

Public Draft

# NEW FIRE STATION NO. 32 PROJECT

File No. ER22-068

Initial Study

Prepared by  
City of San José in consultation with  
Environmental Science Associates

May 2023



Public Draft

# NEW FIRE STATION NO. 32 PROJECT

**File No. ER22-068**

Initial Study

Prepared by:

City of San José  
Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street, 3<sup>rd</sup> Floor  
San José, California 95113

Prepared with the assistance of:

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May 2023

**PUBLIC NOTICE**  
**INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION**  
**CITY OF SAN JOSE, CALIFORNIA**

**Project Name:** Fire Station No. 32 Project

**File No.:** ER22-068

**Description:** Public Project to demolish an existing structure on site and construct a new, one-story 7,827 square foot fire station with two apparatus bays, which would serve as the new San José Fire Department Fire Station No. 32. The proposed improvements consist of the construction of a new fire station building, hardscape areas, landscaping, and underground utilities to support the fire station.

**Location:** The 1.12-acre site is located at 1138 Olinder Court, the northeast corner of Olinder Court and Felipe Avenue, in the Little Saigon neighborhood of San José, immediately southwest of I-280 and U.S. 101.

**Assessor's Parcel No.:** 472-10-108

**Council District:** 7

**Applicant Contact Information:** City of San José, Department of Public Works (Attn: Dominic Onorato); 200 East Santa Clara St, 6th floor, San José, CA 95113; (408)535-8407; [Domenic.Onorato@sanjoseca.gov](mailto:Domenic.Onorato@sanjoseca.gov)

The City has performed an environmental review of the project. The environmental review examines the nature and extent of any adverse effects on the environment that could occur if the project is approved and implemented. Based on the review, the City has prepared a Draft Mitigated Negative Declaration (MND) for this project. An MND is a statement by the City that the project will not have a significant effect on the environment because the project will include mitigation measures that will reduce identified project impacts to a less than significant level. The project site is present on the list pursuant to Section 65962.5 of the California Government Code.

The public is welcome to review and comment on the Draft MND. The public comment period for this Draft MND begins on **Wednesday May 10, 2023 and ends on Wednesday May 31, 2023**. The Draft MND, Initial Study, and reference documents are available online at: [www.sanjoseca.gov/negativedeclarations](http://www.sanjoseca.gov/negativedeclarations)

The documents are also available for review with an appointment during normal business hours at the City of San Jose Department of Planning, Building and Code Enforcement, located at City Hall, 200 East Santa Clara Street; or during normal business hours at Dr. Martin Luther King, Jr. Main Library, located at 150 E. San Fernando Street; and the Hillview Branch Library located at 1600 Hopkins Dr. Please contact Bethelhem Telahun at (408) 535-5624, or by e-mail at [bethelhem.telahun@sanjoseca.gov](mailto:bethelhem.telahun@sanjoseca.gov) for appointment request or additional questions, comments, or concerns.

CHRISTOPHER BURTON, Director  
Planning, Building and Code Enforcement

May 10, 2023

\_\_\_\_\_  
Date

*Tina Jarg*

\_\_\_\_\_  
Deputy

**Circulation period: May 10, 2023 to May 31, 2023**

## MITIGATED NEGATIVE DECLARATION

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

**PROJECT NAME:** Fire Station No. 32 Project

**PROJECT FILE NUMBER:** ER22-068

**PROJECT DESCRIPTION:** Public Project to demolish an existing structure on site and construct a new, one-story 7,827 square foot fire station with two apparatus bays, which would serve as the new San José Fire Department Fire Station No. 32. The proposed improvements consist of the construction of a new fire station building, hardscape areas, landscaping, and underground utilities to support the fire station.

**PROJECT LOCATION:** The 1.12-acre site is located at 1138 Olinder Court, the northeast corner of Olinder Court and Felipe Avenue, in the Little Saigon neighborhood of San José, immediately southwest of I-280 and U.S. 101.

**ASSESSORS PARCEL NO.:** 472-10-108

**COUNCIL DISTRICT:** 7

**APPLICANT CONTACT INFORMATION:** City of San José, Department of Public Works (Attn: Dominic Onorato); 200 East Santa Clara St, 6th floor, San José, CA 95113; (408)535-8407;  
[Domenic.Onorato@sanjoseca.gov](mailto:Domenic.Onorato@sanjoseca.gov)

## FINDING

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

## MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

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



### C. AIR QUALITY–

**Impact AIR-1:** Cancer risk from construction activities would be 20.0 per million, which exceeds the single-source significance threshold of 10 per million, at the residence with maximum impact, assuming infant exposure.

**MM AIR-1: Tier 4 Engines.** Prior to the start of construction activities, the project proponent shall prepare a construction operations plan that demonstrates that the off-road equipment used on-site to construct the Project would at minimum achieve a fleet-wide average 95-percent reduction in mass of exhaust emissions of diesel particulate matter (DPM). Specifically, this plan shall include, but is not limited to, the measures identified below:

- All diesel-powered off-road equipment larger than 25 horsepower operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines with CARB-certified Level 3 Diesel Particulate Filters, or equivalent. Exceptions could be made for equipment that includes CARB-certified Level 3 Diesel Particulate Filters or equivalent. Equipment that is electrically powered or uses non-diesel fuels would also meet this requirement
- Provide electric power if feasible to avoid use of diesel-powered generator sets and other portable equipment.

Off-road equipment descriptions and information shall be provided, including, but not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.

Prior to the start of any construction activities, the Project proponent shall submit the construction operations plan and records of compliance to the Director of Planning, Building and Code Enforcement or the Director's designee.

### D. BIOLOGICAL RESOURCES.

**Impact BIO-1:** Demolition, grading, and construction activities and tree removal during the nesting season could impact migratory birds.

**MM BIO-1.1: Nesting Bird Protection Measures.**

- **Avoidance:** To the extent possible, the project proponent shall schedule all construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31<sup>st</sup> (inclusive). Construction activities include any site disturbance such as, but not limited to, tree trimming or removal, demolition, grading, and trenching.
- **Nesting Bird Surveys:** If construction activities cannot be scheduled between September 1st and January 31st (inclusive), pre-construction nesting bird surveys shall be completed by a qualified biologist to ensure that active nests are not disturbed by construction activities. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive). During this survey, the biologist shall inspect all trees and other possible nesting habitats on-site and within 250 feet of the site for nests.
- **Buffer Zone:** If an active nest is found within 250 feet of the project area to be disturbed by construction, the ornithologist/biologist, 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 for raptors and 100 feet for other birds) to ensure that nests are not be disturbed during construction. The no-disturbance buffer shall remain in place until the biologist determines the nest is no longer active or if the nesting season ends. If construction ceases for two days or more then resumes again during the nesting season, an additional survey shall be necessary

to avoid impacts on active bird nests that may have been established during the pause in construction.

- Reporting: Prior to any construction activities, the ornithologist/biologist shall submit a report indicating the results of the surveys and any designated buffer zones to the satisfaction of the Director of the Department of Planning, Building and Code Enforcement or the Director's designee.

#### **E. CULTURAL RESOURCES.**

**Impact CUL-1:** Project ground disturbing activities could result in significant impacts to unrecorded archaeological resources

**MM CUL-1:** *Cultural Resource Awareness Training.* Prior to the start of construction activities, the project proponent shall be required to submit evidence that a Cultural Awareness Training will be provided to construction personnel prior to ground disturbances. The training shall be facilitated by the project archaeologist in coordination with a Native American representative registered with the Native American Heritage Commissions for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3.

- F. ENERGY** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- G. GEOLOGY AND SOILS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- H. GREENHOUSE GAS EMISSIONS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- I. HAZARDS AND HAZARDOUS MATERIALS.**

**Impact HAZ-1:** Development of the proposed project could potentially expose construction workers and the public to soil, soil vapor and/ or groundwater contamination from former onsite underground storage tank (USTs) or an off-site leaking underground storage tank (LUST) source during the demolition and construction phases of the project, and future site occupants to soil vapor contamination after construction.

**MM HAZ-1.1:** *Site Management Plan and Vapor Intrusion Measures.* Prior to the commencement of construction activities, the City shall enter into an agreement with the Santa Clara County Department of Environmental Health (SCCDEH) under their Site Cleanup Program. The proponent shall meet with the SCCDEH and perform additional soil, soil gas and/or groundwater sampling and testing to adequately define the known and suspected contamination from past agricultural use and former onsite underground storage tank (USTs) and an off-site leaking underground storage tank (LUST). A Site Management Plan (SMP), Corrective Action Plan, Remedial Action Plan, or other equivalent plan shall be prepared and submitted to the SCCDEH for their approval. The Plan must include a Health & Safety Plan (HASp) and must establish remedial measures and/or soil management practices (including sampling protocols) to ensure construction worker safety and the health of future workers and visitors. The SMP shall include a plan for management of soil during demolition/construction, dust control measures, and waste management. A management survey and test pit investigation shall also be performed to identify the potential presence of buried metallic objects, such as USTs or piping.

Additionally, based on the results of soil vapor samples, the planned structure shall incorporate vapor intrusion mitigation measures (VIMS) to help reduce the potential for vapor intrusion into the future structure in accordance with SCCDEH oversight and recommendations.

The Plan and evidence of regulatory oversight shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

- J. HYDROLOGY AND WATER QUALITY** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- K. LAND USE AND PLANNING** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- L. MINERAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- M. NOISE** –

**Impact NOI-1:** Sensitive receptors in the project area would be intermittently exposed to high noise levels during project construction.

**MM NOI-1:** *Construction Noise Logistics Plan.*

Prior to the start of construction activities, the project proponent shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

- Pile Driving is prohibited
- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Equip all internal combustion-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining noise-sensitive land uses.
- Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent businesses, residences, and other noise-sensitive land uses of the construction schedule in writing and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- Limit construction hours to 7 a.m. to 7p.m., 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. Because it is anticipated that certain construction activities (such as continuous pours of concrete foundations) may require work outside normally permitted construction hours (e.g., overnight), the project’s Planned Development Permit would allow for such construction activities, subject to conditions of approval, including performance standards, imposed by the City to limit noise impacts.

- N. **POPULATION AND HOUSING** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- O. **PUBLIC SERVICES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- P. **RECREATION** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- Q. **TRANSPORTATION** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- R. **TRIBAL CULTURAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- S. **UTILITIES AND SERVICE SYSTEMS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- T. **WILDFIRE** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- U. **MANDATORY FINDINGS OF SIGNIFICANCE.**

Cumulative impacts would be less than significant. The proposed Project would implement the identified mitigation measures and would have either have no impacts or less-than-significant impacts on riparian habitat or other sensitive natural communities, migration of species, or applicable biological resources protection ordinances. Therefore, the proposed Project would not contribute to any cumulative impact for these resources. The Project would not cause changes in the environment that have any potential to cause substantial adverse direct or indirect effects on human beings.

## PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Wednesday, May 31, 2023** any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
2. Submit written comments regarding the information and analysis in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

CHRISTOPHER BURTON, Director  
Planning, Building and Code Enforcement

May 10, 2023

\_\_\_\_\_  
Date

*Tina Jarg*  
\_\_\_\_\_  
Deputy

Bethelhem Telahun  
Environmental Project Manager

**Circulation period: May 10, 2023 to May 31, 2023**

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## Acronyms and Abbreviations

AB	Assembly Bill
AB 32	California Global Warming Solutions Act
ACMs	asbestos-containing materials
AEI	AEI Consultants
ATCM	Airborne Toxic Control Measure
BAAQMD	Bay Area Air Quality Management District
Basin Plan	San Francisco Bay Basin Plan
Bay Area Air Basin	San Francisco Bay Area Air Basin
BMPs	best management practices
C&D	construction and demolition
CAAQS	California Ambient Air Quality Standards
CAL FIRE	California Department of Forestry and Fire Protection
CalEPA	California Environmental Protection Agency
CalGreen	California Green Building Standards Code
CalRecycle	California Integrated Waste Management Board
Caltrans	California Department of Transportation
CAP	2017 Clean Air Plan
CARB	California Air Resources Board
CBC	California Building Code
CCR	California Code of Regulations
CDDD	Construction and Demolition Diversion Deposit Program
CDFW	California Department of Fish and Wildlife
CDP	Census Designated Places
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CGS	California Geological Survey
CHP	California Highway Patrol
CIC	Combined Industrial/Commercial
City	City of San José
CNDDDB	California Natural Diversity Database inventory of rare plants and animals
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO <sub>2</sub>	carbon dioxide
CO <sub>2</sub> e	carbon dioxide equivalent
dBA	A-weighted decibel

DNL	day-night noise level
DOC	California Department of Conservation
DPM	Diesel Particulate Matter
DSOD	California Department of Water Resources Division of Safety of Dams
DTSC	California Department of Toxic Substances Control
EIR	Environmental Impact Report
ESA	Environmental Science Associates
ESL	Environmental Screening Level
ESUHSD	East Side Union High School District
EV	electric vehicle
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zones
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Maps
FMSD	Franklin-McKinley Elementary School District
FTA	Federal Transit Administration
General Plan	Envision San José 2040 General Plan
GHGs	Greenhouse gases
GHGRS	Greenhouse Gas Reduction Strategy
Habitat Plan	Santa Clara Valley Habitat Plan
HHDT	heavy duty truck
HMBP	hazardous materials business plan
HRA	Health Risk Assessment
I-280	Interstate 280
I-680	Interstate 680
IP	Industrial Park
KW	kilowatt
LBP	lead-based paint
$L_{eq}$	equivalent continuous sound level
LEED	Leadership in Energy and Environmental Design
$L_{max}$	maximum noise level
LID	Low Impact Development
LOS	level of service
LRA	Local Responsibility Area
LUST	leaking underground storage tank
MBTA	Migratory Bird Treaty Act
MEIR	maximally-exposed individual residential receptor location
MLD	Most Likely Descendant

MND	Mitigated Negative Declaration
Mpg	miles per gallon
MRP	Municipal Regional Stormwater NPDES Permit
NAAQS	National Ambient Air Quality Standards
NAHC	California Native American Heritage Commission
NESHAP	National Emission Standards for Air Pollution
NETR	Nationwide Environmental Title Research
NFIP	National Flood Insurance Program
NOA	naturally occurring asbestos
NOD	Notice of Determination
NOx	nitrogen oxide
NPDES	National Pollutant Discharge Elimination System
NREL	National Renewable Energy Laboratory
NWIC	Northwest Information Center of the California Historical Resources Information System
OCF	organochlorine pesticide
OEHHA	Office of Environmental of Health Hazard Assessment
PBCE	Planning, Building and Code Enforcement
PBR	Permit by Rule
PG&E	Pacific Gas and Electric Company
Phase I ESA	Phase I Environmental Site Assessment
PM <sub>2.5</sub>	particulate matter of 2.5 microns in diameter or less
PM <sub>10</sub>	particulate matter of 10 microns in diameter or less
PPE	personal protective equipment
PPV	peak particle velocity
PRC	California Public Resources Code
PRNS	San José Parks, Recreation, and Neighborhood Services Department
PV	photovoltaic
Qhb	Holocene-age Basin Deposits
ROG	reactive organic gases
RPS	Renewables Portfolio Standard
RWF	San José/Santa Clara Water Regional Wastewater Facility
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCCALUC	Santa Clara County Airport Land Use Commission
SCCDEH	Santa Clara County Department of Environmental Health
SCVHA	Santa Clara Valley Habitat Agency
SCVURPPP	Santa Clara Valley Urban Runoff Pollution Prevention Program
SFHA	Special Flood Hazard Areas

SJC	Norman Y. Mineta International Airport
SJCE	San José Clean Energy
SJFD	San José Fire Department
SJPD	San José Police Department
SJWC	San Jose Water Company
SMARA	Surface Mining and Reclamation Act
SMP	Site Management Plan
SOIS	Secretary of the Interior
SRA	State Responsibility Area
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TACs	toxic air contaminants
TCMs	Treatment Control Measures
Title 24	Title 24, Part 6, of the California Code of Regulations
TPHd	diesel-range petroleum hydrocarbons
TPHo	motor oil-range petroleum hydrocarbons
TPHg	gasolining-range petroleum hydrocarbons
TRPH	total recoverable petroleum hydrocarbons
UCSB	University of California, Santa Barbara
U.S. 101	U.S. Highway 101
USDA	United States Department of Agriculture
USDOT	U.S. Department of Transportation
U.S. EPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	U.S. Geological Survey
UST	underground storage tank
Valley Water	Santa Clara Valley Water District
VdBs	vibration decibels
VHFHSZ	Very High Fire Hazard Severity Zone
VIMS	vapor intrusion mitigation measures
VMT	vehicle miles traveled
VOCs	volatile organic compounds

# CHAPTER 1

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## Introduction and Purpose

### 1.1 Purpose of the Initial Study

The City of San José (City), serving as Lead Agency under the California Environmental Quality Act (CEQA), is completing the required environmental review for the New Fire Station No. 32 Project pursuant to CEQA Guidelines (California Code of Regulations Section 15000 et. seq.) and the regulations and policies of the City of San José, California. This Initial Study provides the necessary information to inform the City decision-makers, other responsible agencies, and the public of the nature of the proposed project and its potential effect on the environment.

