclassified for all other pollutants.

### 3.3.1.4 Sensitive Receptors

The closest sensitive receptors to the project site are residences located roughly 300 feet to the north, adjacent to Monterey Road. Other nearby residential receptors are south of the site adjacent to Snell Avenue at a distance of roughly 1,000 feet. Additional residential receptors are located at farther distances north and south of the site.

### **3.3.2            Impact Discussion**

For the purpose of determining the significance of the project's impact on air quality, would the project:

- a) Conflict with or obstruct implementation of the applicable air quality plan?
- b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
- c) Expose sensitive receptors to substantial pollutant concentrations?
- d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

#### **3.3.2.1            *Thresholds of Significance***

##### **Impacts from the Project**

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and PM<sub>2.5</sub>. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 3.3-3 below.



Table 3.3-3: BAAQMD Air Quality Significance Thresholds			
Pollutant	Construction Thresholds	Operation Thresholds	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG, NO <sub>x</sub>	54	54	10
PM <sub>10</sub>	82 (exhaust)	82	15
PM <sub>2.5</sub>	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 <sub>2.5</sub>	0.3 µg/m <sup>3</sup>	0.8 µg/m <sup>3</sup> (average)	

In a 2018 decision (*Sierra Club v. County of Fresno*), the Supreme Court of California determined that CEQA requires that the potential for the project's emissions to affect human health in the air basin must be disclosed when a project's criteria air pollutant emissions would exceed applicable thresholds and contribute considerably to a significant cumulative impact. State and federal ambient air quality standards are health-based standards and exceedances of those standards result in continued unhealthy levels of air pollutants. As stated in the BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project has a less than significant impact for criteria pollutants, it is assumed not to have an adverse health effect.

### 3.3.2.2 *Project Impacts*

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

The 2017 CAP is the applicable air quality plan for the San Francisco Bay Area Air Basin. The 2017 CAP includes control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. The BAAQMD CEQA Air Quality Guidelines set forth criteria for determining consistency with the 2017 CAP. In general, a project is considered consistent if, a) the project supports the primary goals of the 2017 CAP; b) it includes relevant control measures; and c) it does not interfere with implementation of 2017 CAP control measures. As shown in Table 3.3-4 below, the proposed project would be consistent with the 2017 CAP measures intended to reduce automobile trips, as well as energy and water usage and waste.

<b>Table 3.3-4: Bay Area 2017 Clean Air Plan Applicable Control Measures</b>		
Control Measures	Description	Project Consistency
<b><i>Transportation Measures</i></b>		
Trip Reduction Programs	Encourage trip reduction policies and programs in local plans, e.g., general and specific plans. Encourage local governments to require mitigation of vehicle travel as part of new development approval, to develop innovative ways to encourage rideshare, transit, cycling, and walking for work trips.	The project site is near VTA bus lines and Caltrain rail lines that would support multi-modal travel to and from the site by employees. The project also would increase the amount of materials delivered to the site via rail instead of trucks, reducing vehicle miles traveled (VMT). The project is consistent with this measure.
Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The project proposes long-term and short-term bicycle parking spaces, consistent with City standards. The project area is equipped with pedestrian facilities including sidewalks and crosswalks. The project is consistent with this measure.
Land Use Strategies	Support implementation of Plan Bay Area, maintain and disseminate information on current climate action plans and other local best practices.	The project would be located in proximity to transit services; therefore, the project is consistent with this measure (refer to <i>Section 4.17 Transportation</i> for more information).
<b><i>Building Measures</i></b>		
Green Buildings	Identify barriers to effective local implementation of CALGreen (Title 24) statewide building energy code; develop solutions to improve implementation/ enforcement. Engage with additional partners to target	The project would comply with Building Energy Efficiency Standards (Title 24), the City's Green Building Ordinance, and the most recent CALGreen

<b>Table 3.3-4: Bay Area 2017 Clean Air Plan Applicable Control Measures</b>		
<b>Control Measures</b>	<b>Description</b>	<b>Project Consistency</b>
	reducing emissions from specific types of buildings.	requirements. The project is consistent with this measure.
Urban Heat Island Mitigation	Develop and urge adoption of a model ordinance for “cool parking” that promotes the use of cool surface treatments for new parking facilities, as well existing surface lots undergoing resurfacing. Develop and promote adoption of model building code requirements for new construction or reroofing/ roofing upgrades for commercial and residential multifamily housing.	The project would be required to comply with the City’s Green Building Ordinance and the most recent CALGreen requirements which would increase building efficiency over standard construction. Therefore, the project is consistent with this control measure.
<b><i>Natural and Working Lands Measures</i></b>		
Urban Tree Planting	Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, the Air District’s technical guidance, best management practices for local plans, and CEQA review.	Any trees removed would be required to be replaced in accordance with the City’s tree replacement policy. Therefore, the project is consistent with this control measure. Further discussion is provided in <i>Section 4.4 Biological Resources</i> .
<b><i>Waste Management Measures</i></b>		
Recycling and Waste Reduction	Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.	The City adopted the Zero Waste Strategic Plan which outlines policies to help the City foster a healthier community and achieve its Green Vision goals, including 75 percent diversion by 2013 and zero waste by 2022. In addition, the project would comply with the City’s Construction and Demolition Diversion Program during construction which ensures that at least 75 percent of construction waste generated by the project is recovered and diverted from landfills. Therefore, the project is consistent with this control measure.

Additionally, the proposed project would not conflict with the 2017 CAP planning efforts since the project would have emissions below the BAAQMD thresholds, as described below.



## Construction Period Emissions – Criteria Pollutants

The California Emissions Estimator model (CalEEMod) Version 2016.3.2 was used to estimate emissions from construction activities. The project would be constructed in three phases. Phase 1, which include the aggregate distribution facility, concrete plant, and new rail spur, would occur in 2022-2023.<sup>18</sup> Phase 2, which would include the cementitious distribution facility, would occur in 2024-2025. Phase 3, which would include the asphalt plant, would occur in 2026-2027. Table 3.3-5 shows the estimated annual average daily construction emissions associated with the proposed project.

<b>Table 3.3-5: Construction Period Emissions</b>				
<b>Construction Phase/Year</b>	<b>ROG</b>	<b>NOx</b>	<b>PM<sub>10</sub> Exhaust</b>	<b>PM<sub>2.5</sub> Exhaust</b>
<b>Annual Emissions in Tons</b>				
Phase 1 2022	0.34	3.29	0.18	0.14
Phase 1 2023	0.46	2.33	0.13	0.10
Phase 2 2024	0.03	0.32	0.01	0.01
Phase 2 2025	0.31	1.11	0.05	0.04
Phase 3 2026	0.11	1.04	0.05	0.04
Phase 3 2027	0.25	0.59	0.03	0.02
<b>Average Daily Emissions in Pounds</b>				
Phase 1 2022 – 175 workdays	3.92	37.60	2.01	1.64
Phase 1 2023 – 225 work days	4.13	20.75	1.19	0.92
Phase 2 2024 – 47 workdays	1.46	13.77	0.62	0.57
Phase 2 2025 – 212 workdays	2.94	10.45	0.45	0.41
Phase 3 2026 – 175 workdays	1.29	11.90	0.56	0.47
Phase 3 2027 – 124 workdays	4.03	9.54	0.46	0.38
<i>BAAQMD Thresholds</i>	<i>54 lbs/day</i>	<i>54 lbs/day</i>	<i>82 lbs/day</i>	<i>54 lbs/day</i>
<i>Exceed Threshold?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>

As shown above, construction period criteria pollutant emissions associated with the project would not exceed the BAAQMD significance thresholds. Therefore, the project would not result in a significant impact from construction criteria pollutant emissions and would not conflict with or obstruct implementation of the Bay Area 2017 CAP.

## Operational Period Emissions - Criteria Pollutants

### Existing Operational Emissions

The existing facility produces emissions from a number of different sources, both directly and indirectly. These include direct emissions from the existing concrete plant and from combustion sources on-site that include mobile and portable off-road equipment and truck activity. There are

<sup>18</sup> At the time the Air Quality Analysis was prepared for the project, it was anticipated that construction would begin in May 2022. This date has passed, and construction is now anticipated to begin in 2023. The use of a prior year for construction emissions estimates is acceptable under CEQA and represents a conservative approach since it does not assume any additional modernization of construction equipment, which is correlated with lower emissions.

fugitive particulate matter emissions from the handling/processing/storage of sand and aggregate. Trucks and train delivering or removing material from the site result in indirect emissions. Table 3.3-6 shows the existing operational emissions at the site.

<b>Table 3.3-6: Existing Operational Emissions</b>				
<b>Activity/Processing Areas</b>	<b>NOx</b>	<b>ROG</b>	<b>PM<sub>10</sub> total</b>	<b>PM<sub>2.5</sub> total</b>
<b>Average daily emissions in pounds</b>				
Aggregate/Sand Receiving-Storage-Export	7.16	0.442	38.54	4.38
Concrete Plant	24.69	0.590	23.34	4.07
Recycle Yard	113.99	4.215	157.84	20.34
Maintenance Yard	31.19	1.597	2.58	1.19
Rail Emissions	2.18	0.101	0.05	0.05
Other Facility Traffic	0.23	0.053	1.51	0.16
<b>Total lbs/day</b>	<b>179.4</b>	<b>7.0</b>	<b>223.9</b>	<b>30.2</b>
<b>Annual Emissions in tons</b>				
Aggregate/Sand Receiving-Storage-Export	0.90	0.055	1.13	0.19
Concrete Plant	3.09	0.074	2.94	0.52
Recycle Yard	13.68	0.506	19.21	2.55
Maintenance Yard	4.05	0.208	0.34	0.15
Rail Emissions	0.27	0.013	0.01	0.01
Other Facility Traffic	0.04	0.008	0.23	0.02
<b>Total tons/year</b>	<b>22.0</b>	<b>0.9</b>	<b>23.8</b>	<b>3.4</b>

#### Proposed Project Operational Period Emissions

As described previously, the proposed project would modernize the existing Graniterock facility. The entire site, which is currently entirely unpaved, would be paved. Material handling/storage and transfer operations would be enclosed, and rail service would be expanded to reduce the reliance on trucks to transport material to the site. As described in Section 2.2 and shown in Table 2.2-1, the project would expand the throughput and production of the facility and add new processes. Overall throughput would increase from a current maximum of 800,000 tons of material per year to a proposed maximum of 2,050,000 tons of material per year. These include the new concrete plant, an aggregate storage and distribution facility, a new cement terminal with cementitious storage and a new modern asphalt plant. The new aggregate storage and distribution facility and cementitious storage and distribution facility would include a lengthened rail spur and fully enclose aggregate and cementitious materials transfer systems for offloading aggregate and cementitious materials from railcars. Aggregate and cementitious materials would be stored in storage silos rather than in open air stockpiles.

Annual average and average daily emissions of criteria air pollutants were based on maximum annual production levels, material throughputs, and other activity data. Table 3.3-7 shows the operational emissions at the site under proposed project conditions.

<b>Table 3.3-7: Proposed Project Operational Emissions</b>				
<b>Activity/Processing Areas</b>	<b>NO<sub>x</sub></b>	<b>ROG</b>	<b>PM<sub>10</sub> total</b>	<b>PM<sub>2.5</sub> total</b>
	<b>Average daily emissions in pounds</b>			
Aggregate Distribution Facility	12.42	0.205	9.14	2.94
Asphalt Plant	48.63	44.47	33.39	20.56
Cementitious Distribution Facility	1.87	0.022	1.29	0.89
Concrete Plant	14.28	0.23	8.16	2.68
Recycle Yard	49.58	1.92	43.31	7.00
Rail Emissions	84.66	3.73	1.79	1.65
Maintenance/Delivery Trucks	0.32	0.01	0.08	0.02
Other Facility Traffic	0.92	0.12	1.00	0.17
<b>Total lbs/day</b>	<b>212.7</b>	<b>50.7</b>	<b>98.2</b>	<b>35.9</b>
	<b>Annual Emissions in tons</b>			
Aggregate Distribution Facility	1.61	0.027	1.19	0.38
Asphalt Plant	6.32	5.784	4.34	2.67
Cementitious Distribution Facility	0.22	0.003	0.16	0.11
Concrete Plant	2.12	0.03	1.38	0.40
Recycle Yard	5.95	0.23	4.85	0.95
Rail Emissions	10.53	3.27	0.22	0.21
Maintenance/Delivery Trucks	0.05	0.00	0.01	0.00
Other Facility Traffic	0.14	0.02	0.15	0.03
<b>Total tons/year</b>	<b>26.9</b>	<b>9.4</b>	<b>12.3</b>	<b>4.7</b>

#### Net Project Emissions from the Proposed Project

Table 3.3-8 summarizes the net emissions associated with each phase of the project, subtracting existing operational emissions from proposed project operational emissions.

<b>Table 3.3-8: Net Project Operational Emissions</b>				
<b>Condition</b>	<b>NO<sub>x</sub></b>	<b>ROG</b>	<b>PM<sub>10</sub> total</b>	<b>PM<sub>2.5</sub> total</b>
	<b>Average daily emissions in pounds</b>			
Phase 1	(31.5)	(1.0)	(168.5)	(18.4)
Phase 1 + 2	(15.4)	(0.8)	(159.1)	(14.8)
<b>Full Buildout</b>	<b>33.2</b>	<b>43.7</b>	<b>(125.7)</b>	<b>5.7</b>
<i>Significance Threshold</i>	<i>54</i>	<i>54</i>	<i>82</i>	<i>54</i>
<i>Exceed Threshold?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>
	<b>Annual Emissions in tons</b>			
Phase 1	(3.7)	2.7	(17.4)	(1.9)
Phase 1 + 2	(1.4)	2.7	(15.9)	(1.4)
<b>Full Buildout</b>	<b>4.9</b>	<b>8.5</b>	<b>(11.5)</b>	<b>1.3</b>
<i>Significance Threshold</i>	<i>10</i>	<i>10</i>	<i>15</i>	<i>10</i>
<i>Exceed Threshold?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>



As shown in Table 3.3-8, there would be a net increase in NO<sub>x</sub>, PM<sub>2.5</sub>, and ROG emissions, however, they would be below the significance thresholds. As a result, the project would not conflict with or obstruct implementation of the 2017 CAP. **(Less than Significant Impact)**

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

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

The proposed project would not, by itself, result in any air pollutant emissions exceeding BAAQMD's significance thresholds as discussed above. Individually, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in nonattainment. **(Less than Significant Impact)**

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

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### **Construction Dust Emissions**

Construction activities on-site would temporarily generate dust and equipment exhaust that would affect nearby sensitive receptors. The project shall implement the following Standard Permit Conditions during all phases of construction to reduce dust and other particulate matter emissions.

#### **Standard Permit Conditions:**

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

- Water active construction areas at least twice daily or as often as needed to control dust emissions.
- Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Remove visible mud or dirt track-out onto adjacent public roads by 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 at the lead agency to contact regarding dust complaints.

With implementation of the Standard Permit Conditions, construction dust and other particulate matter would have a less than significant construction air quality impact.

### **Community Risk Impacts**

Project impacts related to increased health risk occur by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity or by significantly exacerbating existing cumulative TAC impacts. This project would introduce new sources of TACs during construction (i.e., on-site construction and truck hauling emissions) and operation (i.e. new asphalt and concrete plants, new aggregate and cementitious material distribution facilities, and increased locomotive and truck traffic).

Project construction activity would generate dust and equipment exhaust that would affect nearby sensitive receptors. During project operation, the project would substantially change current operations by eliminating TAC and air pollutant sources and introducing new sources. Therefore, project impacts to existing sensitive receptors were addressed for temporary construction activities and operational project impacts at the project's maximally exposed individual (MEI), as shown on Figure 3.3-1.

Per BAAQMD guidance, the exposure duration for evaluating cancer risk is 30 years. Cancer and non-cancer risks were evaluated for baseline conditions (existing facility operation), construction of the proposed project, and operation of the proposed project. In addition, since the total proposed project health risks are due to the combined health risk from construction and project operation, the total project health risks were calculated. Two scenarios were evaluated when assessing total project health risks. This was done because for residential exposures, typically, the main contributor to the overall 30-year cancer risk is from exposure to TACs during the third trimester of pregnancy and to infants less than two years old due to their higher sensitivity to carcinogens. Therefore, when calculating cancer risks, the time when exposure begins (first year of exposure) is an important consideration particularly when TAC concentrations may vary over time, such as occurs during phased project operation or when construction TAC concentrations are lower than those that would occur once the project starts operation.

In this case, construction is expected to begin in 2022 and continue through 2027 and initial project operation is expected to begin in 2024. As such, two scenarios were considered when calculating the total health risks from the project. The first scenario assumed that the 30-year exposure period begins when construction would start in 2022 and the project begins operation in 2024.



LOCATIONS OF OFF-SITE SENSITIVE RECEPTORS AND PROJECT MEI

FIGURE 3.3-1

The second scenario evaluated assumed that the 30-year exposure period begins in 2024 with the start of project operation and construction continues during the first four years of project operation (i.e., 2024 through 2027).

Table 3.3-9 summarizes the health risk impacts from construction of the project, operation of the project, the total project health risks (construction plus operation) for the two scenarios described above, baseline health risks, and the change in health risks for the proposed project (total health risks) compared to baseline health risks. The total project health risk scenario with the highest cancer risk was the second scenario where the 30-year exposure period begins in 2024 with the start of project operation and construction continues to occur for four years from 2024 through 2027.

<b>Table 3.3-9: Community Risk Impacts at Off-Site MEI</b>				
<b>Source/Scenario</b>	<b>Maximum Cancer Risk (per million)</b>	<b>Chronic Hazard Index</b>	<b>Acute Hazard Index</b>	<b>PM<sub>2.5</sub> Concentration (µg/m<sup>3</sup>)</b>
Project Construction - Unmitigated (7-year exposure beginning in 2022)	4.4	0.003	-	0.03
Project Operation (30-year exposure beginning in 2024)	16.2	0.09	0.14	0.52
Project Construction plus Operation (30-year exposure beginning in 2022)	13.0	0.10	0.14	0.52
Project Construction plus Operation (30-year exposure beginning in 2024)	17.4	0.10	0.14	0.52
Baseline Operation (30-year exposure beginning in 2020)	28.2	0.01	-	0.90
Maximum Project Construction plus Operation Minus Baseline Operation	(10.8)	0.09	0.14	(0.38)
Net Change in Impact	(10.8)	0.09	0.14	(0.38)
<b>BAAQMD Single-Source Threshold</b>	<b>10</b>	<b>1.0</b>	<b>1.0</b>	<b>0.3</b>
<i>Exceed Threshold?</i>				
Unmitigated	No	No	No	No
Mitigated	No	No	No	No

As shown in Table 3.3-9, the proposed project would result in a net reduction in cancer risk and PM<sub>2.5</sub> concentrations and a small increase in non-cancer health risks (acute and chronic hazard index). The increased non-cancer risks would not exceed the BAAQMD single-source thresholds.

The primary reasons for the reduced cancer risks from baseline conditions is from removal of the equipment storage and maintenance yard at the project site and the reduction in the use of off-road equipment for the proposed project. PM<sub>2.5</sub> impacts would be significantly reduced since the existing facility site is mostly unpaved and the proposed project would pave the entire site and aggregate and cementitious materials would be stored in enclosed storage silos instead of open storage piles, thus eliminating on-site fugitive PM<sub>2.5</sub> emissions from equipment and vehicle travel, material handling and storage, and wind erosion. **(Less than Significant Impact)**



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

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The BAAQMD CEQA Air Quality Guidelines identify the steps to address odor impacts:

- Disclosure of Odor Parameters. This step describes the source in terms of the type, frequency odors are emitted, distance between source and receptors, meteorological conditions that could lead to odors (typically wind flow orientation).
- Screening Distances. The screening distance for an asphalt plant is two miles. This odor screening distance is not an absolute threshold, rather an indicator that further analysis is required. The Lead Agency is to make the determination based on consideration of the other parameters listed in this process (the bullet points above and below) to comprehensively evaluate potential odor impacts.
- Complaint History. There are no recorded odor complaints for the facility. Since there is no existing asphalt plant at the facility (or other recognized odor source), a complaint history from similar facilities was obtained from BAAQMD to determine the potential for the proposed asphalt plant to result in odor complaints. Each of these facilities is located in close proximity to residences (less than 1,000 feet). Some facilities, such as the Graniterock facility located at 1321 Lowrie Street in South San Francisco and the BoDean Company facility located at 1060 Maxwell Drive in Santa Rosa, have received no complaints in the last five years. Other facilities, such as the CEMEX Construction Materials facility located at 1555 Russell Avenue in Santa Clara and the Berkeley Asphalt Company facility located at 699 Virginia Street in Berkeley, have received numerous complaints in the last five years (11 complaints and 197 complaints, respectively). These surrogate odor complaints are evaluated for their distance from source to receptor, and then compared with the distance from the proposed project to receptors. Odor complaints from the surrogate odor source are considered substantial if the complaint history includes more than five confirmed complaints per year averaged over a three-year period. Differences between the proposed asphalt plant and similar sources with complaint histories are evaluated.

Aggregate processing and concrete plants are not considered as sources of odors by BAAQMD, in that they are not listed in their table of odor screening distances. However, asphalt plants are considered potential odor sources if they are located within two miles of a sensitive receptor. The closest receptor to the site is approximately 300 feet from the project site. Given the centralized urban location of the project site, there are many residences and other sensitive receptors within two miles of the site.

Diesel exhaust from construction equipment, mobile trucks and rail locomotives, and air emissions from the asphalt plant would contain small quantities of odorous substances. Graniterock currently produces emissions associated with diesel-powered equipment, aggregate processing, recycling of concrete and asphalt, and UPRR train activity. There are no recorded odor complaints for the facility.

The project would include an asphalt plant that would emit a number of hydrocarbon compounds which are considered to be odorous. Emissions of odorous compounds would be reduced by

implementation of best available control technology (BACT) as required by BAAQMD. Blue smoke is the leading cause of odor complaints at asphalt facilities.<sup>19</sup> The proposed asphalt plant emissions from the dryer, silo loading, truck loadout, and liquid asphalt storage would be abated using BACT. Silo loading emissions would be captured and sent to the dryer combustion chamber, reducing organic emissions, blue smoke, and odors. Emissions from truck loading would be reduced by utilizing a truck loading shroud system to capture emissions while loading the trucks and venting these emissions to the dryer baghouse, controlling blue smoke and fugitive particulate emissions. For controlling organic emissions and blue smoke from the heated liquid asphalt tanks, the tank vents would be equipped with condensers. Dryer emissions would be vented to a baghouse, along with emissions from other equipment and processes, reducing particulate matter emissions. BAAQMD has previously concluded that these types of controls would reduce or eliminate nuisance odors and complaints to BAAQMD. Additionally, odor complaints to BAAQMD would require actions by the facility to further mitigate odors. As a result, impacts related to odors would be less than significant. **(Less than Significant Impact)**

### **3.3.2.3 Cumulative Impacts**

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#### **Would the project result in a cumulatively considerable contribution to a significant cumulative air quality impact?**

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##### **Cumulative Criteria Pollutant Emissions**

By its very nature, air pollution is largely a cumulative impact. The geographic area for cumulative air quality impacts is the San Francisco Bay Area Air Basin. Past, present, and future development projects contribute to the region's adverse air quality impacts. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts.

In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified project-level criteria pollutant significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. The project's criteria air pollutant emissions would be below BAAQMD thresholds and would, therefore, not result in a cumulatively considerable net increase in criteria pollutants. The project would not contribute substantially to existing or projected violations of BAAQMD standards for these regional air pollutants or local carbon monoxide emissions.

##### **Cumulative Health Risks**

Community health risk assessments typically evaluate all substantial sources of TACs that can affect sensitive receptors that are located within 1,000 feet of the project site (i.e. influence area). These sources include rail line, freeways or highways, busy surface streets, and stationary sources identified by BAAQMD.

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<sup>19</sup> Blue smoke is the term for visible air quality pollutant that can be emitted as part of the asphalt manufacturing process.

A review of the project area indicates that traffic on Monterey Road and Capitol Expressway would exceed 10,000 vehicles per day. Other nearby streets are assumed to have less than 10,000 vehicles per day. The Union Pacific Railroad (UPRR) runs along the northeast boundary of the project site. A review of BAAQMD's stationary source map website identified eight stationary sources with the potential to affect the project MEI. Table 3.3-10 shows both the project and cumulative community risk impacts at the MEI.

<b>Table 3.3-10: Cumulative Community Risk Impacts at the Location of the Project MEI</b>			
<b>Source</b>	<b>Maximum Cancer Risk (per million)</b>	<b>PM<sub>2.5</sub> Concentration (µg/m<sup>3</sup>)</b>	<b>Hazard Index</b>
<b>Project Impacts</b>			
Project Construction plus Operation (30-year exposure beginning in 2024)	17.4	0.52	0.14
Baseline Operation (30-year exposure beginning in 2020)	(28.2)	0.90	0.01
Net Project Increase	(10.8)	(0.38)	0.13
<i>BAAQMD Single-Source Threshold</i>	<b>10</b>	<b>0.3</b>	<b>1.0</b>
<i>Exceed Threshold?</i>			
Unmitigated	No	No	No
Mitigated	No	No	No
<b>Cumulative Sources</b>			
BAAQMD Raster UPRR Screening Levels	4.28	0.01	-
BAAQMD Raster Monterey Road/S.R.82 Screening Levels	15.41	0.28	-
BAAQMD Raster Capitol Expressway Screening Levels	13.76	0.19	-
Mission City Millwork, Co (Facility ID #4118, Generic), MEI at +1,000 feet	-	0.01	-
Concrete Ready Mix, Inc (Facility ID #9910, Generator), MEI at +1,000 feet	0.01	0.24	-
Verizon Wireless (Capitol Monterey) (Facility ID #18935, Generator), MEI at +1,000 feet	0.05	-	-
Caliber Collision Center (Facility ID #23102, Generic), MEI at +1,000 feet	<0.01	<0.01	-
Rotten Robbie #53 (Facility ID #104052, Gas Station), MEI at +1,000 feet	0.33	-	<0.01
Capitol Beacon (Facility ID #111466, Gas Station), MEI at +1,000 feet	0.27	-	<0.01
<i>Combined Sources (with No Project)</i>	62.32	1.64	0.03
<i>Combined Sources (with Project)</i>	51.52	1.26	0.16
<i>BAAQMD Cumulative Source Threshold</i>	<b>100</b>	<b>0.8</b>	<b>10.0</b>
<i>Exceed Threshold?</i>	No	Yes	No

As shown in Table 3.3-10, there is an existing significant cumulative impact associated with PM<sub>2.5</sub> concentration at the MEI, and the impact would remain significant with build out of the proposed project. However, the project would result in a net reduction in PM<sub>2.5</sub> concentrations compared to existing conditions. As a result, the project would not make a considerable contribution to the cumulative impact and would lessen the severity of the impact at the MEI. **(Less Than Significant Cumulative Impact)**



### 3.4 BIOLOGICAL RESOURCES

The following discussion is based in part on an Arborist Report prepared for the project by HMM in May 2021. A copy of the report is attached as Appendix C.

#### 3.4.1 Environmental Setting

##### 3.4.1.1 *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.<sup>20</sup> 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.

##### 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

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<sup>20</sup> United States Department of the Interior. “Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take.” Accessed March 2, 2021. <https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf>.

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 22.18-acre project site is located within the Habitat Plan study area and has a land cover designation of *Urban-Suburban*.<sup>21</sup> *Urban-Suburban* land includes areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as one or more structures per 2.5 acres.

#### Envision San José 2040 General Plan

Various policies in the Envision San José 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to biological resources, as listed below.

<b>General Plan Policies – Biological Resources</b>	
<b>Special Status Plants and Animals</b>	
Policy ER-4.1	Preserve and restore habitat areas that support special-status species. Avoid development in such habitats unless no feasible alternatives exist and mitigation is provided of equivalent value.
Policy ER-4.3	Prohibit planting of invasive non-native plant species in natural habitats that support special-status species.
Policy ER-4.4	Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.
<b>Migratory Birds</b>	

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<sup>21</sup> Santa Clara Valley Habitat Agency. Santa Clara Valley Habitat Agency Geobrowser. Accessed: March 4, 2021. Available at: <http://www.hcpmaps.com/habitat/>.

<b>General Plan Policies – Biological Resources</b>	
Policy ER-5.1	Avoid implementing activities that result in the loss of active native birds’ nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
<b>Urban Natural Interface</b>	
Policy ER-6.3	Employ low-glaring lighting in areas developed adjacent to natural areas, including riparian woodlands. Any high-intensity lighting used near natural areas will be placed as close to the ground as possible and directed downward or away from natural areas.
Policy ER-6.5	Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.
Policy ER-6.7	Include barriers to animal movement within new development and, when possible, within existing development, to prevent movement of animals (e.g., pets and wildlife) between developed areas and natural habitat areas where such barriers will help to protect sensitive species.
<b>Sustainable Parks and Recreation</b>	
Policy PR-6.5	Design and maintain park and recreation facilities to minimize water, energy and chemical (e.g., pesticides and fertilizer) use. Incorporate native and/or drought-resistant vegetation and ground cover where appropriate.
<b>Community Forest</b>	
Policy MS-21.3	Ensure that San José’s Community Forest is comprised of species that have low water requirements and are well adapted to its Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest.
Policy MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
Policy MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
Policy MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of

<b>General Plan Policies – Biological Resources</b>	
	tree coverage in compliance with and that implements City laws, policies or guidelines.
Policy MS-21.9	Where urban development occurs adjacent to natural plant communities (e.g., oak woodland, riparian forest), landscape plantings shall incorporate tree species native to the area and propagated from local sources (generally from within 5-10 miles and preferably from within the same watershed).

### San José Tree Removal Ordinance

The City of San José Tree Removal Controls (San José Municipal Code, Sections 13.31.010 to 13.32.100) serve to protect all trees having a trunk that measures 38 inches or more in circumference (12.1 inches in diameter) at the height of 54 inches (4.5 feet) above the natural grade of slope. The ordinance protects both native and non-native tree species. A tree removal permit is required from the City of San José for the removal of ordinance-sized trees. On private property, tree removal permits are issued by the Department of Planning, Building and Code Enforcement. Removal of or modifications to all trees on public property (e.g., street trees within a parking strip or the area between the curb and sidewalk) are handled by the City Arborist.

In addition, any tree found by the City Council to have special significance can be designated as a Heritage Tree, regardless of tree size or species. It is unlawful to vandalize, mutilate, remove, or destroy such Heritage Trees. Under the City’s Tree Removal Ordinance, specific criteria or findings must be made before a permit for removal of a live or dead Heritage Tree would be granted.

### **3.4.1.2      *Existing Conditions***

#### **Overview of Habitats Found on the Project Site**

The site is currently developed with an existing concrete and asphalt recycling, manufacturing, and distribution facility, which includes portable buildings and storage sheds, a garage, industrial equipment, trucks, and a large surface parking lot. There is landscaping, including trees and shrubbery, adjacent to buildings and along the perimeter of the site. The site is surrounded by commercial and industrial development. Due to the extensive development in the project area, there are no native habitats on the project site.

#### **Trees**

Trees (both native and non-native) are valuable to the human environment for the benefits they provide including resistance to global climate change (i.e., carbon dioxide absorption), protection from weather, nesting and foraging habitat for raptors and other migratory birds, and as a visual enhancement to the urban environment. There are 132 trees on the project site.

#### **Special Status Species and Habitat**

The project site is comprised of an active industrial facility. There are no wetlands present on-site. No USFWS Critical Habitat is listed at the site. The project site is located within the boundaries of the Habitat Plan and has a land cover designation of *Urban-Suburban*.



Special status species are those plants and animals listed under the State and Federal Endangered Species Acts (including candidate species); plants listed on the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (1994); and animals designated as Species of Special Concern by the California Department of Fish and Wildlife. Special status animal species occurring in the Bay Area use habitats that are not present on the project site such as salt marsh, freshwater marsh, and serpentine grassland habitats.

The following species in Table 3.4-1 were mapped with the California Natural Diversity Database and have potential to occur within the Eastern San José Quadrant in which the project is located. These species have been documented to occur within the general project area but are unlikely to occur on the project site due to the site's highly urbanized and developed nature.

<b>Table 3.4-1: Eastern San José Special Status Species</b>	
<b>Species</b>	<b>Status</b>
Tricolored blackbird ( <i>Agelaius tricolor</i> )	CDFW Threatened Species
Yellow-breasted chat ( <i>Icteria virens</i> )	CDFW Species of Special Concern
Loggerhead Shrike ( <i>Lanius ludovicianus</i> )	CDFW Species of Special Concern
Yellow warbler ( <i>Setophaga petechia</i> )	CDFW Species of Special Concern
Alameda song sparrow ( <i>Melospiza melodia pusillula</i> )	CDFW Species of Special Concern
Yellow rail ( <i>Coturnicops noveboracensis</i> )	CDFW Species of Special Concern
Burrowing owl ( <i>Athene cunicularia</i> )	CDFW Species of Special Concern
Crotch bumble bee ( <i>Bombus crotchii</i> )	CDFW Candidate Endangered Species
Western bumble bee ( <i>Bombus occidentalis</i> )	CDFW Candidate Endangered Species
Bay checkerspot butterfly ( <i>Euphydryas editha bayensis</i> )	Federally Threatened Species
Contra costa goldfields ( <i>Lasthenia conjugens</i> )	Federally Endangered Species
Metcalf Canyon jewelflower ( <i>Streptanthus albidus</i> ssp. <i>albidus</i> )	Federally Endangered Species
Santa Clara Valley dudleya ( <i>dudleya abramsii</i> ssp. <i>setchellii</i> )	Federally Endangered Species
Robust spineflower ( <i>Chorizanthe robusta</i> var. <i>robusta</i> )	Federally Endangered Species
San Francisco dusky-footed woodrat ( <i>Neotoma fuscipes annectens</i> )	CDFW Species of Special Concern
Pallid bat ( <i>Antrozous pallidus</i> )	CDFW Species of Special Concern
Townsend's big-eared bat ( <i>Corynorhinus townsendii</i> )	CDFW Species of Special Concern
Northern California legless lizard ( <i>Anniella pulchra</i> )	CDFW Species of Special Concern
Western pond turtle ( <i>Emys marmorata</i> )	CDFW Species of Special Concern

### 3.4.2 Impact Discussion

For the purpose of determining the significance of the project's impact on biological resources, would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?
- c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

#### 3.4.2.1 *Project Impacts*

- 
- a) **Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?**
- 

The project site does not contain habitat conducive to special-status species, therefore special-status species are highly unlikely to be present on-site. Development of the project would result in the removal of 47 trees on the site, 43 of which are ordinance-size. The trees on-site could provide nesting habitat for birds, including migratory birds. Nesting birds are protected under provisions of the MBTA and CDFW code. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or removal and site grading that disturb a nesting bird on-site or immediately adjacent to the construction zone would constitute a significant impact.