The City of San José proposes to construct a new building at 1138 Olinder Court to serve as the new San José Fire Department (SJFD) Fire Station No. 32. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementing the proposed project.

### 1.2 Public Review Period

Publication of this Initial Study marks the beginning of a 30-day public review and comment period. During this period, the Initial Study will be available to local, regional, and state agencies and interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 30-day public review period should be sent to:

Bethelhem Telahun, Planner  
City of San José  
Department of Planning, Building, and Code Enforcement  
200 East Santa Clara Street, Third Floor  
San José, CA 95113  
(408) 535-5624  
<mailto:Bethelhem.Telahun@sanjoseca.gov>

### 1.3 Consideration of the Initial Study and Project

Following the conclusion of the public review period, the City Council will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the proposed project at a publicly noticed regularly scheduled meeting. The City shall consider the Initial Study/MND together with



any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

## **1.4 Notice of Determination**

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

## CHAPTER 2

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### Project Information

1. **Project Title:** New Fire Station No. 32 Project
2. **Lead Agency Name and Address:**  
City of San José  
Department of Planning, Building, and Code Enforcement  
200 East Santa Clara Street, Third Floor  
San José, CA 95113  
  
Contact: Bethelhem Telahun, Planner  
(408) 535-5624  
mailto: Bethelhem.Telahun@sanjoseca.gov
3. **Project Sponsor:**  
City of San José  
Department of Public Works  
200 East Santa Clara Street, 6th Floor  
San José, CA 95113-1905  
  
Contact: Domenic Onorato, Program Manager  
(408) 535-8407  
Domenic.Onorato@sanjoseca.gov
4. **Project Location:** 1138 Olinder Court  
San José, CA 95122
5. **Assessor's Parcel Number:** 472-10-108
6. **General Plan Designation(s):** Combined Industrial/Commercial (CIC)
7. **Zoning:** Industrial Park (IP)

**8. Project Description Summary:**

The City of San José proposes the construction of a new, one-story fire station with two apparatus bays, which would serve as the new SJFD Fire Station 32 located at 1138 Olinder Court. The proposed improvements consist of the construction of a new fire station building, hardscape areas, landscaping, and underground utilities to support the fire station. The proposed project would also result in the demolition of an existing structure and removal of existing tree on the site.

The General Plan Land Use designation for the site is Combined Industrial/Commercial (CIC) and the Zoning is Industrial Park (IP).

## **9. Surrounding Land Uses.**

The approximately 1.12-acre (48,829 square-foot) project site is located at 1138 Olinder Court, the northeast corner of Olinder Court and Felipe Avenue, in the Little Saigon neighborhood of San José, immediately southwest of the Interstate 280 (I-280)/I-680 interchange and U.S. Highway 101 (U.S. 101). The project site is bounded by Olinder Court to the west, Felipe Avenue to the south, and commercial/industrial development to the north and east. The surrounding area is comprised primarily of commercial and industrial uses.

The project site is currently vacant, is mostly paved, and contains one, centrally located structure. A shed and adjacent metal pavilion are also located along the southeast boundary of the project site. The project site is surrounded by walls, fencing, and trees along its borders. The disturbance area for the project site includes approximately 0.87 acres (38,106 square feet). The north easternmost 0.23-acre portion of the project site would be retained as is, with the existing pavement, chain link border fencing, and trees.

The project site is located approximately 0.25 mile west of Emma Prusch Farm Park, 1.1 miles northeast of Kelley Park, 1.1 miles east of Coyote Creek, and 3.5 miles southeast of Norman Y. Mineta International Airport (SJC).

## **10. Other public agencies whose approval is required:**

No other agency approvals are required.

## **11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

In 2017, the City 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. These letters served as the formal notification for the proposed project as required under CEQA, specifically Public Resources Code § 21080.3.1 and Chapter 532 Statutes of 2014 (i.e. Assembly Bill (AB) 52). The Ohlone Tribe submitted a request in July of 2018 for email notification of projects requiring a Negative Declaration, a Mitigated Negative Declaration, or an Environmental Impact Report that would involve ground-disturbing activities within the downtown area of the City of San José. On May 28, 2021, Tamien Nation requested certified mail notification of all non-exempt projects within the City of San José. In April 2022, Tamien Nation verbally revised their original request to receive notice of all non-exempt projects within the City of San Jose via email only. The tribal representatives for the Ohlone Tribe, Tamien Nation, and other tribes known to have traditional lands and cultural places within the City of San José, were sent Tribal Consultation letters via email on October 24, 2023. No requests for consultation were received during the noticing period.

# CHAPTER 3

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## Project Description

The City of San José proposes to construct a new building to serve as the new Fire Station No. 38, located at 1138 Olinder Court. This chapter describes the Fire Station No. 32 Project (proposed project) evaluated in this Initial Study, and specifically describes the project site location and general existing characteristics; proposed project components and construction details; and required approvals for the proposed project.

### 3.1 Project Location

The approximately 1.12-acre (48,829 square-foot) project site is located at 1138 Olinder Court, the northeast corner of Olinder Court and Felipe Avenue, in the Little Saigon neighborhood of San José, immediately southwest of I-280 and U.S. 101. The project site is bounded by Olinder Court to the west, Felipe Avenue to the south, and commercial/industrial development to the north and east. The surrounding area is comprised primarily of commercial and industrial uses.

The project site is currently vacant, is mostly paved, and contains one, centrally located structure. A shed and adjacent metal pavilion are also located along the southeast boundary of the project site. The project site is surrounded by walls, fencing, and 12 trees along its borders. The disturbance area for the project site includes approximately 0.87 acres (38,106 square feet). The north easternmost 0.23-acre portion of the project site would be retained as is, with the existing pavement, chain link border fencing, and trees.

### 3.2 Project Components

#### 3.2.1 Project Program

The proposed project would result in the construction of a new, one-story fire station with two apparatus bays, which would serve as the new Fire Station 32 located at 1138 Olinder Court. Two design options are proposed: (1) a Base One-Company Design that would include a 6,844 square-foot fire station with four dormitories; and (2) an Alternative Two-Company Design that would include a 7,827 square-foot fire station with eight dormitories. The analysis in this document conservatively assumes that the Alternative Two-Company Design would be constructed to capture the maximum building footprint and construction and operational impacts that could occur; however, this chapter describes both designs.



SOURCE: ESRI; ESA, 2022.

San José New Fire Station No. 32 Project



**Figure 3-1**  
Project Location

The proposed fire station building would include the construction of two pull-through apparatus bays, a turnout area,<sup>1</sup> office and exercise space, dormitories, a kitchen and dining area, restrooms, living areas, and other apparatus support spaces. The proposed development program is summarized in **Table 3-1** below. Site plans for each design option are shown in **Figure 3-2** and **Figure 3-3**.

**TABLE 3-1**  
**FIRE STATION NO. 32 PROGRAM**

Land Use	Base One-Company Design	Alternative Two-Company Design
Fire Station	6,844 sf	7,827 sf
<i>Dormitories</i>	<i>4 Dorms</i>	<i>8 Dorms</i>
Vehicle Parking	17 stalls	17 stalls
Bicycle Parking	6 spaces	6 spaces
Landscaping	9,949 sf	9,949 sf
Bioretention Areas	638 sf	638 sf

NOTES:

sf = square feet

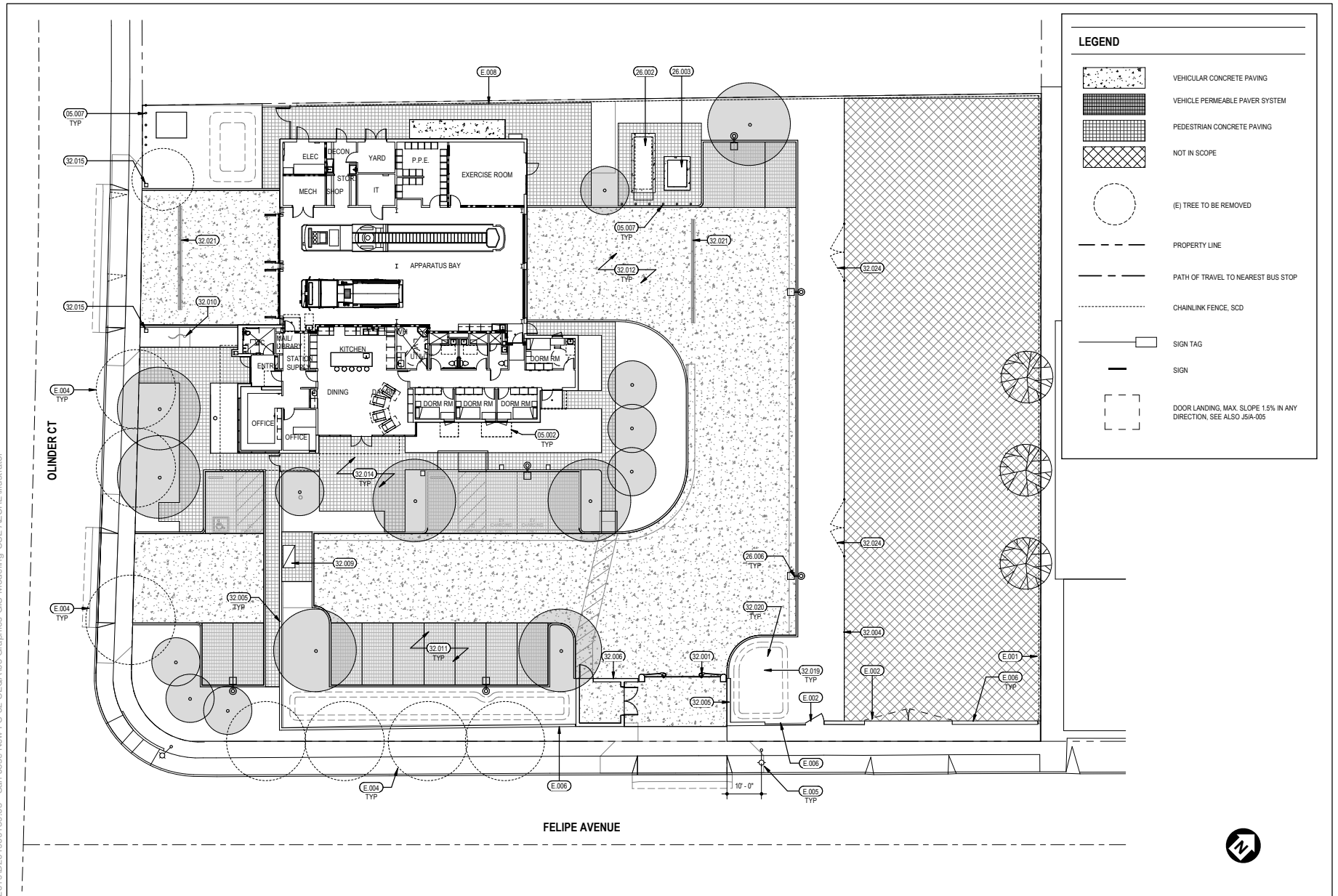
SOURCE: SKA, 2022

Under both design options, the fire station would contain an entry area, office space, a public restroom, an exercise room, two apparatus bays, and mechanical, communications, shop, and utility space. The Base One-Company Design would contain four dormitories, three restrooms, a kitchen, day room, and dining area, and a laundry room. The Alternative Two-Company Design would include eight dormitories, two additional restrooms, larger dining/dayroom space, and adjusted patio and site paving/walkways. The fire station building would measure approximately 23 feet and 7 inches tall to the high roof under both design options, as shown in **Figure 3-4** and **Figure 3-5**.

The proposed project would also contain a surface parking lot with approximately 17 parking spaces; 14 spaces would be designed for use by SJFD personnel in a gated portion of the parking lot, and 3 visitor spaces would be in an open portion of the parking lot off of Olinder Court. Bicycle racks for short-term bicycle parking and lockers for long-term bicycle parking would also be provided.

<sup>1</sup> Turnout gear is the personal protective equipment (PPE) used by firefighters.



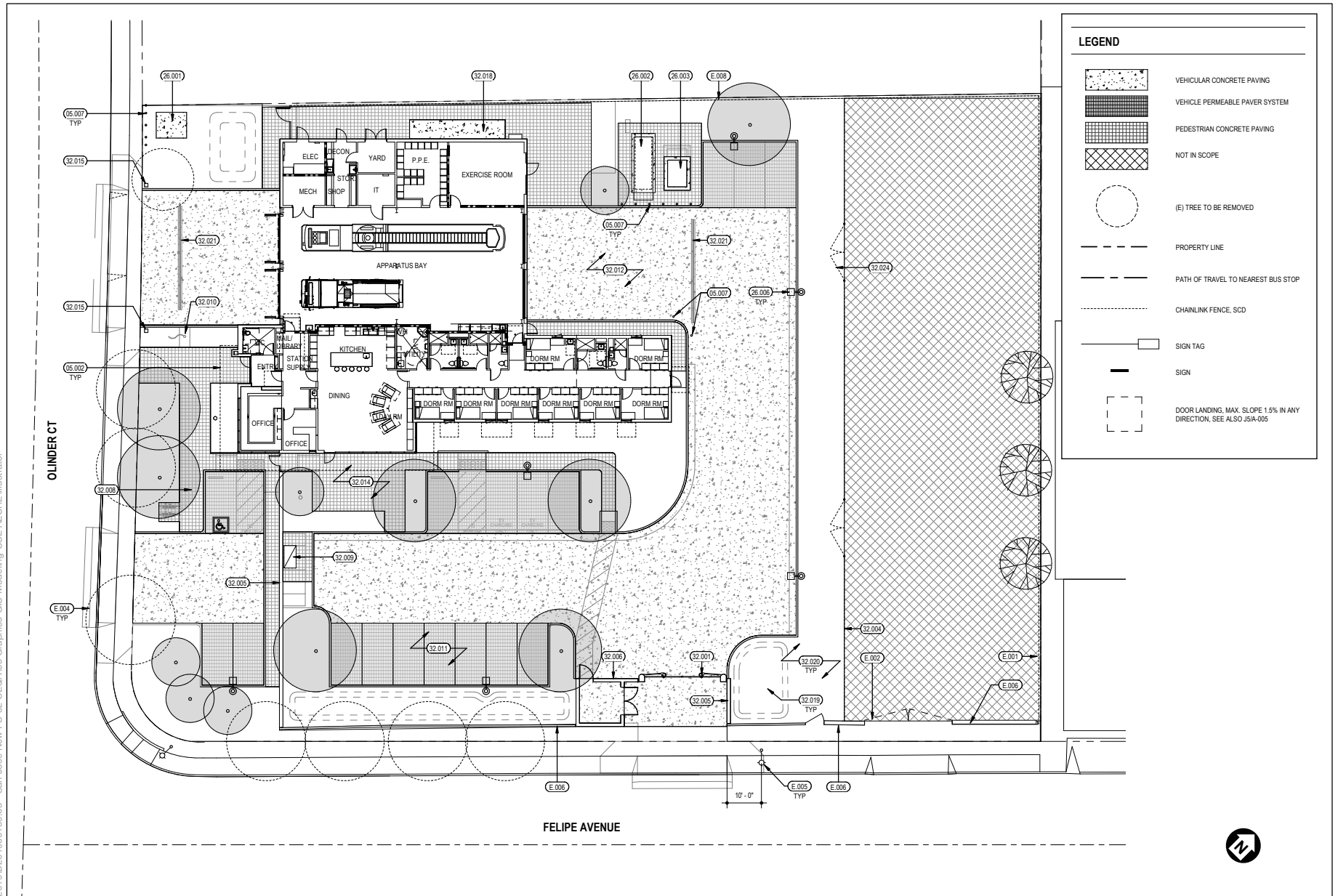


SOURCE: Shah Kawasaki Architects, 2022

San José New Fire Station No. 32 Project

**Figure 3-2**  
Site Plan – Base One-Company Design

2019/02/19 00139.03 - San Jose New FS-32 CEQA/05 Graphics-GIS-Modeling-USE AZUREIllustrator

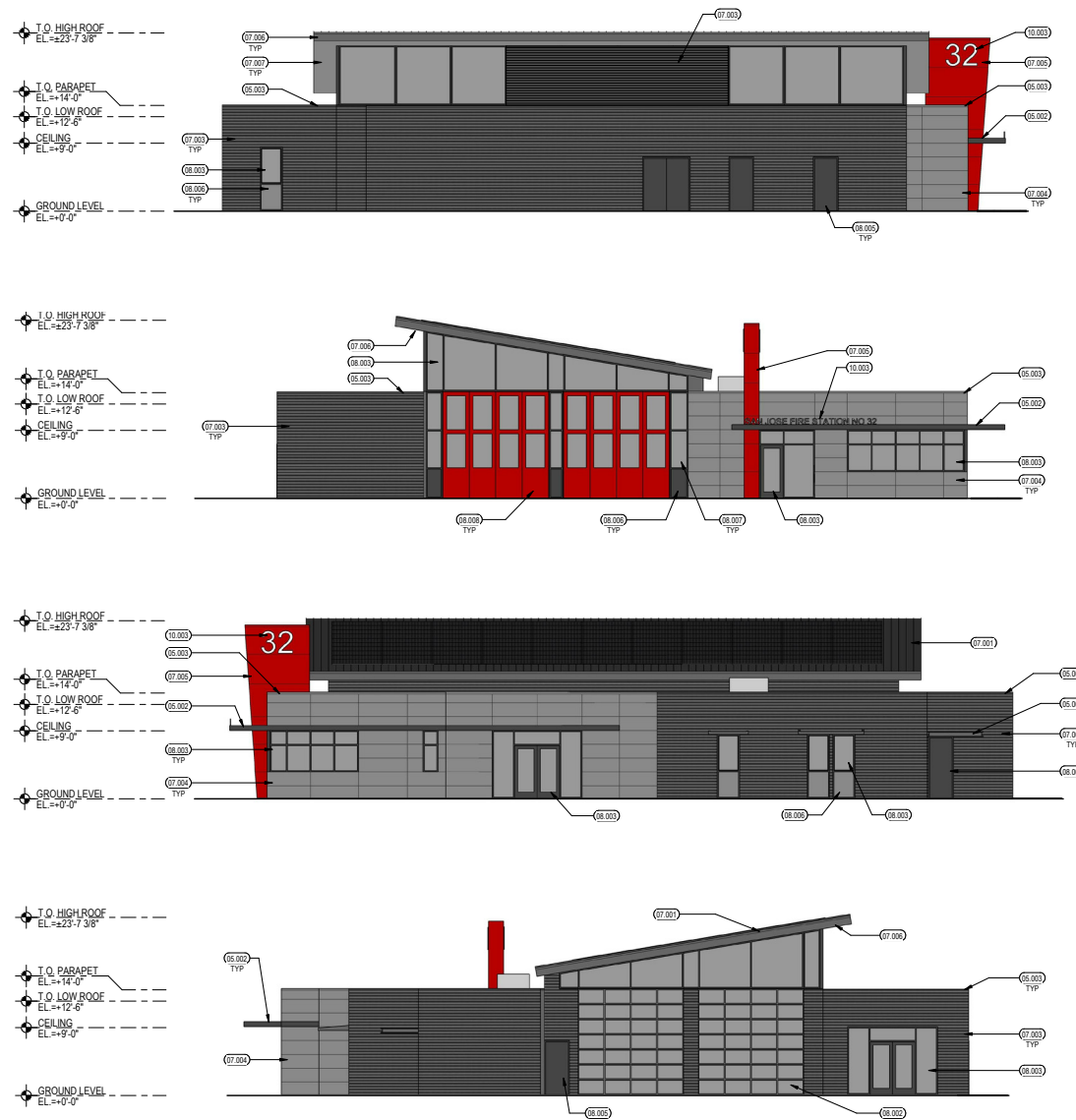


SOURCE: Shah Kawasaki Architects, 2022

San José New Fire Station No. 32 Project



**Figure 3-3**  
Site Plan – Alternative Two-Company Design



**NORTH ELEVATION - BASE BID**

**WEST ELEVATION - BASE BID**

**SOUTH ELEVATION - BASE BID**

**EAST ELEVATION - BASE BID**

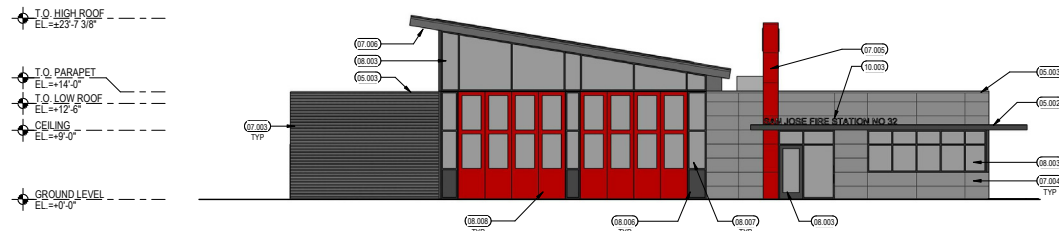
SOURCE: Shah Kawasaki Architects, 2022

San José New Fire Station No. 32 Project

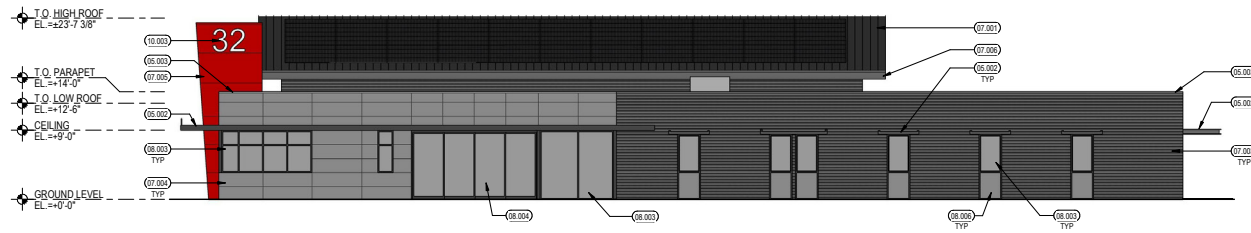
**Figure 3-4**  
Elevations – Base One-Company Design



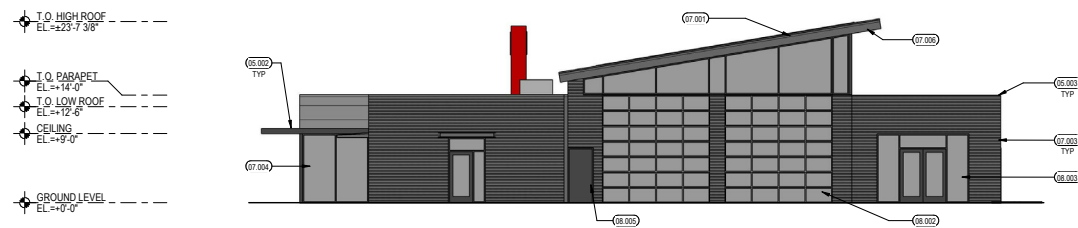
**NORTH ELEVATION - ALTERNATE**



**WEST ELEVATION - ALTERNATE**



**SOUTH ELEVATION - ALTERNATE**



**EAST ELEVATION - ALTERNATE**

SOURCE: Shah Kawasaki Architects, 2022

San José New Fire Station No. 32 Project

**Figure 3-5**  
Elevations – Alternative Two-Company Design

### 3.2.2 Access

The proposed project would include two driveways on Olinder Court and one driveway on Felipe Avenue. Primary fire apparatus access to the project site would be provided via the gate-controlled driveway on Olinder Court. The pull-through apparatus bay would connect to the gate-controlled driveway on Felipe Avenue, which would also provide access to the SJFD personnel parking area. A visitor parking area would be accessible via a separate driveway on Olinder Court.

### 3.2.3 Infrastructure Improvements

The proposed Fire Station No. 32 building would require utility connections to support the newly constructed fire station. The proposed project would tie into the existing City infrastructure as detailed below. Also see **Figure 3-6** that illustrates the proposed project's utility plan.

#### Water

The proposed project would connect to an existing 8-inch water main in Olinder Court and an existing 6.625-inch water main in Felipe Avenue. On Olinder Court, a total of two new laterals would be provided, with one each for fire water service and a new fire hydrant. On Felipe Avenue total of three new laterals will be provided, with one each for domestic water, irrigation water, and a new fire hydrant. Associated water meters, fire hydrants, fire department connections, and backflow preventors would also be provided.

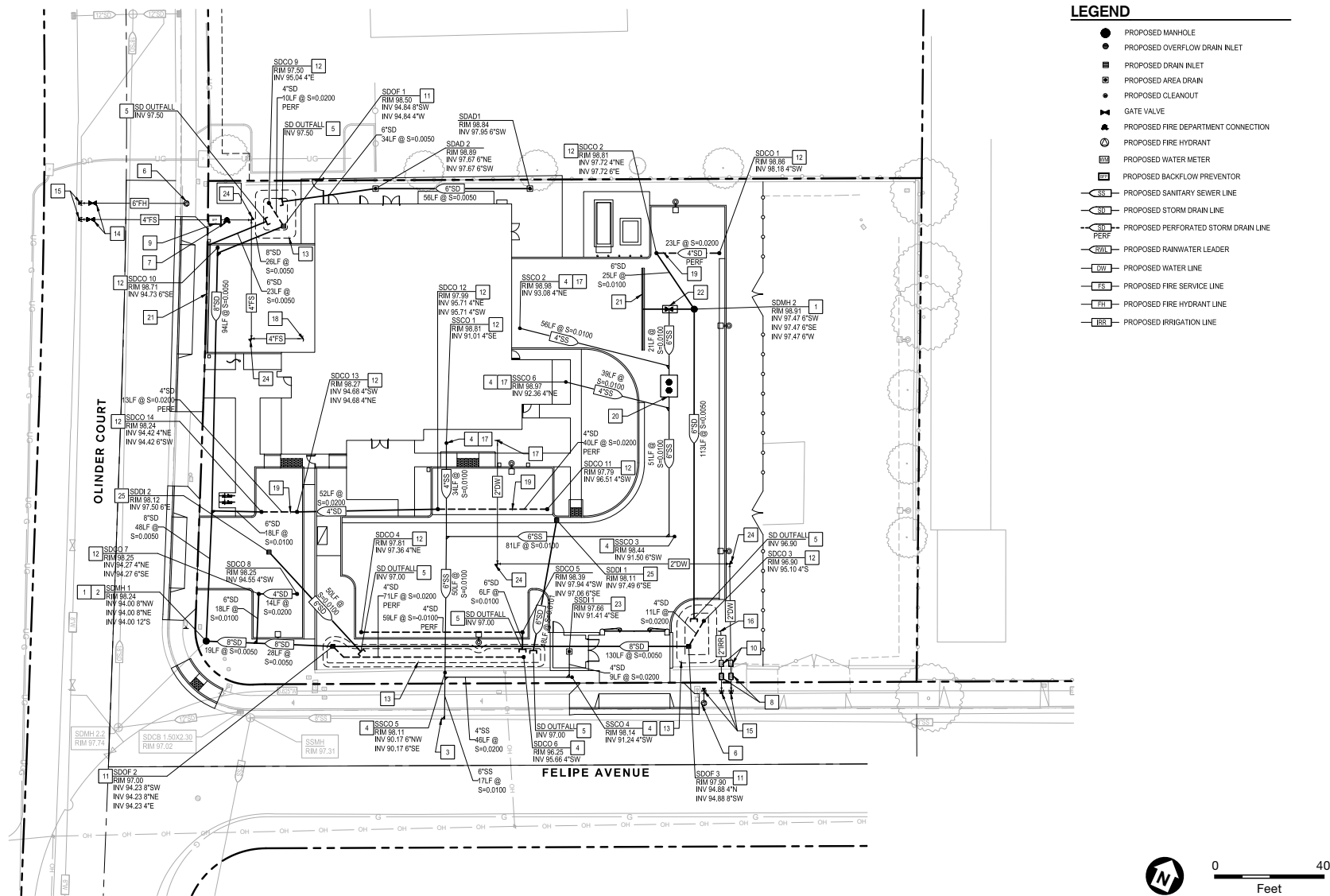
#### Sewer

The proposed project would connect to the existing 8-inch sewer main on Felipe Avenue through a proposed 6-inch sewer lateral. This new point of connection would require trenching of approximately 4 linear feet into Felipe Avenue. The proposed on-site sewer system would include piping, cleanouts, and a minimum of one 1,200-gallon grease-oil separator for the discharge of pollutants from the washing of fire apparatus into the sewer system.