**Impact BIO-1:** Development of the proposed project would result in impacts to nesting birds, if present on the site at the time of construction.

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

**MM BIO-1.1:** The project applicant shall avoid demolition and construction activities during the nesting season. The nesting season for most birds, including most raptors in the

San Francisco Bay area, extends from February 1<sup>st</sup> through August 31<sup>st</sup> (inclusive).

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

**MM BIO-1.3:** If during the survey described in MM BIO-1.2 the qualified ornithologist finds an active nest sufficiently close to work areas to be disturbed by construction, the qualified 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-1.4:** 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, Building and Code Enforcement or the Director's designee.

With implementation of MM BIO-1.1 through MM BIO-1.4, the project's impact to nesting birds would be less than significant. **(Less than Significant Impact with Mitigation Incorporated)**

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

---

The project site does not contain any riparian habitat or other sensitive communities. Coyote Creek is located approximately 1.5 miles east of the site and the Guadalupe River is located approximately 2.0 miles west of the site. The project is separated from both waterways by major roadways and development and would not have substantial adverse impacts on these riparian habitats or other sensitive habitats. **(No Impact)**

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

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The project site is not located on or adjacent to any wetlands. **(No Impact)**

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

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The project site is located in a developed area that does not provide substantial habitat for wildlife species. While there is potential for species to move through the site, 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 any native wildlife nursery. Impacts to migratory birds are addressed under checklist question “a”. **(Less than Significant Impact)**

---

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

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The project proposes to remove 47 existing trees, 43 of which are ordinance-size. The 43 ordinance-size trees to be removed consist of 28 eucalyptus trees, 11 Mexican fan palms, two black walnut trees, one Canary Island date palm, and one tree of heaven. The non-ordinance-size trees to be removed consist of two eucalyptus trees, one black walnut tree, and one California black oak. Of the trees to be removed, only the non-ordinance-size California black oak is considered a native tree.

The proposed project would be required to offset the impact to the urban forest through compliance with the standard permit conditions below.

**Standard Permit Conditions:** Implementation of the following condition would reduce impacts related to tree removal.

- The trees removed by the proposed project would be replaced in accordance with all applicable laws, policies, or guidelines, including:
  - City of San José Tree Protection Ordinance (see replacement ratios provided in Table 4.4-2 below)
  - San José Municipal Code Section 13.28
  - San José General Plan Policies MS-21.4, MS-21.5, and MS-21.6

Trees removed for the project shall be replaced at ratios required by the City, as stated in Table 3.4-2 below, as amended:



Table 3.4-2: Tree Replacement Ratios				
Circumference of Tree to be Removed	Replacement Ratios Based on Type of Tree to be Removed			Minimum Size of Each Replacement Tree**
	Native	Non-Native	Orchard	
38 inches or more	5:1*	4:1	3:1	15-gallon
19 up to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon
<p>*x:x = tree replacement to tree loss ratio</p> <p>Note: Trees greater than or equal to 38-inch circumference measured at 54 inches above natural grade shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial and Industrial properties, a permit is required for removal of trees of any size.</p> <p>A 38-inch tree equals 12.1 inches in diameter.</p> <p>** A 24-inch box replacement tree = two 15-gallon replacement trees</p> <p>Single Family and Two-dwelling properties may replace trees at a ratio of 1:1.</p>				

In accordance with City policy, tree replacement would be implemented as shown on Table 3.4-2:

- 47 trees onsite would be removed, 43 trees would be replaced at a 4:1 ratio, 3 trees would be replaced at a 2:1 ratio, and 1 tree would be replaced at a 1:1 ratio. There is 1 native tree on-site that would be removed. The total number of replacement trees required to be planted is 179. The species of trees to be planted shall be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.
- If there is insufficient area on the project site to accommodate the required replacement trees, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee. Changes to an approved landscape plan requires the issuance of a Permit Adjustment or Permit Amendment:
  - The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site.
  - Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of building permit(s), the permittee shall pay Off-Site Tree Replacement Fee(s) to the City for ## off-site replacement trees in accordance with the City Council approved Fee Resolution in effect at the time of payment.

Through compliance with the standard permit conditions above, the project would offset the loss of the existing trees and reduce the impacts of tree removal to a less than significant level. The project, therefore, would not conflict with City policies or ordinances that protect biological resources. (**Less Than Significant Impact**)

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

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While the project site is within the Habitat Plan permit area, it does not have a natural communities land cover designation identified for the purposes of protection, enhancement, and restoration. The project site has a land cover designation of *Urban-Suburban* would not be subject to any land cover fee. The site is identified as being in a plant survey zone in the SCVHP Geobrowser. As described

below, the project would be subject to SCVHP conditions as a standard permit condition, including any required pre-construction surveys for rare plants.

### **Nitrogen Deposition Impacts on Serpentine Habitat**

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, facilitating 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 will be used as mitigation to purchase and manage conservation land for the Bay Checkerspot butterfly and other sensitive species. The project would be required to implement the following standard permit condition.

**Standard Permit Condition:** The project shall implement the following condition to reduce the impacts related to nitrogen deposition:

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

Compliance with the standard permit condition listed above would ensure that the project does not conflict with the provisions of the Habitat Plan. **(Less Than Significant Impact)**

### 3.4.2.2 *Cumulative Impacts*

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**Would the project result in a cumulatively considerable contribution to a significant cumulative biological resources impact?**

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The geographic area for cumulative biological resources impacts includes the project site and its surrounding area. The proposed project, when combined with other projects in San José, would not result in a significant cumulative impact to biological resources. As described above, there is potential for nesting and migratory birds to occur in the project area. The project would not impact sensitive habitats or special status species. The project would implement mitigation measures to reduce nesting bird impacts to less than significant, which would reduce the project's contribution to cumulative impacts to nesting birds to a less than significant level.

In addition, other projects in the City are also required to undergo site-specific analyses for their potential to adversely affect sensitive natural communities, habitats and special-status plant and animal species; if potential impacts are identified, mitigation measures would be incorporated into individual projects to reduce impacts to a less than significant level. Cumulatively, other projects would also be required to adhere to the City of San José Tree Removal Controls (San José City Code, Sections 13.31.010 to 13.32.100) and applicable Habitat Plan conditions. For these reasons, the project would not result in a cumulative considerable contribution to a significant biological resources impact. **(Less than Significant Cumulative Impact)**

### 3.5 CULTURAL RESOURCES

The following discussion is based in part on an Archaeological Resources Assessment prepared for the project by PaleoWest in June 2022. A copy of this report is on file at the City of San José Department of Planning, Building and Code Enforcement.

#### 3.5.1 Environmental Setting

##### 3.5.1.1 *Regulatory Framework*

#### **Federal and State**

##### National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act of 1966 (NHPA) and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in 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.<sup>22</sup>

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.

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

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<sup>22</sup> California Office of Historic Preservation. “CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6.” Accessed March 1, 2021.  
<http://www.ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf>.



## Senate Bill 18

The intent of SB 18 is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult with California Native American tribes on projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process.

## California Native American Historical, Cultural, and Sacred Sites Act

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

## Public Resources Code Sections 5097 and 5097.98

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

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

## Envision San José 2040 General Plan

Various policies in the Envision San José 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to cultural resources, as listed below.

<b>General Plan Policies – Cultural Resources</b>	
<b>Landmarks and Districts</b>	
Policy LU-13.2	Preserve candidate or designated landmark buildings, structures and historic objects, with first priority given to preserving and rehabilitating them for their historic use, second to preserving and rehabilitating them for a new use, or third to rehabilitation and relocation on-site. If the City concurs that no other option is feasible, candidate or designated landmark structures should be rehabilitated and relocated to a new site in an appropriate setting.
Policy LU-13.4	Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.

<b>General Plan Policies – Cultural Resources</b>	
Policy LU-13.9	Promote the preservation, conservation, rehabilitation, restoration, reuse, and/or reconstruction, as appropriate, of contextual elements (e.g., structures, landscapes, street lamps, street trees, sidewalk design, signs) related to candidate and/or landmark buildings, structures, districts, or areas.
Policy LU-13.15	Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.
<b>Historic Structures of Lesser Significance</b>	
Policy LU-14.1	Preserve the integrity and enhance the fabric of areas or neighborhoods with a cohesive historic character as a means to maintain a connection between the various structures in the area.
Policy LU-14.4	Discourage demolition of any building or structure listed on or eligible for the Historic Resources Inventory as a Structure of Merit by pursuing the alternatives of rehabilitation, re-use on the subject site, and/or relocation of the resource.
<b>Archaeology and Paleontology</b>	
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

### **3.5.1.2 Existing Conditions**

#### **Historic Resources**

The existing buildings on-site consist of portable buildings, storage sheds, and a garage/shop structure. The oldest permanent structures were constructed in 1979 and are less than 45 years old. No building or structures are listed on the City's Historic Resources Inventory, nor is the site located

within a historic or landmark district.<sup>23,24,25</sup> The buildings are accessory structures to the existing concrete and asphalt recycling, manufacturing, and distribution activities on the site and are not eligible for the CRHR or the NRHP based on their age and architectural style.

### **Archaeological Resources**

The project site is not within an archaeologically sensitive area as designated by the General Plan.<sup>26</sup> Although there are no existing conditions or immediate evidence that would suggest the presence of subsurface historic or prehistoric resources, resources may be encountered on-site due to known prehistoric and historic occupation of San José and the site's proximity to the Coyote Creek (approximately 1.5 miles east of the site) and the Guadalupe River (approximately 2.0 miles west of the site). Native American settlements are commonly associated with the abundant food supply in the Santa Clara Valley and they often established settlements near local waterways. The project site is between two waterways which increases the likelihood that prehistoric artifacts may be located on the project site.

A records search of the California Historical Resources Information System at the Northwest Information Center (NWIC) was completed in March 2022. The records search identified one previously recorded cultural resource within the 0.25-mile search radius. No previously identified cultural resources were identified within the project site.

#### **3.5.2 Impact Discussion**

For the purpose of determining the significance of the project's impact on cultural resources, would the project:

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?
- c) Disturb any human remains, including those interred outside of dedicated cemeteries?

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<sup>23</sup> City of San José Historic Resources Inventory, Landmarks, Districts, and Architectural and Archaeological Resources Map. 2012

<sup>24</sup> City of San José. City of San José Historic Resources Inventory Map. Accessed June 23, 2021.  
<https://www.arcgis.com/apps/webappviewer/index.html?id=b2d7cc355a86493c8da904b8c2fc3e3e&extent=-13591970.1207%2C4462771.7617%2C-13533877.9792%2C4499308.6613%2C102100>

<sup>25</sup> City of San José. City of San José Historic Resources Inventory. Accessed June 23, 2021.  
<https://www.sanjoseca.gov/home/showpublisheddocument/24021/636689750824470000>

<sup>26</sup> Envision San José 2040 General Plan. Archaeologically Sensitive Areas Map.

### 3.5.2.1 *Project Impacts*

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

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Under CEQA, a property need not be listed on a National, State, or local register to qualify as a significant historical resource. A structure is considered a significant resource under CEQA if it is found to be *eligible* for inclusion on a National, State, or local register.

As mentioned in *Section 3.5.1.2*, the existing buildings on-site are accessory structures to the concrete and asphalt recycling, manufacturing, and distribution activities on the site and are less than 45 years old. The buildings are of no distinct architectural style and are used for activities such as material storage and equipment repair. The buildings are not eligible for the CRHR or the NRHP or as a Candidate City Landmark based on their age and architectural style. Implementation of the proposed project, therefore, would have a less than significant impact on historic resources and/or structures. **(Less Than Significant Impact)**

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

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As described previously, the project site is not within an archaeologically sensitive area as designated by the General Plan. Additionally, the record search completed for the project did not identify any known cultural resources within the subject property. Although there are no existing conditions or immediate evidence that would suggest the presence of subsurface historic or prehistoric resources, resources may be encountered on site due to known prehistoric and historic occupation of San José and the site's proximity to Coyote Creek and the Guadalupe River. Excavation and grading activities on the site could damage as yet unrecorded subsurface resources.

**Impact CUL-1:** Excavation and grading activities on the site could disturb and damage unrecorded subsurface resources.

**Mitigation Measures:** The following mitigation measures would reduce and/or avoid impacts to unrecorded subsurface resources to a less than significant level.

**MM CUL-1.1:** Tribal Cultural Resources Sensitivity Training. A qualified Native American representative, registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area, will provide at least one cultural sensitivity training to construction crew prior to the initial ground-breaking activities.

**MM CUL-1.2:** Tribal Monitoring. A qualified Native American monitor, registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area, shall be on-site to monitor for all major earthmoving activities, such as initial grading and foundation work. Evidence of a monitoring agreement shall be provided to the



Director of Planning, Building and Code Enforcement or Director's Designee prior to the issuance of grading permits.

In the event archaeological resources are encountered during excavation and construction, the following standard permit condition would be implemented.

**Standard Permit Condition:** Implementation of the following condition would reduce impacts of the project on subsurface cultural resources:

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

Implementation of the above standard permit condition, in accordance with General Plan policies, and mitigation measures MM CUL-1.1 and MM CUL-1.2 would ensure that the proposed project would not significantly impact archaeological resources. **(Less Than Significant Impact with Mitigation)**

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

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As discussed in the General Plan EIR, the potential to uncover Native American human remains exists throughout the state. While the site is not located within an archaeologically sensitive area as designated in the General Plan, human remains may still be encountered during site preparation and grading activities.

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

- If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably

suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

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

Implementation of the above standard permit condition, in accordance with General Plan policies, would ensure that the proposed project would not significantly impact human remains. **(Less Than Significant Impact)**

### **3.5.2.2**            *Cumulative Impacts*

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#### **Would the project result in a cumulatively considerable contribution to a significant cumulative cultural resources impact?**

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The geographic area for cultural resources is the project site and adjacent parcels as cultural resource impacts are typically localized and generally limited to the immediate area in which a given cultural resources is located.

The cumulative projects analyzed in this Draft EIR (refer to Table 3.0-1) may require excavation and grading or other activities that may affect unknown prehistoric cultural resources and/or historic resources. Other projects in the City of San José may also have cultural resources, irrespective of their designation as such on local, state, or federal registers. Any excavation or grading activities could affect these known and unknown cultural resources. Therefore, the City has adopted standard conditions that will be implemented by all projects to reduce potential impacts to cultural resources. Project-level analyses will determine the necessity of additional mitigation measures to reduce localized and site-specific impacts to these resources.

All projects would also be subject to federal, state, and county laws regulating cultural resources. Project-level analyses of these projects will determine the necessity of additional mitigation measures to reduce localized and site-specific impacts to these resources. All cumulative projects occurring within the City of San José would be required to implement standard permit conditions or mitigation measures that would avoid impacts to prehistoric and historic resources and/or reduce them to a less than significant level.

As discussed earlier, none of the existing buildings on the project site are considered a historical resource under CEQA. Therefore, there are no project related impacts to historical resource.

The proposed project, in combination with other projects, would not result in significant cumulative impacts to cultural resources. **(Less than Significant Cumulative Impact)**

## 3.6 ENERGY

### 3.6.1 Environmental Setting

#### 3.6.1.1 *Regulatory Framework*

##### **Federal and State**

##### Energy Star and Fuel Efficiency

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

##### Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. Governor Schwarzenegger issued Executive Order (EO) S-3-05, requiring statewide emissions reductions to 80 percent below 1990 levels by 2050. In 2008, EO S-14-08 was 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.

##### Executive Order B-55-18 To Achieve Carbon Neutrality

In September 2018, Governor Brown issued an executive order, EO-B-55-18 To Achieve Carbon Neutrality, setting a statewide goal “to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter.” The executive order requires CARB to “ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal.” EO-B-55-18 supplements EO S-3-05 by requiring not only emissions reductions, but also that, by no later than 2045, the remaining emissions be offset by equivalent net removals of CO<sub>2</sub> from the atmosphere through sequestration.

##### California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years.<sup>27</sup> Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.<sup>28</sup>

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<sup>27</sup> California Building Standards Commission. “California Building Standards Code.” Accessed July 1, 2021. <https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo>.

<sup>28</sup> California Energy Commission (CEC). “2019 Building Energy Efficiency Standards.” Accessed July, 2021. <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency>.



## California Green Building Standards Code

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

## Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.<sup>29</sup>

## **Regional and Local**

## Climate Smart San José

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

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

### **3.6.1.2      *Existing Conditions***

Total energy usage in California was approximately 7,802 trillion British thermal units (Btu) in the year 2019, the most recent year for which this data was available.<sup>30</sup> Out of the 50 states, California is ranked second in total energy consumption and 46<sup>th</sup> in energy consumption per capita. The breakdown by sector was 18.7 percent (approximately 1,456 trillion Btu) for residential uses, 18.8 percent (approximately 1,468 trillion Btu) for commercial uses, 23.1 percent (approximately 1,805 trillion Btu) for industrial uses, and 39.4 percent (approximately 3,073 trillion Btu) for

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<sup>29</sup> California Air Resources Board. "The Advanced Clean Cars Program." Accessed June 30, 2021.

<https://www.arb.ca.gov/msprog/acc/acc.htm>.

<sup>30</sup> United States Energy Information Administration. "State Profile and Energy Estimates, 2019." Accessed June 30, 2021. <https://www.eia.gov/state/?sid=CA#tabs-2>.

transportation.<sup>31</sup> This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

### **Electricity**

Electricity in Santa Clara County in 2019 was consumed primarily by the commercial sector (76 percent), followed by the residential sector consuming 24 percent. In 2019, a total of approximately 16,664 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.<sup>32</sup>

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

### **Natural Gas**

PG&E provides natural gas services within San José. In 2018, approximately one percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.<sup>33</sup> In 2019, residential customers in California used 22.2 percent of the state's natural gas, commercial customers used 12.2 percent, vehicle fuel used 1.3 percent, the industrial sector used 36.7 percent, and electric power used 27.6 percent.<sup>34</sup> Transportation accounted for one percent of natural gas use in California. In 2018, Santa Clara County used approximately 3.5 percent of the state's total consumption of natural gas.<sup>35</sup>

### **Fuel for Motor Vehicles**

In 2019, 15.4 billion gallons of gasoline were sold in California.<sup>36</sup> 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 2019.<sup>37</sup> 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

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<sup>31</sup> United States Energy Information Administration. "State Profile and Energy Estimates, 2019." Accessed June 30, 2021. <https://www.eia.gov/state/?sid=CA#tabs-2>.

<sup>32</sup> California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed June 29, 2021. <http://ecdms.energy.ca.gov/elecbycounty.aspx>.

<sup>33</sup> California Gas and Electric Utilities. 2019 *California Gas Report*. Accessed June 30, 2021. [https://www.socalgas.com/regulatory/documents/cgr/2019\\_CGR\\_Supplement\\_7-1-19.pdf](https://www.socalgas.com/regulatory/documents/cgr/2019_CGR_Supplement_7-1-19.pdf).

<sup>34</sup> U.S. Energy Information Administration. Natural Gas Consumption by End Use. Accessed July 12, 2021. [https://www.eia.gov/dnav/ng/ng\\_cons\\_sum\\_dcua\\_sca\\_a.htm](https://www.eia.gov/dnav/ng/ng_cons_sum_dcua_sca_a.htm)

<sup>35</sup> California Energy Commission. "Natural Gas Consumption by County." Accessed June 30, 2021. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

<sup>36</sup> California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed June 29, 2021. <https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist>.

<sup>37</sup> United States Environmental Protection Agency. "The 2020 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." January 2021. <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=P1010U68.pdf>

35 miles per gallon by the year 2020, was updated in March 2020 to require all cars and light duty trucks achieve an overall industry average fuel economy of 40.4 mpg by model year 2026.<sup>38,39</sup>

### 3.6.1.3 *Energy Use of Existing Development*

The project site is currently developed with a concrete and asphalt recycling, concrete plant, railcar unloading, manufacturing, and a distribution facility for aggregate and other construction materials. Operation of the facility generates GHG emissions from motor vehicles traveling to and from the site, and electricity and natural gas usage for lighting, heating and cooling, etc. The estimated annual energy use of the existing development is shown below in Table 3.6-1.

<b>Table 3.6-1: Estimated Annual Energy Use of Existing Development</b>				
<b>Development</b>	<b>Electricity Use (kWh)</b>	<b>Natural Gas Use (kBtu)</b>	<b>Diesel (gallons per year)</b>	<b>Gasoline (gallons per year)</b>
Office Building	159,990	49,110	621,449	5,660
<b>Source:</b> Illingworth & Rodkin, Inc. <i>Graniterock Capitol Yard Modernization Project – Existing Land Use CalEEMod</i> . May 2021.				

As shown in the table above, the existing land uses on-site use approximately 159,990 kWh of electricity, 621,449 gallons of diesel, 5,660 gallons of gasoline, and 49,110 kBtu of natural gas

### 3.6.2 Impact Discussion

For the purpose of determining the significance of the project's impact on energy, would the project:

- Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?
- Result in a substantial increase in demand upon energy resources in relation to projected supplies?

#### 3.6.2.1 *Project Impacts*

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

#### **Energy Efficiency During Construction**

The project would require demolition, site preparation, grading and excavation, trenching and foundation work, paving, rail improvements, pile driving, and construction. Energy would not be wasted or used inefficiently by construction equipment. All projects in the City, including this

<sup>38</sup> United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed July 1, 2021.

<http://www.afdc.energy.gov/laws/eisa>.

<sup>39</sup> Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007*. Accessed July 1, 2021.

<http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf>.

project, are required to implement BAAQMD Basic Construction Mitigation measures for construction equipment exhaust-control during construction to reduce impacts from air pollutants, restricting equipment idling times and requiring the applicant to post signs on the project site reminding workers to shut off idle equipment, thus reducing the potential for energy waste. The project would also comply with the City's requirements to recycle and/or salvage for reuse a minimum of 75 percent of nonhazardous construction and demolition waste, minimizing energy impacts from the creation of excessive waste.

### Energy Use During Project Operation

Operation of the project would consume energy for multiple purposes, including equipment usage, building heating and cooling, lighting, and appliance use. The net increase in energy use of the proposed project is summarized in Table 3.6-2 below.

Table 3.6-2 Estimated Annual Energy Use of Proposed Development				
	Electricity Use (kWh)	Natural Gas Use (kBtu)	Diesel (gallons per year)	Gasoline (gallons per year)
<b>Proposed Usage</b>	2,618,665	124,735	1,498,748	16,595
kWh = kilowatt per hour kBtu = kilo-British thermal unit <b>Source:</b> Illingworth & Rodkin, Inc. <i>Graniterock Capitol Yard Modernization Project – Project Buildings Output CalEEMod</i> . May 2021.				

As shown in Table 3.6-2 above, the project would result in an increase in energy demand compared to existing conditions. The project, however, would not represent a wasteful or inefficient use of energy resources because the project would be required to comply with Title 24 and CALGreen requirements to reduce energy consumption. In addition, the VMT generated by the project would be 12.28 per industrial worker, which is lower than the City's industrial threshold of 14.37 per employee. The project's VMT impact would be less than significant, as it would be consistent with CEQA Guidelines Section 15064.3, subdivision (b). Implementation of the project would not result in a substantial increase of transportation-related energy use. For these reasons, the project would not result in a wasteful use of energy or conflict with a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

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

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Electricity for the proposed project would be provided by SJCE. The SJCE power mix at the GreenSource level, the default option for utility customers, is 60 percent renewable and 95 percent carbon-free. The proposed development would be built in compliance with the current energy efficiency standards set forth in Title 24 and CALGreen. Therefore, the project would not conflict with or obstruct state or local plans for renewable energy or energy efficiency. **(No Impact)**



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**c) Would the project result in a substantial increase in demand upon energy resources in relation to projected supplies?**

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The project would be built to the most recent CALGreen requirements and Title 24 energy efficient standards, which would improve the efficiency of the overall project compared to existing operations. Due to population increases, it is estimated that future demand in California (for electricity) will increase by approximately one percent each year through 2027. Efficiency and production capabilities would help meet increased electricity demand in the future, such as improving energy efficiency in existing and future buildings, establishing energy efficiency targets, inclusion of microgrids and zero-net energy buildings, and integrating renewable technologies.<sup>40</sup> As a result, the project's increase in electricity use would not result in a significant increase in demand on electrical energy resources in relation to projected supplies statewide.

In 2019, California consumed approximately 2,154,030 cubic feet of natural gas<sup>41</sup>. Based on the relatively small increase in natural gas demand for the project (approximately 16,110 cubic feet annually) compared to the growth trends in natural gas supply and the existing available supply in California, the proposed project would not result in a substantial increase in natural gas demand relative to projected supply.

Project trips would result in the consumption of up to 16,595 gallons per year, which represents an increase of 10,935 gallons per year compared to existing conditions. This increase is small when compared to the 15.4 billion gallons of gasoline consumed in California in 2019. Therefore, implementation of the project would not result in a substantial increase on transportation-related energy uses.

Operation of the project could result in the use of up to 1,498,748 gallons of diesel fuel per year, which is an increase of 877,299 gallons per year compared to existing conditions. According to the California Energy Commission's 2021 Weekly Fuel's Watch Report, the annual production of CARB Diesel Fuel in California was 1,256,396 barrels annually (or 52,768,632 gallons).<sup>42,43</sup> As a result, the Project would not have a significant adverse effect on local or regional energy supplies for the above reasons and would not create a significant adverse impact on California's energy resources. **(Less Than Significant Impact)**

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<sup>40</sup> California Energy Commission. "2016 Integrated Energy Policy Report." Accessed August 18, 2020.

[http://www.energy.ca.gov/2016\\_energy/policy/](http://www.energy.ca.gov/2016_energy/policy/).

<sup>41</sup> US Energy Information Administration. California Natural Gas Total Consumption. June 30, 2021.

[https://www.eia.gov/dnav/ng/hist/nal490\\_sca\\_2a.htm](https://www.eia.gov/dnav/ng/hist/nal490_sca_2a.htm)

<sup>42</sup> Average of Production Capacity from January 1, 2021 through December 31, 2021. Source: California Energy Commission. California Energy Commission California Refinery Inputs. 2022. Accessed July 25, 2022.

[https://tableau.cnra.ca.gov/t/CNRA\\_CEC/views/WFW2\\_0\\_16391728913510/CaliforniaRefineryInputsandProduction?%3Adisplay\\_count=n&%3Aembed=y&%3AisGuestRedirectFromVizportal=y&%3Aorigin=viz\\_share\\_link&%3AshowAppBanner=false&%3AshowVizHome=n](https://tableau.cnra.ca.gov/t/CNRA_CEC/views/WFW2_0_16391728913510/CaliforniaRefineryInputsandProduction?%3Adisplay_count=n&%3Aembed=y&%3AisGuestRedirectFromVizportal=y&%3Aorigin=viz_share_link&%3AshowAppBanner=false&%3AshowVizHome=n)

<sup>43</sup> United States Energy Information Administration. "Frequently Asked Questions: How many gallons of gasoline and diesel fuel are made from one barrel of oil?" Last updated April 19, 2022. Accessed July 25, 2022.

<https://www.eia.gov/tools/faqs/faq.php?id=327&t=10#:~:text=Petroleum%20refineries%20in%20the%20United,galon%20barrel%20of%20crude%20oil>.

### 3.6.2.2 *Cumulative Impacts*

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**Would the project result in a cumulatively considerable contribution to a significant cumulative energy impact?**

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Energy is a cumulative resource. The geographic area for cumulative energy impacts is the State of California. Past, present, and future development projects contribute to the state's energy impacts. If the project is determined to have a significant energy impact, it is concluded that the impact is a cumulative impact. As discussed under Energy Impact a, b, and c, the project would not result in significant energy impacts. Therefore, the project would not have a cumulatively considerable contribution to a significant cumulative energy impact. **(Less than Significant Cumulative Impact)**

### **3.7 GEOLOGY AND SOILS**

#### **3.7.1 Environmental Setting**

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

##### **California Division of Occupational Safety and Health Regulations**

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

## Public Resources Code Section 5097.5

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

### **3.7.1.2      *Existing Conditions***

The project site is located in the Santa Clara Valley, a relatively flat alluvial basin, bounded by the Santa Cruz Mountains to the southwest and west, the Diablo Mountain Range to the east, and the San Francisco Bay to the north.

### **Seismicity and Seismic Hazards**

The San Francisco Bay Area is one of the most seismically active areas in the United States. While seismologists cannot predict earthquake events, the U.S. Geological Survey's Working Group on California Earthquake Probabilities estimates there is a 72 percent chance of at least one magnitude 6.7 earthquake occurring in the Bay Area region between 2002 and 2032. Higher levels of shaking and damage would be expected for earthquakes occurring at closer distances. The faults considered capable of generating significant earthquakes in the area are generally associated with the well-defined areas of crustal movement, which trend northwesterly.

The major active faults that could impact the project area include the San Andreas fault, located approximately 11 miles southwest, the Hayward fault, located approximately five miles northeast, the Monte Vista-Shannon fault, located approximately six miles southwest, and the Calaveras fault, located approximately nine miles northeast of the site.

Although the site is within a seismically active region, it is not located within a designated Alquist-Priolo Earthquake Fault Zone, the Santa Clara County Fault Hazard Zone<sup>44</sup>, or the City of San José Potential Hazard Zone<sup>45</sup>. Ground shaking at the project site is predicted to be strong to very strong as determined by the Association of Bay Area Governments (ABAG). The project site is not located within the limits of an Alquist-Priolo Earthquake Fault Zone. The project site is not located within a fault rupture zone.<sup>46</sup>

### **Landslides**

Landslides are the movement of rock, debris, or earth down a slope and typically occur in connection with other natural disasters such as earthquakes and floods. Landslides occur when the stability of a

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<sup>44</sup> Santa Clara County, Santa Clara County Geologic Hazard Zones, Map 28. Accessed June 9, 2021.

[https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO\\_GeohazardATLAS.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf).

<sup>45</sup> City of San José. Envision San José 2040 General Plan Integrated Final Program EIR. Figure 3.6-1 Geologic and Seismic Hazards. September 2011.

<sup>46</sup> Santa Clara County. *Santa Clara County Geologic Hazard Zones*. October 26, 2012.



slope changes from a stable to an unstable condition. In general, slopes steeper than approximately 15 degrees are typically most susceptible to landslides. Earthquakes can induce landslides in hillside areas and along creeks.

The project site is not located within a California Seismic Hazard Zone for landslides or within a County of Santa Clara Landslide Hazard Zone.<sup>47,48</sup> The project area is relatively flat and, therefore, the probability of landslides occurring at the project sites during a seismic event is low.

### **Liquefaction**

Soil liquefaction is a condition where saturated granular soils near the ground surface undergo a substantial loss of strength during seismic events. Loose, water-saturated soils are transformed from a solid to a liquid state during ground shaking. Liquefaction can result in significant deformations and ground rupture or sand boils. Soils most susceptible to liquefaction are loose, uniformly graded, saturated, fine-grained sands that lie close to the ground surface. The project site is located within a State-designated Liquefaction Hazard Zone and a Santa Clara County Liquefaction Hazard Zone.<sup>49,50</sup>

### **Paleontological Resources**

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Most of the City is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources; however, older Pleistocene sediments present at or near the ground surface at some locations have high potential to contain these resources. These older sediments, often found at depths of greater than 10 feet below the ground surface (bgs), have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. Based on the underlying geologic formation of the project site, the General Plan FEIR (as amended) found the project site to have a generally high sensitivity (at depth) for paleontological resources.

### **Lateral Spreading**

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open face, such as the steep bank of a stream channel.

There are no stream channels on or directly adjacent to the site; therefore, the project site would not be subject to lateral spreading.

### **Soil Conditions**

The Santa Clara Valley is located within the Coast Ranges geomorphic province of California; an area characterized by northwest-trending ridges and valleys, underlain by strongly deformed

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<sup>47</sup> Santa Clara County, Santa Clara County Geologic Hazard Zones, Map 28. Accessed June 9, 2021.

[https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO\\_GeohazardATLAS.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf).

<sup>48</sup> CA Department of Conservation. *CGS Seismic Hazard Zone and Liquefaction Map. Santa Clara County*. 2012

<sup>49</sup> CA Department of Conservation. *CGS Seismic Hazard Zone and Liquefaction Map. Santa Clara County*. 2012

<sup>50</sup> Santa Clara County, Santa Clara County Geologic Hazard Zones, Map 28. Accessed June 9, 2021.

[https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO\\_GeohazardATLAS.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf).

sedimentary and metamorphic rocks of the Franciscan Complex. Overlying these rocks are sediments deposited during recent geologic times. The Santa Clara Valley consists of a large structural basin containing alluvial deposits derived from the Diablo Range to the east and the Santa Cruz Mountains to the west. Alluvial deposits are interbedded with bay and lacustrine (lake) deposits in the north-central region. The San José Alluvial Plain is located on the flat-lying floor of the Santa Clara Valley. The valley sediments were deposited as a series of coalescing alluvial fans by streams that drain the adjacent mountains. These alluvial sediments make up the groundwater aquifers of the area. Soil types in the area include clay in the low-lying central areas, loam and gravelly loam in the upper portions of the valley, and eroded rocky clay loam in the foothills.

Clay and associated materials can result in weak, compressible, or expansive soils. These soils are classified as expansive soils. Expansion and contraction in volume can occur when expansive soils undergo alternating cycles of wetting (swelling) and drying (shrinking). During these cycles, the volume of the soil changes markedly. As a consequence of such volume changes, structural damage to buildings and infrastructure may occur if the potentially expansive soils were not considered in project design and during construction.

### **3.7.2            Impact Discussion**

For the purpose of determining the significance of the project's impact on geology and soils, would the project:

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?
  - Strong seismic ground shaking?
  - Seismic-related ground failure, including liquefaction?
  - Landslides?
- b) Result in substantial soil erosion or the loss of topsoil?
- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?
- d) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?
- f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

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

### **Fault Rupture**

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

### **Seismic Ground Shaking**

The project site 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 using standard engineering and seismic safety design techniques. Consistent with these requirements, the following condition shall be implemented to ensure the proposed development is designed to address seismic hazards.

**Standard Permit Condition:** Implementation the following condition would reduce risk due to seismic hazards:

- 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.