#### Storm Drainage

The proposed project would connect to an existing 10-inch storm drain lateral at the south end of the project site. Manholes, cleanouts, trench drains, drain box overflow inlets, and PVC and perforated pipes would also be provided for the proposed storm drainage system. The project site would be designed in accordance with the Santa Clara Valley Urban Pollution Prevention Program C.3 Handbook. Three bioretention areas are proposed to receive and treat the site stormwater runoff, along with permeable paving areas and a self-treating landscape area. See **Figure 3-7** for the proposed project's stormwater management plan.

Special consideration would also be given to the washing of the fire apparatus on the north side of the building, behind the bays. A trench drain would be provided with an automated valve to allow for the disconnection from the storm drain system and the connection to the sewer system when washing the trucks to prevent pollutants from entering the storm drain system.

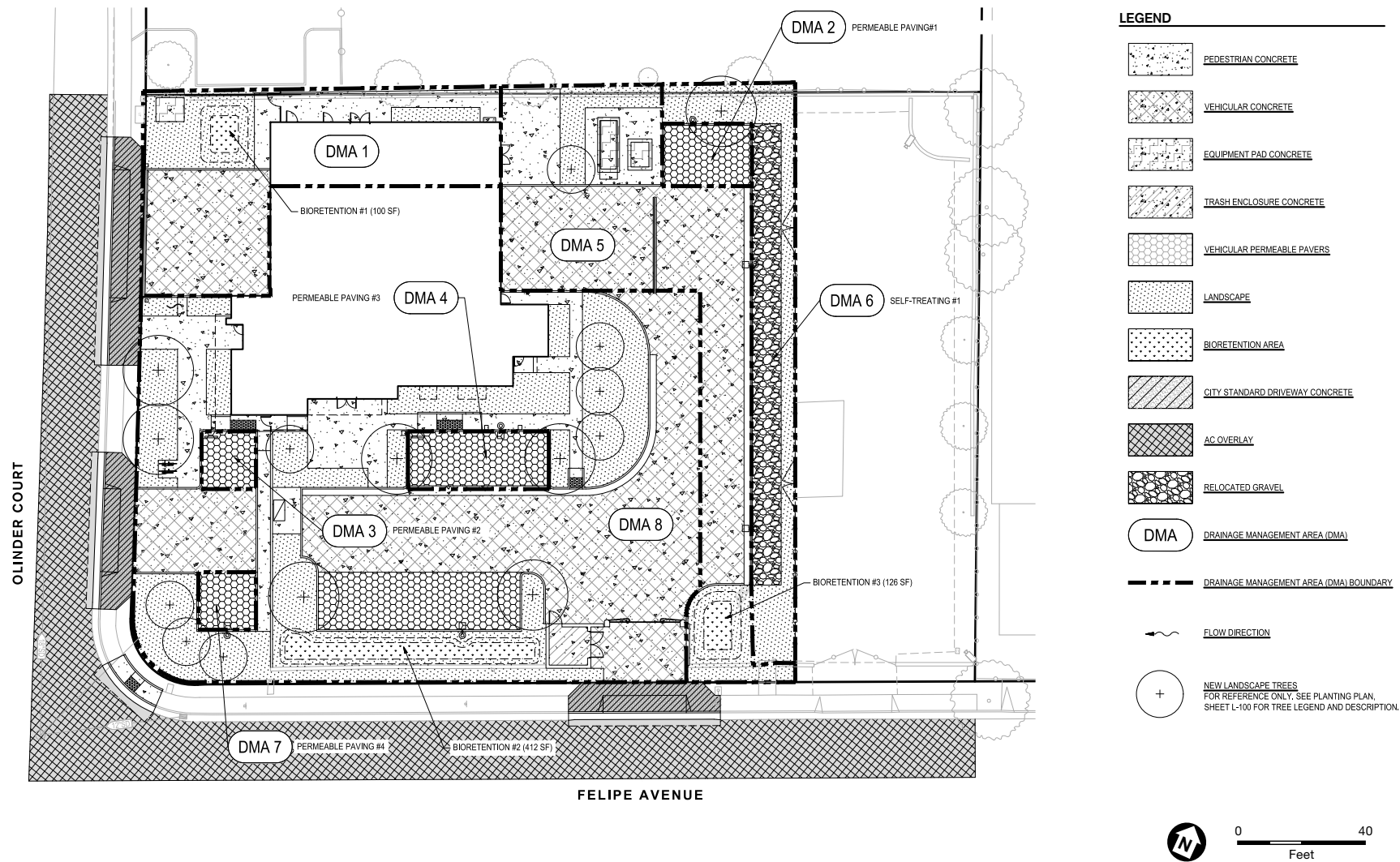


SOURCE: Shah Kawasaki Architects, 2022

San José New Fire Station No. 32 Project

**Figure 3-6**  
Utility Plan





SOURCE: Shah Kawasaki Architects, 2022

San José New Fire Station No. 32 Project

**Figure 3-7**  
Stormwater Management Plan

## Electricity and Telecommunications

The proposed project would tie into Pacific Gas and Electric (PG&E) electric lines. Telephone service would be provided via a connection to an existing AT&T vault. Cable service would be provided through Comcast with a connection to the nearest pole. City of San José Fiber may also be provided. No natural gas connection is proposed.

## Emergency Generator and Fuel Oil System

An approximately 125-kilowatt (KW) diesel emergency generator (120/208 volt, 3 phase, 4 wire, with a 24-hour sub-base tank) would serve the proposed project and would be located outdoors, near the western edge of the project site (see Figure 3-2 and Figure 3-3). Fuel oil piping would serve the proposed generator, fuel tank (comprised of a day tank and main storage tank), and apparatus fueling station. A fuel oil leak detection system would be provided for the approximately 2,400-gallon double wall fuel storage tank and surrounding space and piping. The storage tank would also supply fuel to the apparatus fueling station.

### 3.2.4 Vegetation and Landscaping

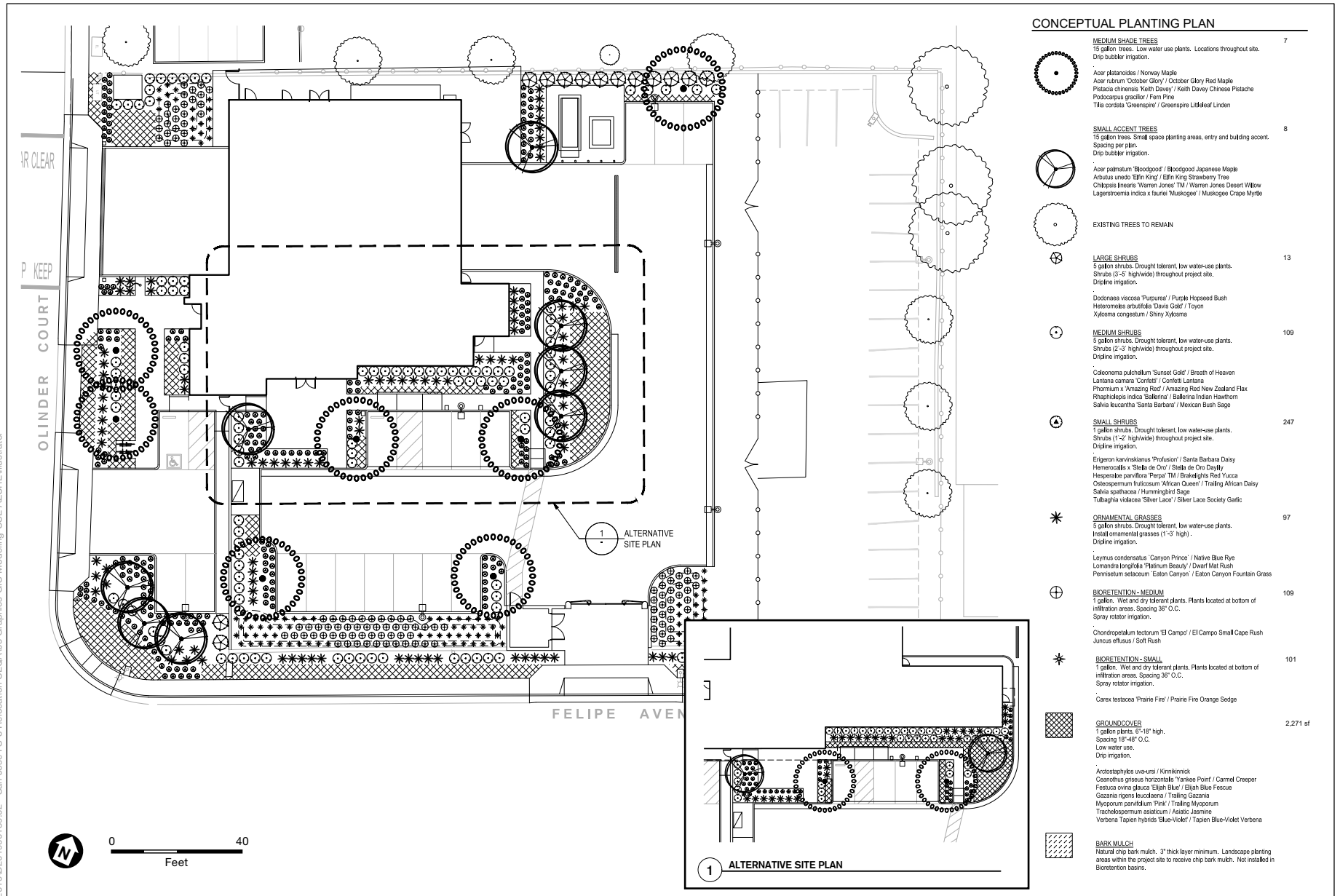
The proposed project construction would require the removal of 8 trees and other vegetation within the project site, as detailed in Section 3.4, *Construction*, below. The proposed project would comply with the City of San José tree removal and mitigation requirements. Offsite replacement trees would be paid to the City in accordance with the City's requirements. Approximately new 15 trees (15-gallon minimum) would be planted onsite. The proposed landscaping plan for the proposed project is shown in **Figure 3-8**.

Landscape design plans would use drip and water efficient irrigation, low and moderate water use plant species and a 'smart' weather-based controller. The irrigation system would be designed to establish a deep, strong root system that would eventually sustain the plants without supplemental water, under normal conditions. Drip irrigation would be utilized, and trees would be irrigated with deep root watering drip bubblers and isolated on their own valve station. Bioretention areas would be isolated on their own valves as well and irrigated by overhead spray rotators. The spacing of spray rotators would improve uniformity of coverage, would include water efficient heads, and be designed to minimize drift and overspray in windy situations. The irrigation system would be designed such that it can be easily modified by maintenance personnel so that during a severe drought, water is made available only to the most valued plants. The proposed irrigation would meet local and state water efficiency standards.

### 3.2.5 Sustainability Features

The sustainability goals of the proposed project are to meet LEED Gold (Silver minimum) and to be net zero carbon. The proposed project would include on-site renewable electric generation via a rooftop approximately 52.2 kW (DC) solar electric photovoltaic (PV) system.<sup>2</sup> Electric vehicle (EV) spaces and charging would also be provided to meet California Green Building Standards.

<sup>2</sup> A 57.1 kW (DC) solar electric photovoltaic (PV) system would be provided under the 8-dorm alternative.



SOURCE: Shah Kawasaki Architects, 2022

San José New Fire Station No. 32 Project

**Figure 3-8**  
Landscaping Plan

### 3.2.6 Project Operation

The proposed fire station would staff up to approximately eight SJFD personnel daily. The proposed project would be in operation 24 hours per day, 7 days a week, depending on the level of emergency activation in the City. Firefighting shifts would generally be 48 hours, running from 8 a.m. to 8 a.m. While service boundaries have not yet been set, SJFD estimates that the new Fire Station No. 32 would respond to approximately 25 calls per day under the Base One-Company Design, based on the four-minute geographic reach. For the Alternative Two-Company Design, estimated calls per day are more difficult to estimate with certainty, since calls would be shared between the two companies, calls from other stations would be redistributed, and one company would serve a larger geographic area than the other. This analysis assumes a total of 35 calls per day shared between the two companies.<sup>3</sup>

The typical practice for emergency siren use is to use sirens to break traffic at intersections or warn drivers of the emergency vehicle approach when traffic is congested or at intersections where sound is the only way the oncoming driver can be alerted to the emergency vehicle's presence.

The on-site emergency generator would undergo regular monthly testing. Diesel fuel would be delivered from a commercial vendor to replenish the fuel storage tank, as needed.

## 3.3 Construction

Construction is assumed to take place over an approximate 14-month period. Demolition and tree removal activities may precede fire station building construction in an earlier phase; however, to represent the most conservative scenario, the analysis in this document assumes that construction activities would commence in the third quarter of 2022 and building construction would be consecutive.