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, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides. **(Less than Significant Impact)**

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

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General Plan Policy EC-4.5 requires an Erosion Control Plan for private development projects that have a soil disturbance of one acre or more, are adjacent to a creek/river, and/or located in a hillside area. The proposed project would disturb more than one acre and, therefore, the project would be required to prepare an Erosion Control Plan according to the City policy. In addition, the following erosion control measures would be implemented by the project:

**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.

By implementing the above listed erosion control measures, regulations identified in the General Plan FEIR (as amended), and preparing an Erosion Control Plan, the proposed project would reduce potential soil erosion impacts to a less than significant level. **(Less than Significant Impact)**

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

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Based on the California Department of Conservation Regulatory Map, the project site is located within a liquefaction zone.<sup>51</sup> Due to the location of the site relative to local waterways, the potential for lateral spreading is low. Since the soils on-site have high expansion potential, the proposed project would be required to use standard engineering and seismic safety design techniques during project construction.

Additionally, a geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed, and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation. As a result, the proposed project would not be located on a geologic unit or soil that is unstable or would become unstable as a result of the project.

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<sup>51</sup> California Department of Conservation Website. "CGS Information Warehouse: Regulatory Maps". Accessed December 2, 2020. <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>.

### **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 future buildings on the site are designed to properly account for soils-related hazards on the site.

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)**

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

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There is potential for expansive soils on-site. The project would be required to adhere to the SHMA and CBC, which will ensure that the risk to life or property due to the presence of expansive soils is minimal. A design-level geotechnical investigation in compliance with the requirements of the SHMA and CBC will be prepared for the project. The project must implement the recommendations of the design-level geotechnical investigation, which would reduce impacts to expansive soils to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

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

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The proposed project would connect to the existing sewer system; therefore, the project would not require septic tanks or alternative wastewater disposal systems. **(No Impact)**

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

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Paleontological resources are the fossilized remains of organisms from prehistoric environments found in the geologic strata. Most of the City is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources; however, older Pleistocene sediments present at or near the ground surface at some locations have high potential to contain these resources. These older sediments, often found at depths of greater than 10 feet bgs, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates.

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. The project would comply with all General Plan policies, as well as existing regulations and programs. As such, the following standard permit conditions 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 PBCE or Director's designee shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project applicant shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of PBCE or Director's designee.

Although unlikely, the project could result in the disturbance of previously undiscovered paleontological resources. With implementation of the standard permit condition described above, impacts to undiscovered paleontological resources would be minimal. Therefore, the project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. **(Less than Significant Impact)**

#### **3.7.2.2            *Cumulative Impacts***

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##### **Would the project result in a cumulatively considerable contribution to a significant cumulative geology and soils impact?**

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Cumulatively, all other projects analyzed in the City and vicinity of the project site would result in similar geology, soils, and seismicity impacts as the proposed project. All cumulative projects occurring within the City are required to implement standard permit conditions and mitigation measures, and ensure consistency with the California Building Code to avoid impacts related to seismic, geologic, and soils hazards and/or reduce them to a less than significant level.

Adherence to the Standard Permit Condition for discovery of paleontological resources would ensure that such resources are not significantly impacted by the proposed project. Cumulatively, other projects in the City would also be required to implement similar permit conditions or mitigation measures.

For these reasons, the cumulative projects, including the proposed project, would not result in significant cumulative geologic and soils impacts. **(Less than Significant Cumulative Impact)**

### 3.8 GREENHOUSE GAS EMISSIONS

The following discussion is based in part on an Air Quality and GHG Emissions Assessment prepared for the project by Illingworth and Rodkin, Inc. in May 2021. A copy of the report is attached as Appendix B.

#### 3.8.1 Environmental Setting

##### 3.8.1.1 *Background Information*

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of CO<sub>2</sub> equivalents (CO<sub>2</sub>e). The most common GHGs are carbon dioxide (CO<sub>2</sub>) and water vapor but there are also several others, most importantly methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO<sub>2</sub> and N<sub>2</sub>O are byproducts of fossil fuel combustion.
- N<sub>2</sub>O is associated with agricultural operations such as fertilization of crops.
- CH<sub>4</sub> is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and SF<sub>6</sub> emissions are commonly created by industries such as aluminum production and semiconductor manufacturing.

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

### **3.8.1.2      *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 CO<sub>2</sub>E (MMTCO<sub>2</sub>e). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCO<sub>2</sub>e.

##### **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**

To protect the climate, the 2017 CAP (prepared by BAAQMD) includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

##### **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.

#### Envision San José 2040 General Plan

The General Plan includes strategies, policies, and action items that are incorporated in 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 City’s Green Vision, as reflected in these policies, also has a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The General Plan includes the following policies that are specific to GHGs and applicable to future development under the proposed project.

<b>General Plan Policies – Greenhouse Gases</b>	
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.

#### San José 2030 Greenhouse Gas Reduction Strategy

The 2030 Greenhouse Gas Reduction Strategy (GHGRS) is the latest update to the City’s GHGRS and is designed to meet statewide GHG reduction targets for 2030 set by Senate Bill 32. As a qualified CAP, the 2030 GHGRS allows for tiering and streamlining of GHG analyses under CEQA. The GHGRS identifies General Plan policies and strategies to be implemented by development projects in the areas of green building/energy use, multimodal transportation, water conservation, and solid waste reduction. Projects that comply with the policies and strategies outlined in the 2030 GHGRS, would have less than significant GHG impacts under CEQA.<sup>52</sup> The GHGRS does not cover projects that entail a General Plan Amendment, since the GHGRS was developed based on the development assumptions under the adopted General Plan, and a General Plan Amendment would alter the development from what was assumed in the GHGRS.

<sup>52</sup> City of San José. Greenhouse Gas Reduction Strategy. November 2020. <https://www.sanjoseca.gov/your-government/department-directory/planning-building-code-enforcement/planning-division/environmental-planning/greenhouse-gas-reduction-strategy>.

## Climate Smart San José

The City Council adopted Climate Smart San Jose 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 United States' 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. Climate Smart San José encompasses nine overarching strategies:

- Transition to a renewable energy future
- Embrace our Californian climate
- Density our City to accommodate our future neighbors
- Make homes efficient and affordable for our families
- Create clean, personalized mobility choices
- Develop integrated, accessible public transport infrastructure
- Create local jobs in our City to reduce vehicle miles traveled (VMT)
- Improve our commercial building stock
- Make commercial goods movement clean and efficient

## Reach Building Code

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

### **3.8.1.3      *Existing Conditions***

The existing facility produces emissions from a number of different sources, including the existing concrete plant, combustion sources on-site that include mobile and portable off-road equipment and truck activity, trucks and trains delivering or removing material from the site, and electricity consumption. As described in the discussion of the project's net GHG emissions below, existing operations result in 7,600 metric tons of CO<sub>2e</sub> per year.



### **3.8.2            Impact Discussion**

For the purpose of determining the significance of the project's impact on greenhouse gas emissions, would the project:

- a) Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?
- b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?

#### **4.8.2.1            *Significance Thresholds***

As described previously, BAAQMD adopted GHG emissions 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 make a cumulatively considerable contribution to significant cumulative environmental impacts from GHG emissions. The GHG emissions thresholds identified by BAAQMD are 1,100 MT of CO<sub>2</sub>e per year or 4.6 MT CO<sub>2</sub>e per service population per year. A project that is in compliance with the City's GHG Reduction Strategy is considered to have a less than significant GHG impact regardless of its emissions.

The numeric thresholds set by BAAQMD were calculated to achieve the state's 2020 target for GHG emissions levels (and not the SB 32 specified target of 40 percent below the 1990 GHG emissions level). Because the development proposed by the project requires a General Plan Amendment and was, therefore, not part of the GHG inventory used to project City emissions in its 2030 GHGRS, the project would not be covered under the City's GHGRS.

CARB has completed a Scoping Plan that addresses the measures the state will implement to meet its 2030 target. For the purposes of this analysis, an operational bright-line threshold of 660 MT CO<sub>2</sub>e per year has been calculated for 2030 based on BAAQMD's 1,100 bright-line threshold, as updated to account for the GHG reduction targets of SB 32.

Per BAAQMD guidance for stationary sources such as the proposed asphalt plant and portable equipment used at the recycle yard, the threshold to determine the significance of an impact from GHG emissions is 10,000 metric tons of CO<sub>2</sub>e per year. This threshold is consistent with stationary source thresholds adopted by other air quality management districts throughout the state and is intended to capture 95 percent of all GHG emissions from new permit applications from stationary sources in the San Francisco Bay Area Basin. Stationary-source projects include land uses that would accommodate processes and equipment that emit GHG emissions and would require a BAAQMD permit to operate. Stationary sources at the facility would consist of major components of the aggregate distribution facility, concrete plant, recycle yard processing equipment, and asphalt plant. However, other than the asphalt plant and portable equipment used at the recycle yard, this equipment would not emit CO<sub>2</sub> directly to the atmosphere since the facility proposes to utilize electric power to operate this equipment. If annual emissions of operational-related GHGs from the stationary sources exceed 10,000 metric tons of CO<sub>2</sub>e per year, the project would result in a cumulatively considerable contribution of GHG emissions and a cumulatively significant impact to global climate change.

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

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**Construction Emissions**

Project construction emissions would result from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. Neither the City nor BAAQMD has established a quantitative threshold or standard for determining whether the project's construction related GHG emissions are significant. Table 3.8-1 summarizes the construction emissions. As previously described, construction would occur over three phases beginning in 2022 and lasting until 2027 when the project becomes fully operational.

<b>Table 3.8-1: Construction GHG Emissions</b>	
<b>Construction Phase/Year</b>	<b>CO<sub>2</sub>e (metric tons/year)</b>
Phase 1 - 2022	717
Phase 1 - 2023	645
Phase 2 - 2024	56
Phase 2 - 2025	217
Phase 3 - 2026	239
Phase 3 - 2027	145
<b>Total</b>	<b>2,019</b>

Because construction of the project would be temporary in nature and would not result in a permanent increase in emissions, the project would not interfere with the implementation of AB 32 or SB 32 in 2030.

**Operational Emissions**

Existing Operational Emissions

The existing facility produces emissions from a number of different sources, both directly and indirectly. The following sources of GHG emissions were identified as part of this project:

- On-site operation of off-road equipment
- On-site vehicle travel (e.g., truck and worker traffic)
- Off-site vehicle travel (e.g., truck and worker traffic)
- On-site processes
- Electricity usage to power the different plants and conveyors
- Electricity associated with warehouse and office buildings
- Natural gas associated with warehouse and office buildings
- Outdoor water usage associated with different plants, operations and dust control
- Indoor water usage associated with warehouse and office buildings
- Solid waste associated with warehouse and office buildings

Table 3.8-2 summarizes GHG emissions associated with each of the existing operations. Please note that annual emissions reflect the number of days the facility operates per year. Existing GHG emissions are considered non-stationary sources, as these emissions are not directly emitted by sources permitted by BAAQMD.<sup>53</sup>

<b>Table 3.8-2: Existing GHG Emissions</b>	
<b>Activity/Processing Areas</b>	<b>CO<sub>2</sub>e (metric tons/year)</b>
Aggregate/Sand Receiving-Storage-Export	314
Concrete Plant	1,418
Recycle Yard	4,745
Maintenance Yard	1,028
Rail Emissions	24
Other Facility Traffic	51
Land Use (electricity, nat. gas, water, waste)	21
<b>Total</b>	<b>7,600</b>

Approximately 92 percent of the existing GHG emissions are from trucks, while most of the remaining emissions are from off-road equipment that currently operate in the recycle yard and aggregate/sand receiving area.

#### Proposed Project Operation

Total emissions for full build out, by operation/activity, of the proposed project are summarized in Table 3.8-3. Please note that the annual emissions reflect the number of days the facility proposes to operate each activity per year. Emissions would increase over time as different portions of the project are constructed, brought online and production increases to the maximum throughput levels used in this analysis.

<b>Table 3.8-3: Proposed Project GHG Emissions</b>	
<b>Activity/Processing Areas</b>	<b>CO<sub>2</sub>e (metric tons/year)</b>
Aggregate Distribution Facility	857
Asphalt Plant	
Stationary	12,640
Non-Stationary	2,210
Cementitious Distribution Facility	154
Concrete Plant	1,152
Recycle Yard	3,669
Rail Emissions	1,125
Maintenance/Delivery Trucks	31
Other Facility Traffic	186
Land Use (electricity, nat. gas, water, waste)	265
<b>Stationary Sources</b>	<b>12,640</b>
<b>Non-Stationary Sources</b>	<b>9,651</b>
<b>Total</b>	<b>22,291</b>

<sup>53</sup> Stationary equipment refers to equipment that has emissions that are regulated by BAAQMD.

GHG emissions associated with the asphalt plant would make up 67 percent of the total emissions from the project. Of these emissions, 85 percent would be associated with the batch plant. The batch plant would need to obtain a BAAQMD permit, therefore, those emissions are considered as “Stationary” under the BAAQMD CEQA Air Quality Guidelines.

#### Net Project Emissions from the Proposed Project

Existing emissions would phase out as construction of the project occurs. Table 3.8-4 summarizes the net emissions associated with each phase of the project for non-stationary sources. Net emissions are the project emissions minus the existing conditions.

<b>Table 3.8-4: Net GHG Emissions for Non-Stationary Sources</b>	
<b>Condition</b>	<b>CO<sub>2</sub>e (metric tons/year)</b>
Phase 1	(1,894)
Phase 1 + 2	588
Full Build out	<b>1,887</b>
<i>Significance Threshold</i>	660
<i>Exceed Threshold?</i>	<b>Yes</b>

Net GHG emissions from stationary sources are shown in Table 3.8-5. The asphalt batch plant, to be constructed as Phase 3, would have the only stationary source emissions.

<b>Table 3.8-5: Net GHG Emissions for Stationary Sources</b>	
<b>Condition</b>	<b>CO<sub>2</sub>e (metric tons/year)</b>
Phase 1	0
Phase 1 + 2	0
Full Build out	<b>12,640</b>
<i>Significance Threshold</i>	10,000
<i>Exceed Threshold?</i>	<b>Yes</b>

When Phase 1 of the project becomes operational, GHG emissions would be below existing conditions and below the significance threshold of 660 metric tons per year. While the aggregate distribution facility would result in increases in GHG emissions from increased rail emissions and truck activity, these would be offset by decreased emissions for the recycle yard, concrete plant and the removal of the maintenance yard. With Phase 2, the cementitious distribution facility and concrete plant would become operational and GHG emissions would increase substantially but would not exceed the threshold for non-stationary sources. With Phase 3, the asphalt plant would be operating, and non-stationary emissions would increase due to the increase in truck traffic. Non-stationary GHG emissions would exceed the significance threshold by 1,227 metric tons per year. Stationary GHG emissions from the asphalt batch plant would exceed the significance threshold by 2,640 metric tons. As a result, the project would result in a significant GHG emissions impact.

**Impact GHG-1:** Full buildout of the project, starting with the commencement of Phase 3 of project operation, would result in an increase in non-stationary emissions from truck traffic that would exceed the significance threshold of 660 metric tons of CO<sub>2</sub>e for non-stationary sources. Phase 3 of project operation would also result in

stationary GHG emissions from the asphalt batch plant that exceed the significance threshold of 10,000 metric tons of CO<sub>2</sub>e for stationary sources. Therefore, the project would have a significant GHG emissions impact.

**Mitigation Measures:** The following mitigation measures would reduce GHG impacts to a less than significant level.

**MM GHG-1:** Prior to the issuance of building permits for and operation of the asphalt plant (Phase 3 of the project), the project applicant shall retain a qualified consultant to complete a greenhouse gas (GHG) emissions inventory which shall be used to implement a GHG Reduction Plan that includes the proper elements to reduce emissions below the significance level of 660 metric tons CO<sub>2</sub>e for non-stationary sources and 10,000 metric tons CO<sub>2</sub>e for stationary sources for the lifetime of the project. The GHG Reduction Plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to issuance of building permits for the asphalt plant (Phase 3 of the project). Elements of this plan may include, but would not be limited to, the following:

- Use of on-road and off-road vehicles and switching locomotives with lower GHG-emitting engines, such as electric or hybrid equipment.
- Use of clean truck fleet.
- Commitment to use carbon-free electricity provided by San José Clean Energy.
- Installation of solar power systems or other renewable electric generating systems that provide electricity to power on-site equipment and possibly provide excess electric power.
- Limit annual production, as GHG emissions would be proportional to annual production in tons.
- Construct on-site or fund off-site carbon sequestration projects (such as a forestry or wetlands projects for which inventory and reporting protocols have been adopted). If the project develops an off-site project, it must be registered with the Climate Action Reserve or otherwise be approved by BAAQMD in order to be used to offset project emissions.
- Purchase of carbon credits to offset project annual emissions. The project applicant shall demonstrate its reduction of GHG emissions through the retirement of carbon offset credits provided that the following conditions are satisfied:
  - **Registry Performance Standards:** The project applicant shall provide proof to the Director of Planning, Building and Code Enforcement or the Director's designee that the carbon offset credits were issued by a registry meeting the following requirements:
    - The registry shall account for and quantify emission reductions using clear and defined standards and incorporating recognized principles of GHG emissions reduction accounting, including those set forth in the ISO 14064 and the World Resource Institute/World Business Council for Sustainable Development Greenhouse Gas Protocol for Project Accounting;



- The registry shall use clear information sufficient for reviewers to assess the credibility of GHG emission reductions underlying the carbon offset credits. Upon request by the Director of Planning, Building and Code Enforcement or the Director's designee of the City of San José, any governmental entity, or any person or agency with a vested interest in the project outcome, the registry shall provide the following information within a reasonable time period in connection with any carbon offset credit retired by the project applicant: (i) the applicable quantification protocol; and (ii) all third-party confirmation or verification reports issued in connection with the carbon offset credits. Such information shall be sufficient to monitor compliance by the project applicant with this mitigation measure to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee of the City of San José.
- Carbon Offset Credit Performance Standards: The carbon offset credits retired by the project applicant for the purpose of mitigating GHG emissions shall represent GHG emission reductions that are real, permanent, additional, quantifiable, verifiable and enforceable.

To demonstrate compliance with the offset requirements listed above, the developer shall provide the following to the Director of Planning, Building and Code Enforcement or the Director's designee of the City of San José: (i) the protocol used to quantify and issue such carbon offset credits, (ii) the third-party verification report(s) pursuant to which such carbon offset credits were issued, and (iii) the unique serial numbers of the carbon offset credits to be retired to ensure that the offset cannot be further used in any manner. The Director of Planning, Building and Code Enforcement or the Director's designee of the City of San José, shall reject any carbon offset credits that do not comply with these requirements, and where reductions are not direct reductions within a confined project boundary or provide opportunities for reversal of the avoided emissions. The Director of Planning, Building and Code Enforcement or the Director's designee of the City of San José shall reject any credits for a project that includes technology or GHG abatement practices that are already widely used and practiced in the industry.

- Geographic Limitations: The carbon offset credits shall be from credit projects developed in the United States. Carbon offset credits resulting from international credit projects shall not be acceptable to satisfy this mitigation measure.
- Timing: The project applicant shall mitigate GHG emissions resulting from Phase 3 project operations by purchasing and retiring offset credits prior to each year's emissions that exceed the threshold. The project applicant shall provide proof in the form of a compliance report to the Director of Planning, Building and Code Enforcement or Director's designee of the City of San José that carbon offset credits equal to the amount of project operational GHG emissions in excess of the threshold have been purchased and retired, prior to the operational year in which those emissions would occur. The project applicant shall also have the right, at any time, to purchase and retire carbon offset credits for some or all of the operational emissions of the project in advance of the issuance of certificates of occupancy, temporary or permanent.

- **Enforcement:** The purchase and retirement of carbon offset credits required to mitigate the GHG emissions resulting from the operation of the project shall be a condition of the issuance of any certificate of occupancy, temporary or permanent, for Phase 3 of the project and shall be required for continual operation. Should the Director of Planning, Building and Code Enforcement or Director's designee of the City of San José determine that the offset credits are non-compliant with the requirements of MM GHG-1, the City may issue a notice of non-consistency and cease permitting activities and/or stop project operations, until the City determines via an issued public notice that the offsets comply with the aforementioned standards.
- **Adjustment:** The required amount of carbon offset credits may be adjusted to account for changes in climate science, GHG regulation, technology, and updated/refined project emissions, as follows:
  - The project applicant may recalculate the project emissions in this EIR to update/refine the amount of carbon credits required to be purchased and/or demonstrate emissions achieve the year-specific threshold or an applicable quantitative threshold that may be adopted by the City or BAAQMD in the future. If the project applicant chooses to refine or recalculate project GHG emissions, the project applicant shall retain a qualified air quality/GHG professional to calculate the project's GHG emissions, in accordance with the BAAQMD CEQA Air Quality Guidelines, as they may be updated from time to time. Re-evaluation of project GHG emissions could reflect additional on-site measures incorporated into the project (such as installing solar panels, cool roofs, charging for parking, providing free transit passes, etc.) or increased operational efficiencies (e.g., the state's increased vehicle fuel efficiency standards and renewable energy portfolio requirement). The calculation shall be summarized in a report and submitted as part of the documentation submitted to the Director of Planning, Building and Code Enforcement or the Director's designee of the City of San José for review and approval.

With implementation of mitigation measure MM GHG-1, the project would not generate GHG emissions exceeding 660 metric tons CO<sub>2</sub>e for non-stationary sources and 10,000 metric tons CO<sub>2</sub>e for stationary sources, either directly or indirectly, and would not have a significant impact on the environment. **(Less than Significant Impact with Mitigation)**

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

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### **2017 Clean Air Plan**

As described in *Section 4.3 Air Quality*, the proposed project would not conflict with the goals of the 2017 CAP or interfere with implementation of 2017 CAP control measures. For these reasons, the proposed project would not conflict with the 2017 CAP.

## Envision San José 2040 General Plan

The project would be constructed in accordance with Title 24, CALGreen, and the City of San José Private Sector Green Building Policy (consistent with General Plan Policy MS-14.4). Since the project requires a General Plan Amendment, it would diverge from the land use assumptions used to determine GHG impacts upon General Plan build out; however, as described above in the discussion under threshold a), the project would include measures to reduce net GHG emissions to a less than significant level. Additionally, the project would be subject to Climate Smart San José, and other relevant policies. Therefore, the proposed project would not conflict with 2040 General Plan policies adopted to reduce GHG emissions.

## Climate Smart San José

Future development made possible by the project would be consistent with the Climate Smart San José strategies applicable to the project by sourcing electricity from SJCE. The project would be constructed in accordance with existing regulations that promote energy efficiency, including Title 24, CALGreen, and San José Private Sector Green Building Policy. For these reasons, the proposed project would not conflict with Climate Smart San José. **(Less than Significant Impact)**

## San José 2030 Greenhouse Gas Reduction Strategy

As described previously, the 2030 GHGRS is a qualified CAP that allows for tiering and streamlining of GHG analyses under CEQA. However, the GHGRS does not cover projects that entail a General Plan Amendment, since the GHGRS was developed based on the development assumptions under the adopted General Plan, and a General Plan Amendment would alter the development from what was assumed in the GHGRS. Since the project proposes a General Plan Amendment, it is not covered by the GHGRS.

### 3.8.2.2 *Cumulative Impacts*

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#### **Would the project result in a cumulatively considerable contribution to a significant cumulative GHG emissions impact?**

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As discussed in Section 3.8.2.1, GHG emissions worldwide contribute, on a cumulative basis, to the significant adverse environmental impacts of global climate change. No single land use project could generate sufficient GHG emissions on its own to noticeably change the global average temperature. The combination of GHG emissions from past, present, and future projects in San José, the entire state of California, and across the nation and around the world, contribute cumulatively to global climate change and its associated environmental impacts. The above analysis of the project's GHG emissions impacts is, therefore, also an analysis of the project's contribution to cumulative GHG emissions impacts. **(Less than Significant Impact with Mitigation)**

### 3.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based in part on a Phase I Environmental Site Assessment prepared for the project by AEI Consultants in March 2022. A copy of the report is attached as Appendix D.

#### 3.9.1 Environmental Setting

##### 3.9.1.1 *Regulatory Framework*

#### **Overview**

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. 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**

##### Federal Aviation Regulations Part 77

Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above the ground.

##### Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Over five years, \$1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA accomplished the following objectives:

- Established prohibitions and requirements concerning closed and abandoned hazardous waste sites;
- Provided for liability of persons responsible for releases of hazardous waste at these sites; and
- Established a trust fund to provide for cleanup when no responsible party could be identified.

The law authorizes two kinds of response actions:

- Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response; and
- Long-term remedial response actions that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life-threatening. These actions can be completed only at sites listed on the EPA's National Priorities List.

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.<sup>54</sup>

#### Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), enacted in 1976, is the principal federal law in the United States governing the disposal of solid waste and hazardous waste. RCRA gives the EPA the authority to control hazardous waste from the "cradle to the grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also sets forth a framework for the management of non-hazardous solid wastes.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.<sup>55</sup>

#### 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

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<sup>54</sup> United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed May 11, 2020. <https://www.epa.gov/superfund/superfund-cercla-overview>.

<sup>55</sup> United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed May 11, 2020. <https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act>.



substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).<sup>56</sup>

### Toxic Substances Control Act

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

### California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of 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 (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

### 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 the 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.

## **Regional and Local**

### Municipal Regional Permit Provision C.12.f

Polychlorinated biphenyls (PCBs) were produced in the United States between 1955 and 1978 and used in hundreds of industrial and commercial applications, including building and structure

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<sup>56</sup> California Environmental Protection Agency. "Cortese List Data Resources." Accessed May 28, 2020. <https://calepa.ca.gov/sitecleanup/corteselist/>.

materials such as plasticizers, paints, sealants, caulk, and wood floor finishes. In 1979, the EPA banned the production and use of PCBs due to their potential harmful health effects and persistence in the environment. PCBs can still be released to the environment today during demolition of buildings that contain legacy caulks, sealants, or other PCB-containing materials.

With the adoption of the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (MRP) by the San Francisco Bay Regional Water Quality Control Board on November 19, 2015, Provision C.12.f requires that permittees develop an assessment methodology for applicable structures planned for demolition to ensure PCBs do not enter municipal storm drain systems.<sup>57</sup> Municipalities throughout the Bay Area are currently modifying demolition permit processes and implementing PCB screening protocols to comply with Provision C.12.f. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single-family homes and wood-frame structures are exempt from these requirements.

### **3.9.1.2      *Existing Conditions***

#### **Historic Uses**

The project site was developed with agricultural land as early as 1939 through 1974. The existing structures, as well as former office and industrial structures along the southwest property boundary and near the south corner, were constructed in 1979. By 1998, the former structures along the southwest property boundary were demolished and by late 2018 the former office structures near the south corner of the property were demolished. Aggregate storage and transfer, concrete plant operations, asphalt recycling, auto and construction equipment repair, and construction equipment storage have been conducted on-site since at least 1979.

#### **Industrial Uses**

The project site has been occupied by various industrial tenants since 1979, including Piazza Construction Co., SJ Brick, and most recently Granite Rock Co. Based on the former and current nature of use, various quantities of hazardous substances and/or petroleum products were stored on site. Some of the businesses operated on-site at a time that pre-dated modern regulatory oversight of hazardous substances and petroleum products, since consistent Santa Clara County Department of Environmental Health and San José Fire Department records only date back to 2002 and 1990, respectively.

Hazardous substances stored as part of on-site facility operations by Granite Rock Co. were identified to consist of acetylene, antifreeze, compressed air, oxygen, grease, kerosene, motor oil, hydraulic fluid, used motor oil, nitrogen, Zeps Parts Cleaner (water-based cleanser), SystemOne Qsol 100 parts cleaner (aliphatic petroleum distillate), Super Slick Bio (non-hazardous), used oil filters, diesel fuel, used antifreeze, Asphalt Cleaner, latex paint, propane, Zep Dyna Green-Water based Parts Cleaner, Citra Clean 34, Zep Split Vehicle Wash, 2420 BTU Diesel Supplement, and gasoline. Hazardous wastes generated as part of on-site facility operations were identified to consist of liquids with pH <=2, unspecified oil-containing waste, aqueous solution with total organic residues ten

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<sup>57</sup> California Regional Water Quality Control Board. *San Francisco Bay Region Municipal Regional Stormwater NPDES Permit*. November 2015.

percent or more, waste and mixed oil, aqueous solution with total organic residues less than ten percent, off-specification, aged or surplus organics, alkaline solution without metals pH >= 12.5, latex waste, and hydrocarbon solvents (benzene, hexane, Stoddard, Etc.).

During the site reconnaissance completed for the Phase I ESA, four one-gallon glass jars of trichloroethene (TCE) were observed within a flammable storage closet within the Material Storage Building (see Figure 2.2-1). Chlorinated solvents like TCE are highly mobile chemicals that can easily accumulate in soil and soil gas, and migrate to groundwater beneath a facility. These solvents, even when properly stored and handled, can readily migrate in the subsurface as a result of small releases associated with on-site operations. Based on the length of time that the subject property has been utilized for industrial purposes, it is possible that petroleum hydrocarbons and/or VOCs may have impacted the subsurface of the subject property. This represents a recognized environmental concern (REC).

### Agricultural Uses

The project was historically used for agricultural purposes, therefore there is a potential that agricultural chemicals, such as pesticides, herbicides, and fertilizers, were used on-site and have impacted the site. In general, historical agricultural use is not the subject of environmental enforcement actions by regulatory agencies, and therefore, could not be considered a de minimis condition.

### **Regulatory Agency Records Review**

AEI Consultants reached out to local and state agencies, such as environmental health departments, fire prevention bureaus, and building and planning departments to identify any current or previous reports of hazardous substance use, storage, and/or unauthorized releases that may have impacted the subject property.

The project site is listed as a closed diesel Leaking Underground Storage Tank (LUST) case with a status of “Completed – Case Closed as of November 8, 1996”. Prior to receiving a completed status, three unknown-sized diesel underground storage tanks (USTs) were excavated and removed from the property in August 1991. A total of six confirmation soil samples were collected and analyzed for Total Petroleum Hydrocarbons (TPH) as diesel (TPHd). Diesel was reported in the soil at a maximum concentration of 1,300 parts per million.

In October 1991, soil excavation was performed to a depth of approximately 17 feet bgs in the corner of the original excavation where the diesel was detected. Diesel odor was evident in the soil from 17 feet bgs, especially beneath the former pump location. The excavation was backfilled to the level of the rest of the tank excavation (approximately 14 feet bgs). In November 1991, additional excavation to a depth of 25 feet bgs was performed. The trench was backfilled to the level of the rest of the tank excavation (approximately 14 feet bgs).

In December 1991, an exploratory soil boring (SB-1) was drilled on the margin of the excavation to a depth of 25 feet bgs. A total of two soil samples were collected from 20 and 25 feet bgs and no TPHd was detected. An additional exploratory soil boring (SB-2) was drilled at an angle, passing directly below the excavation, collecting continuous soil samples from 30 to 40 feet bgs. This boring

determined the depth of soil contamination and the depth to first groundwater. A thick clay layer was encountered between 29 to 40 feet bgs, above the groundwater table, which was encountered at a depth of 63 feet bgs. A total of six soil samples were analyzed for TPHd. Diesel contamination in soil samples were limited to less than 30 feet bgs. No TPHd was detected in samples at 30 feet bgs, or in any deeper samples.

In October 1995, six exploratory soil borings were drilled to 30 feet bgs and one drilled to 15 feet bgs in the approximate area of the former fuel pump island. Groundwater was not encountered in any of the soil borings. TPHd, benzene, toluene, ethylbenzene, and xylenes were not detected in any of the samples analyzed.

Following the investigative and remedial efforts, Valley Water concluded that the extent of pollution was defined and very localized. A 40-foot buffer zone of unaffected soil was found to exist between the pollution and groundwater. The LUST case was granted closure with no further action required in November 1996. At the time of closure, a maximum TPHd concentration 53,000 ppm was reported to residually exist in on-site soils. Therefore, the closed LUST case represents a Controlled Recognized Environmental Concern (CREC).

The project site is also listed as a Toxic Release Inventory (TRI) site with a date of last TRI submission of December 2021. Per the TRI program, facilities must report annually how much of each regulated chemical is released to the environment and/or managed through recycling, energy recovery, and treatment. Additionally, the property is listed as an Industrial Storm Water Facility with an environmental interest start date of November 1992. Lastly, the property is listed as a hazardous waste generator and chemical storage with AST(s) with an environmental interest start date of July 2013 and a last inspected date of May 2018, as well as in the US EPA Air Emission Inventory System as large stationary sources of air point pollution emitters. Various violations were issued to the facility by a local agency during AST (refer to Section 4.1 and Section 4.2 of Appendix D), Hazardous Waste Generator, and Hazardous Materials Business Plan (HMBP) Program compliance site inspections performed between 2014 and 2018.

Both Central Concrete Supply and Granite Rock Co. at 110 Granite Rock Way are both listed in the US EPA Air Emission Inventory System as large stationary sources of air point pollution emitters.

Granite Rock Company-Pavex Capital at 120 Granite Rock Way is listed as a hazardous waste generator and a chemical storage facility with UST(s) with an environmental interest state date of July 2013. Various violations were issued to the facility by a local agency during UST, Hazardous Waste Generator, and HMBP Program compliance site inspections performed between 2013 and 2021 (refer to Section 4.1 and Section 4.2 of Appendix D for additional details).

### **Regulatory Database Records Review**

A search of publicly available information from federal, state, tribal, and local databases containing known and suspected sites of environmental contamination and sites of potential environmental significance was conducted. To determine if a listed site is a potential environmental concern to the subject property, the following criteria is applied to classify the sites as lower potential environmental concern: 1) the site only holds an operating permit (which does not imply a release), 2) the site's distance from, and/or topographic position relative to, the subject property, and/or 3) the

site has recently been granted “No Further Action” by the appropriate regulatory agency. The following properties were determined to be sites of potential environmental significance:

Project Site - 100, 110, 120 Granite Rock Way

As discussed above, 100 Granite Rock Way is listed as a closed diesel LUST case with a status of “Completed – Case Closed” as of November 1996.

The property at 100 Granite Rock Way is associated with two, 10,000 gallon diesel USTs and one 1,000 gallon diesel UST that are believed to have been removed as part of the closed LUST case. The property at 120 Granite Rock Way is associated with one 15,000-gallon diesel UST, two 5,000-gallon gasoline USTs, eight 3,000-gallon gasoline USTs, one 10,000-gallon gasoline UST, two 10,000-gallon diesel USTs, one 550 gallon “chemical” UST, one 1,000-gallon “chemical” UST, one 500-gallon waste oil UST, and one 500-gallon “chemical” UST. The 15,000-gallon diesel and two 5,000-gallon gasoline USTs are indicated as active.