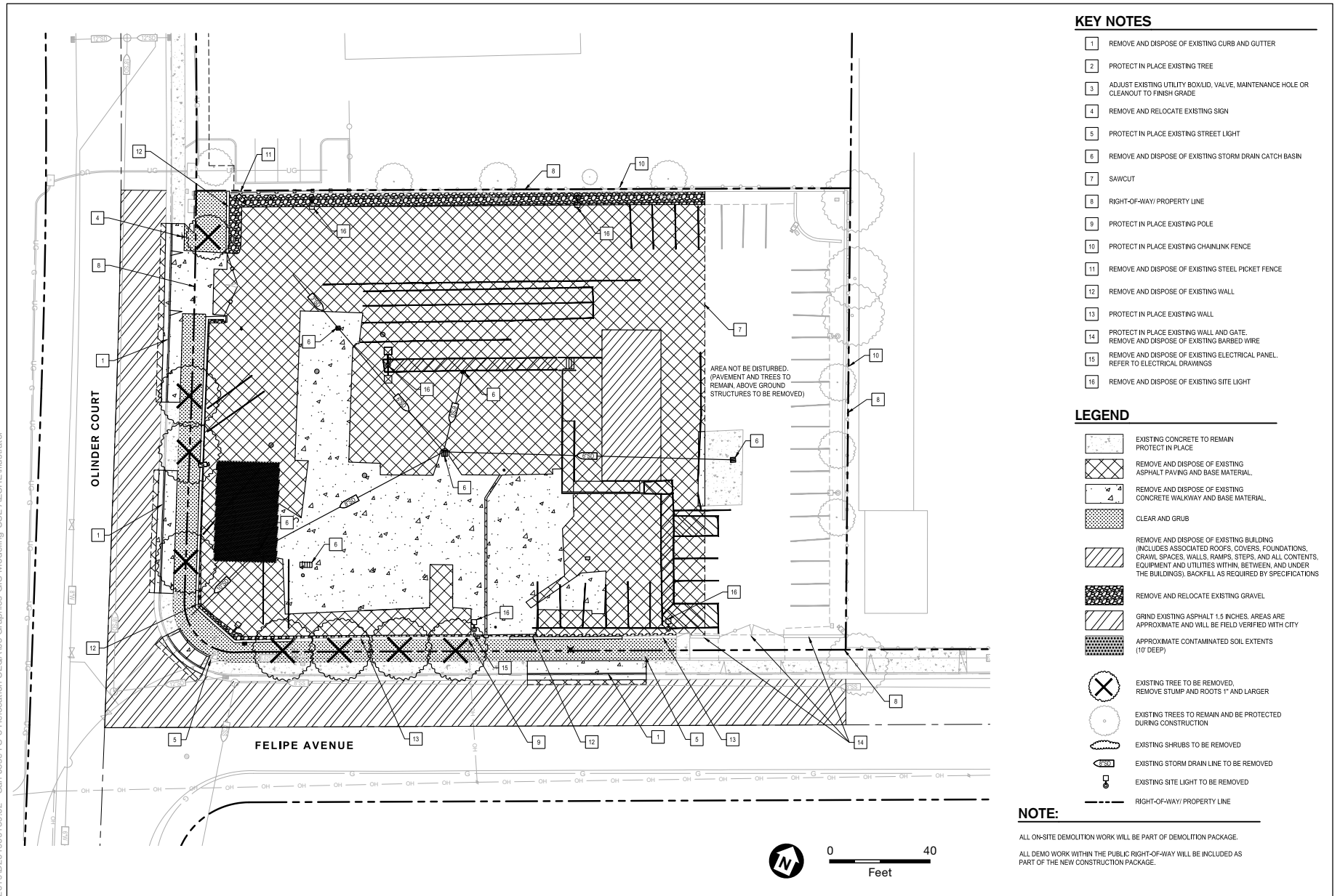
Construction activities would include demolition, grading, fire station building construction, and paving. Construction would result in the removal of approximately 8 street trees (See **Figure 3-9**). Removal of trees from the project site would require the posting of a courtesy notice to the public and review by the City Arborist's Office. Construction would require an estimated 100 cubic yards of soil import and 975 cubic yards of export.

## 3.4 Project Approvals

- Public Works Director approval for removal of trees
- Public Works: grading permits, Stormwater Control Plan, Stormwater Pollution Prevention Plan, Building Construction permit.

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<sup>3</sup> Based on call volume estimates provided by SJFD.



SOURCE: Shah Kawasaki Architects, 2022

San José New Fire Station No. 32 Project

**Figure 3-9**  
Demolition Plan

## CHAPTER 4

# Environmental Factors Potentially Affected

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The environmental factors checked below would be potentially affected by this proposed project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Aesthetics                      | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources      | <input type="checkbox"/> Energy  |
| <input type="checkbox"/> Geology/Soils                   | <input type="checkbox"/> Greenhouse Gas Emissions           | <input checked="" type="checkbox"/> Hazards & Hazardous Materials      |
| <input type="checkbox"/> Hydrology/Water Quality         | <input type="checkbox"/> Land Use/Planning                  | <input type="checkbox"/> Mineral Resources                             |
| <input checked="" type="checkbox"/> Noise                | <input type="checkbox"/> Population/Housing                 | <input checked="" type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                      | <input type="checkbox"/> Transportation                     | <input checked="" type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities/Service Systems       | <input type="checkbox"/> Wildfire                           | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

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## CHAPTER 5

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# Environmental Checklist

### General note on this Initial Study

The California Supreme Court in a December 2015 opinion (*California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4<sup>th</sup> 369 [No. S 213478]) confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections in this Initial Study (as called out) focus on impacts of the proposed project on the environment.

Note that the City of San José also has policies that address existing conditions (such as air quality, noise, and hazards) affecting a proposed project, which are also addressed in this Initial Study, where applicable. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole.

The CEQA Guidelines and the courts are clear that a CEQA document can include information of interest even if such information is not an “environmental impact” as defined by CEQA. Therefore, where applicable, in addition to describing the impacts of the proposed project on the environment, this Initial Study discusses effects on the proposed project as they relate to policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.



## 5.1 Aesthetics

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>I. AESTHETICS — Except as provided in Public Resources Code Section 21099, would the project:</b>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Environmental Setting

The project site is located within the Little Saigon neighborhood of San José, on the northeast corner of the Olinder Court and Felipe Avenue intersection, south of the U.S. 101 and I-680/280 interchange. The surrounding area is comprised primarily of medium density residential, commercial, and industrial uses. There is a recycling center located to the southeast (across of Felipe Avenue) and a sheet metal building located adjacent to the north. The project site is mostly paved and is surrounded by walls and fencing. There is an entry gate to access the site on Olinder Court. The project site is currently vacant and contains one, centrally located structure. A shed and adjacent metal pavilion are also located along the southeast boundary of the project site. The project site also contains existing downward directed lighting from approximately 4 light poles. Street trees are located along Olinder Court and Felipe Avenue, and streetlights are also present along these streets.

## Regulatory Framework

### State

#### State Scenic Highways Program

The State Scenic Highways Program is designed to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The project site is not located near any scenic highways. The closest scenic highway is a portion of Interstate 280 from Route 17 to Interstate 80 near First Street in San Francisco that is eligible for designation as a scenic highway located approximately 5.25 miles west of the project site (Caltrans, 2022).

## Local

### Council Policy 4-3 Outdoor Lighting Policy

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

### General Plan Policies

The Envision 2040 San José General Plan (General Plan) defines scenic vistas in the City of San José as views of and from the Santa Clara Valley, surrounding hillsides, and urban skyline. Scenic urban corridors, such as segments of major highways that provide gateways into the City, can also be defined as scenic resources by the City. The designation of a scenic route applies to routes affording especially aesthetically pleasing views. According to the General Plan and the Scenic Corridor Diagram, the project site is not along a roadway that would be considered a "Gateway", "Urban Throughway", or "Rural Scenic Corridor."

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating aesthetic impacts from development projects. The following policies are applicable to the proposed project.

Envision San José 2040 Policies Relevant to Aesthetics	
Policy CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.7	Require developers to provide pedestrian amenities, such as trees, lighting, recycling and refuse containers, seating, awnings, art, or other amenities, in pedestrian areas along project frontages. When funding is available, install pedestrian amenities in public rights-of-ways.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City.
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-1.13	Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.
Policy CD-1.17	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
Policy CD-1.18	Encourage the placement of loading docks and other utility uses within parking structures or at other locations that minimize their visibility and reduce their potential to detract from pedestrian activity.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street

**Envision San José 2040 Policies Relevant to Aesthetics**

	frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.
Policy CD-1.25	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.
Policy CD-1.28	Locate utilities to be as visually unobtrusive as possible, by placing them underground or within buildings. When above-ground or outside placement is necessary, screen utilities with art or landscaping.
Policy CD-1.29	When approving new construction, require the undergrounding of distribution utility lines serving the development. Encourage programs for undergrounding existing overhead distribution lines. Overhead lines providing electrical power to light rail transit vehicles and high tension electrical transmission lines are exempt from this policy.
Policy CD-8.1	Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance and applied through the zoning designation for properties throughout the City. Land use designations in the Land Use/ Transportation Diagram provide an indication of the typical number of stories.

**Discussion**

- a, b) *Have a substantial adverse effect on a scenic vista; Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

**Less than Significant.** As identified in the *Environmental Setting above*, the project site is not located near any scenic highways officially designated as scenic highway by the California Department of Transportation. The closest scenic highway is a portion of Interstate 280 from Route 17 to Interstate 80 near First Street in San Francisco that is eligible for designation as a scenic highway located approximately 5.25 miles west of the project site (Caltrans, 2022). Therefore, the proposed project would not have the potential to affect a state scenic highway. The project site is also not along a roadway that would be considered a “Gateway”, “Urban Throughway”, or “Rural Scenic Corridor,” according to the General Plan and the Scenic Corridor Diagram (City of San José, 2016).

The proposed project is located in an urbanized part of the City, and is surrounded by commercial and industrial land uses. The visibility of prominent viewpoints would not be obstructed by the construction of a new, one-story fire station. Additionally, the development of the proposed one-story fire station would not impact scenic vistas, since no scenic vistas are observable in the proposed project vicinity due to existing topography and a new, one-story building would not obstruct distant views. For these reasons, the development of the proposed project would not directly affect a scenic vista or scenic resource, and this impact would be less than significant.

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

**Less than Significant.** The project site is currently located in an urbanized part of the City, and the surrounding area is comprised generally of commercial and industrial uses. The General Plan Land Use designation for the site is Combined Industrial/Commercial (CIC) and the Zoning is Industrial Park (IP). Per Resolution No. 79873 (Approved 01-26-2021), City services and facilities such as public parks, fire stations and libraries are allowed on all properties within the City, regardless of General Plan land use designation or zoning district. The proposed one-story fire station would also be similar in size and mass to most structures in the proposed project vicinity, and the proposed project would be visually consistent with the existing built-out urban environment in the area. Furthermore, the proposed landscaping would enhance the existing landscaping on the project site and the surrounding area. The proposed project would also be consistent with the General Plan goals and policies regulating scenic quality in the City. Thus, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality, and this impact would be less than significant.

- d) *Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?*

**Less than Significant.** The proposed project does not propose any major sources of lighting or glare. The proposed project would contain exterior lighting above the entrances and within parking areas, for security purposes, that would be directed downward consistent with the City of San José's Outdoor Lighting Policy. The project site is located within an urbanized area with existing sources of light and glare, including the nighttime security lighting at adjacent commercial properties, and lighting streetlights on Felipe Avenue and Story Road. Vehicle headlights also contribute to the existing light and glare conditions. All lighting would conform to the Council Policy 4-3 Outdoor Lighting Policy. In addition, the proposed project would not introduce materials into the design that would create substantial glare. Potential light and glare from emergency lights from fire trucks responding to service calls would be limited in timing and duration, and would not represent substantial light or glare which would adversely affect daytime or nighttime views in the area. Therefore, the proposed project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

## 5.2 Agriculture and Forestry Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>II. AGRICULTURE AND FORESTRY RESOURCES —</b>				
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.				
<b>Would the project:</b>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Environmental Setting

CEQA requires the evaluation of agricultural and forest/timber resources where they are present. The project site is currently developed, located in an urbanized part of the City, and does not provide any agricultural uses. The project site also does not contain any forest/timber resources.

### Regulatory Framework

#### State

In California, agricultural land is given consideration under CEQA. According to Public Resources Code §21060.1, "agricultural land" is identified as prime farmland, farmland of statewide importance, or unique farmland, as defined by the U.S. Department of Agriculture land inventory and monitoring criteria, as modified for California. The project site is designated as "Urban and Built-Up Land" and is surrounded by Urban and Built-Up Land by the California Department of Conservation (DOC, 2021). CEQA also requires consideration of impacts on lands that are under Williamson Act contracts. None are present on the project site (County of Santa Clara, 2022).

The site does not contain any forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g).

## Local

### General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating agricultural impacts from development projects. The following policies are applicable to the proposed project.

Envision San José 2040 Policies Relevant to Agricultural Resources	
Policy LU-12.3	<p>Protect and preserve the remaining farmlands within San José's sphere of influence that are not planned for urbanization in the timeframe of the Envision General Plan through the following means:</p> <ul style="list-style-type: none"> <li>• Limit residential uses in agricultural areas to those which are incidental to agriculture.</li> <li>• Restrict and discourage subdivision of agricultural lands. Encourage contractual protection for agricultural lands, such as Williamson Act contracts, agricultural conservation easements, and transfers of development rights.</li> <li>• Prohibit land uses within or adjacent to agricultural lands that would compromise the viability of these lands for agricultural uses.</li> <li>• Strictly maintain the Urban Growth Boundary in accordance with other goals and policies in this Plan.</li> </ul>
Policy LU-12.4	<p>Preserve agricultural lands and prime soils in non-urban areas in order to retain the aquifer recharge capacity of these lands.</p>

## Discussion

- a-e) *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; Conflict with existing zoning for agricultural use, or a Williamson Act contract; 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)); Result in the loss of forest land or conversion of forest land to non-forest use; Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

**No Impact.** The project site is designated as “Urban and Built-Up Land” and is surrounded by Urban and Built-Up Land as designated by the California Department of Conservation (DOC, 2021). As a result, the proposed project would not convert farmland to non-agricultural uses and no impact would occur. Further, the site is not located on land under a Williamson Act contract. As a result, the proposed project would not conflict with existing zoning for agricultural uses or a Williamson Act contract.

The proposed project would not result in the rezoning of forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526 or Government Code section 51104(f), or timberland production zones as defined by Government Code section 51104(g), as the project site does not contain any of these lands. The project site does not contain any forest land, timberland, or timberland production zones. As such, the proposed project will not impact forest resources.

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

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## 5.3 Air Quality

<b>Issues (and Supporting Information Sources):</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>III. AIR QUALITY —</b>				
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.				
<b>Would the project:</b>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

As addressed as an introduction to this Environmental Checklist, the *California Building Industry Association v. Bay Area Air Quality Management District* case decided in 2015, the California Supreme Court held that CEQA does not generally require lead agencies to consider how existing environmental conditions might impact a project's users or residents, except where the proposed project would significantly exacerbate an existing environmental condition. Based on this decision, any analysis below of the impacts of the environment on the proposed project is provided for informational purposes only.

### Environmental Setting

The project site is located in the San Francisco Bay Area Air Basin (Bay Area Air Basin) which is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). Santa Clara County has a Mediterranean climate; temperatures rarely reach below freezing, adequate rainfall year-round, and warm days in the summertime with cool evenings.

### Regional and Local Criteria Pollutants

Major criteria pollutants, listed in "criteria" documents by the USEPA and CARB include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter (PM). These pollutants can have health effects such as respiratory impairment and heart/lung disease symptoms. The proposed project is located in the northern portion of Santa Clara County, which is in the San Francisco Bay Area Air Basin. Based on the California standards, the Bay Area meets all ambient air quality standards with the exception of ground-level ozone, respirable particulate matter (PM10), and fine particulate matter (PM2.5) which are described further below.

High ozone levels are caused by the cumulative emissions of reactive organic gases (ROG) and



nitrogen oxides (NO<sub>x</sub>). These precursor pollutants react under certain meteorological conditions to form high ozone levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce ozone levels. The highest ozone levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources. High ozone levels aggravate respiratory and cardiovascular diseases, reduce lung function, and increase coughing and chest discomfort.