Granite Rock Company at 100 and 120 Granite Rock Way is listed as enrolled in Santa Clara County Department of Environmental Health (SCCDEH)’s Hazardous Waste Generator Program (for the generation of waste oil only, between 100 kilograms to less than five tons per year) and Hazardous Materials Program (for the storage of 16-21 chemicals with aboveground and belowground petroleum storage), as well as enrolled in the City of San José Hazardous Materials Program. The facility is listed as associated with an AST(s) of unknown size and contents and as an active hauler. The Granite Rock Capitol Site at 100 Granite Rock Way is listed as processing an active NPDES permit for industrial stormwater discharge, and is identified as a minor threat to water quality, but has not had a violation within five years. The Granite Rock Capital Site is also associated with a 90,000 gallon AST of unknown contents.

Off-Site Potential Sources of Contamination

Concrete Ready Mix at 33 Hillsdale Avenue is listed as enrolled in the SCCDEH Hazardous Waste Generator Program (between 100 kilograms and less than five tons of waste per year) and Hazardous Materials Program (for storage of 16 – 21 chemicals), as well as being in the City of San José Hazardous Materials Program. No releases are associated with the facility name or any regulated wastes. The site is not expected to represent a significant environmental concern.

Clarian Hotel at 3200 Monterey Road is listed as enrolled in the SCCDEH Hazardous Materials Program for storage of one to three chemicals. No releases are associated with the facility name or any regulated wastes. The site is not expected to represent a significant environmental concern.

Capitol Caltrain Station at Monterey Highway and Fehren Drive is listed as a SCCDEH Household Hazardous Waste (HHW) Temporary Facility. No releases are associated with the facility name or any regulated wastes. The site is not expected to represent a significant environmental concern.

Petrol Stops Northwest Inc., SCCTA – Capitol Park and Ride at 3400 Monterey Road was a gasoline service station from 1972 to 1977 and is associated with a former LUST case closed in 2000 with a status of “Completed – Case Closed.” Prior to receiving a completed status, three gasoline underground storage tanks (USTs) were removed from the site in November 1989. The capacities of the tanks were 10,000, 5,000, and 3,000 gallons. Soil samples were collected underneath the tanks,



which indicated up to 5,600 parts per million (ppm) Total Petroleum Hydrocarbons as Gasoline (TPHg), 0.32 ppm Benzene, 1.2 ppm Toluene, 14 ppm Ethylbenzene, and 31 ppm Xylenes. The tank excavation extended approximately 25 feet bgs. During the removal of the three gasoline tanks, an additional underground waste oil tank was discovered., which was also removed in December 1989. Soil samples were collected underneath the tank and analyzed, although the results of the analysis are not available. Between 1991 and 1999 soil borings were taken and monitoring wells were installed in order to monitor concentrations of hazardous materials. The LUST case was granted closure by Valley Water on January 19, 2000. At the time of closure, no detectable contaminants of concern were reported in groundwater. Based on the closed regulatory status of the LUST case, reported groundwater flow direction (expected cross-gradient direction relative to the subject property), lack of apparent impact to groundwater, and time elapsed since the closure, the closed LUST case is not expected to represent a significant environmental concern at this time.

Kowloon Auto Sales, Texas Tea Services Inc at 3600 Monterey Road is listed as enrolled in the SCCDEH Hazardous Waste Generator Program (generating oil waste only), the Hazardous Waste Programs (for the storage of one to three chemicals), and the City of San José Hazardous Materials Program. Minor violations were issued to the facility during compliance site inspections performed by the SCCDEH in 2017 and 2019 which were subsequently corrected. Various quantities of unspecified oil-containing waste and aqueous solution with total organic residues less than ten percent in 2000 and 2001 were off-hauled for processing. No releases are associated with the facility name or any regulated wastes. The site is not expected to represent a significant environmental concern.

Capitol Flea Market, Nextel-Site CA1139, and MetroPCS were/are located at 3630 Hillcap Avenue. Capitol Flea Market is listed as enrolled in the Hazardous Waste Program (for the storage of one to three chemicals) and Sprint and MetroPCS are listed as enrolled in the City of San José Hazardous Materials Program. No releases are associated with the facility name or any regulated wastes. The site is not expected to represent a significant environmental concern.

United Site Services, Penske Truck Leasing Co., and Banner Container Corp were/are located at 3408 Hillcap Avenue. United Site Services is listed as associated with a former LUST case closed in 1992 with a status of “Completed – Case Closed”. Prior to receiving a completed status, a 1,000-gallon gasoline UST was removed from the site in 1988, which impacted soil only up to a concentration of 180 ppm TPHg. Based on the minor concentrations of pollution detected and lack of groundwater impact, the LUST case was granted closure by the SCVWD in January 22, 1992. Based on the closed regulatory status of the LUST, lack of apparent impact to groundwater, and time elapsed since closure, the closed LUST case is not expected to represent a significant environmental concern at this time. United Site Services is also listed as a hazardous waste generator and a chemical storage facility with aboveground petroleum storage, as well as enrolled in the City of San José Hazardous Materials Program. The facility is associated with a terminated NPDES permit for industrial stormwater discharge, with no noted violation within five years. The facility is associated with a 1,320 gallon capacity AST of unknown content. Minor violations were issued to the facility during a compliance site inspection performed by the SCCDEH in 2017. Penske Truck Leasing Co. is listed as enrolled in the SCCDEH Hazardous Waste Generator Program (between 100 kilograms to less than five tons of waste per year), Hazardous Materials Program (storage of four to six chemicals), and is listed as a conditionally-exempt small quantity generator (Resource Conservation Recovery Act -Very Small Quantity Generators (RCRA-VSQG)) with no noted evaluations or

violations. Per the RCRA-VSQG listing, the facility is associated with the following waste streams: ignitable waste, reactive waste, barium, cadmium, chromium, lead, benzene, tetrachloroethene, and trichloroethene. Banner Container Corp. is associated with a 1,000-gallon gasoline UST installed in 1968. It is believed that this UST is related to the UST removed as part of the closed LUST case discussed above. Aside from the closed LUST case, no releases are associated with the facility names or any regulated wastes. Based on the lack of a documented release, the review of regulatory agency files for this site was not deemed necessary, and the site is not expected to represent a significant environmental concern.

Pacific Bell dba AT&T California at 3598 Hillcap Avenue is listed as associated with a former LUST case closed in 2005 with a status of “Completed – Case Closed”. Prior to receiving a completed status, a 10,000-gallon gasoline UST was removed from the site in 2003, which impacted soil only. Based on the minor concentrations of pollution detected and lack of groundwater impact, the LUST case was granted closure by the SCVWD on June 23, 2006. Based on the closed regulatory status of the LUST case and lack of apparent impact to groundwater, the closed LUST case is not expected to represent a significant environmental concern at this time. The facility is also listed as a large-quantity generator of hazardous waste (RCRA- Large Quantity Generator (LQG)), filled in January 1981, with no noted evaluations or violations. The facility is associated with one 10,000-gallon gasoline UST. It is believed that this UST is related to the UST removed as part of the closed LUST case discussed above. The facility is listed as enrolled in the SCCDEH Hazardous Waste Generator Program (between 100 kilograms and less than five tons of waste per year), Hazardous Materials Program (storage of one to three chemicals), and the City of San José Hazardous Materials Program. The facility manifested various quantities of the following between 1998 and 2019, which were off-hauled for processing: off-specification, aged or surplus organics, other organic solids, unspecified oil-containing waste, asbestos-containing waste, and hydrocarbon solvents (benzene, hexane, Stoddard, etc.). Minor violations were issued to the facility during a compliance site inspection performed in 2015 which were corrected. Aside from the closed LUST case, no releases are associated with the facility names or any regulated wastes. Based on the lack of a documented release, the review of regulatory agency files for this site was not deemed necessary, and the site is not expected to represent a significant environmental concern.

Verizon Wireless, and AT&T Mobility-Hellyer at 3616 Hillcap Avenue are listed as enrolled in the SCCDEH Hazardous Materials Programs (storage of one to three chemicals) and in the City of San José Hazardous Materials Programs. Verizon is listed as discharging gases and particulate matter to the atmosphere under BAAQMD permit between 2011 and 2019. No releases are associated with the facility names or any regulated wastes. Based on the lack of a documented release, the review of regulatory agency files for this site was not deemed necessary, and the site is not expected to represent a significant environmental concern.

### **Project Site Reconnaissance Findings**

#### **Aboveground/Underground Hazardous Substance or Petroleum Product Storage Tanks**

Based on the good condition of the equipment and the absence of staining or conduits to the subsurface, the presence of above-ground storage tanks (ASTs) is not expected to represent a significant environmental concern.

The project site is currently equipped with one 5,000-gallon gasoline UST and one 15,000-gallon diesel UST, which were installed in 1991. The USTs are constructed of double-walled steel with reinforced fiberglass and equipped with a leak-detection system. The product piping is double-walled fiberglass and equipped with a leak-detection system. The USTs share the same secondary containment. The review of reasonably ascertainable information pertinent to the status and operation of the storage tank system, which included Monitoring System Equipment Certifications from 2005 to 2021, did not reveal any reported discharges or gross compliance deficiencies. Based on the age of the USTs and lack of continual/consistent documentation regarding historical testing results and operational status of the system dating back to 1991, the potential that a release from the USTs that has affected the subsurface of the subject property cannot be ruled out. On this basis, the storage of petroleum products in USTs at the subject property is considered a REC.

#### Electrical or Mechanical Equipment Likely to Contain Fluids

Toxic PCBs were commonly used historically in electrical equipment such as transformers, fluorescent lamp ballasts, and capacitors. According to United States EPA regulation 40 CFR Part 761, there are three categories for classifying such equipment: <50 ppm of PCBs is considered “Non-PCB”; between 50 and 500 ppm is considered “PCB-Contaminated”; and >500 ppm is considered “PCB-Containing”. Pursuant to 15 U.S.C. 2605(e)(2)(A), the manufacture, process, or distribution in commerce or use of any polychlorinated biphenyl in any manner other than in a totally enclosed manner was prohibited after January 1, 1977.

The management of potential PCB-containing transformers is the responsibility of the local utility or the transformer owner. Actual material samples need to be collected to determine if transformers are PCB-containing.

Transformers installed prior to 1977 may be PCB containing while transformers installed after 1977 are unlikely to be PCB containing. Federal Regulations (40 CFR 761 Subpart G) require any release of material containing >50 ppm PCB and occurring after May 4, 1987 be cleaned up by the transformer owner following the United States EPA’s PCB spill cleanup policy. During a site visit completed by AEI in 2022, no evidence of spills, staining, or leaks on or around the transformers. Based on the good condition of the equipment, the transformers are not expected to represent a significant environmental concern.

The repair bay of the Maintenance and Small Tools Building (see Figure 2.2-1) is equipped with two aboveground lifts. Each lift is equipped with a small aboveground reservoir of hydraulic fluid. No evidence of stains or leakage from the units were observed, and the lifts are therefore not expected to represent a significant environmental concern.

Multiple air compressors were observed on the subject property during AEI’s site visit in 2022. The air compressors contain small amounts of hydraulic oil. No spills, staining or leaks were observed on or around the compressors. Based on the good condition of the equipment, the compressors are not expected to represent a significant environmental concern.

### Interior Stains or Corrosion

Minor amounts of oily surface staining were observed within the Repair Bay and Oil room of the Maintenance and Small Tools Building and on concrete underneath several canopies during AEI's site visit in 2022. The staining was located on concrete, and no drains were observed in the vicinity. Based on the small size and surficial nature of the staining, it is not expected to represent a significant environmental concern.

### Drains, Sumps, and Clarifiers

Storm drains were observed in the parking area of the subject property. Several drains discharge to the on-site storm water treatment system. No evidence of hazardous substances or petroleum products in the vicinity of the drains during AEI's site visit in 2022. Based on the use of the drains solely for storm water runoff, the presence of the drains is not expected to represent a significant environmental concern.

An exterior wash pad is located northeast of the Maintenance and Small Tools Building and consists of an uncovered concrete slab with a drain at the center, a high pressure sprayer and a vacuum. The drain is equipped with a grit trap in which sediments settle, and are pumped to aboveground wastewater tank traps. The effluent from the grit trap is treated and discharged to the sanitary sewer. According to the key site contact, the grit trap is periodically cleaned out by a contractor. AEI was unable to confirm the age of the system and if equipment or other machines aside from fleet trucks are washed in this area. Due to their subsurface nature, collection drains, grit traps, and their associated piping can act as preferential pathways for contaminants such as oil, grease, fuel, or cleaning solvents discharged or released during on-site activities. Consequently, the potential exists that the operation of the on-site system may have resulted in an impact to the subsurface of the subject property and therefore represents an REC.

### Other

Small quantities of cleaning supplies, building maintenance supplies, lubricating oils, grease, detergents, and car wash supplies are stored in various parts of the subject property. The presence of cleaning and maintenance supplies at the subject property is not expected to represent a significant environmental concern.

## **Adjoining Property Reconnaissance Findings**

### Electrical or Mechanical Equipment Likely to Contain Fluids

Pole-mounted and pad-mounted transformers were observed on the adjoining sites during the site reconnaissance. No spills, staining, or leaks were observed on or around the transformers. Based on the good condition of the equipment, the transformers are not expected to represent a significant environmental concern.

### Drains, Sumps, and Clarifiers

Several storm drains were observed in the parking areas of the adjoining properties and adjoining roadways. AEI did not observe evidence of hazardous substances or petroleum products in the

vicinity of the drains during their site visit in 2022. Based on the use of the drains solely for storm water runoff, the presence of the drains is not expected to represent a significant environmental concern.

## **Asbestos and Lead-Based Paint**

### **Asbestos-Containing Building Materials (ACM)**

Asbestos is the name for a group of naturally occurring silicate minerals that can be separated into fibers. The fibers are strong, durable, and resistant to heat and fire. They are also long, thin and flexible, so they can even be woven into cloth. Because of these qualities, asbestos has been used in thousands of consumer, industrial, maritime, automotive, scientific, and building products. Commercial use of ACMs peaked in the period between 1940 and into the 1970s. Existing buildings on the site were constructed in 1979. Although buildings constructed after 1978 are unlikely to contain ACMs, a construction date of 1979 leaves the possibility that ACMs may be present on-site. ACMs are of concern because exposure to ACMs has been linked to cancer. ACMs are defined by the Federal Environmental Protection Agency as material containing more than one percent asbestos. Title 8, Section 1529, of the California Code of Regulations (CCR), however, defines asbestos-containing construction material (ACCM) as any manufactured construction material which contains more than one-tenth of one percent asbestos by weight. The observed suspect ACMs within buildings at the subject property were in good condition at the time of the site reconnaissance and are not expected to pose a health and safety concern to the occupants of the subject property at this time.

### **Lead-Based Paint**

In buildings constructed after 1978, it is unlikely that lead-based paint is present; however, some paints utilized after 1978 will be lead-containing paint, defined by OSHA as any paint with any detectable amount of lead present in it. Structures built prior to 1978 and especially prior to the 1960s should be expected to contain lead-based paint. Due to the age of the subject property buildings, it is unlikely that lead-based paint is present, however lead-containing paint may be present. Based on the good condition of the observed painted surfaces, potential lead-containing paint is not considered a significant environmental concern at this time.

### **3.9.1.3 Other Hazards**

#### **Airports**

The Norman Y. Mineta San José International Airport is located approximately six miles northwest of the project site. The project site is not located within the Airport Influence Area (AIA) defined by the Santa Clara County Airport Land Use Commission's Comprehensive Land Use Plan (CLUP) for the Airport.<sup>58</sup>

As previously mentioned, FAA Part 77 requires that the FAA be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet

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<sup>58</sup> Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan*. Figure 6. Amended November 16, 2016.



in height above ground. The project site is not within the Part 77 notification zone, nor does it propose a structure 200 feet in height.<sup>59</sup> Notification to the FAA is, therefore, not required to determine the potential for the project to create an aviation hazard.

### **Wildfire Hazards**

The project site is located in an urbanized area of Santa Clara. According to the California Department of Forestry and Fire Protection (CAL FIRE), the project site is not located within a moderate, high, or very high fire hazard severity zone.<sup>60</sup>

#### **3.9.2      Impact Discussion**

For the purpose of determining the significance of the project's impact on hazards and hazardous materials, would the project:

- a) Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?
- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

##### **3.9.2.1      *Project Impacts***

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

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As described in Section 3.9.1.2, current operations on the site include the storage and use hazardous materials in the form of fuels and lubricants required for operation of mechanical equipment, as well as components of the concrete manufacturing process. Due to the proposed increase in throughput of

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<sup>59</sup> Norman Y. Mineta San José International Airport. Notice Requirement Criteria for Filing FAA Form 7460-1. September 2013.

<sup>60</sup> CAL FIRE. "Draft Fire Hazard Severity Zones." Accessed October 29, 2019.  
[http://frap.fire.ca.gov/webdata/maps/statewide/fhszl06\\_1\\_map.jpg](http://frap.fire.ca.gov/webdata/maps/statewide/fhszl06_1_map.jpg).

materials on the site, the quantities of these existing hazardous materials may increase, but the nature of the materials and the methods of their storage and use would be similar to existing conditions, albeit in more modern facilities. Similarly, the proposed asphalt plant would utilize fuels, oils, lubricants, and components of the asphalt manufacturing process that may be hazardous if released. Hazardous materials would continue to be stored and used in accordance with applicable laws and regulations. The HMBP for the facility would continue to be updated regularly and submitted to the State through the California Environmental Reporting System (CERS). The HMBP would document the types, quantities, and locations of hazardous materials stored on the site, as well as the emergency response plans that would be implemented in the event of a release to reduce impacts to the public or environment.

Conformance with relevant laws and regulations would minimize the likelihood of hazardous material releases from the proposed storage and use of hazardous materials on the site. As a result, the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. **(Less Than Significant Impact)**

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

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### **Project Operation**

As described in the discussion under checklist question “a”, the proposed project would include the storage and use of hazardous materials in the form of fuels and lubricants required for operation of mechanical equipment, as well as components of the concrete and asphalt manufacturing process. The Hazardous Materials Business Plan for the facility would continue to be updated regularly and submitted to the State through CERS. Compliance with relevant laws and regulations for handling, storage, and disposal would ensure that no significant hazards to the public or environment are created by the routine transport, use, or disposal of hazardous substances.

### **Soil Contamination Impacts During Construction**

As described in Section 3.9.1.2, previous soil contamination on the site was remediated by excavating the contaminated soil and replacing it with clean fill. However, contaminated soils may exist on the site as a result of historic agricultural activities and current on-site operations. Construction on the project site could disturb on-site soils with residual contamination and expose construction workers to hazardous materials.

**Impact HAZ-1:** Project construction could expose construction workers, neighboring uses, and the environment to hazardous materials, including residual concentrations of pesticides and contaminants from previous agricultural operations.

**Mitigation Measures:** The project would implement the following mitigation measures to reduce impacts related to soil and groundwater quality.

**MM HAZ-1.1:** Prior to the issuance of any grading permits, a qualified environmental specialist shall collect shallow soil samples from the native soil layers within the areas of proposed construction activities and have the samples analyzed to determine if contaminated soil from previous agricultural operations is located on-site with concentrations above established construction/trench worker and residential thresholds. The soil shall be tested for organochlorine pesticides and pesticide-based metals, arsenic, and lead. Once the soil sampling analysis is complete, a report of the findings will be provided to the Director of Planning, Building and Code Enforcement or the Director's designee of the City of San José for review.

**MM HAZ-1.2:** If contaminated soils are found in concentrations above established regulatory environmental screening levels, prior to the issuance of any grading permits, the project applicant shall enter into an agreement with the Site Cleanup Program of the Santa Clara County Department of Environmental Health (SCCDEH) to provide regulatory oversight. The applicant shall meet with the SCCDEH and perform additional soil and groundwater sampling and testing to adequately define the known and suspected contamination. A Remedial Action Work Plan and/or Soil Management Plan shall be prepared and submitted to the SCCDEH for their approval to demonstrate that cleanup standards shall be met for the development of the site and the site meets all applicable environmental screening levels. All measures identified in the plan(s) shall be implemented during all phases of construction, as applicable.

Evidence of regulatory oversight and approved plan(s) shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee for approval prior to the issuance of any grading permits.

With implementation of MM HAZ-1.1 and MM HAZ-1.2 above, the proposed project would not result in impacts related to soil and groundwater quality. **(Less than Significant Impact with Mitigation Incorporated)**

#### **Asbestos, Lead-Based Paint, and Polychlorinated Biphenyls Impacts**

Based on the age of existing structures on the site, it is possible that on-site buildings contain asbestos, lead-based paint, and/or PCBs. The project would be required to implement the standard permit conditions below to reduce the impacts of these materials during demolition.

**Standard Permit Conditions:** The project shall implement the following measures to reduce impacts related to lead-based paint and asbestos:

1. In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be constructed prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials and/or lead-based paint.

2. During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in 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 lead being disposed.
3. 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.
4. 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.
5. 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.

### **Groundwater Monitoring Wells**

Two historic groundwater monitoring wells are located in the southwestern portion of the site. Abandoned wells can act as a conduit for the vertical migration of groundwater contamination, should it be present in groundwater beneath the site. If groundwater levels rise, an abandoned well can become an artisan well with uncontrolled water flow that can adversely impact future development.

**Impact HAZ-2:** Groundwater monitoring wells could be encountered during or after project construction. If encountered, these structures could pose a hazard to construction workers and future development on the site.

**Mitigation Measures:** The project would implement the following mitigation measure to destroy wells on the site.

**MM HAZ-2.1:** Prior to issuance of any grading permits, the project applicant shall research well records from Valley Water to locate abandoned wells at the site. If the wells are identified, or subsequently encountered during earthwork activities, the wells shall be properly destroyed in accordance with Valley Water Ordinance 90-1.

With implementation of MM HAZ-2.1, historic wells on the site would be destroyed in accordance with Valley Water and would not result in significant impacts. **(Less than Significant Impact with Mitigation Incorporated)**

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

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The nearest school to the site is Captain Jason M. Dahl Elementary School, located at 3200 Water Street, which is over one-quarter mile from the site. A future school is also envisioned to be located within the Communications Hill development west of the site, although there are currently no plans to construct the school. This potential future school would also be over one-quarter mile from the site. The project, therefore, would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **(No Impact)**

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**d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

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As described previously, the project site is listed as a closed diesel Leaking Underground Storage Tank (LUST) case with a status of “Completed – Case Closed as of November 8, 1996”, confirming the contamination has been adequately remediated. Prior to receiving a completed status, three unknown-sized diesel underground storage tanks (USTs) were excavated and removed from the property in August 1991.

The project would implement mitigation measures MM HAZ-1.1 and MM HAZ-1.2 to investigate existing soil conditions and reduce hazards related to any previous releases at the site. With these mitigation measures, the proposed project would not create a significant hazard to the public or the environment due to its inclusion on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. **(Less than Significant Impact with Mitigation Incorporated)**

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**e) If located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?**

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The project site is not located within the Norman Y. Mineta San José International Airport AIA and, therefore, is not subject to the policies in the CLUP. Additionally, the project site is not within the FAA Part 77 notification zone, nor does it propose a structure 200 feet in height.<sup>61</sup> Notification to the FAA is, therefore, not required to determine the potential for the project to create an aviation hazard. As a result, the proposed project would not result in a safety hazard or excessive noise due to airport operations. **(Less than Significant Impact)**

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<sup>61</sup> Norman Y. Mineta San José International Airport. Notice Requirement Criteria for Filing FAA Form 7460-1. September 2013.



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

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Built structures proposed by the project would be constructed in accordance with current building and fire codes to ensure structural stability and safety in the event of a seismic or seismic-related hazard. In addition, San José Fire Department (SJFD) would review the site development plans to ensure fire protection design features are incorporated and adequate emergency access is provided. For these reasons, the proposed project would not impair implementation of or physically interfere with the City's San José Emergency Operations and Evacuation Plans. **(Less than Significant Impact)**

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

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The project site is not located within a Fire Hazard Severity Zone as designated by the State of California Department of Forestry and Fire Protection. **(No Impact)**

### **3.9.2.2** *Cumulative Impacts*

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**Would the project result in a cumulatively considerable contribution to a significant cumulative hazards and hazardous materials impact?**

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The geographic area for cumulative hazards and hazardous materials impacts is the project site and adjacent parcels. It is likely that hazardous materials may have been stored and used on, and/or transported to and from, some of these properties. In addition, many of the properties in San José were used for agricultural purposes prior to their urban development, and agricultural chemicals such as pesticides and fertilizers may have been used on these sites. The use of these chemicals can result in residual soil contamination, sometimes in concentrations that exceed regulatory thresholds. Further, development and redevelopment of some of the cumulative project sites would require demolition of existing buildings that may contain lead-based paint and/or ACMs. Demolition of these structures could expose construction workers to harmful levels of lead and/or ACMs. Based on the above-described conditions, which are present on many sites in San José, significant cumulative environmental impacts could occur because such conditions can lead to the exposure of people and the environment to hazardous materials.

The proposed project includes mitigation measures MM HAZ-1.1 and MM HAZ-2.1, as well as standard permit conditions, to reduce impacts associated with known and unknown hazardous materials storage, use, and contamination. Similar to the proposed project, each of the cumulative development projects would implement mitigation measures for the risks associated with exposure to hazardous materials. Measures would include incorporating the requirements of applicable existing local, state, and federal laws, regulations, and agencies such as the SCCDEH, DTSC, and Cal/OSHA, during development. For these reasons, the proposed project would not result in hazards and hazardous materials impacts that would have a cumulatively considerable contribution to significant cumulative hazards and hazardous materials impacts. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

### **3.10 HYDROLOGY AND WATER QUALITY**

#### **3.10.1 Environmental Setting**

##### **3.10.1.1 *Regulatory Framework***

#### **Federal and State**

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

#### **National Flood Insurance Program**

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

#### **Statewide Construction General Permit**

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

#### **Regional 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.

### Municipal Regional Permit Provision C.3

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in 2015 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.<sup>62</sup> Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

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

### Water Resources Protection Ordinance and District Well Ordinance

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

### Envision San José 2040 General Plan

Various policies in the Envision San José 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to hydrology and water quality, as listed below.

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<sup>62</sup> MRP Number CAS612008

<b>General Plan Policies - Hydrology and Water Quality</b>	
<b>Flooding and Stormwater Runoff</b>	
Policy EC-5.1	The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence, commonly referred to as the “100-year” flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.
Policy EC-5.3	Preserve designated floodway areas for non-urban uses.
Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
<b>Stormwater</b>	
Policy ER-8.1	Manage stormwater runoff in compliance with the City’s Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy ER-8.4	Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.
Policy ER-8.5	Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.
<b>Water</b>	
Policy ER-9.5	Protect groundwater recharge areas, particularly creeks and riparian corridors.
<b>Water Conservation and Quality</b>	
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
Policy MS-3.5	Minimize area dedicated to surface parking to reduce rainwater that comes into contact with pollutants.
<b>Water Supply, Sanitary Sewer and Storm Drainage</b>	
Policy IN-3.7	Design new projects to minimize potential damage due to storm waters and flooding to the site and other properties.

#### 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.

#### Green Stormwater Infrastructure Plan

The City of San José has developed a Green Stormwater Infrastructure Plan (GSI Plan) to lay out the approach, strategies, targets, and tasks needed to transition traditional "gray" infrastructure to include green stormwater infrastructure over the long term and to implement and institutionalize the concepts of GSI into standard municipal engineering, construction, and maintenance practices. The GSI Plan is intended to serve as an implementation guide for reducing the adverse water quality impacts of urbanization and urban runoff on receiving waters over the long term, and a reporting tool to provide reasonable assurance that specific pollutant reductions from discharges to local creeks and San Francisco Bay will be met. The GSI Plan is required by the City's MRP for the discharge of stormwater runoff from the City's storm drain system."

#### Dam Safety

Since August 14, 1929, the State of California has regulated dams to prevent failure, safeguard life, and protect property. The California Water Code entrusts dam safety regulatory power to California Department of Water Resources, Division of Safety of Dams (DSOD). The DSOD provide oversight to the design, construction, and maintenance of over 1,200 jurisdictional sized dams in California.<sup>63</sup>

### **3.10.1.2      *Existing Conditions***

#### **Water Quality**

The project site is located within the Coyote Creek watershed which covers a 322 square-mile area. The water quality of the river/slough can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as non-point source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into

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<sup>63</sup> California Department of Water Resources, Division of Safety of Dams. Accessed June 9, 2020. [https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams#:~:text=Since%20August%2014%2C%201929%2C%20the,Safety%20of%20Dams%20\(DSOD\).](https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams#:~:text=Since%20August%2014%2C%201929%2C%20the,Safety%20of%20Dams%20(DSOD).)



storm drains. Runoff often contains contaminants such as oil and grease, plant and animal debris (e.g. leaves, dust, and animal feces), pesticides, trash, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain. Runoff from the site likely contains pollutants typically found in urban developed environments, including sediment, automotive fluids, and trash.

### **Groundwater**

The project site is located in the Santa Clara Valley Groundwater Basin between the Diablo Mountains to the east and the Santa Cruz Mountains to the west. The Santa Clara Valley Groundwater Basin is filled by valley floor alluvium and the Santa Clara Formation. Groundwater at the project site is estimated to occur at depths of approximately 20-30 feet bgs<sup>64</sup>; however, the depth to groundwater is a seasonal occurrence, and according to Valley Water's 2016 Groundwater Management Plan, the general depth to groundwater in the Santa Clara Valley is 80 feet bgs. The project site is developed and does not contribute to the recharging of the County's groundwater aquifers managed by Valley Water.

### **Storm Drainage**

The project site is approximately 81 percent pervious (789,881 square feet) and 19 percent impervious (184,004 square feet). Stormwater runoff from the project site drains northeast and is currently collected on-site and conveyed to existing City storm drain facilities in Granite Rock Way and along the northeastern side of the site, parallel to the existing railroad tracks and Monterey Road. There are also existing storm drain lines along the northwestern edge of the site that connect to lines adjacent and parallel to Monterey Road. Runoff from the site flows through a network of underground storm drains in a generally northeasterly direction to Coyote Creek, which flows northwesterly through the Santa Clara Valley and ultimately discharges to the San Francisco Bay.

### **Flooding**

Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (Map No. 06085C0262H, dated May 18, 2009), the project site is located in Flood Zone D. Zone D is an area of undetermined but possible flood hazard. The City of San José has no floodplain requirements for Zone D.

### **Dam Failure**

Based on Valley Water's Leroy Anderson Dam Flood Inundation Maps (2016), the project site is located within the Anderson Dam Flood Inundation zone. As part of its comprehensive dam safety program, Valley Water routinely monitors and studies the condition of each of its 10 dams. Valley Water also has its own Emergency Operations Center and a response team that inspects dams after significant earthquakes. These regulatory inspection programs reduce the potential for dam failure.

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<sup>64</sup> HMH, *Conceptual Stormwater Control Plan Notes, Sht. C6.1*. 2020.

## Seiches and Tsunamis

A seiche is the oscillation of water in an enclosed body of water such as a lake or the San Francisco Bay. There are no landlocked bodies of water near the project site that would affect the site in the event of a seiche.

A tsunami is a sea wave generated by an earthquake, landslide, or other large displacement of water in the ocean. There are no bodies of water near the project site that would affect the site in the event of a tsunami.<sup>65</sup>

A mudflow is the rapid movement of a large mass of mud formed from loose soil and water. The project area is flat and there are no mountains in proximity that would affect the site in the event of a mudflow.

### 3.10.2 Impact Discussion

For the purpose of determining the significance of the project's impact on hydrology and water quality, would the project:

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
- b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
  - result in substantial erosion or siltation on- or off-site;
  - substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
  - create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
  - impede or redirect flood flows?
- d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
- e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

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<sup>65</sup> Association of Bay Area Governments. "Tsunami Maps and Information." Accessed: July 13, 2021. <http://resilience.abag.ca.gov/tsunamis/>.

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

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**Construction Impacts**

Because implementation of the proposed project would result in the disturbance of more than one acre of soil, it would be required to comply with the statewide Construction General Permit. The Permit requires preparation and implementation of a SWPPP that includes sediment control measures and other stormwater pollution prevention practices specific to the project. The following Standard Permit Conditions, based on RWQCB Best Management Practices, will be included in the project to reduce the potential for water quality impacts during construction.

**Standard Permit Conditions:** The proposed project shall implement the following best management practices to prevent stormwater pollution and minimize potential sedimentation during project construction:

- Install burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains;
- Suspend earthmoving or other dust-producing activities shall be suspended during periods of high winds;
- Water all exposed or disturbed soil surfaces at least twice daily to control dust, as necessary;
- Water or cover stockpiles of soil or other materials that can be blown by the wind;
- Cover all trucks hauling soil, sand, and other loose materials and maintain at least two feet of freeboard on all trucks;
- Sweep all paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites daily (with water sweepers);
- Replant vegetation in disturbed areas as quickly as possible;
- Fill with rock all unpaved entrances to the site to remove mud from truck tires prior to entering City streets. Install a tire wash system if requested by the City;
- 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;

Construction of the proposed project, with implementation of the above conditions, would not result in significant construction-related water quality impacts.

**Post-Construction Impacts**

The proposed project would create and/or replace more than 10,000 square feet of impervious surfaces, and is therefore subject to San José Council Policy 6-29 and the MRP. Under Provision C.3 of the MRP, the project would be required to treat runoff from 100 percent of its impervious surface area. A stormwater control plan must be prepared for the project as a requirement of the Planned Development rezoning and permit processes. The plan requires approval by the San José

Director of Public Works Department for consistency with Council Policy 6-29 and the MRP.

The Conceptual Stormwater Control Plan prepared for the project proposes the incorporation of site design and source control measures, as well as on-site treatment controls into the project in compliance with Provision C.3 of the MRP and with Policy 6-29. Site design measures include the preservation of existing trees, creation of new pervious areas (landscaping), and planting of new trees adjacent to and within hardscape areas (parking lot and other impervious surface areas). The proposed source controls include the use of beneficial landscaping and water efficient irrigation systems, implementation of regular maintenance (pavement sweeping, catch basin cleaning and other good housekeeping practices) and stenciling of storm drain inlets. The proposed treatment controls are bioretention basins sized to treat runoff from adjacent impervious surface areas such as parking lots and building roofs, and from material and truck storage, recycling and processing activity areas on the site. The bioretention basins LID-based controls designed to provide on-site treatment of the runoff by removing pollutants through filtration and evapotranspiration mechanisms before the water is discharged to off-site storm drain lines. A detailed operation and maintenance plan will be included in the final Stormwater Control Plan to ensure that the post-construction treatment controls are properly maintained to maximize their functionality and pollutant removal efficiency.