Particulate matter is a pollutant that exceeds State air quality standards in the Bay Area. Particulate matter 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 (or cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

### ***Regional and Local Air Quality***

The City of San José is within the jurisdiction of the BAAQMD, which regulates air quality in the San Francisco Bay Area. Air quality conditions in the San Francisco Bay Area have improved significantly since the BAAQMD was created in 1955. Ambient concentrations of air pollutants and the number of days during which the region exceeds air quality standards have fallen dramatically. Neither State nor national ambient air quality standards of these chemicals have been violated in recent decades: nitrogen dioxide, sulfur dioxide, sulfates, lead, hydrogen sulfide, and vinyl chloride. Those exceedances of air quality standards that do occur primarily happen during meteorological conditions conducive to high pollution levels, such as cold, windless nights or hot, sunny summer afternoons. The Bay Area still exceeds the State standard for 1-hour ozone as well as the State and federal 8-hour standards. Levels of particulate matter less than 10 microns in size (PM<sub>10</sub>) have exceeded State standards two of the last three years, and the area is considered a nonattainment area for this pollutant relative to the State standards. The San Francisco Bay Area is an unclassified area for the federal PM<sub>10</sub> standard. The San Francisco Bay Area meets all State and federal attainment standards with the exception of ozone, PM<sub>10</sub> and PM<sub>2.5</sub>.

### ***Sensitive Receptors***

For the purposes of this air quality analysis, sensitive receptors are defined as facilities and land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these types of uses include schools, hospitals, and daycare centers. Residential areas are also considered sensitive to poor air quality because people usually stay home for extended periods of time, which results in greater exposure to ambient air quality.

The land directly surrounding the proposed site includes vacant lots, commercial retail spaces, and a church. The nearest hospital is 2 miles away. There are no childcare facilities or primary schools within 1,000 feet of the proposed fire station. The closest sensitive receptors are residences located in the vicinity of Via Ferrari approximately 400 feet south of the project site.

To determine the potential impacts of the proposed project, this air quality analysis uses thresholds from the BAAQMD 2017 *CEQA Air Quality Guidelines* (BAAQMD, 2017b).

## Regulatory Framework

### ***Federal***

#### **Federal Clean Air Act and United States Environmental Protection Agency (U.S. EPA)**

The Clean Air Act authorized the establishment of federal air quality standards and set deadlines for their attainment. The Clean Air Act identifies specific emission reduction goals, requires both a demonstration of reasonable further progress towards attainment, and incorporates more stringent sanctions for failure to meet interim milestones.

The United States Environmental Protection Agency (U.S. EPA) is the federal agency charged with administering Clean Air Act and other air quality-related legislation. The U.S. EPA sets and enforces the National Ambient Air Quality Standards (NAAQS) under the Clean Air Act. Violations of NAAQS are determined based on air pollutant monitoring data and judged for each air pollutant. Areas that do not violate ambient air quality standards are considered to have attained the standard. The Bay Area Air Basin is currently designated as a non-attainment area for the national 8-hour ozone standard and the federal PM<sub>2.5</sub> (24-hour) standard. The Bay Area Air Basin has met the CO standards for over a decade and is classified as an attainment area by the U.S. EPA. The U.S. EPA has deemed the area as attainment/unclassified for all other air pollutants, which include PM<sub>10</sub>.

### ***State***

#### **California Clean Air Act**

California has established its own ambient air quality standards (California Ambient Air Quality Standards, or CAAQS) that tend to be at least as protective as NAAQS and are often more stringent. In 1988, California passed the California Clean Air Act (California Health and Safety Code Sections 39600 et seq.), which, like its federal counterpart, called for the designation of areas as attainment or non-attainment, but based on state ambient air quality standards rather than the federal standards. Similar to the federal requirements, the California Clean Air Act requires each air district in which state air quality standards are exceeded to prepare a plan that documents reasonable progress towards attainment. If an air basin (or portion thereof) exceeds the CAAQS for a particular criteria air pollutant, it is considered to be non-attainment of that criteria air pollutant until the area can demonstrate compliance. The Bay Area Air Basin is currently designated as a non-attainment area for the state and federal 8-hour ozone standard, the state 1-hour ozone standard, the state PM<sub>10</sub> standard, and the state and federal PM<sub>2.5</sub> standards.

### ***Regional and Local***

#### **Bay Area Air Quality Management District**

BAAQMD is the regional air quality authority in the proposed project area. In April 2017, the BAAQMD adopted the *2017 Clean Air Plan* (BAAQMD, 2017a). The plan's primary goals are to

protect public health and protect the climate. The plan includes a wide range of proposed control measures, which consist of actions to reduce combustion-related activities, decrease fossil fuel combustion, improve energy efficiency, and decrease emissions of potent greenhouse gases (GHGs).

The *2017 Clean Air Plan* contains 85 measures to address reduction of several pollutants: ozone precursors, particulate matter, air toxics, and/or GHGs. These control strategies can be grouped into the following categories:

- Stationary source measures;
- Transportation control measures;
- Energy Control Measures;
- Building Control Measures;
- Agricultural Control Measures;
- Natural and Working Lands Control Measures;
- Waste Management Control Measures;
- Water Control Measures; and
- Super GHG Control Measures

### Envision San José 2040 General Plan

Policies included in the Envision San José 2040 General Plan (General Plan) have been adopted for the purpose of avoiding or mitigating air quality impacts from development projects. The following policies are applicable to the proposed project.

Envision San José 2040 Policies Relevant to Air Quality	
Policy MS-2.6	Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.
Policy MS-4.1	Promote the use of building materials that maintain healthful indoor air quality in an effort to reduce irritation and exposure to toxins and allergens for building occupants.
Policy MS-4.2	Encourage construction and pre-occupancy practices to improve indoor air quality upon occupancy of the structure
Policy MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
Policy MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
Policy MS-10.7	Encourage regional and statewide air pollutant emission reduction through energy conservation to improve air quality
Policy MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
Policy MS-13.2	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

## Discussion

- a) *Conflict with or obstruct implementation of the applicable air quality plan?*

**Less than Significant.** The most recently adopted air quality plan in the Bay Area is the BAAQMD's 2017 Clean Air Plan (CAP) (BAAQMD, 2017a). BAAQMD guidance states that "if approval of a project would not result in significant and unavoidable air quality impacts, after the application of all feasible mitigation, the project would be considered consistent with the CAP." As indicated in the discussion of criteria "b" and "c" below, the proposed project would not result in significant air quality impacts. The proposed project would also be consistent with applicable control measures of the 2017 CAP including emergency backup generators that would be compliant with the regulations set forth in BAAQMD Rule 11-18, resulting in reduced health risks to impacted individuals and implementing dust control best management practices required by the BAAQMD as part of the City's Standard Conditions, to reduce fugitive dust. Therefore, this impact would be less than significant.

- 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?*

**Less than Significant.**

### Construction

Construction activities would result in emissions of criteria pollutants including ozone precursors such as reactive organic gases (ROG) and nitrogen oxides (NOx) as well as particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). These pollutants are called "criteria" air pollutants because standards have been established for each of them to meet specific public health and welfare criteria. Criteria pollutant emissions would be generated by construction equipment exhaust, on-road vehicle trips of haul trucks for delivering construction material, water trucks for site dust control, and construction worker commutes to and from the project site.

Construction-related criteria air pollutant emissions for the proposed project were estimated using CalEEMod (version 2020.4.0) and modeling output files are included in **Appendix A**. Construction is assumed to take place over an approximate 14-month period. Demolition and tree removal activities (lasting approximately 2 months in an earlier phase) were assumed to precede fire station building construction. Proposed project specific data for construction phasing schedule and equipment fleet provided by the project proponent was used in the model to estimate emissions over the construction period. The total unmitigated emissions generated over the duration of construction was divided by the number of construction days for each construction year to determine average daily emissions from construction and are presented in **Table 5.3-1**. As shown in the table, emissions of ROG, NOx, PM<sub>10</sub>, and PM<sub>2.5</sub> would all be below their respective significance thresholds which for construction have been established by BAAQMD in

terms of average daily emissions. Therefore, the proposed project would not have a significant impact related to construction criteria air pollutant emissions.

**TABLE 5.3-1**  
**AVERAGE DAILY CONSTRUCTION-RELATED CRITERIA POLLUTANT EMISSIONS**  
**(POUNDS PER DAY) WITHOUT MITIGATION**

<b>Project Average Daily Construction Emissions by Year</b>	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>Exhaust PM<sub>10</sub></b>	<b>Exhaust PM<sub>2.5</sub></b>
2022	1.57	15.62	0.76	0.71
2023	1.18	8.03	0.37	0.34
2024	0.62	6.22	0.29	0.26
<i>BAAQMD Threshold for Significant Construction Impacts</i>	54	54	82	54
Potential Significant Impact?	No	No	No	No

SOURCE: ESA (Appendix A)

Additionally, the proposed project would be required to implement Envision San José 2040 policy MS-13.1 and City Standard Project Conditions, which would control dust and exhaust during construction at the project site. In addition, the implementation of the Standard Project Conditions and **Mitigation Measure AIR-1** (presented under checklist question c) would further reduce exhaust emissions from construction of the proposed project, as shown in **Table 5.3-2**.

**TABLE 5.3-2**  
**AVERAGE DAILY CONSTRUCTION-RELATED CRITERIA POLLUTANT EMISSIONS**  
**(POUNDS PER DAY) WITH MITIGATION**

<b>Project Construction Emissions by Year</b>	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>Exhaust PM<sub>10</sub></b>	<b>Exhaust PM<sub>2.5</sub></b>
2022	0.29	1.73	0.04	0.04
2023	0.57	0.88	0.02	0.02
2024	0.15	0.70	0.02	0.02
<i>BAAQMD Threshold for Significant Construction Impacts</i>	54	54	82	54
Potential Significant Impact?	No	No	No	No

SOURCE: ESA (Appendix A)

As shown in Table 5.3-2, implementation of the Standard Project Conditions and Mitigation Measure AIR-1 would reduce emissions from construction of the proposed project, which would remain below the BAAQMD thresholds of significance. Since construction criteria air pollutant emissions would all be below their respective significance thresholds established by BAAQMD without the application of Mitigation Measure AIR-1, this mitigation measure would not be required to specifically reduce criteria air pollutant emissions to less than significant levels, and the information in Table

5.3-2 is presented for informational purposes. Therefore, impacts from construction emissions would be less than significant.

### **Standard Project Conditions**

The following condition of approval in the City's Standard Project Conditions is applicable to the proposed project:

**Construction Air Quality:** The project proponent 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 5 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.

### **Operations**

Criteria pollutant emissions during operations would be generated by the diesel emergency generator, vehicle trips from employee commutes, electricity consumed by the fire station, areas sources (e.g. use of landscaping equipment, reapplication of architectural coatings, use of consumer projects), and fire truck trips. Criteria pollutant emissions were calculated conservatively using CalEEMod default factors for a government office building, as CalEEMod does not provide trip rates specifically for fire houses. The fire

truck trips associated with the new fire station were calculated outside of CalEEMod. SJFD estimates that the new Fire Station No. 32 could respond to approximately 35 calls per day under the Alternative Two-Company Design. Criteria pollutant emissions from fire truck operations were estimated using EMFAC2021 emission factors for a heavy duty truck (HHDT), conservatively using a four-minute geographic reach to estimate mileage (see Appendix A for calculation details). Average daily operational-related emissions are presented in **Table 5.3-3** and maximum annual operational-related emissions are presented in **Table 5.3-4**.

**TABLE 5.3-3  
AVERAGE DAILY OPERATIONAL-RELATED CRITERIA POLLUTANT EMISSIONS  
(POUNDS PER DAY) WITHOUT MITIGATION**

Emissions Source	ROG	NO <sub>x</sub>	Exhaust PM <sub>10</sub>	Exhaust PM <sub>2.5</sub>
Area	0.19	<0.01	<0.01	<0.01
Energy	<0.01	0.03	<0.01	<0.01
Mobile	0.24	0.24	0.44	0.12
Stationary	0.04	0.11	0.01	0.01
Fire Truck Calls	0.01	0.69	0.06	0.02
Project Operational Emissions	0.48	1.07	0.51	0.14
<i>BAAQMD Threshold for Significant Operational Impacts</i>	54	54	82	54
Potential Significant Impact?	No	No	No	No

SOURCE: ESA (Appendix A)

**TABLE 5.3-4  
MAXIMUM ANNUAL OPERATIONAL-RELATED CRITERIA POLLUTANT EMISSIONS  
(TONS PER YEAR) WITHOUT MITIGATION**

Emissions Source	ROG	NO <sub>x</sub>	Exhaust PM <sub>10</sub>	Exhaust PM <sub>2.5</sub>
Area	0.04	<0.01	<0.01	<0.01
Energy	<0.01	0.01	<0.01	<0.01
Mobile	0.04	0.04	0.08	0.02
Stationary	0.01	0.02	<0.01	<0.01
Fire Truck Calls	<0.01	0.13	0.01	<0.01
Project Operational Emissions	0.09	0.20	0.09	0.03
<i>BAAQMD Threshold for Significant Operational Impacts</i>	10	10	15	10
Potential Significant Impact?	No	No	No	No

SOURCE: ESA (Appendix A)

As shown in Table 5.3-3 and Table 5.3-4, emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> would all be below their respective significance thresholds for project operations that

have been established by BAAQMD. Therefore, the proposed project would not have a significant impact related to operational criteria air pollutant emissions.

### **Cumulative Emissions**

Based on the ozone, PM<sub>10</sub>, and PM<sub>2.5</sub> nonattainment status of the air basin, there is already a significant cumulative air quality impact. The nonattainment status is a result of past and present development involving regional pollutant sources, including mobile sources.

However, as discussed above, the proposed project would result in less than significant construction and operational impacts, which means the proposed project's incremental contribution to the cumulative impact would not be considerable.

- c) *Expose sensitive receptors to substantial pollutant concentrations?*

### **Less than Significant with Mitigation.**

#### **Construction**

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known toxic air contaminant (TAC). Construction exhaust emissions may pose health risks for sensitive receptors. The health risk assessment prepared for the proposed project evaluated the potential health effects to nearby sensitive residential receptors (the closest of which are located in the vicinity of Via Ferrari approximately 400 feet south of the project site) from construction and operational emissions of Diesel Particulate Matter (DPM) and PM<sub>2.5</sub> (see Appendix A). This assessment included dispersion modeling to predict the off-site concentrations resulting from proposed project construction, so that lifetime cancer risks and non-cancer health effects could be evaluated. Because cancer risk is a cumulative impact, exposure to operational DPM and PM<sub>2.5</sub> emissions that would continue after the completion of construction was also evaluated at the maximally-exposed individual residential receptor location (MEIR) found from the construction health risk calculation.

#### **Operations**

The proposed project would also introduce a new source of DPM and PM<sub>2.5</sub> emissions due to the installation of an emergency diesel generator. The health risk assessment prepared for the proposed project evaluated the potential health effects to nearby sensitive receptors from operational emissions of DPM and PM<sub>2.5</sub> (see Appendix A). This assessment was conducted as described above for construction of the fire station. However, an additional MEIR was evaluated to capture the health effects from proximity to the emergency generator, with exposure starting at after construction, for a full 30 years of operations.



### Health Risk Assessment Methodology

The Health Risk Assessment (HRA) was conducted using the U.S. EPA AERMOD dispersion model (version 21112) and uses measured meteorology to predict conservative concentrations at specific locations defined by a Cartesian coordinate system. Diesel construction equipment would be used during the demolition, site preparation, grading, building construction, paving, and architectural coating phases. The proposed emergency generator would also be diesel fueled.

A conservative representation of the on-site construction equipment within the project site was modeled as an area source, based on the site planning diagrams (included in Appendix A). The operational stationary source was modeled as a point source. The modeling parameters are as follows:

- On-site Construction: one polygon area source dimensions covering the project sites, with;
  - Release height of 5 meters for construction equipment exhaust;
  - Initial vertical dimension of 1.4 meters;
  - Emissions occurring only between the hours of 7 AM and 7 PM;
- Operational Stationary Source: point source at emergency generator location, with;
  - Release height of 3.66 meters (12 feet);
  - Gas Exit Temperature of 739.8 K (872.0 °F);
  - Stack Inside Diameter 0.18 meters (0.6 feet);
  - Gas Exit Velocity 45.3 meters/second (148.6 feet/second)
  - Building Downwash applied;
- Receptor flagpole height of 1.5 meters (ground-level receptor at breathing height); and
- Meteorological station of Norman Y. Mineta San José International Airport for the years 2013 through 2017.

The sources were modeled with an emission rate of one gram per second to obtain a dispersion factor (unit concentration) at each receptor location. The DPM and PM<sub>2.5</sub> concentrations were calculated using the dispersion factors and the DPM and PM<sub>2.5</sub> emissions from Table 5.3-1 and Table 5.3-2. Emergency generator emissions were calculated in CalEEMod for a 125 KW engine running 50 hours a year of maintenance and testing, presented under the stationary source in Table 5.3-4.

The HRA was based on recommended methodology of the Office of Environmental of Health Hazard Assessment (OEHHA) and adopted by the BAAQMD (OEHHA 2015). To calculate the resident child cancer risks, the 95<sup>th</sup> percentile daily child breathing rate is recommended by the BAAQMD for children under the age of two and 80<sup>th</sup> percentile rate for age groups that are 2 years old or older (BAAQMD 2016). These breathing rates were

used along with the modeled annual TAC concentrations and assuming the exposure would occur for 350 days per year at the residence, as recommended by BAAQMD.

The maximum excess residential cancer risks at this location would exceed the BAAQMD significance threshold of 10 in one million, and the maximum annual PM<sub>2.5</sub> concentration would exceed the BAAQMD threshold of 0.3 µg/m<sup>3</sup> for unmitigated construction activity. The chronic health hazard index is not exceeded at any location. **Table 5.3-5** below summarizes the maximum cancer risks, PM<sub>2.5</sub> concentrations, and chronic health hazard index for project-related unmitigated construction, and operational activities affecting the residential MEIR.

**TABLE 5.3-5  
HEALTH RISK IMPACTS AT THE MAXIMUM EXPOSED SENSITIVE RECEPTORS**

Receptor Type / Risk Scenario	Maximum Cancer Risk (per million)	Hazard Index	PM <sub>2.5</sub> concentration (µg/m <sup>3</sup> )
<b>Unmitigated Construction MEIR</b>			
Construction Risk	19.9	0.04	0.20
Operational Risk	0.2	NA	NA
Total	20.0	0.04	0.20
<i>BAAQMD Threshold of Significance</i>	<i>10.0</i>	<i>1.0</i>	<i>0.3</i>
Exceeds Significance Threshold?	Yes	No	No
<b>Mitigated Construction MEIR</b>			
Construction Risk	1.2	<0.01	0.01
Operational Risk	0.2	NA	NA
Total	1.3	<0.01	0.01
<i>BAAQMD Threshold of Significance</i>	<i>10.0</i>	<i>1.0</i>	<i>0.3</i>
Exceeds Significance Threshold?	No	No	No
<b>Operational MEIR</b>			
Operational Risk	0.3	<0.01	<0.01
<i>BAAQMD Threshold of Significance</i>	<i>10.0</i>	<i>1.0</i>	<i>0.3</i>
Potential Significant Impact?	No	No	No

SOURCE: ESA (Appendix A)

As shown in Table 5.3-5, the maximum increase in lifetime residential cancer risk from unmitigated construction would exceed the BAAQMD threshold of 10 in one million. After the implementation of Mitigation Measure AIR-1, DPM from construction equipment would be reduced and the maximum increased lifetime residential cancer risk, would be 1.3 in one million, the maximum annual PM<sub>2.5</sub> concentrations would be 0.01 µg/m<sup>3</sup>, and the Hazard Index would be less than 0.01 for project-level risk. As a result, health risk impacts would be reduced to less than significant.

### Cumulative Impact at MEIRs

Cumulative community risk impacts were addressed through an evaluation of TAC sources located within 1,000 feet of both the construction and operational MEIRs. These sources include freeways or highways, busy surface streets, and stationary sources identified by BAAQMD. For local roadways, BAAQMD has provided the *Roadway Screening Analysis Calculator* to assess whether roadways with traffic volumes of over 10,000 vehicles per day may have a potentially significant effect on a proposed project (BAAQMD, 2015). A review of the project area traffic volume counts from the City of San José indicates that traffic on Story Road and Highway 101 are the only roadways with over 10,000 vehicles per day within 1,000 feet of either MEIR. Other nearby streets are assumed to have less than 10,000 vehicles per day. A review of BAAQMD's stationary source GIS map tool identified three stationary sources with the potential to affect the MEIRs, all located North of Story Road and West of Highway 101, which include a gas dispensing facility, a generator, and a metal work facility.

**TABLE 5.3-6**  
**CUMULATIVE HEALTH RISK IMPACTS AT THE MAXIMUM EXPOSED SENSITIVE RECEPTORS**

Receptor Type / Risk Scenario	Maximum Cancer Risk (per million)	Hazard Index	PM <sub>2.5</sub> concentration (µg/m <sup>3</sup> )
<b>Unmitigated Construction MEIR</b>			
Project Risk (Construction + Operations)	20.0	0.04	0.20
Existing Mobile Source Risk	31.2	0.01	0.46
Existing Stationary Source Risk	1.7	<0.01	<0.01
Project + Existing	52.9	0.05	0.66
<i>BAAQMD Cumulative Threshold of Significance</i>	<i>100.0</i>	<i>10.0</i>	<i>0.8</i>
Exceeds Significance Threshold?	No	No	No
<b>Mitigated Construction MEIR</b>			
Project Risk (Construction + Operations)	1.3	<0.01	0.01
Existing Mobile Source Risk	31.2	0.01	0.46
Existing Stationary Source Risk	1.7	<0.01	<0.01
Project + Existing	34.2	0.01	0.47
<i>BAAQMD Cumulative Threshold of Significance</i>	<i>100.0</i>	<i>10.0</i>	<i>0.8</i>
Exceeds Significance Threshold?	No	No	No
<b>Operational MEIR</b>			
Project Risk (Operational)	0.3	<0.01	<0.01
Existing Mobile Source Risk	34.9	0.01	0.48
Existing Stationary Source Risk	1.5	<0.01	<0.01
Project + Existing	36.7	0.01	0.48
<i>BAAQMD Cumulative Threshold of Significance</i>	<i>100.0</i>	<i>10.0</i>	<i>0.8</i>
Exceeds Significance Threshold?	No	No	No

SOURCE: ESA (Appendix A)

**Table 5.3-6** reports both the proposed project and cumulative community risk impacts. Without mitigation, the proposed project would have a significant impact with respect to community risk caused by proposed project construction activities, since the maximum cancer risk exceeds the single-source threshold of 10.0 per million for cancer risk. However, the cumulative cancer risk and PM<sub>2.5</sub> concentrations would not exceed their cumulative source thresholds of greater than 100 per million and greater than 0.8 µg/m<sup>3</sup>, respectively. Thus, a less-than-significant cumulative impact would occur during construction and operation of the proposed project.

**Impact AIR-1:** Cancer risk from construction activities would be 20.0 per million, which exceeds the single-source significance threshold of 10 per million, at the residence with maximum impact, assuming infant exposure.

**Mitigation Measure AIR-1: Tier 4 Engines.**

Prior to the start of construction activities, the project proponent shall prepare a construction operations plan that demonstrates that the off-road equipment used on-site to construct the Project would at minimum achieve a fleet-wide average 95-percent reduction in mass of exhaust emissions of diesel particulate matter (DPM). Specifically, this plan shall include, but is not limited to, the measures identified below:

- All diesel-powered off-road equipment larger than 25 horsepower operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines with CARB-certified Level 3 Diesel Particulate Filters, or equivalent. Exceptions could be made for equipment that includes CARB-certified Level 3 Diesel Particulate Filters or equivalent. Equipment that is electrically powered or uses non-diesel fuels would also meet this requirement
- Provide electric power if feasible to avoid use of diesel-powered generator sets and other portable equipment.

Off-road equipment descriptions and information shall be provided, including, but not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number. Prior to the issuance of any demolition, grading, or building permit (whichever comes first), the Project proponent shall submit the construction operations plan and records of compliance to the Director of the Department of Planning, Building and Code Enforcement or the Director's designee.

- d) *Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

**Less than Significant.** Typical odor sources of concern include wastewater treatment plants, sanitary landfills, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical manufacturing facilities, fiberglass manufacturing facilities, auto body shops, and rendering plants. The proposed project would not introduce significant sources of new odors in the vicinity as the proposed project includes

water supply infrastructure. Therefore, odor impacts from the proposed project would be less than significant.

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## 5.4 Biological Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>IV. BIOLOGICAL RESOURCES — Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Environmental Setting

The project site is a predominantly vacant paved lot with one centrally located structure with surrounding street trees and minimal landscaping vegetation. The nearest waterways to the project site is Coyote Creek, approximately 1.1-miles to the east. Due to the developed and urbanized condition of the project site and adjacent parcels, habitat values for special-status wildlife and plant species are considered low. Habitat for several common wildlife species is locally available; however, including potential bird nesting associated with landscaping trees and existing buildings on and near the site.

Information used in preparation of this section includes database queries from the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB) (CDFW, 2022), California Native Plant Society (CNPS) Electronic Inventory (CNPS, 2022),<sup>4</sup> and

<sup>4</sup> ESA queried CNDDDB and CNPS records for the following USGS 7.5-minute quadrangles: Milpitas, Calaveras Reservoir, San Jose West, and San Jose East, U.S. Geographical Survey (USGS) 7.5-minute topographic quadrangles.

the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation database (USFWS, 2022). ESA also reviewed current and historical Google Earth aerial imagery of the study area and casual citizen science eBird sighting records for *Emma Prusch Park* in Santa Clara County, California (eBird, 2022).

## **Regulatory Framework**

### ***Federal and State Special-Status Species***

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 USFWS and 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 will 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” said 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, Section 15380(b) and (c) of the CEQA Guidelines provided that all potential rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review. These may include CDFW Species of Special Concern and species identified by the CNPS as rare, threatened, or endangered.

### **Migratory Bird and Birds of Prey Protection**

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines take as causing abandonment and/or loss of reproductive efforts through disturbance.

## ***Regional and Local***

### **Santa Clara Valley Habitat Plan**

The project site is located within the boundaries of the Santa Clara Valley Habitat Plan (Habitat Plan). The Habitat Plan is both a habitat conservation plan intended to fulfill the requirements of the federal Endangered Species Act and a natural community conservation plan to fulfill the requirements of the California Natural Community Conservation Planning Act. The Habitat Plan was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, USFWS, and CDFW. The Habitat Plan is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. Land designations of the project site under the Habitat Plan are as follows:

- Area 4: Urban Development Equal to or Greater than 2 Acres Covered
- Land Cover: Urban-Suburban
- Land Cover Fee Zone: Urban Areas (No Land Cover Fee)

### City of San José Tree Ordinance

The San José Municipal Code includes tree protection measures (Municipal Code Title 13, Chapters 13.28 [Street Trees, Hedges and Shrubs] and 13.32 [Tree Removal Controls]) that regulate the removal of trees. An “ordinance-sized tree” on private property is defined as any tree having a main stem or trunk 12 inches in diameter (38 inches or more in circumference) at a height measured 54 inches (4.5 feet) above ground. For multi-trunk trees, the circumference is measured as the sum of the circumferences of all trunks at 54 inches above grade. On single-family or duplex lots, a permit is required to remove ordinance-sized trees, even if they are unhealthy or dead. On multi-family, commercial, or industrial lots, a permit is required to remove a tree of any size.

The Code also defines a “heritage tree” as any tree that because of factors including but not limited to its history, girth, height, species or unique quality, has been found by the City Council to have a special significance to the community. The locations of all heritage trees within the City of San José are mapped and available online<sup>5</sup>. Pruning or removing a heritage tree is illegal without first consulting the City Arborist and obtaining a permit. Finally, street trees are those that are located in the public right-of-way between the curb and sidewalk. A permit is required before pruning or removing a street tree.

No heritage trees are located or anticipated to be removed on the project site. A permit would be required for any removal of street trees.

### General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating biological resource impacts from development projects. The following policies are applicable to the proposed project.

Envision San José 2040 Policies Relevant to Biological Resources	
Policy CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.
Policy ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
Policy ER-6.5	Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.

<sup>5</sup> City of San José Heritage Tree webpage. <https://www.sanjoseca.gov/your-government/departments/transportation/roads/landscaping/trees/heritage-trees>. Accessed February 28, 2022.



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-21.8	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals: <ul style="list-style-type: none"> <li>• Avoid conflicts with nearby power lines.</li> <li>• Avoid potential conflicts between tree roots and developed areas.</li> <li>• Avoid use of invasive, non-native trees.</li> <li>• Remove existing invasive, non-native trees.</li> <li>• Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species.</li> <li>• Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.</li> </ul>

## Discussion

### Impact Analysis

The analysis below addresses each of the CEQA checklist categories under Biological Resources.

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

**Less than Significant with Mitigation Incorporated.** The project site and surrounding area are located in an urban environment consisting of residences and street streets with high levels of human activity. Vegetation on the project site consists of landscape plants and trees and is not considered a natural vegetation community. No U.S. Fish and Wildlife Service-designated critical habitat for threatened and endangered species is present in or around the project site (USFWS, 2022). Queries of the federal and state plant and wildlife databases identified 37 special-status wildlife and 28 special-status plant species from the project region (CDFW, 2022). Of these, 10 are extirpated from the area and are, therefore, not expected to occur at the project site. The rest of the remaining 54 species are not expected at the project site or in the local vicinity due to the absence of suitable habitat and/or lack of recent or historic occurrences.