### **Hydromodification Management**

The proposed project would create and/or replace one acre or more of impervious surface area and is located in a subwatershed or catchment area that is less than 65 percent impervious. Therefore, the project is subject to San José Council Policy 8-14 for hydromodification management (HM). Council Policy 8-14 states for development that is subject to the policy:

*Stormwater discharges from HM Projects shall not cause an increase in the erosion potential of the receiving stream over the pre-project (existing) condition. Increases in runoff flow and volume shall be managed so that post-project runoff shall not exceed estimated pre-project rates and durations, where such increased flow and/or volume is likely to cause increased potential for erosion of stream beds and banks, silt pollution generation, or other adverse impacts. All HM Projects are required to install Post-Construction HMCs.*

The existing site contains approximately 19 percent impervious surface area and 81 percent pervious surface area. By contrast, the proposed new project will be approximately 88.5 percent impervious and approximately 11.5 percent pervious, representing an increase in imperviousness of approximately 69.5 percent. Since the area of impervious surfaces on the project site would increase with implementation of the project, runoff flow from the project would also be expected to increase. Because stormwater runoff rates would be higher than those in the existing condition, hydromodification management facilities would be required for the project under Policy 8-14. A Hydromodification Management Plan will be prepared for the project, which will include design standards for proposed on-site HM controls (HMCs) that would reduce post-project runoff levels to not exceed the estimated pre-project rates and durations, as required by Policy 8-14. With the implementation of the HMCs, the proposed project would not result in a significant water quality impact due to the effects of hydromodification.

With the implementation of the stormwater control plan described above that is consistent with Council Policy 6-29 and the MRP, the proposed project would result in less than significant post-construction water quality impacts. In addition, implementation of HCMs specified in the Hydromodification Management Plan prepared for the project would reduce hydromodification impacts to less than significant, as runoff from the post-construction (project) condition of the site would not exceed the pre-project condition. **(Less than Significant Impact)**

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

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The proposed project is located within the Santa Clara Subbasin, one of two groundwater basins located within the City of San José Urban Growth Boundaries.

Groundwater has been estimated to occur at a depth of approximately of 20-30 feet bgs, although the depth can vary seasonally. Construction activities proposed by the project would not involve excavation to depths of 20 to 30 feet and, therefore, would not impact groundwater supplies or interfere with groundwater recharge. The proposed project would increase water demand on-site but would rely on existing water delivery systems to meet its demand. The project would not establish or require additional groundwater pumping, actions which could impede efforts to sustainably manage the Santa Clara Subbasin. **(Less than Significant Impact)**

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

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As previously discussed, the project would result in an increase in impervious surface area on the site of approximately 69.5 percent. This increase in impervious surface area and corresponding decrease in pervious surface area would result in a net increase in post-construction stormwater runoff. Consequently, the potential impact to the flow capacity of the existing storm drain systems in Granite Rock Way or Monterey Road adjacent to the site could potentially be impacted. However, the project's on-site storm drain collection systems would be designed in accordance with City of San José standards, and the proposed on-site treatment controls (bioretention basins) would provide some degree of stormwater runoff detention. Further, the project's storm drain system would include HCMs designed to manage post-construction runoff flow and volume so that runoff would not exceed estimated pre-project rates and durations. Adherence to the standard permit conditions described above for management of stormwater runoff during construction, and implementation of a SWPPP and installation of construction BMPs to reduce pollutant loads in stormwater runoff during construction would reduce erosion and siltation impacts to the existing storm drain systems and downstream receiving waters.



Conformance with the Construction General Permit requirements and adherence to City Policies 6-29 and 8-14 to address potential water quality and hydromodification impacts, respectively, as described above, would reduce construction and post-construction stormwater runoff impacts. As a result, the proposed project would not alter the drainage system in the area in a manner which would result in flooding, erosion/siltation, excess polluted runoff, or an exceedance of storm drain capacity.

**(Less Than Significant Impact)**

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

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As previously discussed, the project site is not located in a flood hazard, tsunami or seiche zone, but is within the Anderson Dam Inundation area, meaning that the site would be subject to flooding in the event of a dam failure. Pollutants related to the fueling and maintenance of vehicles and equipment such as fuel, oil, lubricants, and solvents would be stored inside the warehouse/maintenance building on the site, so the potential for their release to the local storm drain system and downstream receiving waters in the event of on-site flooding would be minimal. In addition, the proposed site grading has been designed so that the pad elevation for the proposed asphalt tank farm is approximately 1.5 feet above the finished grade of the surrounding area, reducing the potential exposure of the tank farm to flood waters. **(Less than Significant Impact)**

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

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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 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.

The project site is not located within, or adjacent to, any Valley Water groundwater recharge pond or facility. Implementation of the proposed project would not interfere with any actions set forth by the Valley Water in its GMP regarding groundwater recharge, transport of groundwater, and/or groundwater quality. Therefore, the proposed project would not preclude the implementation of the GMP. **(Less than Significant Impact)**

### **3.10.2.2 Cumulative Impacts**

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**Would the project result in a cumulatively considerable contribution to a significant cumulative hydrology and water quality impact?**

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The geographic area for cumulative hydrology and water quality impacts is the Coyote Creek watershed. The proposed project would reduce potential water quality impacts to a less than significant level by adhering to the requirements of the NPDES Construction General Permit and the MRP, as detailed in Standard Permit Conditions under checklist question a. The project would reduce

the imperviousness on-site and correspondingly reduce impacts from runoff into the City's storm drain system.

Cumulative projects in the area would, depending on their size and scale, be required to implement similar conditions as the proposed project to reduce construction-related and operational water quality impacts. The City of San José has policies and municipal code requirements which ensure compliance with regional and statewide water quality regulations. Projects in the area would be required to adhere to these policies, including General Plan Policies ER-8.3, ER-8.5, IN-3.7, EC-5.16, EC-5.17, and Action EC-7.10. Therefore, the proposed project would not result in a cumulatively considerable contribution to a significant cumulative hydrology and water quality impact. **(Less than Significant Cumulative Impact)**

### 3.11 LAND USE AND PLANNING

#### 3.11.1 Environmental Setting

##### 3.11.1.1 *Regulatory Framework*

#### **Regional and Local**

##### Habitat Conservation Plan/Natural Community Conservation Plan

As described in Section 3.4 Biological Resources, the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (HCP), which encompasses a study area of 519,506 acres (or approximately 62 percent of Santa Clara County), was adopted by six local entities in Santa Clara County and went into effect in October 2013. The 22.18-acre project site is located within the Habitat Plan study area and has a land cover designation of *Urban-Suburban*.<sup>66</sup>

##### Envision San José 2040 General Plan

Various policies in the Envision San José 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to land uses, as listed below.

<b>General Plan Policies – Land Uses</b>	
Policy 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).
Policy 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).
Policy LU-1.6	With new development or expansion and improvement of existing development or uses, incorporate measures to comply with current Federal, State, and local standards.
Policy LU-6.4	Encourage the development of new industrial areas and the redevelopment of existing older or marginal industrial areas with new industrial uses, particularly in locations which facilitate efficient commute patterns. Use available public financing to provide necessary infrastructure improvements as one means of encouraging this economic development and revitalization.
Policy LU-6.5	Maintain and create Light Industrial and Heavy Industrial designated sites that are at least one acre in size in order to facilitate viable industrial uses.

##### 3.11.1.2 *Existing Conditions*

The site is currently designated as Combined Industrial/Commercial (CIC) under the Envision San José 2040 General Plan, which allows for a Floor Area Ratio (FAR) of 1 to 12 (up to 24 stories) and a significant amount of flexibility for the development of a varied mixture of compatible commercial

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<sup>66</sup> Santa Clara Valley Habitat Agency. Santa Clara Valley Habitat Agency Geobrowser. Accessed: March 4, 2021. Available at: <http://www.hcpmaps.com/habitat/>.

and industrial uses, including manufacturing, in order to maintain an industrial character. The site has an IP Industrial Park Zoning District on the western portion of the site and a Planned Development (PD) Zoning District with a base Zoning District of IP Industrial Park on the eastern portion of the site, which is intended for a wide variety of industrial uses and which, in combination with a Planned Development Permit, provides for more flexible development regulations consistent with the General Plan.

Development in the project area is a mix of commercial and industrial land uses. Building heights vary by land use from one- to two-stories. The project site is bounded by Monterey Road and the Union Pacific Railroad to the northeast and Hillsdale Avenue to the west.

North of the project site is an industrial business selling concrete mixes. East of Monterey Road are a variety of one- and -two-story auto-related businesses, a two-story hotel, a Caltrain station, and one-story restaurant. Southeast of the project site is a drive-in movie theatre. South of the project site is a storage facility. Southwest of the project site is a mix of commercial and industrial land uses. Communications Hill, a large residential development, is located approximately 0.25 miles west of the site.

### **3.11.2      Impact Discussion**

For the purpose of determining the significance of the project's impact on land use and planning, would the project:

- a) Physically divide an established community?
- b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

#### **3.11.2.1      *Project Impacts***

---

##### **a) Would the project physically divide an established community?**

---

The project proposes to expand existing industrial operations on the site. The project would not physically divide an established community. The project proposes no subdivision of existing land for future development, or the construction of dividing infrastructure like highways, freeways, or major arterial streets. Access to nearby residential communities, including Communications Hill, would not be restricted or hindered by development proposed by the project. Within the project area, there are sidewalks along the south side of Granite Rock Way, and the project would include sidewalks in the new cul-de-sac to connect to the existing sidewalks. Therefore, continuous pedestrian access would be maintained between the project site and the surrounding land uses and transit stops in the study area. Therefore, the proposed project would not physically divide an established community. **(No Impact)**

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

---

As discussed throughout the document, the project would comply with relevant land use policies, policies, and regulations to avoid and mitigate causing an environmental effect.

The project proposes a General Plan Amendment to change the land use designation to Heavy Industrial. In addition to the General Plan Amendment, the project proposes a rezoning to a PD Zoning District with a base zoning district of HI Heavy Industrial in order to facilitate the proposed modernization of the existing facility.

With City approval of the proposed Planned Development Zoning and General Plan Amendment, the project would comply with applicable zoning, land use designations, and land use plans, policies, and regulations. **(Less than Significant Impact)**.

### **3.11.2.2**      *Cumulative Impacts*

---

**Would the project result in a cumulatively considerable contribution to a significant cumulative land use and planning impact?**

---

The geographic area for cumulative land use impacts is the City's boundaries.

All development, including the proposed project, must conform with applicable land use plans, policies, ordinances, and regulations for the purpose of avoiding or mitigating cumulative environmental impacts. As discussed under Impact LU-2, with City approval of the proposed Planned Development Zoning, and General Plan Amendment, the project would comply with applicable zoning, land use designations, and land use plans, policies, and regulations. The project would comply with all requirements of the HCP. Therefore, the project would not contribute to a significant cumulative land use and planning impact. **(Less than Significant Cumulative Impact)**

## **3.12 MINERAL RESOURCES**

### **3.12.1 Environmental Setting**

#### **3.12.1.1 *Regulatory Framework***

##### **State**

##### **Surface Mining and Reclamation Act**

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

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

#### **3.12.1.2 *Existing Conditions***

Mineral resources found in Santa Clara County include construction aggregate deposits such as sand, gravel, and crushed stone. The only area in the City of San José that is designated by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 (SMARA) as containing mineral deposits which are of regional significance is Communications Hill. Communications Hill is located 100 feet northwest of the project site and generally bound by the Southern Pacific Railroad, Curtner Avenue, SR 87, and Hillsdale Avenue.<sup>67</sup> The project site is bordered to the northeast by industrial developments and Hillsdale Avenue.

### **3.12.2 Impact Discussion**

For the purpose of determining the significance of the project's impact on mineral resources, would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?
- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

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<sup>67</sup> City of San José. 2011. *Envision San José 2040 General Plan Final Program EIR*.



### 3.12.2.1 *Project Impacts*

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

Based on the United States Geological Survey (USGS) map of mines and mineral resources, the project site is not comprised of known mineral resources or mineral resource production areas.<sup>68</sup> Therefore, the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the residents in the state or region. **(No Impact)**

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

The only area in the City of San José that is designated by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 (SMARA) as containing mineral deposits which are of regional significance is Communications Hill, bounded generally by the Union Pacific Railroad (which also serves Caltrain), Curtner Avenue, SR 87, and Hillsdale Avenue. The project site is outside of the Communications Hill boundary<sup>69</sup> and would not result in the loss of availability of a locally important mineral resources recovery site delineated on a local general plan, specific plan, or other land use plan. **(No Impact)**

### 3.12.2.2 *Cumulative Impacts*

- 
- Would the project result in a cumulatively considerable contribution to a significant cumulative mineral resources impact?**
- 

The project would not result in impacts to mineral resources and, therefore, the project would not contribute to a cumulative impact to mineral resources. **(No Cumulative Impact)**

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<sup>68</sup> United States Geological Survey. *Mineral Resources Online Spatial Data: Interactive maps and downloadable data for regional and global Geology, Geochemistry, Geophysics, and Mineral Resources*. Available at <https://mrdata.usgs.gov/> Accessed February 24, 2021.

<sup>69</sup> The Communications Hill boundary is different than the Communications Hill Plan area, which does include the project site.

### 3.13 NOISE

The following discussion is based on a noise assessment prepared by Illingworth & Rodkin in February 2021. The report can be found in Appendix E of this EIR.

#### 3.13.1 Environmental Setting

##### 3.13.1.1 *Background*

#### **Noise**

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

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including  $L_{eq}$ , DNL/Ldn, or CNEL.<sup>70</sup> These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night).  $L_{max}$  is the maximum A-weighted noise level during a measurement period.

#### **Vibration**

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

##### 3.13.1.2 *Regulatory Framework*

#### **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

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<sup>70</sup>  $L_{eq}$  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  $L_{eq}$ .

of 30 when the commercial property falls within the 65 dBA Ldn 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.




### State CEQA Guidelines

CEQA contains guidelines to evaluate the significance of effects resulting from a proposed project. These guidelines have been used in this EIR as thresholds for establishing potentially significant noise impacts and are listed under *Thresholds of Significance*.

CEQA does not define what noise level increase would be considered substantial. Typically, project-generated permanent noise level increases of three Ldn or greater would be considered significant where exterior noise levels would exceed the normally acceptable noise level standard (60 Ldn). Where noise levels would remain below the normally acceptable noise level standard with the project, permanent noise level increases of five Ldn or greater would be considered significant.

### Envision San José 2040 General Plan

The General Plan includes policies applicable to the proposed project. The City's noise and land use compatibility guidelines are shown in Table 3.13-1, below. Relevant City policies and municipal code standards are also listed.

<b>Table 3.13-1: Proposed Envision San José 2040 General Plan Land Use Compatibility Guidelines</b>						
<b>Land Use Category</b>	<b>Exterior DNL Value in Decibels</b>					
	<b>55</b>	<b>60</b>	<b>65</b>	<b>70</b>	<b>75</b>	<b>80</b>
1. Residential, Hotels and Motels, Hospitals and Residential Care <sup>1</sup>						
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						
<sup>1</sup> Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required. <b>Normally Acceptable:</b>  Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements. <b>Conditionally Acceptable:</b>  Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design. <b>Unacceptable:</b>  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.						

## Envision San José 2040 Relevant Noise Policies

Policies	Description
EC-1.2	<p>Minimize the noise impacts of new development on land uses sensitive to increased noise levels [Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan or Table 3.13-2 in this EIR] 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"> <li>• Cause the DNL at noise sensitive receptors to increase by 5 dBA DNL or more where the noise levels would remain “Normally Acceptable”; or</li> <li>• Cause the DNL at noise sensitive receptors to increase by 3 dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level.</li> </ul>
EC-1.3	Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.
EC-1.6	Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City’s Municipal Code.
EC-1.7	<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"> <li>• 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.</li> </ul> <p>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.</p>
EC-2.3	Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize potential for cosmetic damage at buildings of normal conventional construction.

### 3.13.1.3 *Existing Conditions*

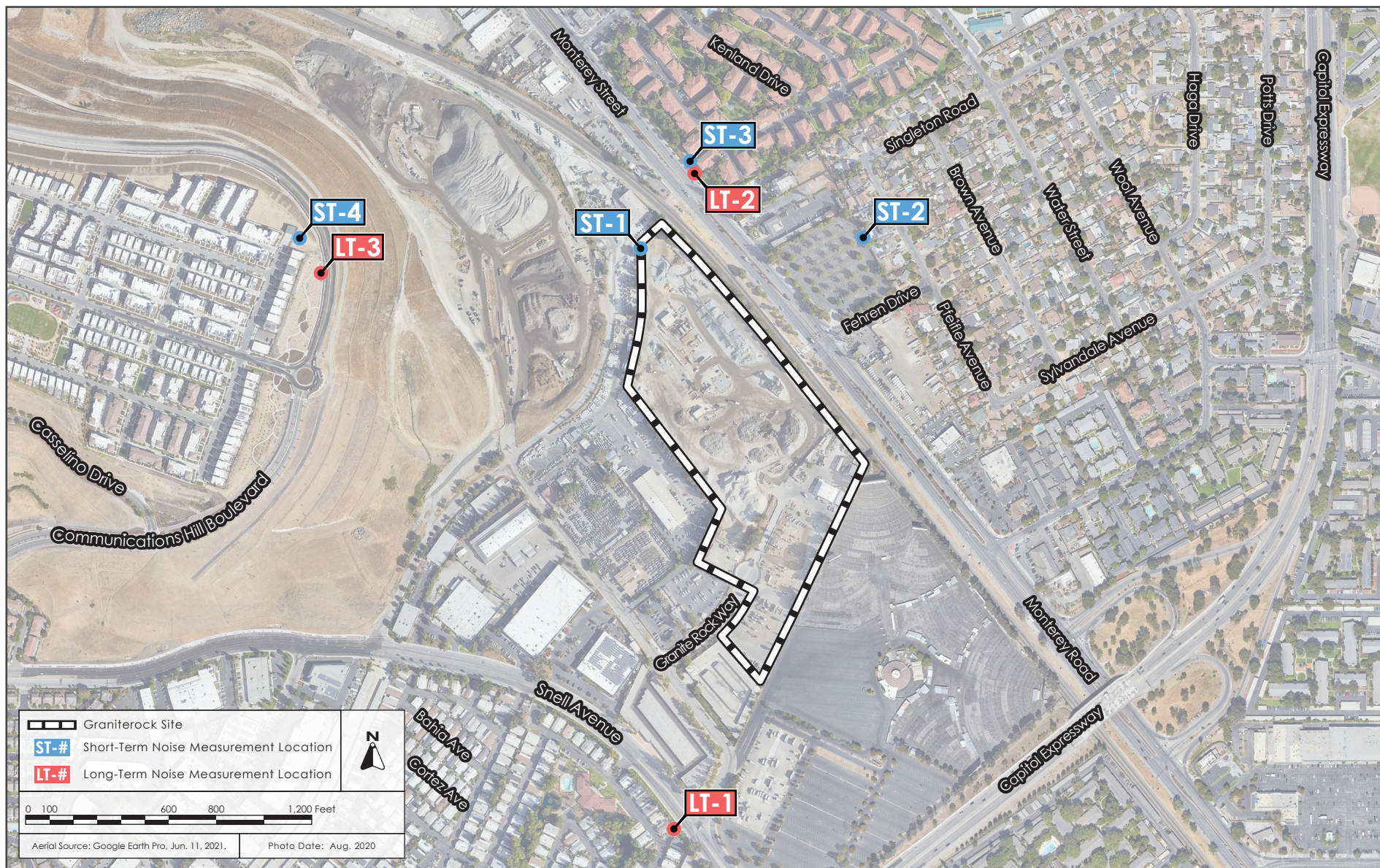
The project site is located at 120 Granite Rock Way in the City of San José. Noise levels in the project area are primarily the result of vehicular traffic along Monterey Road, Union Pacific Railroad (UPRR) operations, ongoing construction, and jet overflights. The project site is bordered to the northwest by industrial uses, including West Coast Aggregate and Concrete Ready Mix, to the east by rail tracks serving Caltrain, UPRR, and Monterey Road, to the southeast by a drive-in theater, and to the southwest by commercial and light industrial uses along Hillcap Avenue.

To quantify and characterize ambient noise levels at the site and in the project vicinity, a noise monitoring survey was performed between Friday, October 30, 2020 and Wednesday, November 4, 2020. The monitoring survey included three long-term noise measurements (LT-1 through LT-3) to quantify the daily trend in noise levels at noise sensitive locations near the project site. Attended short-term measurements (ST-1 through ST-4) were made to characterize noise levels at noise sensitive uses in the site vicinity and to establish the noise levels generated by equipment at the existing Graniterock site and at the neighboring concrete batch plant to the northwest. Noise from operations at the existing Graniterock facility is audible at the nearest noise sensitive uses during activities such as unloading of materials delivered via rail.

Table 3.13-2 and Table 3.13-3 give a summary of the acoustical locations and measurements. Locations ST-3 and LT-2 represent the closest noise sensitive residences, located about 250 feet north of the site across Monterey Road. Noise monitoring locations are shown on Figure 3.13-1 below.

<b>Table 3.13-2: Existing Short-Term Noise Measurements (dBA)</b>					
<b>Measurement</b>	<b>Location</b>	<b>Time</b>	<b>Lmax</b>	<b>Leq</b>	<b>Primary Noise Source</b>
ST-1	Northwestern corner of the project site, along the property line	9:00 AM – 9:10 AM	80	72	Activities at the adjacent concrete batch plant to the west
ST-2	East side of Caltrain Capitol Station parking lot	10:12 AM – 10:20 AM	72	61	Vehicular traffic, aircraft, Graniterock train unloading operations audible at times
		10:20 AM – 10:30 AM	70	59	
ST-3	Kenbrook Court at setback of residential units from Monterey Road	10:50 AM – 11:00 AM	75	67	Monterey Road traffic, aircraft, Graniterock train unloading operations negligible
ST-4	Communications Hill, 2932 Valley of Heart's Delight Plaza	11:22 AM – 11:30 AM	76	60	Local construction, aircraft, Graniterock train unloading operations inaudible
		11:30 AM – 11:40 AM	62	51	





AMBIENT NOISE MEASUREMENT LOCATIONS

FIGURE 3.13-1



<b>Table 3.13-3: Existing Long-Term Noise Measurements (dBA DNL)</b>					
<b>Measurement</b>	<b>Location</b>	<b>Daytime Level</b>	<b>Nighttime Level</b>	<b>Average Noise Level</b>	<b>Primary Noise Source</b>
LT-1	Southwest of the site, near residences along Snell Avenue	63 - 74	55 - 68	71 - 72	Vehicular traffic along Snell Avenue
LT-2	North of the site across Monterey Road	69 - 78	61 - 74	75 - 76	Vehicular traffic along Monterey Road and UPRR railroad trains
LT-3	West of the site along Communications Hill Boulevard and adjacent to the Communications Hill residential development site	50 - 68	45 - 58	60 - 62	Vehicular traffic associated with Communications Hill construction and aircraft

Additional on-site measurements were made on Friday, October 30, 2020 and Wednesday, November 4, 2020 to establish the noise levels generated by existing equipment and processes at the Graniterock site. Noise levels were measured at various distances from each primary noise generating activity and normalized to a distance of 100 feet. Results of these measurements are summarized in Table 3.13-4.

<b>Table 3.13-4: Noise Levels Generated by Existing On-Site Graniterock Equipment and Processes (dBA DNL)</b>					
<b>Existing Graniterock Equipment or Activity</b>		<b>Measured Noise Level at Distance from Source</b>			<b>Noise Level Normalized to 100 ft.</b>
		<b>Distance 1</b>	<b>Distance 2</b>	<b>Distance 3</b>	
Crushing		76 to 77 dBA at 80 feet	70 to 74 dBA at 135 feet	--	73 to 75 dBA
Excavator Scooping/Dumping Rock		78 to 81 dBA at 60 feet	77 dBA at 99 feet	72 to 74 dBA at 126 feet	74 to 77 dBA
Loader Scooping/Dumping Rock		80 to 87 dBA at 35 feet	80 to 83 dBA at 60 feet	70 to 76 dBA at 120 feet	71 to 78 dBA
Loading Maneuvering		76 to 84 dBA at 30 feet	80 to 83 dBA at 60 feet	77 to 78 dBA at 98 feet	66 to 78 dBA
Rock Fall Pile		70 dBA at 50 feet	--	--	64 dBA
Rail Unloading	Dump	72 to 85 dBA at 35 feet	--	--	63 to 76 dBA
	Scraping Gravel	80 to 83 dBA at 35 feet	--	--	71 to 74 dBA
	Closing Hoppers	80 to 85 dBA at 35 feet	--	--	71 to 76 dBA
	Cable Pull	72 to 74 dBA at 35 feet	--	--	63 to 65 dBA
	Conveyor	69 to 71 dBA at 55 feet	--	--	64 to 66 dBA

### 3.13.2 Impact Discussion

For the purpose of determining the significance of the project's impact on noise, would the project result in:

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

#### 3.13.2.1 *Project Impacts*

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

#### **Temporary Construction Noise**

Policy EC-1.7 of the City's General Plan requires all construction operations within the City to use best available noise suppression devices and techniques and to limit construction hours near residential uses per the Municipal Code allowable hours (between the hours of 7:00 am and 7:00 pm Monday through Friday when construction occurs 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 involves 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.

Construction noise varies greatly depending on the construction activity performed, type and specific model of equipment, and the condition of equipment used. Noise impacts resulting from construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, the distance between construction noise sources and noise-sensitive receptors, any shielding provided by intervening structures or terrain, and ambient noise levels. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), when construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction durations last over extended periods of time.

Expected noise levels originating from project construction were calculated based on data used in the Federal Highway Administration's Roadway Construction Noise Model (RCNM) Version 2.0. Table 3.13-5 shows project specific construction noise levels calculated based on construction equipment lists provided by the project applicant for each phase of construction at a distance of 250 feet. This distance represents the nearest noise sensitive receptor to the site. Construction-generated noise

levels drop off at a rate of about six dBA per doubling of the distance between the source and receptor. Shielding by buildings or terrain can provide an additional five to ten dBA noise reduction at distant receptors.

<b>Table 3.13-5: Calculated Construction Noise Levels for Each Stage of Construction</b>			
<b>Construction Phase</b>		<b>At Distance of 250 Feet</b>	
		<b>L<sub>eq</sub> dBA</b>	<b>L<sub>max</sub> dBA</b>
Phase 1 (No Rail)	Demolition (20 days)	71	79
	Site Preparation (10 days)	71	77
	Grading & Excavation (30 days)	78	83
	Trenching & Foundation (30 days)	66	75
	Building – Exterior (300 days)	76	80
	Paving (20 days)	68	74
	Pile Driving for Storage Silos	85	91
Phase 1 Rail Spur	Demolition (20 days)	63	70
	Site Preparation (3 days)	69	75
	Grading & Excavation (6 days)	75	80
	Building – Exterior (220 days)	71	76
Phase 2 Concrete Plant	Demolition (20 days)	73	78
	Site Preparation (3 days)	68	75
	Grading & Excavation (6 days)	75	80
	Trenching & Foundation (10 days)	65	75
	Building – Exterior (220 days)	74	79
	Paving (10 days)	72	75
Phase 3 Asphalt Plant	Demolition (20 days)	73	78
	Site Preparation (3 days)	67	74
	Grading & Excavation (6 days)	69	77
	Trenching & Foundation (10 days)	65	75
	Building – Exterior (220 days)	74	79
	Paving (10 days)	70	74

As described in Section 3.13.1.3, the closest noise sensitive residences are located about 250 feet north of the site across Monterey Road. Average noise levels range from 75-76 dBA DNL at this location. Construction activities would occur primarily in the interior portions of the site, meaning the distance from these residence to the source of construction noise would be greater than 250 feet, and noise levels experienced would be lower than those shown in Table 3.13-5. The residences are roughly 550 feet from the location of the proposed aggregate terminal, 700 feet from the location of the proposed concrete plant, and 780 feet from the location of the proposed asphalt plant. Pile driving, which would be used to construct silo foundations, would generate noise levels as high as 78 dBA L<sub>eq</sub> at these residences. Noise levels during construction of the rail line located adjacent to the northern property line would result in noise levels as high as 66 to 76 dBA L<sub>eq</sub> at these residences, similar to existing ambient daytime levels generated by vehicular traffic. Construction noise levels are anticipated to range from 56 to 65 dBA L<sub>eq</sub> during construction of the concrete plant and from 55 to 64 dBA L<sub>eq</sub> during construction of the asphalt plant. Other than noise associated with pile driving, construction noise levels would be below existing ambient daytime noise levels at these residences.

Existing daytime noise levels at residences to the south along Snell Avenue range from 63 to 74 dBA L<sub>eq</sub>. These residences are as close as 1,500 feet from the center of the project site, 675 feet from the closest segment of the proposed rail spur, 1,750 feet from the location of the proposed aggregate

terminal, 1,600 feet from the location of the proposed concrete plant, and 1,550 feet from the location of the proposed asphalt plant. Pile driving would result in noise levels of about 67 dBA  $L_{eq}$  at these residences, similar to existing ambient daytime levels. Rail spur construction would generate noise levels of 56 to 66 dBA when located closest to residences and 50 to 60 dBA  $L_{eq}$  when located in the northeastern portion of the spur line. Noise levels during other phases of construction would range from 48 to 61 dBA  $L_{eq}$ . Construction noise levels would be similar to or below levels generated by daytime ambient noise levels generated by vehicular traffic along Snell Avenue.

The Communications Hill residential development site is exposed to ambient daytime noise levels ranging from 50 to 68 dBA  $L_{eq}$ . These residences are as close as 1,300 feet from the property line of the site, 1,900 feet from the center of the project site, 1,650 feet from the location of the proposed aggregate terminal, 1,700 feet from the location of the proposed concrete plant, and 1,750 feet from the location of the proposed asphalt plant. Pile driving would result in noise levels of about 68 dBA  $L_{eq}$  at these residences, similar to existing loudest hour ambient daytime levels. Noise levels during other phases of construction would range from 48 to 61 dBA  $L_{eq}$ . Construction noise levels would be similar to or below levels generated by daytime ambient noise levels.

Construction noise levels would be similar in level or below ambient noise levels at surrounding noise sensitive locations. Although the overall construction period is anticipated to exceed 12 months, construction would not occur within 500 feet of a residential land use during the majority of this period. Additionally, the only commercial use within 200 feet of the project site is the adjacent drive-in theater which is only operational during nighttime hours when construction would not be occurring.

### **Standard Permit Condition:**

Pursuant to General Plan Policy EC-1.7, project construction operations shall use best available noise suppression devices and techniques including, but not limited to the following:

- Construction shall be limited to the hours of 7:00 AM to 7:00 PM Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. 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.
- The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
- The unnecessary idling of internal combustion engines shall be prohibited.
- Staging areas and stationary noise-generating equipment shall be located as far as possible from noise-sensitive receptors such as residential uses.
- The surrounding neighborhoods shall be notified early and frequently of the construction activities.
- A “noise disturbance coordinator” shall be designated to respond to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise

complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.

With implementation of standard permit conditions, the construction noise impact would be less than significant.

### **Permanent Noise Level Increase**

A significant impact would result if traffic generated by the project would substantially increase noise levels at sensitive receptors in the vicinity. A substantial increase would occur if: a) the noise level increase is five dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or b) the noise level increase is three dBA DNL or greater, with a future noise level of 60 dBA DNL or greater. The existing noise environment in the surrounding area exceeds 60 dBA DNL; therefore, a significant impact would occur if project-generated traffic would permanently increase noise levels by three dBA DNL. For reference, a three dBA DNL noise increase would be expected if the project doubled existing traffic volumes along a roadway.

Under existing conditions, site operations are completed by 28 full-time employees in four shifts, with the majority of the employees (23 employees) working a 12-hour shift staggered between 6:00 AM and 8:00 PM. The proposed facility would be allowed to operate 24 hours per day, seven days per week. The number of employees is proposed to increase from the current 28 employees to 92 employees as part of the expanded and new site operations. The number of trucks associated with the modernized facility would increase from the current 323 daily trucks to 658 daily trucks. In addition, the existing rail spur would be extended from a 25 railcar spur track to accommodate up to 55 rail cars.

The proposed expansion is anticipated to result in an increase of 780 daily trips with 90 new trips occurring during the AM peak hour and a reduction of three trips occurring during the PM peak hour. All new peak-hour trips would be generated by trucks because employees would generally arrive before and leave after the AM and PM peak-hours. Due to the reduction of trips in the PM peak hour, only the AM peak hour was analyzed for this assessment.

Peak hour turning movements were provided for eight study intersections. Existing plus project and background plus project traffic volumes were compared to existing and background volumes, respectively, to estimate the project's contribution to the traffic noise levels along roadways in the vicinity. Upon comparison of these traffic conditions, traffic noise increases of three dBA would occur along Granite Rock Way, east of Hillcap Avenue, and two dBA along Hillcap Avenue south of Granite Rock Way. Neither of these segments of roadway are adjacent to noise sensitive receptors and, in both cases, traffic noise levels are below noise levels generated by operations at the existing commercial and industrial uses in the area. Traffic noise increases at the remaining study segments are calculated to be less than one dBA.

To account for any potential underestimation in traffic noise increase due to project-generated traffic consisting almost entirely of trucks, which generate substantially higher levels of noise than typical automobiles, additional traffic noise modeling was conducted using the Federal Highway Administration Traffic Noise Model 2.5 to verify the worst case peak hour traffic noise increase.

Through comparison of existing project-generated peak hour volumes and the proposed peak hour volume consisting of 90 additional trucks, the peak hour traffic noise increase would reach up to two dBA, which is a less than significant impact.

### **Noise Levels in Excess of Standards**

Under the City of San José's Noise Element, a substantial noise increase would occur if: a) the noise level increase is 5 dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or b) the noise level increase is 3 dBA DNL or greater, with a future noise level of 60 dBA DNL or greater. The existing noise environment in the surrounding area exceeds 60 dBA DNL; therefore, a significant impact would occur if site operations would permanently increase noise levels by 3 dBA DNL. City of San José General Plan Policy EC-1.3 would not reasonably apply to noise resulting from project operations in the site vicinity, as the 55 dBA DNL criterion used in the Policy is already clearly exceeded under ambient conditions, as evident in the results of the noise measurement survey summarized in Section 3.13.1.3. Additionally, this policy intends to mitigate new noise generation at the property line when located "adjacent to existing or planned noise-sensitive residential and public/quasi-public land uses." The project is not located adjacent to any residential or public/quasi-public land uses, with the nearest residential use located approximately 250 feet northwest of the site.

Modernization of the Graniterock Capitol Site would construct multiple new facilities on-site and lengthen existing rail infrastructure. New noise generating equipment would be introduced to the site and existing operations would be expanded. The proposed asphalt plant, concrete plant, and aggregate terminal would introduce new noise-generating equipment including dust collectors, conveyors, elevators, mixers, and hoppers. The single railcar unloading operation would be expanded to a double railcar unloading system, increasing the unloading rate from 400 to 2,000 tons per hour. Rail spurs internal to the site would be extended to accommodate up to 55 railcars at any time. Railcars would be delivered by UPRR between the hours of 12:00 AM and 5:00 AM (the same as under existing conditions), then would be unloaded and moved throughout the site by Graniterock between the hours of 3:00 AM and 7:30 PM (currently occurs between 6:00 AM and 8:00 PM under existing conditions). Table 3.13-6 lists proposed new equipment and noise levels as they would be experienced by workers at the site adjacent to each individual noise source. Note that some equipment would be fully contained within the proposed structures and would generate substantially less exterior noise.



<b>Table 3.13-6: Noise Levels for Proposed Equipment</b>				
<b>Site</b>	<b>Equipment</b>	<b>Number of Units Proposed</b>	<b>Hours of Operation</b>	<b>Noise Level per Unit at Source (L<sub>eq</sub>)</b>
Aggregate Terminal	Rail Unload Hopper	4	3:00 AM to 7:30 PM	68 dBA
	Truck Return Hopper	2	3:00 AM to 7:30 PM	52 dBA
	Bucket Elevator	2	3:00 AM to 7:30 PM	65 dBA
	DCL CFM 660 Dust Collector	2	3:00 AM to 7:30 PM	82 dBA
	DCL CFM 330 Dust Collector	9	3:00 AM to 7:30 PM	68 dBA
	Topside Transfer Conveyor	8	6:00 AM to 6:00 PM	55 dBA
	Transfer Conveyor to Batch Plant	1	6:00 AM to 6:00 PM	55 dBA
	Transfer Conveyor to Asphalt Plant	1	6:00 AM to 6:00 PM	55 dBA
	Diesel Locomotive	1	12:00 AM to 7:30 PM	100 dBA
Concrete Plant	Dust Collector	10	6:00 AM to 6:00 PM	65 dBA
	Twin Shaft Mixers	3	6:00 AM to 6:00 PM	107 dBA
	Fiber Dispenser	1	6:00 AM to 6:00 PM	70 dBA
	Bucket Elevator	2	6:00 AM to 6:00 PM	70 dBA
Asphalt Plant	Cold Feed Conveyor	1	6:00 AM to 6:00 PM	50 dBA
	Dryer	1	6:00 AM to 6:00 PM	95 dBA
	Baghouse and Stack	1	6:00 AM to 6:00 PM	70 dBA
	Mixer	1	6:00 AM to 6:00 PM	107 dBA
	Filler System	1	6:00 AM to 6:00 PM	50 dBA
	Discharge Bins	1	6:00 AM to 6:00 PM	50 dBA
	Rap System	1	6:00 AM to 6:00 PM	70 dBA
Cement Terminal	5" Fill Line / Blower	2	6:00 AM to 6:00 PM	84 dBA
	DCL CFM 660 Dust Collector	2	6:00 AM to 6:00 PM	82 dBA
	DCL CFM 330 Dust Collector	1	6:00 AM to 6:00 PM	68 dBA
	Airslide / Blower	3	6:00 AM to 6:00 PM	84 dBA
	Diesel Locomotive	1	12:00 AM to 7:30 PM	100 dBA

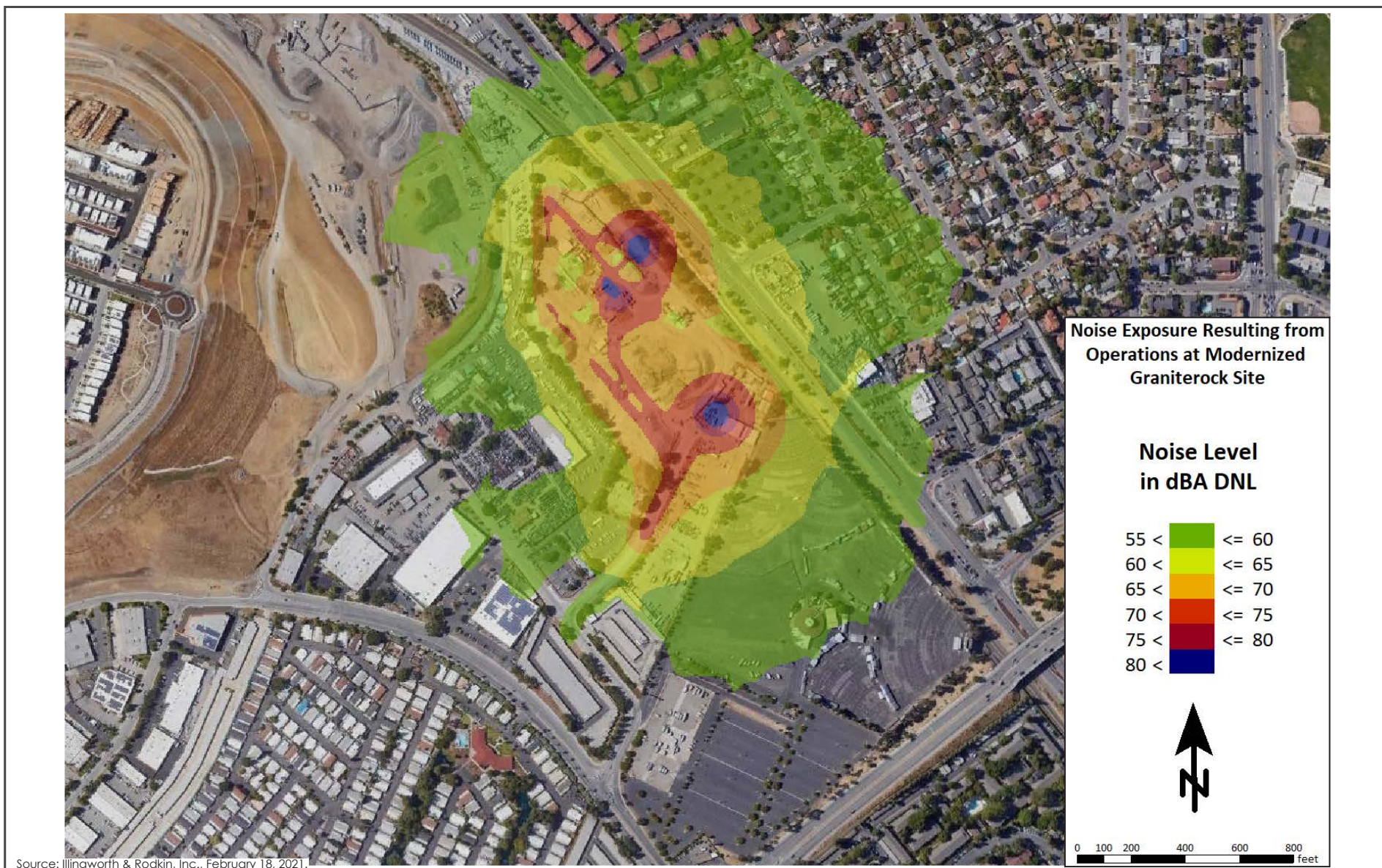
The nearest noise sensitive uses are residences and a motel located along Monterey Road, approximately 250 feet northeast of the northern corner of the site, residences located along Pfeifle Avenue, approximately 450 feet east of the site, residences located along Snell Avenue, approximately 675 feet southwest of the site, and residences located on Communications Hill, approximately 1,400 feet west of the site. SoundPLAN Version 8.2 was used to calculate noise levels at the nearest noise sensitive locations, considering the geometry and acoustical characteristics of the proposed noise generating equipment and the topography of the area. Calculations conservatively assume continuous operation of all equipment throughout hours of operation at each proposed facility (e.g., all equipment associated with the concrete plant would operate Monday through Friday between the hours of 6:00 AM and 6:00 PM).

Calculated day-night average noise levels resulting from project operations at the nearest receptors are shown in Table 3.13-7, along with existing noise levels either recorded during the measurement survey or calculated from measurement survey noise data. The increase in ambient noise at each sensitive receptor was calculated through comparison of existing noise levels and the project's calculated contribution. An exposure map of project generated noise is shown in Figure 3.13-2.

<b>Table 3.13-7: Project Generated Noise Levels Compared to Existing Noise (dBA DNL)</b>				
<b>Receiver</b>	<b>Existing Noise Level</b>	<b>Calculated Noise Resulting from Graniterock Operations</b>	<b>Noise Level Increase</b>	<b>Significance</b>
Clarion Inn	70	60	0	None
Kenbrook Circle Residences	69	55	0	None
Pfeifle Avenue Residences	61	58 to 59	2 <sup>1</sup>	None
Snell Avenue Residences	71 to 72	48 to 50	0	None
Communications Hill Residences	60 to 62	45 to 46	0	None
10070 Sylvandale Avenue	63 to 64	55	1 <sup>1</sup>	None
<sup>1</sup> The noise resulting from Graniterock operations would be below the existing ambient noise level, however due to the additive nature of noise the project would result in a slight increase in ambient noise levels.				

As shown in Table 3.13-7, existing noise levels at noise sensitive uses in the site vicinity are above 60 dBA DNL. Calculations indicate that the project would result in an increase of 0 to 2 dBA DNL at nearby noise sensitive uses. Even though the project noise is below ambient noise levels at the Pfeifle Avenue residences, the analysis is showing a one dB increase due to the additive nature of noise. Additionally, noise sensitive uses in the site vicinity would be subject to future noise increases resulting from increased traffic volumes along roadways in the site vicinity and the planned San José to Merced high speed rail line which would run adjacent to the project site along Monterey Road. This would further diminish the total contribution to the ambient noise level resulting from the project operations.

Project generated noise levels would be in compliance with the General Plan noise limits and noise increases at all receptors would be below the noise threshold. **(Less than Significant Impact)**



NOISE EXPOSURE RESULTING FROM OPERATIONS AT MODERNIZED GRANITEROCK SITE

FIGURE 3.13-2

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

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According to Policy EC-2.3 of the City of San José General Plan, a vibration limit of 0.08 in/sec PPV shall be used to minimize the potential for cosmetic damage to sensitive historical structures, and a vibration limit of 0.2 in/sec PPV shall be used to minimize damage at buildings of normal conventional construction. A review of the City of San José Historic Resource Inventory did not identify any properties of historical significance within 1,000 feet of the site. Therefore, the 0.2 in/sec PPV threshold would apply to all buildings in the site vicinity.

Cosmetic damage is defined as hairline cracking in plaster, the opening of old cracks, the loosening of old cracks, the loosening of paint or the dislodging of loose objects. Minor damage is defined as hairline cracking in masonry or the loosening of plaster. Major structural damage is defined as wide cracking or the shifting of foundation or bearing walls. The vibration limits contained in this policy are conservative and designed to provide the ultimate level of protection for existing buildings in San José.

Construction activities associated with the project would include lengthening the rail spur connection serving the site, constructing new silos and a railcar offloading system, replacing and modernizing the current concrete operation, constructing a new concrete truck washout and reclaiming system, and the construction and installation of additional support facilities. Pile driving, which can cause excessive vibration, will likely be used to construct the foundations of the storage silos.

Table 3.13-8 presents typical vibration levels that could be expected from construction equipment at a distance of 25 feet and summarizes the vibration levels at distances representative of buildings nearest the property line of the site. Most construction would occur in the central portion of the site, further from structures. Vibration levels are highest close to the source, and then attenuate with increasing distance. Vibration levels would vary depending on soil conditions, construction methods, and equipment used.

<b>Table 3.13-8: Construction Vibration Levels at Nearby Buildings</b>				
<b>Equipment</b>		<b>PPV at 25 feet (in/sec)</b>	<b>PPV at 100 feet (in/sec)</b>	<b>PPV at 300 feet (in/sec)</b>
Pile Driver (Impact)	Upper range	1.158	0.252	0.075
	Typical	0.644	0.140	0.042
Pile Driver (Sonic)	Upper range	0.734	0.160	0.048
	Typical	0.170	0.037	0.011
Clam Shovel drop		0.202	0.044	0.013
Hydromill (slurry wall)	In soil	0.008	0.002	0.001
	In rock	0.017	0.004	0.001
Vibratory Roller		0.210	0.046	0.014
Hoe Ram		0.089	0.019	0.006
Large bulldozer		0.089	0.019	0.006
Caisson drilling		0.089	0.019	0.006
Loaded trucks		0.076	0.017	0.005
Jackhammer		0.035	0.008	0.002
Small bulldozer		0.003	0.001	0.000



As indicated in Table 3.13-8, construction vibration levels could exceed the 0.2 in/sec PPV threshold within 125 feet of impact pile driving, within 80 feet of vibratory pile driving, and within 25 feet of other heavy construction activities. There are no off-site structures located within 125 feet of potential pile driving activities or within 25 feet of other heavy construction. Therefore, the impact is less than significant. **(Less than Significant Impact)**

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

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Norman Y. Mineta San José International Airport is a public-use airport located approximately six miles northwest of the project site. The project site lies outside the 2037 60 dBA CNEL noise contour of the airport, according to the City's Airport Master Plan Environmental Impact Report <sup>71</sup>. Future exterior noise levels due to aircraft would not exceed 60 dBA CNEL/DNL at the project site. According to Policy EC-1.11 of the City's General Plan, the required safe and compatible threshold for exterior noise levels would be at or below 65 dBA CNEL/DNL for aircraft. Therefore, the project would not expose people residing or working in the project area to excessive noise levels due to airport activity. **(Less than Significant Impact)**

### **3.13.2.2 Cumulative Impacts**

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**Would the project result in a cumulatively considerable contribution to a significant cumulative noise impact?**

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The geographic area for cumulative construction noise impacts is the immediate project vicinity, specifically within 1,000 feet of the project site. Cumulative projects within 1,000 feet of the project site could contribute to the same noise impacts as the proposed project.

Construction of the proposed project and the projects listed in the cumulative project table (refer to Table 3.0-1 **Error! Reference source not found.**) may occur at the same time such that temporary construction-related noise impacts could occur. However, the majority of the surrounding projects are significant distances away from the proposed project, which would reduce any overlapping construction noises or vibration. In addition, all projects must incorporate noise and vibration reduction measures as identified in the City's General Plan and explained in Section 3.13.2.1 above.

Once operational, the noise impacts resulting from the proposed project would be below the City's thresholds of significance; thus, the project's contribution to cumulative noise and vibration impacts would be less than significant. **(Less than Significant Cumulative Impact)**

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<sup>71</sup> City of San José. Integrated Final Environmental Impact Report, Amendment to Norman Y. Mineta San José International Airport Master Plan, April 2020.

### **3.14 POPULATION AND HOUSING**

#### **3.14.1 Environmental Setting**

##### **3.14.1.1 *Regulatory Framework***

#### **State**

##### **Housing-Element Law**

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.<sup>72</sup> The City of San José Housing Element and related land use policies were last updated in January 2015.

#### **Regional and Local**

##### **Plan Bay Area 2040**

Plan Bay Area 2040 is a 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 2040 promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).<sup>73</sup>

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

##### **3.14.1.2 *Existing Conditions***

The population of San José was estimated to be approximately 1,049,187 in January 2020 with an average of 3.19 persons per household.<sup>74</sup> The City currently has approximately 336,507 housing

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<sup>72</sup> California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed June 22, 2021. <http://hcd.ca.gov/community-development/housing-element/index.shtml>.

<sup>73</sup> Association of Bay Area Governments and Metropolitan Transportation Commission. "Project Mapper." <http://projectmapper.planbayarea.org/>. Accessed March 3, 2021.

<sup>74</sup> State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018." Accessed March 3, 2021. <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>.



units<sup>75</sup> and, by 2040, the City's population is projected to reach 1,357,845 with 448,310 households.<sup>76</sup>

The City of San José currently has a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident), but this trend is projected to reverse with full build out under the General Plan.

### **3.14.2            Impact Discussion**

For the purpose of determining the significance of the project's impact on population and housing, would the project:

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

#### **3.14.2.1            *Project Impacts***

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

Site operations currently require 28 full time employees, while the proposed project would increase employment on-site to 92 total employees. Therefore, the proposed project would result in a net increase of 64 jobs in the City. A portion of new employees could potentially relocate from areas outside of the City of San José into the City due to the job, therefore potentially creating a slight increase in the housing demand. As noted above, San José currently has a higher number of employed residents than jobs. The increase in jobs would incrementally decrease the overall jobs/housing imbalance within the City. The project would not generate demand for housing at a rate that was not envisioned in the General Plan FEIR. The project, therefore, would not induce substantial unplanned population growth. **(Less than Significant Impact)**

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

The site proposes to expand operations of an industrial site and would not displace people or housing. **(Less than Significant Impact)**

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<sup>75</sup> State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2020." Accessed February 24, 2021. <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>

<sup>76</sup> Association of Bay Area Governments. *2019 Projections Data*. May 1, 2019.

### 3.14.2.2 *Cumulative Impacts*

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**Would the project result in a cumulatively considerable contribution to a significant cumulative population and housing impact?**

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The geographic area for cumulative population and housing impacts is the City's boundaries. The project would not induce substantial unplanned population growth or displace residents or housing. For these reasons, the project would not have a cumulatively considerable contribution to a significant cumulative unplanned population growth in the area. **(Less than Significant Cumulative Impact)**

## **3.15 PUBLIC SERVICES**

### **3.15.1 Environmental Setting**

Unlike utility services, public facility services are provided to the community as a whole, usually from a central location or from a defined set of nodes. The resource base for delivery of the services, including the physical service delivery mechanisms, is financed on a community-wide basis, usually from a unified or integrated financial system. The service delivery agency can be a city, county, service or other special district. Typically, new development will create an incremental increase in the demand for these services; the amount of demand will vary widely, depending on both the nature of the development (residential vs. commercial, for instance) and the type of services, as well as on the specific characteristics of the development (such as senior housing vs. multi- or single-family housing).

The impact of a particular project on public facilities and services is generally a fiscal impact. By increasing the demand for a type of service, a project could cause an eventual increase in the cost of providing the service (e.g., more personnel hours to patrol an area, additional fire equipment needed to service a tall building, etc.). That is a fiscal impact, however, not an environmental one.

CEQA does not require an analysis of fiscal impacts. CEQA analysis is required if the increased demand triggers the need for a new facility (such as a school or fire station), since the new facility would have a physical impact on the environment.

For the purposes of the EIR, a public facilities and services impact is considered significant if the project would result in substantial adverse physical impacts associated with the provision or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection, police protection, schools, parks, or other public facilities.

#### **3.15.1.1 *Regulatory Framework***

##### **State**

##### **Government Code Section 66477**

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

##### **Government Code Section 65995 through 65998**

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Government Code Sections 65995 through 65998 set forth provisions for the payment of school impact fees by new development by "mitigating impacts on school

facilities that occur (as a result of the planning, use, or development of real property” (Section 65996[a]). The legislation states that the payment of school impact fees “are hereby deemed to provide full and complete school facilities mitigation” under CEQA (Section 65996[b]).

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

## **Regional and Local**

### Countywide Trails Master Plan

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

### Envision San José 2040 General Plan

Various policies in the Envision San José 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts associated with public facilities and services, as listed below.

<b>General Plan Policies - Public Facilities and Services</b>	
<b>Law Enforcement and Fire Protection</b>	
Policy ES-3.1	<p>Provide rapid and timely Level of Service response time to all emergencies:</p> <ol style="list-style-type: none"> <li>1. For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.</li> <li>2. For fire protection, achieve a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.</li> <li>3. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.</li> <li>4. Measure service delivery to identify the degree to which services are meeting the needs of San José’s community.</li> <li>5. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.</li> </ol>
Policy ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
Policy ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.

### **3.15.1.2 Existing Conditions**

#### **Police Department**

Police protection services for the project site are provided by the San José Police Department (SJPD), which is headquartered at 201 West Mission Street, approximately 7.5 miles northwest of the project site.

For police protection services, the General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (non-emergency) calls (per General Plan Policy ES-3.1).

#### **Fire Department**

Fire protection services for the project are provided by the San José Fire Department (SJFD). Fire stations are located throughout the City to provide adequate response times to calls for service. 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 nearest fire station to the project site is Station No. 18, located at 4430 Monterey Road, approximately 1.7 miles southeast of the site. Based on the most recent data available from the SJFD, the average travel time for medical calls from Station 18 was 5:28 minutes in 2016, 8:01 minutes in 2017, and 17:55 minutes in 2018. For fire and other calls, the average response time was 4:52 minutes in 2016, 6:29 minutes in 2017, and 6:36 minutes in 2018. There was little variation in travel times from month to month with the exception of December 2017, which saw an increase in medical, fire and other response times compared to historic trends, and April 2018, which saw an increase in fire and other response times compared to historic trends.<sup>77</sup> The SJFD has the ability to preempt traffic signals to speed response times.

The General Plan identifies a service goal of eight minutes and a total travel time of four minutes or less for 80 percent of emergency incidents.

#### **Schools**

The project site is located within the Franklin-McKinley School District and the East Side Union High School District. Residences near the site are assigned to Jason M. Dahl Elementary School (K-6<sup>th</sup> grade), Sylvandale Middle School (6<sup>th</sup>-8<sup>th</sup> grade), and Andrew P. Hill High School.

#### **Parks**

The City's Departments of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of all City park facilities. The City of San José owns and maintains approximately 3,518 acres of parkland, including neighborhood parks, community parks,

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<sup>77</sup> City of San José Fire Department. Fire Station Response Metrics. City of San Jose, 2018. Accessed March 3, 2021. <https://www.sanjoseca.gov/home/showpublisheddocument?id=9057>

regional parks, golf courses, and undeveloped open space. The City also has 25 community centers, 12 senior centers, and 14 youth centers, though some are temporarily closed due to budget constraints. Other recreational facilities include six public skate parks and over 54 miles of trails.

The General Plan's goal is to provide 3.5 acres of neighborhood/community serving parkland per 1,000 population, 7.5 acres of citywide/regional park and open space lands per 1,000 population, and 500 square feet of community center facilities per 1,000 population.

The nearest parks to the project site are Waterford Park (approximately 1.1 miles west of the project site) and Solari Park (approximately 1.3 miles northeast of the project site) and the nearest community center to the project site is Seven Trees Community Center (approximately 1.2 miles northeast of the project site).

### **3.15.1.3      *Libraries***

There are 25 libraries located throughout San José. The nearest library to the project site is the Seven Trees Branch Library located at 3590 Cas Drive, approximately 1.3 miles northeast of the site.

### **3.15.2      Impact Discussion**

For the purpose of determining the significance of the project's impact on public services, would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

- a) Fire protection?
- b) Police protection?
- c) Schools?
- d) Parks?
- e) Other public facilities?

#### **3.15.2.1      *Project Impacts***

- 
- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services?**
- 

The General Plan FEIR (as amended) concluded that, with the build out of the General Plan, additional fire staff and equipment may be required to adequately serve a larger population but no new fire stations would be required other than those already planned.

The project proposes to expand operations of the current facility on-site. Implementation of the proposed project would intensify the use of the site and generate additional workers in the area,



which would incrementally increase the demand for fire protection services compared to existing conditions. The project site is currently served by the SJFD and the amount of proposed development represents a small fraction of the total growth identified in the General Plan. The project, by itself, would not preclude the SJFD from meeting their service goals and would not require the construction of new or expanded fire facilities. In addition, the proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. For these reasons, the proposed project would not have a significant impact on fire protection services. **(Less Than Significant Impact)**

---

**b) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection services?**

---

The General Plan FEIR (as amended) concluded that the build out of the General Plan could require new police facilities, which would require supplemental environmental review but are not anticipated to result in significant, adverse environmental impacts.

The project proposes to expand operations of the current facility on-site. Implementation of the proposed project would intensify the use of the site and generate additional workers in the area, which would incrementally increase the demand for police protection services compared to existing conditions. The project site is currently served by the SJPD and the amount of proposed development represents a small fraction of the total growth identified in the General Plan. The project, by itself, would not preclude the SJPD from meeting their service goals and would not require the construction of new or expanded police facilities. In addition, the proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. For these reasons, the proposed project would not have a significant impact on police protection services. **(Less Than Significant Impact)**

---

**c) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for schools?**

---

The project proposes to expand operations of an industrial facility which does not include residential use, and would not generate students. The project, therefore, would not require new or expanded school facilities, the construction of which could cause environmental impacts. **(No Impact)**

- 
- d) **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks?**
- 

While employees may utilize nearby parks and trails, the slight increase in potential use would not be large enough to place a physical burden or a substantial increase in demand on these facilities such that it would result in the need for new facilities. **(Less than Significant Impact)**

- 
- e) **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for other public facilities?**
- 

While employees may utilize nearby public facilities, the slight increase in potential use would not be large enough to place a physical burden or a substantial increase in demand on these facilities such that it would result in the need for new facilities. **(Less than Significant Impact)**

### **3.15.2.2      *Cumulative Impacts***

---

**Would the project result in a cumulatively considerable contribution to a significant cumulative public services impact?**

---

The geographic area for cumulative public service impacts is the City's boundaries.

As described above, the project would incrementally increase demand for fire and police protection services; however, there are currently adequate fire and police department facilities to support the proposed development. Similarly, existing library, park, and public facilities are capable of meeting the incremental increase in demand generated by the project. The project does not involve residential development and would not result in an increase of students in the project area.

The project would comply with all standard conditions of approval intended to reduce impacts to public services, and is subject to state, county, and city codes regulating public services. For these reasons, the project would not contribute to a significant cumulative public services impact. **(Less than Significant Cumulative Impact)**

### **3.16 RECREATION**

#### **3.16.1 Environmental Setting**

##### **3.16.1.1 *Regulatory Framework***

#### **State**

##### Government Code Section 66477

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

#### **Local**

##### Envision San José 2040 General Plan

Various policies in the Envision San José 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts associated with recreation, as listed below.

<b>General Plan Policies - Recreation</b>	
<b>Parks, Trails, Open Space, and Recreation</b>	
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
Policy PR-1.3	Provide 500 square feet per 1,000 population of community center space.
Policy PR-1.9	As Village and Corridor areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as part of new development projects; privately, or in limited instances publicly, owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities.

##### **3.16.1.2 *Existing Conditions***

The City of San José manages a total of 3,534 acres of regional and neighborhood/community-serving parkland. The City currently has 50 community centers, seven public skate parks, three municipal golf courses, 17 community gardens, six swimming pools, and two lake parks.

As discussed in Section 3.15 Public Services, the City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities. Nearby City park and recreational facilities include Waterford Park (approximately 1.1 miles west of the project site), Solari Park (approximately 1.3 miles northeast of the project site), Seven Trees Community Center (approximately 1.2 miles northeast of the project site).

### **3.16.2      Impact Discussion**

For the purpose of determining the significance of the project's impact on recreation:

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

#### **3.16.2.1      *Project Impacts***

- 
- a) **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**
- 

The project would not place a physical burden on existing nearby parks and recreational facilities. While employees may utilize nearby parks and trails, the use of these facilities by a small increase in employees would not result in substantial physical deterioration. **(Less than Significant Impact)**

- 
- b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**
- 

As described previously, employees could utilize nearby recreational facilities such as parks and trails. Implementation of the project would not result in the need for new recreational facilities or physically alter existing public parks or recreation facilities. **(Less than Significant Impact)**

### 3.16.2.2 *Cumulative Impacts*

---

**Would the project result in a cumulatively considerable contribution to a significant cumulative recreation impact?**

---

The geographic area for cumulative recreation impacts is the City's boundaries.

As described above, the project would not result in the need for new recreational facilities or physically alter existing public parks or recreation facilities.

The project would comply with all standard conditions of approval intended to reduce impacts to recreation, and is subject to state, county, and city codes regulating recreation services. For these reasons, the project would not contribute to a significant cumulative recreation impact. **(Less than Significant Cumulative Impact)**

### **3.17 TRANSPORTATION**

The following discussion is based, in part, on a Transportation Analysis Report prepared for the project by Hexagon Transportation Consultants, Inc. A copy of this report, dated December 2020, is included in Appendix F of this Environmental Impact Report.

#### **3.17.1 Environmental Setting**

##### **3.17.1.1 *Regulatory Framework***

#### **State**

##### **Regional Transportation Plan**

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 a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2040.

##### **Senate Bill 743**

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions were required by Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant. Notably, projects located within 0.50 mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

#### **Regional and Local**

##### **Congestion Management Program**

VTa oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management plan, a land use impact analysis program, and a capitol improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.



### Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1, Transportation Analysis Policy, the City of San José uses VMT as the metric to assess transportation impacts from new development. According to the policy, an employment (e.g., office or research and development) or residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional VMT per employee or the existing average citywide VMT per capita, respectively. Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to have a less than significant VMT impact.

If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access and recommend transportation improvements. The VMT policy does not negate Area Development policies and Transportation Development policies approved prior to adoption of Policy 5-1; however, it does negate the City's Protected Intersection policy as defined in Policy 5-3.

### City of San José Bike Plan

The City of San José Bike Plan 2020, adopted in 2009, contains policies for guiding the development and maintenance of bicycle and trail facilities within San José. The plan also includes the following goals for improving bicycle access and connectivity: 1) complete 500 miles of bikeways; 2) achieve a five percent bike mode share; 3) reduce bicycle collision rates by 50 percent; 4) add 5,000 bicycle parking spaces; and 5) achieve Gold-Level Bicycle Friendly Community Status. The Bike Plan defines a 500-mile network of bikeways that focuses on connecting off-street bikeways with on-street bikeways. The City is in the process of preparing the San José Better Bike Plan 2025, an update to the Bike Plan 2020.<sup>78</sup>

### Envision San José 2040 General Plan

The General Plan includes the following transportation policies applicable to the proposed project.

<b>General Plan Policies – Transportation</b>	
TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
TR-2.2	Provide a continuous pedestrian and bicycle system to enhance connectivity throughout the City by completing missing segments. Eliminate or minimize physical obstacles and barriers that impede pedestrian and bicycle movement on City streets.
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

<sup>78</sup> City of San José. "San José Better Bike Plan 2025." Accessed March 11, 2021. <https://www.bikesanJosé.com/>

<b>General Plan Policies – Transportation</b>	
	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-2.18	Provide bicycle storage facilities as identified in the San José Bicycle Master Plan.

### **3.17.1.2      *Existing Conditions***

#### **Existing Roadway Network**

This section summarizes the existing conditions for the major transportation facilities in the vicinity of the site, including the roadway network, transit service, and bicycle and pedestrian facilities.

#### Regional Access

Regional access to the project site is provided via SR 87 and US 101. These roadways are described below.

SR 87 is a six-lane freeway that is aligned in a north-south orientation. SR 87 begins at its interchange with SR 85 and extends northward to US 101. Access to and from the project site is provided by ramps at Capitol Expressway/Narvaez Avenue.

US 101 is an eight-lane freeway (three mixed-flow lanes and one HOV lane in each direction) in the vicinity of the site. US 101 extends northward through San Francisco and southward through Gilroy. Access to and from the site is provided via full interchanges at Capitol Expressway and SR 85.

#### Major Roadways

Major roadways within the project area include Capitol Expressway and Monterey Road. These roadways are described below.

Capitol Expressway is a six-lane major arterial that is aligned in an east-west orientation. Capitol Expressway begins at its interchange with I-680 in east San José, where it changes designation at San Antonio Street, and extends to the south and west where it changes designation to Hillsdale Avenue at Almaden Expressway. Access to the site is provided via its intersection with Snell Avenue.

Monterey Road (SR 82) is a six-lane major arterial that is oriented in a north-south direction. Monterey Road extends southward into Morgan Hill and northward into San Francisco. Access to the site is provided via its interchange with Capitol Expressway.

#### Local Access

Local access to the project site is provided via Snell Avenue, Hillsdale Avenue, Hillcap Avenue, and Granite Rock Way. These roadways are described below.

Snell Avenue is a four-lane collector that begins south of Santa Teresa Boulevard and extends northward to Hillsdale Avenue, where it terminates. Access to the site is provided via its intersection with Hillcap Avenue.

Hillsdale Avenue is currently an east-west two-to-four lane arterial. Hillsdale Avenue begins at Pearl Avenue and extends eastward beyond Snell Avenue terminating just west of the railroad tracks. Access to Hillsdale Avenue is provided via Hillcap Avenue.

Hillcap Avenue is a two-lane roadway that provides a connection between Hillsdale Avenue and Snell Avenue. Access to the project is provided via Granite Rock Way.

Granite Rock Way is a two-lane roadway that provides direct access to the project site at its eastern terminus.

### **Existing Pedestrian and Bicycle Facilities**

#### **Bicycle Facilities**

Bicycle facilities are comprised of paths (Class I), lanes (Class II), and routes (Class III). Bicycle paths are paved trails that are separate from roadways. Bicycle lanes are lanes on roadways designed for bicycle use by striping, pavement legends, and signs. Bicycle routes are roadways designated for bicycle use by signs only.

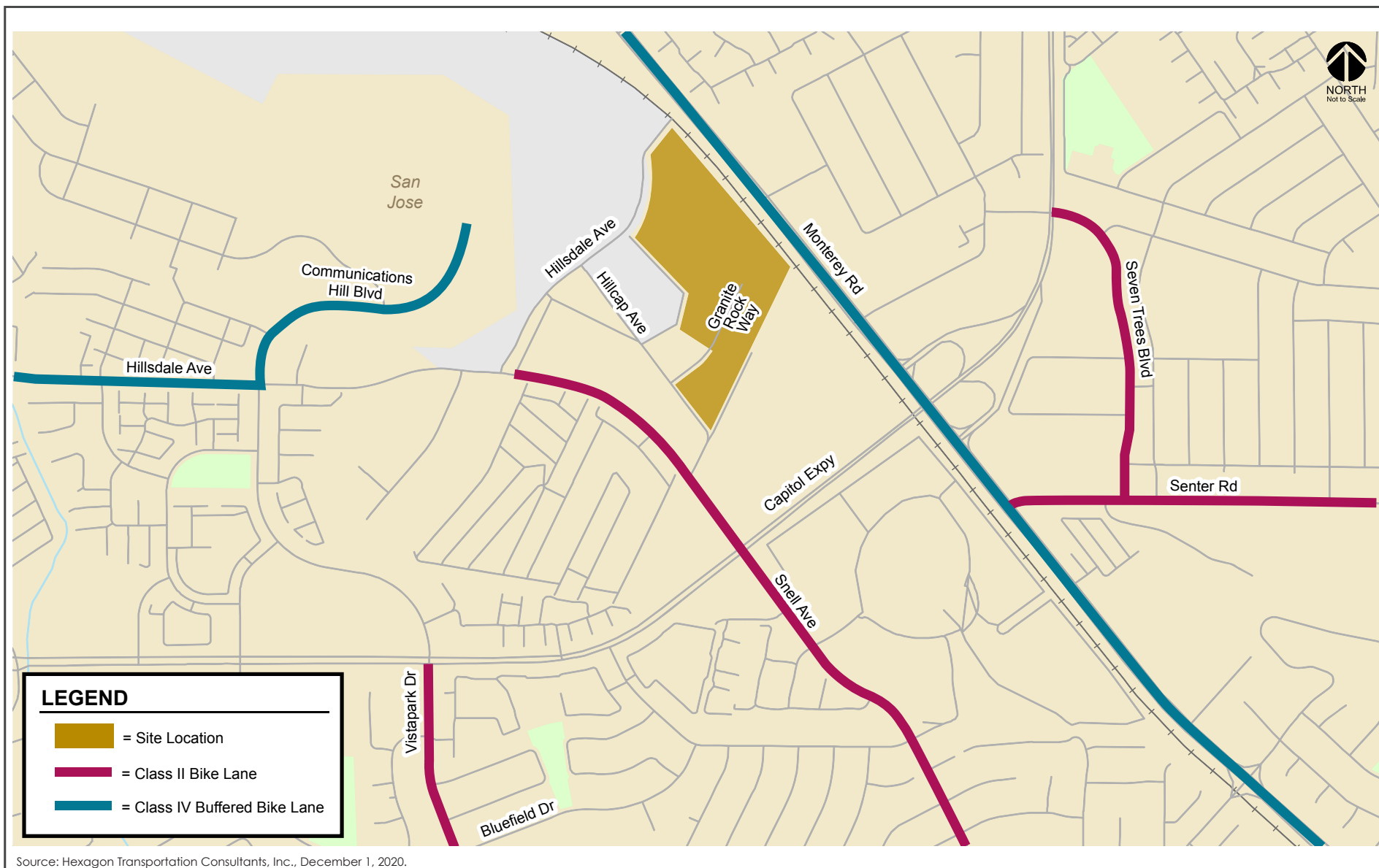
Currently, Class II bike lanes are provided on the following roadway segments:

- Snell Avenue, between Hillsdale Avenue and Curie Drive;
- Senter Road, along its entire length;
- Seven Trees Boulevard, between Capitol Expressway and Senter Road; and
- Vistapark Drive, south of Capitol Expressway.

Class IV buffered bike lanes are currently provided along the following roadway segments:

- Monterey Road, along its entire length in the project vicinity; and
- Hillsdale Avenue, west of Vistapark Drive.

Although none of the residential streets near the project site provide bike lanes or are designated as bike routes, due to their low traffic volumes, many of them are conducive to bicycle usage. Existing bicycle facilities in the project vicinity are shown in Figure 3.17-1.



EXISTING BICYCLE FACILITIES

FIGURE 3.17-1

## Pedestrian Facilities

Pedestrian facilities in the immediate area of the project site are intermittent. Sidewalks are found along the following roadway segments in the project vicinity:

- Granite Rock Way – south side;
- Hillcap Avenue – west side only north of Granite Rock Way and both sides between Hillcap Avenue and Snell Avenue; and
- Snell Avenue/Hillsdale Avenue – both sides with the exception of the north side between Vista Park Drive and Hillsdale Avenue.

Other pedestrian facilities in the project area include crosswalks and pedestrian push buttons at all signalized study intersections, with the exception of the south approach of the Snell Avenue and Hillcap Avenue intersection. In addition, ADA-compliant ramps are not provided at either of the four corners of the Snell Avenue and Hillcap Avenue intersection and southwest corner of the Hillcap Avenue and Granite Way intersection. Existing pedestrian facilities in the project vicinity are shown in Figure 3.17-2.





Source: Hexagon Transportation Consultants, Inc., December 1, 2020.



## Existing Transit Service

Existing transit service in the project area is provided by the VTA and Caltrain. Existing transit services in the project vicinity are shown in Figure 3.17-3. However, transit services have been reduced significantly due to the ongoing COVID-19 pandemic. Normal (pre-COVID-19) services are described below.

### VTA Bus Service

The project site is primarily served by six VTA bus lines. The closest bus stops are located near the intersections of Snell Avenue and Capitol Expressway. The VTA bus services are summarized in Table 3.17-1 below.

<b>Table 3.17-1: VTA Bus Service in the Project Area</b>		
<b>Route</b>	<b>Route Description</b>	<b>Daily Headway</b>
Local Route 42	Provides service between Kaiser Hospital in San José to Evergreen Valley College via Senter Road, Seven Trees Boulevard, and Capitol Expressway. Runs from 6:30 AM to 7:15 PM. The closest bus stop to the project site is near the intersection of Monterey Road and Senter Road.	50 min
Frequent Route 66	Provides service between Kaiser Hospital and Dixon Landing Road in Milpitas via Monterey Road. Runs from 5:15 AM to 11:50 PM. The closest bus stop to the project site is near the Monterey Road/Rancho Drive and Monterey Road/Senter Road intersections.	15 min
Frequent Route 68	Provides service between San José Diridon Station and the Gilroy Transit Center in Gilroy via Monterey Highway. Runs from 5:00 AM to 12:25 AM. The closest bus stop to the project site is located near the Monterey Road/Rancho Drive and Monterey Road/Senter Road intersections.	15 min
Local Route 71	Provides service between Capitol LRT Station and the Great Mall Transit Center in Milpitas via Capitol Expressway and Senter Road. Runs from 5:35 AM to 10:10 PM. The closest bus stop to the project site is located near the intersection of Snell Avenue and Capitol Expressway.	30 min
Frequent Route 72	Provides service between the Monterey Road/Senter Road and Downtown San José via Monterey Road and Senter Road. Runs from 5:30 AM to 11:50 PM. The closest bus stop to the project site is located near the intersection of Monterey Road and Senter Road.	15 – 20 minutes
Frequent Route 73	Provides service between the Monterey Road/Senter Road area and Downtown San José via Monterey Road and Senter Road. Runs from 5:30 AM to 11:55 PM. The closest bus stop to the project site is located near the intersection of Monterey Road and Senter Road.	15 – 20 minutes



EXISTING TRANSIT SERVICES

FIGURE 3.17-3

## Caltrain

Caltrain operates a commuter rail service seven days a week between the Diridon Station in San José and San Francisco. During weekday commuting hours, Caltrain also serves south San José and the south county including Gilroy, San Martin, and Morgan Hill.

The Capitol Caltrain Station is the nearest Caltrain station and is located at the intersection of Monterey Road and Fehren Drive. Caltrain provides weekday commute service to the Capitol Caltrain station with three northbound trains during the AM peak commute hour and three southbound trains during the PM peak commute hours with 30-to-60-minute headways. The Capitol Caltrain Station provides a direct connection to VTA bus routes (Frequent Routes 66 and 68). Currently there is no direct access point to the Capitol Caltrain Station from the project site. Access to the station requires the use of the Capitol Expressway overcrossing of Monterey Highway. The approximately 1.15-mile route includes the use of Snell Avenue, Capitol Expressway, and Monterey Highway. Access to Monterey Highway from Capitol Expressway is provided by stairs along the north side of Capitol Expressway east of Monterey Highway.

### **3.17.2      Impact Discussion**

For the purpose of determining the significance of the project's impact on transportation, would the project:

- a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?
- b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?
- c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- d) Result in inadequate emergency access?

#### **3.17.2.1      *Project Impacts***

- 
- a) Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?**
- 

### **Transit Services**

The project site is served by the existing VTA buses with bus stops within one mile from the project site. The nearest bus stops to the project site are located along Capitol Expressway at its intersection with Snell Avenue, approximately 2,200 feet from the project site. Additionally, the Capitol Caltrain Station is located at the intersection of Monterey Road and Fehren Drive, about 1.15 miles from the project site. Based on the small increase in new employees and the type of proposed project operations, the new transit trips generated by the project are not expected to create demand in excess of the transit services that are currently provided. Therefore, implementation of the proposed project would not conflict with any program, plan, ordinance or policy addressing transit facilities.

## Roadways

The project's effect on vehicle delay on nearby roadways would not be considered a significant transportation impact under CEQA, as VMT is the City's adopted standard for assessing transportation impacts. For a discussion of the project's VMT impacts, refer to checklist Impact Question b, below. The project would not conflict with any planned or ongoing roadway improvements throughout the project area. Therefore, the proposed project would not conflict with any program, plan, ordinance or policy addressing roadways.

## Bicycle Facilities

Bicycle lanes are present on Snell Avenue, Hillsdale Avenue, Vistapark Drive, and Monterey Road in the vicinity of the project site. The bicycle lanes within the vicinity of the project site would remain unchanged under project conditions. No bicycle facilities currently exist along Hillcap Avenue and Granite Rock Way. Bicyclist to and from the project site would need to utilize the sidewalks, or share the roadway with vehicular traffic, while traveling on Hillcap Avenue and Granite Rock Way.

The San José Better Bike Plan 2025, which updates the adopted San José Bike Plan 2020, plans to install protected bicycle lanes (Class IV bikeway) on several streets in the project area. Protected bike lanes are separated from the automobile lanes by physical barriers such as flexible bollards, raised curb, parking, or planter boxes. The proposed streets include Monterey Road, Snell Avenue/Hillsdale Avenue, Vitapark Drive, Capitol Expressway, and Senter Road. Of these identified streets, the protected bicycle lane project on Monterey Road between Alma Avenue and Blossom Hill Road is included in the City's five-year project list. The project would not remove or inhibit access to any existing bicycle facilities, and therefore would not conflict with any program, plan, ordinance, or policy addressing bicycle facilities.

## Pedestrian Facilities

Pedestrian facilities in the study area consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. Within the project area, there are sidewalks along the south side of Granite Rock Way, and the project would include sidewalks in the new cul-de-sac to connect to the existing sidewalks. Therefore, continuous pedestrian access would be maintained between the project site and the surrounding land uses and transit stops in the study area. The project would not conflict with any program, plan, ordinance, or policy addressing pedestrian facilities.

The project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities (**Less than Significant Impact**)

---

### **b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?**

---

The project is estimated to generate the same number of daily trips as would be estimated to be generated by 302,419 square feet of industrial space. The amount of equivalent industrial space was used to evaluate the project VMT impact with the San José's VMT Evaluation Tool. The VMT

generated by the project would be 12.28 per industrial worker, which is lower than the City's industrial threshold of 14.37 per employee. Therefore, the project's VMT impact would be less than significant. Thus, the project would be consistent with CEQA Guidelines Section 15064.3, subdivision (b). **(Less than Significant Impact)**

---

**c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

---

### **Project Driveways**

#### Vehicle Access and Sight Distance

According to the City of San José Department of Transportation Geometric Design Guidelines, the typical width for a two-way driveway that serves a commercial/industrial development is 16 to 32 feet wide. This provides adequate width for vehicular ingress and egress. The project would have a 28-foot driveway, which meets the City's requirement.

The project driveway would align with Granite Rock at the cul-de-sac. Vehicles exiting the site would have a clear view of incoming vehicles and vehicles entering and exiting the driveway of the adjacent property on Granite Rock Way next to the cul-de-sac. Therefore, sight distance would be adequate at the project driveway. **(Less than Significant Impact)**

---

**d) Would the project result in inadequate emergency access?**

---

The project would shorten Granite Rock Way by approximately 410 feet with a new cul-de-sac. Vehicles would enter and exit the project site via a two-way driveway at the new cul-de-sac. The driveway would align with Granite Rock Way so turn-movements would not be required when entering and exiting the driveway.

The SJFD requires that all portions of the buildings are within 150 feet of a fire department access road and requires a minimum of six feet clearance from the property line along all sides of the building. The project would comply with the requirements. Emergency vehicles would access the project buildings via Granite Rock Way and the internal truck access road. Additionally, the project would pave the entire site, which is currently unpaved, improving accessibility for emergency vehicles. The project would not result in inadequate emergency access. **(Less than Significant Impact)**

### **3.17.2.2 Cumulative Impacts**

---

**Would the project result in a cumulatively considerable contribution to a significant cumulative transportation impact?**

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### **CEQA Guidelines Section 15064.3, Subdivision (b)**

The City's Transportation Analysis Manual established VMT thresholds to ensure development in the City does not result in a significant increase in VMT. The VMT generated by the project would

be 12.28 per industrial worker, which is lower than the City's industrial threshold of 14.37 per employee. As a result, the project would not result in, or contribute substantially to, a significant cumulative VMT impact. **(Less than Significant Cumulative Impact)**

### **General Plan Transportation Policies**

As discussed under Impact a above, the project would be consistent with applicable General Plan policies regarding transportation and, therefore, would not have a cumulatively considerable contribution to a significant cumulative conflict with those policies. **(Less than Significant Cumulative Impact)**

### **Emergency Access and Geometric Design**

All cumulative projects (including the project) would comply with current building and fire codes and be reviewed by the Fire Department to ensure adequate emergency access. For these reasons, the cumulative projects would not result in a significant cumulative impact to emergency access. The project would provide adequate sight distance and would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). For these reasons, the cumulative projects would not result in a significant cumulative impact due to transportation hazards. **(Less than Significant Cumulative Impact)**

#### **3.17.3 Non-CEQA Effects**

As noted above, with the passage of SB 743 amending CEQA's evaluation of transportation impacts and the effective date of the Guidelines implementing SB 743, a project's effects on level of service shall no longer be considered an impact on the environment. The following discussion is included because the City of San José has policies that address LOS as a planning or growth management tool, outside the CEQA process. In the event a deficient LOS condition is identified, the City has discretion whether to require a project to address the deficiency by implementing roadway or other transportation improvements to restore or improve the LOS, and the relevant question under CEQA is whether those improvements would result in adverse physical changes to the environment, and not whether LOS has degraded below the condition considered acceptable.

The magnitude of traffic produced by a new development is typically estimated by applying the size of the project to the applicable trip generation rates contained in the Institute of Transportation Engineers (ITE) Trip Generation Manual 10<sup>th</sup> Edition. However, since the proposed project consists of the expansion of an existing concrete and asphalt processing facility for which trip rates are not provided in the ITE Trip Generation Manual, trip generation estimates for the proposed project were estimated by utilizing project information for the existing and proposed facility operations as provided by the applicant.

The project's existing and proposed facility data is summarized in Table 3.17-2, as well as described below.



<b>Table 3.17-2 Existing and Proposed Facility Data</b>		
	<b>Existing Facility</b>	<b>Proposed Facility</b>
<b>Number of Employees</b>	28	92
<b>Daily Trips</b>	702	1,500
<b>AM Peak Hour Trips</b>	74 (37 inbound and 37 outbound)	156 (78 inbound and 78 outbound)
<b>PM Peak Hour Trips</b>	18 (8 inbound and 10 outbound)	20 (9 inbound and 11 outbound)
<b>Hours of Operation</b>	6:00 AM – 8:00 PM	12:00 AM – 12:00 PM
<b>Daily Trucks</b>	323	658

### **Existing Facility Operations**

The existing site operations are currently operated by 28 full-time employees in four shift times, with the majority of the employees (23 employees) working a 12-hour shift between 6:00 AM and 8:00 PM. The current site operations generate an estimated 702 daily trips with 74 trips (37 inbound and 37 outbound) occurring during the AM peak hour and 18 trips (8 inbound and 10 outbound) occurring during the PM peak hour. All trips currently generated by the existing site operations during the AM peak hour are trucks while during the PM peak hour, all but two of the trips are trucks. The estimate of daily and peak hour trips currently generated by the existing site operations are presented in Table 3.17-2.

### **Proposed Facility Operations**

Operations at the site would be allowed to operate 24 hours per day, seven days per week. The number of employees would increase from 28 employees to 92 employees. The number of trucks associated with the expanded facility would also increase from 323 to 658 daily trucks.

### **Project Trip Estimates**

Based on the proposed expanded operations data, it is estimated that the expanded operations would generate 1,500 daily trips with 156 trips (78 inbound and 78 outbound) occurring during the AM peak hour and 20 trips (9 inbound and 11 outbound) occurring during the PM peak hour. As with the current site operations, all trip estimated to be generated by the expanded site operations during the AM peak hour would be trucks while during the PM peak hour, all but two of the trips would be trucks. The estimate of daily and peak hour trips for the proposed facility expansion are presented Table 7 of Appendix F.

The proposed expansion would result in the project site generating an additional 780 daily trips with 90 additional trips (39 inbound and 51 outbound) during the AM peak hour and a reduction of 3 trips (0 inbound and -3 outbound) during the PM peak hour. All new peak-hour trips would be generated by trucks because the expanded operations would not change the employee work schedule.

### **Trip Distribution and Trip Assignment**

The trip distribution pattern for the project trips was developed based on information provided by the applicant in regard to employee commute distances and truck origin/destinations, and the surrounding roadway system. The majority of employees live in San José, Gilroy, and Salinas. Trucks originating from the project site deliver material to customers generally within a 30-mile

radius of the site. The peak-hour vehicle trips generated by the project were assigned to the roadway network in accordance with the trip distribution pattern.

All employee vehicles and trucks would continue to enter and exit the site via the project driveway at the end of Granite Rock Way. Trucks are restricted from using Hillsdale Avenue. Therefore, trucks would continue to utilize Hillcap Avenue, Snell Avenue, and Capitol Expressway as their route to and from the project site.

Hexagon Transportation Consultants completed a study of AM and PM peak-hour traffic conditions for seven signalized intersections within the City of San José. Intersections were selected for study if the project is expected to add 10 vehicle trips per hour per lane to a signalized intersection that meets additional Transportation Analysis Handbook criteria (see Appendix F).

LOS is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays.

### **Current Intersection Operation Conditions**

Intersection levels of service were evaluated against the City of San José and CMP operations standards. The results of the level of service analysis show that the intersection of Snell Avenue and Capitol Expressway is currently operating at unacceptable LOS E during the AM peak hour, according to the City of San José operations standards. The remaining study intersections currently operate at acceptable levels during both the AM and PM peak hours of traffic when measured against the City of San José and CMP operations standards.

### **Future Intersection Operation Conditions**

The intersection operations analysis determined that all but one of the signalized study intersections would operate at acceptable levels of service under all future study scenarios during the AM and PM peak hours. The Snell Avenue and Capitol Expressway intersection would operate at unacceptable levels under background and project conditions.

Table 3.17-2 below shows the existing, background, and project plus background intersection operations analysis results.

Table 3.17-2: Intersection levels of Service										
			Existing		Background		Background Plus Project			
Intersection	Peak Hour	Count Date	Avg. Delay	LOS	Avg. Delay	LOS	Avg. Delay	LOS	Increase In Crit. Delay	Increase In Crit. Delay
SR 87 and Capitol Expressway*	AM	05/16/18	35.6	D	38.0	D	38.1	D	0.0	0.000
	PM	11/07/18	43.8	D	43.6	D	43.6	D	0.0	0.000
Narvaez Avenue and Capitol Expressway*	AM	05/16/18	45.8	D	53.7	D	53.4	D	-0.9	0.003
	PM	11/07/18	39.0	D	40.1	D	40.1	D	0.0	0.000
Snell Avenue and Capitol Expressway*	AM	09/06/18	<b>73.3</b>	<b>E</b>	<b>135.0</b>	<b>F</b>	<b>147.4</b>	<b>F</b>	<b>25.5</b>	<b>0.042</b>
	PM	11/07/18	42.8	D	<b>67.7</b>	<b>E</b>	<b>67.2</b>	<b>E</b>	<b>-0.8</b>	<b>-0.001</b>
Monterey Road and Capitol Expressway (N) [IOZ]*	AM	09/05/18	13.9	B	18.8	B	20.0	B	1.5	0.024
	PM	12/04/18	15.5	B	16.1	B	16.1	B	0.0	0.000
Monterey Road and Capitol Expressway (N) [IOZ]*	AM	09/05/18	18.3	B	18.3	B	20.9	C	3.4	0.033
	PM	12/04/18	15.7	B	18.6	B	18.5	B	-0.2	-0.002
Narvaez Avenue and SR 87	AM	05/16/18	14.0	B	15.3	B	15.5	B	-0.1	0.010
	PM	05/16/18	14.3	B	14.9	B	14.9	B	0.0	0.000
Snell Avenue and Hillcap Avenue	AM	05/16/18	9.8	A	9.8	A	12.4	B	3.0	0.047
	PM	05/16/18	13.3	B	13.3	B	13.1	B	-0.3	-0.002
*Denotes CMP Intersection Bold indicates unacceptable level of service Bold and boxed indicate adverse effect										

### Snell Avenue and Capitol Expressway

This intersection would operate at unacceptable LOS F and E during the AM and PM peak hours, respectively, under background conditions. The added trips as a result of the project would cause the intersection's critical-movement delay to increase by four or more seconds and the demand-to-capacity ratio (V/C) to increase by 0.01 or more under the AM peak hour. Based on City of San José's guidelines, this constitutes an adverse effect on intersection operations.

The adverse effect at this intersection can be addressed by extending the receiving lane on Capitol Expressway for the northbound right-turn movement from Snell Avenue and relocating the bus stop near the southeast corner of the intersection further downstream to allow the northbound right to operate as a free movement. The improvement would reduce the average intersection delay to be less than the average delay under background conditions, however the level of service would remain LOS F.

Implementation of the intersection improvement would have minimal effect on vehicular delay, while also degrading pedestrian and bicycle travel through the intersection and may result in additional delay to buses utilizing the referenced bus stop due to inadequate gaps in traffic flow from the northbound right-turn. The degradation of multi-modal travel through the intersection due to the

implementation of roadway adjustments for the purpose of increasing vehicular capacity is not consistent with the City's goals to improve opportunities for multi-modal travel. Therefore, the project applicant will work with City staff during review of the Planned Development Permit, in determining an appropriate contribution towards the implementation of possible pedestrian improvements, such as the removal of each of the right-turn channelization islands at the intersection that create comfortable environment for people who walk and bike. The improvement of pedestrian and bicycle facilities at the intersection would be consistent with the multi-modal transportation goals and policies outlined in the Envision San José 2040 General Plan that are intended to improve multi-modal accessibility to all land uses and encourage the use of non-automobile transportation modes to minimize vehicle trip generation and reduce VMT.

### **Intersection Queuing Analysis**

The analysis of intersection operations was supplemented with a vehicle queuing analysis at intersections where the project would add a substantial number of trips to the left-turn movements. The queuing analysis is presented for informational purposes only, since the City of San José has not defined a policy related to queuing. A summary of the queuing analysis results are summarized in Table 10 of Appendix F.

During the PM peak hour, the queuing analysis indicates that the estimated maximum vehicle queues for the southbound left-turn pockets at the SR 87/Capitol Expressway and Snell Avenue/Capitol Expressway intersections and northbound left-turn pockets at the Narvaez Avenue/SR 87 intersection currently exceed the existing vehicle storage capacity under existing conditions and would continue to exceed the storage capacity under background and project conditions. However, since the project would not add new trips to these intersections, the project would not cause an increase in the vehicle queues that already exceed the existing storage capacity.

The existing queue storage capacity would be adequate to accommodate the projected maximum queues at all other movements.

#### **Snell Avenue and Capitol Expressway – Southbound Left Turn**

The southbound left-turn pockets currently provide approximately 350 feet of vehicle storage per lane, which can accommodate approximately 14 vehicles per lane. During the AM peak hour, the estimated 95<sup>th</sup> percentile vehicle queue for the southbound left-turn movement is projected to be approximately 16 and 18 vehicles per lane under existing and background conditions, respectively. The addition of project traffic is projected to increase the projected maximum queue length by two vehicles for a maximum queue length of 20 vehicles per lane under background plus project conditions. Therefore, the existing queue storage capacity is and would be inadequate under both existing and background conditions. The project would only increase the queue length in the AM peak hour by two vehicles per lane.

During the PM peak hour, the estimated 95<sup>th</sup> percentile vehicle queue for the southbound left-turn movement is projected to be approximately 15 and 28 vehicles per lane under existing and background conditions, respectively. The project would not increase the queue length.

The existing southbound left-turn pockets at the intersection of Snell Avenue and Capitol Expressway cannot be extended due to inadequate spacing on Snell Avenue between Capitol Expressway and Hillcap Avenue. Therefore, the addition of a third left-turn lane on the southbound approach would be required to accommodate the projected queue. The addition of the third southbound left-turn at the intersection also would require the removal of the “pork chop” islands on the southbound approach of the intersection, relocation of the existing traffic signal, and restriping of the lanes. However, the implementation of roadway adjustments for the purpose of increasing vehicular capacity that could result in the degradation of multi-modal travel through the intersection is not consistent with the City’s goals to improve opportunities for multi-modal travel. Therefore, the project applicant should work with City staff in determining an appropriate contribution towards the implementation of possible pedestrian improvements that create a comfortable environment for people who walk and bike, such as the removal of each of the right-turn channelization islands at the intersection.

In addition, the project site is located within the Communications Hill Specific Plan Area Development Policy (CHSPADP) boundary. The CHSPADP also identified the need for a third southbound left-turn lane at the Capitol Expressway and Snell Avenue intersection. However, rather than constructing improvements that enhance vehicular capacity at isolated intersections that are of little benefit to the overall roadway system, such as Capitol Expressway and Snell Avenue, the CHSPADP provides the mechanism for the implementation and funding of improvements to the transportation system in the immediate area of the project site. The CHSPADP acknowledged that as other properties within the CHSP came forward for development, it was expected that subsequent traffic analyses would be required to determine participation in the ADP. Therefore, the addition of a third southbound left-turn pocket at this intersection is not recommended.

#### Unsignalized Intersection Operations (Hillcap Avenue/Granite Rock Way)

The westbound approach (Granite Rock Way) at the Hillcap Avenue/Granite Rock Way intersection is stop-controlled. Operational issues related to vehicle queuing and delay are not expected to occur at the intersection during the AM and PM peak hours due to the low traffic volumes and travel speeds on Hillcap Avenue. The vehicle queuing analysis determined that the maximum queue length for the westbound approach would be no more than one vehicle.

Traffic operations at the intersection were also analyzed on the basis of the Peak-Hour Volume Signal Warrant, (Warrant #3 – Part B) described in the California Manual on Uniform Traffic Control Devices (MUTCD), 2010 Edition. This method makes no evaluation of intersection level of service, but simply provides an indication whether peak-hour traffic volumes are, or would be, sufficient to justify installation of a traffic signal. The results of peak-hour signal warrant analysis indicate that the Hillcap Avenue/Granite Rock Way intersection would not meet the thresholds that warrant signalization under background plus project conditions.

### **Freeway Segment Analysis**

The City is still required to conform to the requirements of the VTA, which establishes a uniform program for evaluating the transportation impacts of land use decisions on the designated Congestion Management Program (CMP) Roadway System. The VTA’s CMP has yet to adopt and implement guidelines and standards for the evaluation of the CMP roadway system using VMT. Therefore, the

effects of the proposed project on freeway segments in the vicinity of the project area following the current methodologies as outlined in the VTA Transportation Impact Analysis Guidelines, was completed. This analysis is presented for informational purposes only.

Per CMP technical guidelines, freeway segment level of service analysis shall be conducted on all segments to which the project is projected to add one percent or more to the segment capacity. Since the project is not projected to add one percent to any freeway segments in the area, freeway analysis for the CMP was not required.

### **Effects on Surrounding Streets**

Trucks would be restricted to the use of Snell Avenue and Hillcap Avenue to access the project site, while employees could use Snell Avenue and Hillsdale Avenue. Surrounding street segments that would potentially be affected by the proposed project are listed below:

- Snell Avenue between Capitol Expressway and Hillcap Avenue
- Hillsdale Avenue west of Hillcap Avenue
- Hillsdale Avenue between Snell Avenue and Hillcap Avenue
- Hillcap Avenue between Granite Rock Way and Snell Avenue

Existing and estimated project condition traffic volumes on the surrounding streets were developed based on the existing traffic counts and trip estimates for the project. The purpose of the review of the roadway segment volumes was to quantify the potential change in traffic volumes and increase in heavy trucks along the study roadway segments that provide direct access to the project site. Trucks generated by the project would increase the truck percentage on Snell Avenue between Capitol Expressway and Hillcap Avenue from six percent to nine percent and on Hillcap Avenue between Granite Rock Way and Snell Avenue from 20 percent to 36 percent, because these segments provide direct truck access to the site. The project trips, including employee trips, would slightly increase daily traffic volumes on Snell Avenue and Hillsdale Avenue by up to four percent. Due to the low traffic volume on Hillcap Avenue, the project trips would increase the daily traffic volume on the street segment between Granite Rock and Snell Avenue by 31 percent. However, even with the project trips, the daily traffic (3,202 vehicles) on the street segment is still relatively low for a local connector street.



### **3.18 TRIBAL CULTURAL RESOURCES**

#### **3.18.1 Environmental Setting**

##### **3.18.1.1 *Regulatory Framework***

###### **State**

###### **Senate Bill 18**

The intent of Senate Bill 18 (SB 18), passed in 2004, is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult with California Native American tribes on projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process, as further detailed in AB 52, discussed below.

###### **Assembly Bill 52**

AB 52, effective July 2015, established a new category of resources for consideration by public agencies called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or until it is concluded that mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
  - Included or determined to be eligible for inclusion in the California Register of Historic Resources, or
  - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- A resource determined by the lead agency to be a TCR.

##### **3.18.1.2 *Existing Conditions***

###### **Prehistoric Subsurface Resources**

Native Americans occupied Santa Clara Valley and the greater Bay Area for more than 5,000 years. The exact time period of the Ohlone (originally referred to as Costanoan) migration into the Bay Area is debated by scholars. Dates of the migration range between 3000 B.C. and 500 A.D. Regardless of the actual time frame of their initial occupation of the Bay Area and, in particular, Santa Clara Valley, it is known that the Ohlone had a well-established population of approximately 7,000 to 11,000 people with a territory that ranged from the San Francisco Peninsula and the East Bay, south through the Santa Clara Valley and down to Monterey and San Juan Bautista.

The Ohlone people were hunter/gatherers focused on hunting, fishing, and collecting seasonal plant and animal resources, including tidal and marine resources from San Francisco Bay Area. The customary way of living, or lifeway, of the Costanoan/Ohlone people disappeared by about 1810 due to disruption by introduced diseases, a declining birth rate, and the impact of the California mission system established by the Spanish in the area beginning in 1777. Artifacts pertaining to the Ohlone occupation of San José have been found primarily along the City's major waterways. Coyote Creek is located approximately 1.5 miles east of the site and the Guadalupe River is located approximately 2.0 miles west of the site.

### **3.18.2      Impact Discussion**

For the purpose of determining the significance of the project's impact on tribal cultural resources, would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?
- b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

#### **3.18.2.1      *Project Impacts***

- 
- a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?**
- 

No tribal cultural resources, including sites, features, places, cultural landscapes or sacred places have been identified based on available information. In addition, any prehistoric surface features or landscapes have been modified due to development of the project site and area. As described in *Section 3.5, Cultural Resources*, the project would follow all Standard Permit Conditions to avoid impacts to unknown subsurface cultural resources. These measures would be applicable to tribal cultural resources and would function to avoid impacts to such resources if they are discovered on-site. Therefore, the proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed on local or state registers.

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. Additionally, SB 18 requires local governments to consult with tribes prior to making certain planning decisions such as General Plan Amendments and to provide notice to tribes at certain key points in the planning process. On July 14, 2021, notices were sent to tribes identified by the NAHC as being affiliated with the project area. The Tamien Nation Tribe responded to City notices and requested tribal consultation regarding the project. City staff consulted with representatives of the Tribe on October 28, 2021. The Tribe requested that a Tribal Monitor be present on site during construction activities, and that they be provided with any cultural resources reports, including source documentation, and that they provide cultural sensitivity training to the construction crew prior to construction activity. Therefore, as described in Section 3.5 Cultural Resources, the project will be required to have a Tribal Monitor present during demolition and excavation activities.

Based on available data, there are no recorded tribal cultural objects in the project area. Therefore, the proposed project would have no impact on tribal cultural resources. **(Less than Significant Impact)**

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**b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?**

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See response to Question a). **(Less than Significant Impact)**

### **3.18.2.2      *Cumulative Impacts***

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**Would the project result in a cumulatively considerable contribution to a significant cumulative tribal cultural resources impact?**

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The geographic study area for cumulative impacts to tribal cultural resources is the surrounding area (within 1,000 feet of the project site). Cumulatively, other projects in San José may require excavation and grading or other activities that have the potential to affect tribal cultural resources. No tribal cultural resources were identified within the project area, although San José contains numerous Native American archaeological sites.

Cumulative projects would be required to implement Standard Permit Conditions or mitigation measures that would avoid impacts and/or reduce them to a less than significant level consistent with CEQA and AB 52 requirements. These projects would also be subject to the federal, state, and county laws regulating archaeological resources and human remains. For these reasons, the proposed project in combination with other projects in San José would not result in a significant cumulative tribal cultural resources impact. **(Less than Significant Cumulative Impact)**

### **3.19 UTILITIES AND SERVICE SYSTEMS**

#### **3.19.1 Environmental Setting**

##### **3.19.1.1 *Regulatory Framework***

#### **State**

##### **California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal, and Recycling**

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

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 65 percent of non-hazardous construction and demolition (“C&D”) debris, or meeting the local construction and demolition waste management ordinance, whichever is more stringent (see San José-specific CALGreen building code requirements in the local regulatory framework section below); and
- Providing readily accessible areas for recycling by occupants.

##### **State Water Code**

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

##### **Assembly Bill 939**

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (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**

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program. 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.

#### Assembly Bill 1826

AB 1826 sets forth the requirements of the statewide mandatory commercial organics recycling program for businesses and multi-family dwellings with five or more units that generate two or more cubic yards of commercial solid waste per week. AB 1826 sets a statewide goal for 50 percent reduction in organic waste disposal by the year 2020.

#### Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

### **Local**

#### Envision San José 2040 General Plan

Various policies in the Envision San José 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to utilities and service systems, as listed below.

<b>General Plan Policies – Utilities and Service Systems</b>	
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-3.7	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 that define needed drainage improvements for proposed developments per City standards.
MS-3.1	Require water-efficient landscaping, which conforms to the State’s Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City’s potable water supply as building codes permit.
MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
MS-19.4	Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.
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) permit.

In addition to the above-listed San José General Plan policies, new development in San José is also required to comply with programs that mandate the use of water-conserving features and appliances and the Santa Clara County Integrated Watershed Management (IWM) Program, which minimizes solid waste.

#### San José Zero Waste Strategic Plan/Climate Smart San José

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

#### Construction and Demolition Diversion Deposit Program

The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50% of total projected project waste to be refunded the deposit. Permit holders pay this fully refundable deposit upon application for the construction permit with the City if the project is a demolition, alteration, renovation, or a certain type of tenant improvement. The minimum project valuation for a deposit is \$2,000 for an alteration-renovation residential project and \$5,000 for a non-residential project. There is no minimum valuation for a demolition project and no square footage limit for the deposit applicability. The deposit is fully refundable if C&D materials were reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photos, estimated weight quantities, and receipts from donations centers stating materials and quantities.

Though not a requirement, the permit holder should consider conducting an inventory of the existing building(s), determining the material types and quantities to recover, and salvaging materials during deconstruction.

#### Private Sector Green Building Policy

The City of San José's Green Building Policy for new private sector construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in the design process. This policy establishes baseline green building standards for private sector construction and provides a framework for the implementation of these standards. It is also intended to enhance the public health, safety, and welfare of San José residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water, and other resources.

### **3.19.1.2      *Existing Conditions***

#### **Water Service**

Potable water service to the project site is provided by the San José Water Company, which gets water from a variety of sources including groundwater, imported surface water, and local mountain surface water. The project site is served by an eight to ten-inch water line in Granite Rock Way.



Recycled water system does not extend to the project site.<sup>79</sup> The existing development on site, a concrete and asphalt recycling, manufacturing, and distribution facility, uses approximately 13.54 acre-feet of water per year.

### **Sanitary Sewer/Wastewater Treatment**

Wastewater from the City of San José is treated at the San José/Santa Clara Regional Wastewater Facility (the Facility), which is administered and operated by the City Department of Environmental Services. The Facility provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons per day (mgd) of wastewater.<sup>80</sup> The City's share of the Facility's treatment capacity is approximately 108.8 mgd.<sup>81</sup> Based on the average dry weather flows from sources in San José (approximately 69.8 mgd), the City current has approximately 38.8 mgd of available treatment capacity at the Facility.<sup>82</sup> The Facility is currently operating under a 120 million gallon per day dry weather effluent flow constraint. This requirement is based upon the SWRCB and the RWQCB concerns over the effects of additional freshwater discharges on the saltwater marsh habitat and pollutant loading to the Bay from the Facility.

The project site is served by a six-inch sanitary sewer line that runs along the western perimeter of the site and into Granite Rock Way, as well as a 20-inch and a 30-inch sanitary sewer line that run along the northwest property line.

The General Plan FEIR states that average wastewater flow rates are approximately 70 to 80 percent of domestic water use and 85 to 95 percent of business use (assuming no internal recycling or reuse programs). For the purposes of this analysis, wastewater flow rates are assumed to be 95 percent of the total on-site water use. The existing development generates approximately 1,388 gallons per day (gpd) of wastewater.<sup>83</sup>

### **Storm Drainage System**

The City of San José Public Works Department operates and maintains the storm drainage system that serves the project site. The project site is currently served by a 12-inch and 18-inch storm drain in Granite Rock Way, as well as a 54-inch storm drain that runs along the northwest property line. The runoff discharges to Canoas Creek, located approximately 1.0 mile west of the site, which flows into the Guadalupe River and is ultimately conveyed to the San Francisco Bay.

### **Solid Waste**

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board (IWMB) in 1996 and was reviewed in 2004 and 2007. Based on the IWMP, the County has adequate landfill capacity. 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. In 2019, there were approximately 600,000 tons of material generated in San José

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<sup>79</sup> South Bay Water Recycle. *Recycled Water Pipeline System*. Map. July 28, 2011.

<sup>80</sup> City of San José. "San José – Santa Clara Regional Wastewater Facility." Accessed on June 28, 2021.

<https://www.sanjoseca.gov/your-government/environment/water-utilities/regional-wastewater-facility>.

<sup>81</sup> City of San José. *San José/Santa Clara Water Pollution Control Plant Master Plan Draft Environmental Impact Report*. SCH# 2011052074. Table 2-1.

<sup>82</sup> City of San José. *General Plan FPEIR*. September 2011. Page 648.

<sup>83</sup> Based upon the standard that wastewater generation is 95 percent of total indoor water usage.

that was disposed in various landfills throughout the State. Newby Island Landfill (NISL) received approximately 290,000 of that tonnage.” According to the IWMP, the County has adequate disposal capacity beyond 2030.<sup>84</sup> The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year.

Residuals from the processing of commercial solid waste are landfilled at NISL, along with some direct landfilled commercial waste. The City has an annual disposal allocation for 395,000 tons per year. As of May 2018, NISL had approximately 16.9 million cubic yards of capacity remaining.<sup>85</sup> The existing building at the project site generates approximately 3,738 pounds of solid waste per day.<sup>86</sup>

The project currently produces approximately 2.79 tons of waste per year.<sup>87</sup>

### **3.19.2            Impact Discussion**

For the purpose of determining the significance of the project’s impact on utilities and service systems, would the project:

- a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?
- b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?
- c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?
- d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- e) Be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?

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<sup>84</sup> Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 2016.

<sup>85</sup> Ibid.

<sup>86</sup> The solid waste generation for the project was estimated using the solid waste generation rate of 10.53 pounds per employee per day (source: City of San José. *Integrated Final EIR Downtown Strategy 2040*. SCH 2003042127. Table 3.16-4.)

<sup>87</sup> Illingworth & Rodkin, Inc. Graniterock Capitol Yard Modernization Project Air Quality and Greenhouse Gas Assessment. May 2021.

### 3.19.2.1 *Project Impacts*

- 
- a) **Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**
- 

The project would use existing utility connections to connect to the City's electric, natural gas, and telecommunications facilities. The project would install new sanitary sewer, domestic water, and storm drain connections to the existing infrastructure systems located in both Granite Rock Way and along the project perimeter. The impacts associated with these proposed installments have been incorporated into the construction assumptions for the project that have been analyzed throughout this document.

As discussed under *Impact UTL-b*, the project's increase in water demand does not meet the threshold to require a Water Supply Assessment. The City's water supply can accommodate the increase in water demand. As a result, the project would not require new or expanded water facilities.

As discussed under *Impact UTL-c*, the project would not generate wastewater in excess of the Facility's 120 million gallons per day constraint and would not require new or expanded wastewater treatment beyond the capacity of the Facility.

The project would result in an increase in the amount of impervious area on the site. Storm water runoff from the site's impervious surfaces would be directed to treatment systems before being collected in a series of pipes sized for a 10-year storm event in accordance with the City's design requirements. These pipes would connect to existing City storm drainage pipes in Granite Rock Way. No new off-site storm drain facilities would be required to serve the project site.

PG&E supplies electricity and natural gas to the project area. The project would connect to the existing PG&E lines located along Granite Rock Way. The proposed project would not require the construction of any additional off-site facilities.

The analysis in the following sections discusses the potential impacts of the project on existing facilities. Based on the following analysis, no relocation of existing or construction of new facilities are needed to serve the proposed project; as the project would connect to facilities approved by the City and currently under construction adjacent to the site. **(Less than Significant Impact)**

- 
- b) **Would the project have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?**
- 

The existing development on-site, a concrete and asphalt recycling, manufacturing, and distribution facility, currently uses 13.54 acre-feet of water per year. The project would use approximately 38.11 acre-feet of water per year, a net increase of 24.57 acre-feet per year. According to the California Water Code Section 10912(a), the project would not be considered a "project" under the Water Code

and therefore would not require a Water Supply Assessment. The City of San José would have sufficient water supplies available to serve the project.

The General Plan has specific policies to reduce water consumption including expansion of the recycled water system and implementation of water conservation measures. The project would require a General Plan Amendment to change the land use designation from Combined Industrial/Commercial (CIC) to Heavy Industrial (HI). However, the project would implement all existing regulations and adopted General Plan policies to reduce water consumption.

Implementation of the proposed project would not create the need for major new utility or water supply infrastructure and would have a less than significant impact on the City's water supply. **(Less than Significant Impact)**

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**c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

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The project would connect to an existing six-inch sanitary sewer line in Granite Rock Way and a 20-inch and a 30-inch sanitary sewer line running along the northwest property line. A connection to the six-inch sanitary sewer line would be installed on the northwest portion of the site. The improvement for the sanitary sewer connection would occur on-site.

The Facility has the capacity to treat 167 million gallons of wastewater per day.<sup>88</sup> Currently, the Facility is operating under a 120 million gallon per day dry weather effluent flow constraints. With implementation of the project, the Facility would still operate below the required 120 million gallons per day constraint and would not increase the need for wastewater treatment beyond the capacity of the Facility. **(Less than Significant Impact)**

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**d) Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

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The proposed project would result in an increase of approximately 11.73 tons of solid waste per year compared to existing conditions at the project site.<sup>89</sup> As mentioned previously, the NISL had approximately 16.9 million cubic yards of capacity remaining in May of 2018.<sup>90</sup> Given NISL's remaining capacity, the City's contract with NISL, the amount of waste the City disposes of at NISL, and the amount of waste the project is estimated to generate, there is sufficient capacity at NISL to service the project. Therefore, development of the project site would have a less than significant impact on solid waste disposal capacity.

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<sup>88</sup> City of San José. [San José-Santa Clara Regional Wastewater Facility](http://sanjoseca.gov/index.aspx?nid=1663). Accessed July 13, 2021.

<sup>89</sup> Illingworth & Rodkin, Inc. Graniterock Capitol Yard Modernization Project Air Quality and Greenhouse Gas Assessment. May 2021.

<sup>90</sup> Ibid.

Additionally, the City's CDD Program ensures that at least 75 percent of construction and demolition debris is recovered and diverted from landfills. Accordingly, the project would not impair the attainment of solid waste reduction goals, and would be compliant with federal, state, and local reduction statutes related to solid waste. **(Less than Significant Impact)**

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**e) Would the project be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?**

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Per CALGreen requirements, the project would be required to provide on-site recycling facilities, develop a construction waste management plan, salvage at least 75 percent of nonhazardous construction/demolition debris (by weight), and implement other waste reduction measures. The project would comply with the City's Zero Waste Strategic Plan. The Zero Waste Strategic Plan, in combination with existing regulations and programs, would ensure that the proposed project would not result in significant impacts on solid waste disposal capacity in excess of State or local standards or in excess of NISL capacity. **(Less than Significant Impact)**

### **3.19.2.2 Cumulative Impacts**

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**Would the project result in a cumulatively considerable contribution to a cumulatively significant utilities and service systems impact?**

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#### **Water Supply and System**

The geographic area for cumulative water supply and system impacts is the service area of the San José Water Company. The cumulative projects (including the proposed project) are accounted for in population and employment assumptions of the San José Water Company's 2020 Draft UWMP, which evaluates growth in water demand based on planned growth. For this reason, there is adequate water supply (with the implementation of the City's Water Shortage Contingency Plan if needed) for the cumulative projects. The project, therefore, would not result in a considerable contribution to a significant cumulative water supply impact. **(Less than Significant Cumulative Impact)**

#### **Sanitary Sewer System/Wastewater Treatment**

The geographic area for cumulative sanitary sewer system and wastewater treatment is the City's sanitary sewer system service area. Wastewater from the City of San José is treated at the San José/Santa Clara Regional Wastewater Facility (the Facility), which is administered and operated by the City Department of Environmental Services. Based on review of the existing sanitary sewer system infrastructure and cumulative projects, the ADWF from the project and other cumulative projects would not require new or expanded sanitary sewer system infrastructure.

#### **Storm Drainage System**

The geographic area for cumulative storm drain impacts includes the project site and surrounding area, specifically areas upstream and downstream of the project site. Build out of the cumulative projects would involve redevelopment of existing developed sites that contain impervious surfaces, and these projects would be required to comply with applicable regulations regarding stormwater runoff and infrastructure. For these reasons, the cumulative projects would not result in a significant

cumulative impact to the storm drain system. The project, therefore, would not result in a considerable contribution to a significant cumulative storm drain system impact. **(Less than Significant Cumulative Impact)**

### **Electricity, Natural Gas, and Telecommunication Services**

Energy is a cumulative resource. The geographic area for cumulative electricity, natural gas, and telecommunication services is the State of California. If a project is determined to have a significant energy impact, it is concluded that the impact is a cumulative impact. As discussed under Impact EN-3, the project would not result in a significant energy impact. In addition, the cumulative projects are within urban areas already served by existing electricity, natural gas, and telecommunication infrastructure. Redevelopment of the cumulative project sites (including the project site) would not require new or expanded electricity, natural gas, and telecommunication infrastructure. The project, therefore, would not result in a considerable contribution to a significant cumulative impact to electricity, natural gas, and telecommunication infrastructure. **(Less than Significant Cumulative Impact)**

### **Solid Waste**

The geographic area for cumulative landfill impacts is the County because the CIWMP evaluates countywide landfill capacity. According to the IWMP, the County has adequate disposal capacity beyond 2030.<sup>91</sup> For this reason, the cumulative projects in the City (including the proposed project) would not result in significant cumulative landfill impacts. The project, therefore, would not result in a considerable contribution to a significant cumulative landfill impact. **(Less than Significant Cumulative Impact)**

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<sup>91</sup> Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 2016.



## **3.20 WILDFIRE**

### **3.20.1 Environmental Setting**

#### **3.20.1.1 *Regulatory Framework***

##### **State**

##### Fire Hazard Severity Zones

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

##### California Fire Code Chapter 47

Chapter 47 of the California Fire Code sets requirements for wildland-urban interface fire areas that increase the ability of buildings to resist the intrusion of flame or burning embers being projected by a vegetation fire, in addition to systematically reducing conflagration losses through the use of performance and prescriptive requirements.

##### California Public Resources Code Section 4442 through 4431

The California Public Resources Code includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment that uses an internal combustion engine; specify requirements for the safe use of gasoline-powered tools on forest-covered land, brush-covered land, or grass-covered land; and specify fire suppression equipment that must be provided onsite for various types of work in fire-prone areas. These regulations include the following:

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code Section 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period, from April 1 to December 1 (Public Resources Code Section 4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor would maintain appropriate fire suppression equipment (Public Resources Code Section 4427); and
- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (Public Resources Code Section 4431).

## California Code of Regulations Title 14

The California Board of Forestry and Fire Protection has adopted regulations, known as SRA Fire Safe Regulations, which apply basic wildland fire protection standards for building, construction, and development occurring in a SRA. The future design and construction of structures, subdivisions and developments in SRAs are required to provide for the basic emergency access and perimeter wildfire protection measures discussed in Title 14.

### Fire Management Plans

CAL FIRE has developed an individual Unit Fire Management Plan for each of its 21 units and six contract counties. CAL FIRE has developed a strategic fire management plan for the Santa Clara Unit, which covers the project area and addresses citizen and firefighter safety, watersheds and water, timber, wildlife and habitat (including rare and endangered species), unique areas (scenic, cultural, and historic), recreation, range, structures, and air quality. The plan includes stakeholder contributions and priorities and identifies strategic areas for pre-fire planning and fuel treatment as defined by the people who live and work with the local fire issues.

### **Local**

#### San José Fire Department Wildland-Urban Interface Fire Conformance Policy

Buildings proposed to be built within the SJFD WUI shall comply with all WUI materials and construction methods per CBC Chapter 7A and CRC Section R337.<sup>92</sup> The applicant shall, prior to construction, provide sufficient detail to demonstrate that the building proposed to be built complies with this policy. Building Permit Plans are also to be approved by the SJFD.

#### **3.20.1.2      *Existing Conditions***

Based on Cal Fire's Fire Hazard Severity Zone (FHSZ) Map, the project site is not located within a FHSZ area.<sup>93</sup>

#### **3.20.2      Impact Discussion**

For the purpose of determining the significance of the project's impact on wildfire, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan?
- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

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<sup>92</sup> San José Fire Department. *Wildland-Urban Interface (WUI) Fire Conformance Policy*. Revised January 22, 2018. Accessed December 3, 2020. <https://www.sanjoseca.gov/Home/ShowDocument?id=9345>.

<sup>93</sup> CALFIRE. "FHSZ Viewer". Accessed June 8, 2021. <http://egis.fire.ca.gov/FHSZ/>.

- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

#### **3.20.2.1      *Project Impacts***

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **(No Impact)**

#### **3.20.2.2      *Cumulative Impacts***

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, Would the project result in cumulative wildfire impacts. **(No Cumulative Impact)**

## SECTION 4.0      GROWTH-INDUCING IMPACTS

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**Impact GRO-1:**    The project would not foster or stimulate significant economic or population growth in the surrounding environment. **(Less than Significant Impact)**

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The CEQA Guidelines require that an EIR identify the likelihood that a proposed project could “foster” or stimulate “economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment” (Section 15126.2(d)). This section of the EIR is intended to evaluate the impacts of such growth in the surrounding environment.

The project is proposed on an infill site in the City of José. The site is developed with industrial buildings and is surrounded by existing infrastructure and both existing and planned development. The expansion of the site’s current operation would not facilitate significant growth in the project area or other areas of the City.

Development of the project site would expand the project operations in the middle of an industrial area. The proposed project would be compatible with the surrounding land uses and would not pressure adjacent industrial, office, and commercial properties to redevelop with new or different land uses.

The project would not have a significant growth inducing impact. **(Less Than Significant Impact)**

## **SECTION 5.0      SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES**

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This section was prepared pursuant to CEQA Guidelines Section 15126.2(c), which requires a discussion of the significant irreversible changes that would result from the implementation of a proposed project. Significant irreversible changes include the use of nonrenewable resources, the commitment of future generations to similar use, irreversible damage resulting from environmental accidents associated with the project, and irretrievable commitments of resources. Applicable environmental changes are described in more detail below.

### **5.1                      USE OF NONRENEWABLE RESOURCES**

The proposed project, during construction and operation, would require the use and consumption of nonrenewable resources. Renewable resources, such as lumber and other wood byproducts, could also be used. Additionally, building materials present in the existing buildings on site that would not be suitable for recycling would be landfilled and the energy embedded in those materials wasted. Unlike renewable resources, nonrenewable resources cannot be regenerated over time. Nonrenewable resources include fossil fuels and metals.

Energy would be consumed during both the construction and operational phases of the project. The construction phase would require the use of nonrenewable construction material, such as concrete, metals, and plastics, and glass. Nonrenewable resources and energy would also be consumed during the manufacturing and transportation of building materials, preparation of the site, and construction of the buildings. The operational phase would consume energy for multiple purposes including, building heating and cooling, lighting, appliances, and electronics. Energy, in the form of fossil fuels, would be used to fuel vehicles traveling to and from the project site.

The project would result in a substantial increase in demand for nonrenewable resources. The project would, however, be subject to the standard California Code of Regulations Title 24 Part 6 and CALGreen energy efficiency requirements.

As discussed in *Section 3.6, Energy*, the project is consistent with the City's General Plan policies regarding energy use, which fosters development that reduces the use of nonrenewable energy resources in transportation, buildings, and urban services (utilities).

## **SECTION 6.0      SIGNIFICANT AND UNAVOIDABLE IMPACTS**

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A significant unavoidable impact is an impact that cannot be mitigated to a less than significant level if the project is implemented as it is proposed. The project would not cause any significant unavoidable impacts.



## SECTION 7.0      ALTERNATIVES

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### 7.1              OVERVIEW

CEQA requires that an EIR identify and evaluate alternatives to a project as it is proposed. Two key provisions from the CEQA Guidelines pertaining to the discussion of alternatives are included below:

**Section 15126.6(a). Consideration and Discussion of Alternatives to the Proposed Project.** An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

**Section 15126.6(b). Purpose.** Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or be more costly.

Other elements of the Guidelines discuss that alternatives should include enough information to allow a meaningful evaluation and comparison with the proposed project. The CEQA Guidelines state that if an alternative would cause one or more additional impacts, compared to the proposed project, the discussion should identify the additional impact, but in less detail than the significant effects of the proposed project.

The three critical factors to consider in selecting and evaluating alternatives are: (1) the significant impacts from the proposed project that could be reduced or avoided by an alternative, (2) consistency with the project's objectives, and (3) the feasibility of the alternatives available. Each of these factors is discussed below.

### 7.2              PROJECT OBJECTIVES

While CEQA does not require that alternatives be capable of meeting all of the project objectives, their ability to meet most of the objectives is considered relevant to their consideration. The objectives of the proposed project are to:

- Modernize the existing recycling, manufacturing, and distribution facility for aggregate, asphalt, concrete, and other construction materials on the site to increase throughput and operational efficiency by constructing a new aggregate distribution facility, asphalt plant, cementitious distribution facility, and concrete plant.

- Amend the General Plan land use designation on the site from CIC to HI and rezone the site from IP/IP(PD) to HI(PD) to facilitate the proposed modernization of the existing facility.
- Minimize air quality, noise, and visual impacts by constructing state-of-the-art processing facilities that allow processing activities to occur within enclosed areas.
- Reduce the number of truck trips associated with the delivery of aggregate to the site by constructing an expanded railcar spur track and increasing railcar unloading capacity and efficiency, allowing the facility to receive additional aggregate via rail.
- Reduce environmental impacts associated with transporting asphalt and concrete in the region by increasing the supply of asphalt and concrete in a central location in close proximity to construction projects.

### 7.3 SIGNIFICANT IMPACTS FROM THE PROJECT

The CEQA Guidelines advise that the alternatives analysis in an EIR should be limited to alternatives that would avoid or substantially lessen any of the significant effects of the project and would achieve most of the project objectives.

As described in the text of the EIR, the project would not result in significant unavoidable environmental impacts. Mitigation measures were identified in the EIR that would reduce significant impacts to less than significant levels. Alternatives may also be considered if they would further reduce impacts that are already less than significant because of identified mitigation. The project would result in potentially significant impacts in the following areas, but mitigation measures have been identified that would reduce the impacts to less than significant levels:

- **Biological Resources:** Development of the proposed project would result in impacts to nesting birds, if present on the site at the time of construction.
- **Cultural Resources:** Excavation and grading activities on the site could disturb and damage unrecorded subsurface resources.
- **Greenhouse Gas Emissions:** Full buildout of the project, starting with the commencement of Phase 3 of project operation, would result in an increase in non-stationary emissions from truck traffic that would exceed the significance threshold of 660 metric tons of CO<sub>2</sub>e for non-stationary sources. Phase 3 of project operation would also result in stationary GHG emissions from the asphalt batch plant that exceed the significance threshold of 10,000 metric tons of CO<sub>2</sub>e for stationary sources. Therefore, the project would have a significant GHG emissions impact.
- **Hazardous Materials:** Project construction could expose construction workers, neighboring uses, and the environment to hazardous materials, including residual concentrations of pesticides and contaminants from previous agricultural operations. Also, groundwater monitoring wells could be encountered during or after project construction. If encountered, these structures could pose a hazard to construction workers and future development on the site.

## 7.4 ALTERNATIVES

The City considered the following alternatives to the proposed project:

- Location Alternative
- No Project – No Development Alternative
- Reduced Throughput Alternative

### 7.4.1 Project Alternatives

#### 7.4.1.1 *Considered and Rejected*

##### **Location Alternative**

In considering an alternative location in an EIR, the CEQA Guidelines advise that the key question is “whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location”.<sup>94</sup> The project proposes to modernize and increase throughput at an existing concrete and asphalt recycling, manufacturing, and distribution facility located on a 22.18-acre site on Monterey Road in central San José.

Graniterock currently operates another facility on a roughly 7.5-acre site located at 11711 Berryessa Road in San José. The site could be utilized to achieve some of the objectives of the project by converting the current operations at the facility. However, the limited size of the site would not allow the project to achieve the same objectives that are proposed on the project site, namely the overall increase in throughput and construction of a new aggregate distribution facility, asphalt plant, cementitious distribution facility, and concrete plant.

Additionally, even if the project could be implemented at 11711 Berryessa Road property in a manner that achieves the project objectives, it would not avoid or lessen the severity of the project’s impacts, and may even increase impacts in some areas. The project would still require construction and tree removal, thus resulting in the same potential impact to nesting birds. However, the 11711 Berryessa Road property is located directly adjacent to Coyote Creek, and substantially increasing operations at the site may result in additional biological impacts to special status plant and animal species in the riparian corridor that would not otherwise occur with the proposed project. Also, the project would still result in a similar level of GHG emissions and, therefore, would not avoid associated impacts. Further, there is a history of soil and groundwater contamination on and adjacent to the Berryessa site, as well as existing groundwater monitoring wells on the site, meaning the project would result in similar hazards and hazardous materials impacts. For these reasons, this alternative is not considered further.

#### 7.4.1.2 *No-Project – No Development Alternative*

The CEQA Guidelines [§15126(d)4] require that an EIR specifically discuss a “No Project” alternative, which shall address both “the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project is not approved, based on current plans and consistent with available infrastructure and community services.”

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<sup>94</sup> CEQA Guidelines Section 15126.6(f)(2)(A)

The No Project – No Development Alternative would retain the existing operations on the project site. If the project site were to remain as is, there would be no significant impacts related to biological resources since construction and tree removal would not occur, nor would there be impacts related to cultural resources or hazards and hazardous materials since no ground disturbing activities would occur that may encounter buried cultural resources, contamination, or groundwater monitoring wells. Although this alternative would avoid an increase in GHG emissions, current operational emissions from the existing facility are above the relevant CEQA threshold and would be considered significant if associated with a new development proposal. As a result, this project would not avoid ongoing emissions that are currently above a level that would be considered a significant GHG impact, but would lessen the severity of the significant GHG impact that would occur with the proposed project.

This alternative would not meet any of the project objectives.

#### **7.4.1.3      *Reduced Throughput Alternative***

As described previously, the project proposes to modernize and increase throughput at an existing concrete and asphalt recycling, manufacturing, and distribution facility. The details of the increased throughput are provided in Table 2.2-1. As described in Section 7.3, the project would result in significant impacts related to biological resources, cultural resources, GHG emissions, and hazards and hazardous materials. The biological resources, cultural resources, and hazards and hazardous materials impacts would result from tree removal and ground disturbance during construction and would occur with most potential alternative iterations of the project, thus requiring mitigation to reduce impacts to less than significant levels. The purpose of the Reduced Throughput Alternative would be to reduce the GHG emissions impact to a level that no longer requires mitigation to be considered less than significant.

As described in Section 3.8, the net increase in GHG emissions associated with the project site would exceed both the operational and stationary source thresholds. The net increase in operational emissions from non-stationary sources would 1,887 MT CO<sub>2</sub>e, exceeding the threshold by 1,227 MT CO<sub>2</sub>e. Operational emissions would need to be reduced by roughly 13 percent to be below the threshold. Similarly, stationary source emissions would total 12,240 MT CO<sub>2</sub>e, exceeding the threshold by 2,240 MT CO<sub>2</sub>e. Stationary source emissions would need to be reduced by roughly 21 percent to be below the threshold. The stationary source emissions are all associated with the proposed asphalt plant. Therefore, reducing the throughput of the asphalt plant by 21 percent would reduce associated GHG emissions in a corresponding manner. The operational emissions are associated with all other operations on the site. Reducing the throughput of the remaining operations by 13 percent would reduce associated GHG emissions in a corresponding manner.

This alternative would meet all the project objectives, albeit to a lesser degree than the proposed project, and would reduce GHG emissions to a level that no longer requires mitigation to be considered less than significant. However, the mitigation proposed by the project would achieve the same reduction in emissions as this alternative. As a result, the net benefit of this alternative is negligible when compared to the proposed project and would come at the expense of achieving the project objectives to a lesser degree than the proposed project.

## 7.4.2 Comparison of Environmental Impacts for Alternatives to the Project

A comparison of alternatives based upon whether they avoid or substantially lessen the significant environmental effects is shown in the table below.

<b>Table 7.4-1: Alternatives Comparison Table</b>			
<b>Significant Project Impacts</b>	<b>Proposed Project</b>	<b>No Project Alternative</b>	<b>Reduced Development Alternative</b>
Development of the proposed project would result in impacts to nesting birds, if present on the site at the time of construction.	LTSM	NI	LTSM
Excavation and grading activities on the site could disturb and damage unrecorded subsurface resources.	LTSM	NI	LTSM
Full buildout of the project, starting with the commencement of Phase 3 of project operation, would result in an increase in non-stationary emissions from truck traffic that would exceed the significance threshold of 660 metric tons of CO <sub>2</sub> e for non-stationary sources. Phase 3 of project operation would also result in stationary GHG emissions from the asphalt batch plant that exceed the significance threshold of 10,000 metric tons of CO <sub>2</sub> e for stationary sources. Therefore, the project would have a significant GHG emissions impact.	LTSM	NI	LTSM
Implementation of the proposed project could release pesticide chemicals from on-site soils into the environment and expose construction workers to residual agricultural soil contamination.	LTSM	NI	LTSM
Groundwater monitoring wells could be encountered during or after project construction. If encountered, these structures could pose a hazard to construction workers and future development on the site.	LTSM	NI	LTSM
NI – No Impact LTS – Less Than Significant Impact LTSM – Less Than Significant Impact with Mitigation SU – Significant Unavoidable <b>Bolded text</b> indicates impacts that are lesser than the impacts of the proposed project.			

### **7.4.3            Environmentally Superior Alternative**

The CEQA Guidelines state that an EIR shall identify an environmentally superior alternative. If the environmentally superior alternative is the “No Project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives (Section 15126.6(e)(2)).

Based on the above discussion, the environmentally superior alternative is the No Project – No Development Alternative which would not meet any of the project objectives. Beyond the No Project – No Development Alternative, the Reduced Throughput Alternative would be the environmentally superior alternative as it would reduce GHG emissions without the need for mitigation.



## SECTION 8.0 REFERENCES

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## SECTION 9.0 LEAD AGENCY AND CONSULTANTS

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### 9.1 LEAD AGENCY

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## SECTION 10.0 ACRONYMS AND ABBREVIATIONS

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AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACM	Asbestos-containing material
ACCM	Asbestos-containing construction material
AIA	Airport Influence Area
AST	Aboveground Storage Tanks
ATCM	Air toxic control measures
BAAQMD	Bay Area Air Quality Management District
BACT	Best available control technology
Bgs	Below the ground surface
BMP	Best Management Practices
Btu	British thermal units
CalARP	California Accidental Release Prevention
CalEEMod	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CAL	California Department of Forestry and Fire Protection
CALGreen	California Green Building Standards Code
Cal/OSHA	California Department of Industrial Relations, Division of Occupational Safety and Health
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CARE	Community Air Risk Evaluation
CCR	California Code of Regulations
CDDD	Construction and Demolition Diversion Deposit Program
CDFW	California Department of Fish and Wildlife
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CERS	California Environmental Reporting System
CEQA	California Environmental Quality Act
CFCs	Chlorofluorocarbons
CGS	California Geological Survey
CH <sub>4</sub>	Methane
CIC	Combined Industrial/Commercial



CLUP	Santa Clara County Airport Land Use Commission's Comprehensive Land Use
CMP	Congestion Management Program
CO	Carbon monoxide
CO <sub>2e</sub>	CO <sub>2</sub> equivalents
CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agency
DSOD	Division of Safety of Dams
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EO	Executive Order
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
FAR	Floor Area Ratio
FAR Part 77	Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zone
FIRMs	Flood Insurance Rate Maps
FMMP	Farmland Mapping and Monitoring Program
GHG	Greenhouse Gas
GHGRS	Greenhouse Gas Reduction
GMP	Groundwater Management Plan
Gpd	Gallons per day
GWh	Gigawatt hours
GWP	Global warming potential
Habitat Plan	Santa Clara Valley Habitat Plan/Natural Community Conservation Plan
HFCs	Hydrofluorocarbons
HI	Heavy Industrial
HMP	Hydromodification Management Plan
HSWA	Hazardous and Solid Waste Amendments
(I-)	Interstate
ITE	Institute of Transportation Engineers
IWM	Integrated Watershed Management

LID	Low Impact Development
LOS	Level of Service
LRA	Local responsibility areas
LUST	Leaking underground storage tank
MBTA	Migratory Bird Treaty Act
MEI	Maximally exposed individual
Mgd	Million gallons per day
MLD	Most Likely Descendant
MMTCO <sub>2e</sub>	Million metric tons of CO <sub>2</sub> E
Mpg	Miles per gallon
MRP	Municipal Regional Stormwater NPDES Permit
MTC	Metropolitan Transportation Commission
MUTCD	California Manual on Uniform Traffic Control Devices
NAHC	Native American Heritage Commission
NCP	National Contingency Plan
NESHAP	National Emission Standards for Hazardous Air
NISL	Newby Island Landfill
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NOD	Notice of Determination
NOI	Notice of Intent
NOP	Notice of Preparation
NO <sub>2</sub>	Nitrogen Dioxide
NO <sub>x</sub>	Nitrogen oxides
NOT	Notice of Termination
NPDES	San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
N <sub>2</sub> O	Nitrous oxide
O <sub>3</sub>	Ground-level ozone
OPR	Governor's Office of Planning and Research
PBCE	Planning, Building and Code Enforcement
PCBs	Polychlorinated biphenyls

PD	Planned Development
PDA	Priority Development Areas
PFCs	Perfluorocarbon
PG&E	Pacific Gas and Electric Company
PM	Particulate matter
PM <sub>2.5</sub>	Fine Particulate Matter
PM <sub>10</sub>	Coarse Particulate Matter
PPV	Peak Particle Velocity
QA/QC	Quality assurance/quality control
REC	Recognized Environmental Concern
RCNM	Roadway Construction Noise Model
RCRA	Resource Conservation and Recovery Act
RHNA	Regional Housing Need Allocation
ROG	Reactive organic gases
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCCDEH	Santa Clara County Department of Environmental Health
SCS	Sustainable Communities Strategy
SFHA	Special Flood Hazard Areas
SF <sub>6</sub>	Sulfur hexafluoride
SHMA	Seismic Hazards Mapping Act
SJCE	San Jose Clean Energy
SJFD	San José Fire Department
SJPD	San José Police Department
SMARA	Surface Mining and Reclamation Act
SMGB	State Mining and Geology Board
SO <sub>2</sub>	Sulfur Dioxide
SO <sub>x</sub>	Sulfur oxides
SR	State Route
SRA	State responsibility areas
SWPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	Toxic air contaminants

TCR	Tribal Cultural Resources
TPH-d	Diesel fuel
TSCA	Toxic Substances Control Act
UPRR	Union Pacific Railroad
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	Underground Storage Tank
UWMP	Urban water management plan
Valley Water	Santa Clara Valley Water District
VCP	Voluntary Cleanup Program
VMT	Vehicle miles traveled
VTA	Santa Clara Valley Transportation Authority
Williamson Act	California Land Conservation Act
ZNE	Zero Net Carbon Emissions
2017 CAP	Bay Area 2017 Clean Air Plan