Although landscape plants and trees provide only limited habitat to support wildlife species, they can provide cover, foraging, and nesting habitat for a variety of common bird species that tolerate human activity, such as dark-eyed junco (*Junco hyemalis*), California towhee (*Melospiza crissalis*), American bushtit (*Psaltiriparus minimus*), house finch (*Haemorrhous mexicanus*), Anna's hummingbird (*Calypte anna*), and American crow (*Corvus brachyrhynchos*). These species, which are protected by the MBTA and California Fish

and Game Code, could nest and/or roost in the landscape trees, shrubs, and crevices of existing buildings on and around the project site. The loss of any active nest by, for example, trench excavation, tree removal, or increased noise or visual disturbance, must be avoided under federal and California law. However, if present on the site, nesting bird protection measures described below will avoid impacts to this species.

If nesting birds are present at the time of construction they could be directly impacted during tree removal and demolition, or indirectly impacted by noise, vibration, or any other disturbances associated with construction activities. Indirect impacts could result from adults spending less time at the nest, nest abandonment, or failure due to inadequate incubation of eggs or brooding of chicks. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact.

Implementation of **Mitigation Measure BIO-1: Nesting Bird Protection Measures**, would reduce the disturbance of active bird nests containing eggs or chicks by avoiding activities during the nesting and roosting seasons, and provide advance biological surveys and appropriate nest avoidance buffers prior to construction activities during the active nesting season.

Bats, their maternity roosts and hibernation roosts, and other non-game mammals are also protected under California Fish and Game Code. No bat roosting habitat was identified during review of the proposed project.

**Impact BIO-1:** Demolition, grading, and construction activities and tree removal during the nesting season could impact migratory birds.

**Mitigation Measure BIO-1: Nesting Bird Protection Measures.**

- **Avoidance:** To the extent possible, the project proponent shall schedule all construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive). Construction activities include any site disturbance such as, but not limited to, tree trimming or removal, demolition, grading, and trenching.
- **Nesting Bird Surveys:** If construction activities cannot be scheduled between September 1st and January 31st (inclusive), pre-construction nesting bird surveys shall be completed by a qualified biologist to ensure that active nests are not disturbed by construction activities. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive). During this survey, the biologist shall inspect all trees and other possible nesting habitats on-site and within 250 feet of the site for nests.
- **Buffer Zone:** If an active nest is found within 250 feet of the project area to be disturbed by construction, the ornithologist/biologist, 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 for raptors and 100 feet for other birds) to ensure that nests are not be disturbed during construction. The no-disturbance buffer shall remain in place until the biologist determines the nest is no longer active or if the nesting season ends. If construction ceases for two days or more then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts on active bird nests that may have been established during the pause in construction.

- **Reporting:** Prior to any construction activities, the ornithologist/biologist shall submit a report indicating the results of the surveys and any designated buffer zones to the satisfaction of the Director of the Department of Planning, Building and Code Enforcement or the Director's designee.

Implementation of Mitigation Measure BIO-1: Nesting Bird Protection Measures, would reduce potential impacts on nesting birds to a less-than-significant level by limiting removal of vegetation to periods outside of the bird nesting season, to the extent feasible, conducting preconstruction nesting surveys, and establishing no work buffer zones around active nests identified on or near the project sites.

- 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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

**No Impact.** No riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service were identified within the boundaries of the project site. Therefore, the proposed project would not impact any such habitat types.

- 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?*

**No Impact.** The nearest waterways to the project site are Coyote Creek, approximately 1.7 miles to the west. Proposed project activities would not have a substantial adverse effect on state or federally protected wetlands, since none are located on or near the site.

- 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?*

**No Impact.** The proposed project is proposed on an urban infill site surrounded by development and is not expected to impact existing wildlife corridors, nor support any communal native wildlife nursery sites, such as heron rookeries or shorebird colonies. Therefore, the proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, nor would it 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?*

**Less than Significant Impact.** Below is a discussion of the proposed project's consistency with local policies and ordinances protecting biological resources, including the City's Tree Ordinance. Construction of the proposed project would result in the removal of 8 trees. Removal of trees from the project site would require the posting of a courtesy notice to the public and review by the City Arborist's Office. Existing trees that would be retained will be protected consistent with City of San José requirements.

**Table 5.4-1**, below shows all trees proposed for removal, for which seven are ordinance-sized trees two are classified as street trees.

**TABLE 5.4-1  
TREES PROPOSED FOR REMOVAL**

Tag No.	Species	Scientific Name	Trunk Circumference (inches) <sup>a</sup>	Ordinance Tree/ Non-Ordinance/ Street Tree <sup>b</sup>
40259	Pacific crabapple	<i>Pyrus diversifolia</i>	28	Street tree
40256	Pacific crabapple	<i>Pyrus diversifolia</i>	38	Ordinance tree
40257	Pacific crabapple	<i>Pyrus diversifolia</i>	38	Ordinance tree
40258	Pacific crabapple	<i>Pyrus diversifolia</i>	38	Ordinance tree
40108	Pacific crabapple	<i>Pyrus diversifolia</i>	38	Ordinance tree
40109	Pacific crabapple	<i>Pyrus diversifolia</i>	38	Ordinance tree
40110	Pacific crabapple	<i>Pyrus diversifolia</i>	38	Ordinance tree
40111	Pacific crabapple	<i>Pyrus diversifolia</i>	38	Ordinance tree

NOTES:

a. Measured at 4.5 feet above grade.

b. The removal of Ordinance trees equal to or greater than 38-inches diameter requires a Tree Removal Permit or equivalent from the City.

SOURCE: ESA, 2021. Siegfried, 2021

### **Standard Project Conditions**

The following condition of approval in the City's Standard Project Conditions is applicable to the proposed project:

#### **Tree Replacement.**

Any removed trees would be replaced according to tree replacement ratios required by the City, as provided in **Table 5.4-2** below, as amended.

**TABLE 5.4-2  
TREE REPLACEMENT RATIOS**

Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more	5:1	4:1	3:1	15-gallon
19 up to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon

## NOTES:

x:x = tree replacement to loss ratio

Trees greater than or equal to 38-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial, and Industrial properties, a permit is required for removal of trees of any size.

A 38-inch tree equals 12.1 inches in diameter

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

Single-Family and Two-dwelling properties may be mitigated at a 1:1 ratio.

- 8 trees onsite would be removed. 7 trees would be replaced at a 5:1 ratio, and the remaining tree would be replaced at a 3:1 ratio. There are 8 native trees on-site. The total number and size of replacement trees required to be planted is 38. The permittee will pay Off-Site Tree Replacement Fees to the City for 23 replacement trees (15-gallon) that could not be planted on-site because of insufficient area.
- If there is insufficient area on the project site to accommodate the required replacement trees, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage. Changes to an approved landscape plan requires the issuance of a Permit Adjustment or Permit Amendment:
  - The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site, at the development permit stage.
  - Due to the nature of site size and use, when the site is not able to fit more than identified by City Tree ratio, required trees can be replaced using other City Facilities Architectural Services project sites (numerous parks projects).

Pursuant to the Standard Permit Condition above, the proposed project will replace the trees on-site or pay the in-lieu off-site fee.

- 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?*

**No Impact.** The proposed project is located within the Santa Clara Valley Habitat Plan (SCVHP) area and is considered a Covered Activity. The proposed project is located on land cover type designated by the SCVHP as Urban-Suburban. The nitrogen deposition fee applies to all projects that create new vehicle trips. A nitrogen deposition fee would be required for each new vehicle trip generated by the proposed project, at the time of

development. The proposed project would implement the following Standard Project Condition in accordance with the SCVHP and would not conflict with Habitat Plan.

***Standard Project Conditions***

**Santa Clara Valley Habitat Plan Conditions.** The proposed project is subject to applicable Santa Clara Valley Habitat Plan (SCVHP) conditions and fees (including the nitrogen deposition fee) prior to the start of construction activities. The project proponent shall submit the Santa Clara Valley Habitat Plan Coverage Screening Form (<https://www.scv-habitatagency.org/DocumentCenter/View/151/Coverage-Screening-Form?bidId=>) to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of all applicable fees prior to the start of construction activities. The Habitat Plan and supporting materials can be viewed at <https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan>.

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## 5.5 Cultural Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>V. CULTURAL RESOURCES — Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Environmental Setting

### Background Research

ESA completed a records search at the Northwest Information Center (NWIC) of the California Historical Resources Information System on February 8, 2022 (File No. 21-1278). The review included the project site and a 0.25-mile radius. Previous surveys, studies, and site records were accessed. Records were also reviewed in the Built Environment Resources Directory for Santa Clara County, which contains information on places of recognized historical significance including those evaluated for listing in the *National Register of Historic Places*, the *California Register of Historical Resources*, the *California Inventory of Historical Resources*, *California Historical Landmarks*, and *California Points of Historical Interest*. The purpose of the records search was to (1) determine whether known cultural resources have been recorded within the proposed project vicinity; (2) assess the likelihood for unrecorded cultural resources to be present based on historical references and the distribution of nearby sites; and (3) develop a context for the identification and preliminary evaluation of cultural resources.

The NWIC records search indicated that no previously recorded cultural resources intersect the project site and no cultural resources have been previously recorded within 0.25 mile of the project site. There are no previously recorded pre-contact or historic-era archaeological resources recorded within the project site or within a 0.25-mile radius. The nearest pre-contact archaeological resource is located 0.9-miles southwest of the project site.

The records search results indicated that the project site has not been previously surveyed for cultural resources and is currently completely paved and built over.

### Archaeological Sensitivity Assessment

As part of an archaeological sensitivity analysis, ESA reviewed historic maps and aerial photography, geology and soils maps, and the results of the geotechnical and soil analysis reports prepared for the proposed project. This analysis found that the project site has historically experienced heavy urban development, including residential and commercial sprawls and infrastructure to accommodate a growing population and escalating settlement patterns.

Based on the historic maps and aerials, the project site was part of a small rural farm since at least 1876 (Thompson and West, 1876). The project site has been largely undeveloped, but a large barn or outbuilding was constructed by 1939 on the parcel. Sometime between 1965 and 1968, the barn was demolished, and the alignment of Felipe Avenue was established. No permanent buildings have been constructed within the project site since. Between 1969 and 1980, the alignment of Olinder Court was established and sidewalks around the western and southern edges of the project site were constructed. The parcel was an undeveloped dirt lot between 1980 and 2005. Between 2005 and now the lot has been largely paved and used as a laydown yard and parking lot (NETR, 2022; UCSB, 2022; USGS, 2022).

Soils in the project site are Urban land-Newpark complex and Urban land-Elpaloalto complex soils. Urban land complex soils are disturbed human transported material usually found in dense urban areas where the soils have been greatly disturbed modern development (USDA, 2022). Urban land-Newpark complex and Urban land-Elpaloalto complex soils consist mainly of silty clay loam that can be more than 7 feet deep (USDA, 2022). The underlying geology of the project site consists of Quaternary alluvial gravel, sand, and silt which represent undifferentiated stream alluvium in drainages and younger alluvial fan deposits (Diblee and Minch, 2005). Given this context, the distance to previously recorded archaeological resources, and evidence of previous disturbance of the project site based on the presence of modern fill, the project site's sensitivity for pre-contact archaeological resources and historic-era archaeological resources is low.

## **Regulatory Framework**

### ***National Register of Historic Places***

The National Historic Preservation Act of 1966, as amended (U.S. Code Title 54, Section 306108), and its implementing regulations established the National Register of Historic Places (National Register) as a comprehensive inventory of known historic resources throughout the United States. The National Register is administered by the National Park Service under the direction of the Secretary of the Interior. It includes buildings, structures, sites, objects, and districts that possess historic, architectural, archaeological, engineering, or cultural significance. A property is considered significant if it meets the criteria for listing in the National Register at Code of Federal Regulations Title 36, Section 60.4 (36 CFR 60.4).

### ***California Register of Historical Resources***

The California Register is “an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC Section 5024.1(a)). Certain resources are determined by law to be automatically included in the California Register, including California properties formally determined eligible for, or listed in, the National Register.

### ***Native American Heritage Commission***

The Native American Heritage Commission (NAHC) was created by statute in 1976, is a nine-member body appointed by the Governor to identify and catalog cultural resources (i.e., places of



special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands) in California. The Commission is responsible for preserving and ensuring accessibility of sacred sites and burials, the disposition of Native American human remains and burial items, maintaining an inventory of Native American sacred sites located on public lands, and reviewing current administrative and statutory protections related to these sacred sites.

### ***California Public Resources Code Sections 5097.98 and 5097.99***

PRC Section 5097.98 (reiterated in CEQA Guidelines Section 15064.5(e)) identifies steps to follow in the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery. PRC Section 5097.99 prohibits obtaining or possessing any Native American artifacts or human remains that are taken from a Native American grave or cairn (stone burial mound).

### ***California Health and Safety Code Section 7050.5***

California Health and Safety Code Section 7050.5 protects human remains by prohibiting the disinterment, disturbance, or removal of human remains from any location other than a dedicated cemetery.

### ***City of San José Policies and Historic Preservation Ordinance***

The City of San José Historic Preservation Ordinance (Municipal Code Chapter 13.48) is designed to identify, protect, and encourage the preservation of significant resources as a means to stabilize neighborhoods, enhance property values, carry out the goals of the General Plan, foster civic pride in the city's cultural resources, and celebrate the unique historical identity of San José.

### ***Envision San José 2040 General Plan***

#### **General Plan Policies**

The General Plan includes numerous policies to promote reduction or avoidance of impacts on historic and cultural resources. The policies listed below are relevant to the proposed project:

<b>Envision San José 2040 Policies Relevant to Cultural Resources</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

## Discussion

To support the following discussion ESA prepared a cultural resources technical memo, which is included as **Appendix B** to this Initial Study.

- a) *Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*

**No Impact.** CEQA Guidelines Section 15064.5 requires the lead agency to consider the effects of a project on historical resources. An historical resource is defined as any building, structure, site, or object listed in or determined to be eligible for listing in the California Register, or determined by a lead agency to be significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, or cultural annals of California. The following discussion focuses on architectural and structural resources. Archaeological resources, including archaeological resources that are potentially historical resources according to CEQA Guidelines Section 15064.5, are addressed under impact b, below.

Through a records search, background research, and archaeological sensitivity assessment, no historical resources were identified in the project site. As such, there are no architectural or structural resources in the project site that qualify as historical resources, as defined in CEQA Guidelines Section 15064.5; therefore, the proposed project is not anticipated to impact any historical resources and no mitigation is required.

- b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

**Less than Significant with Mitigation Incorporated.** This section discusses archaeological resources, both as historical resources according to CEQA Guidelines Section 15064.5, as well as unique archaeological resources, as defined in California Public Resources (PRC) (CEQA) Section 21083.2(g). A significant impact would occur if the proposed project would cause a substantial adverse change to an archaeological resource through physical demolition, destruction, relocation, or alteration of the resource.

Based on the results of the records search, background research, and archaeological sensitivity assessment, no archaeological resources have been identified in the project site. The archaeological sensitivity analysis found that the project site has a low potential for encountering archaeological resources. While unlikely, there is the potential for the discovery of buried archaeological resources during ground-disturbing activities. Accordingly, the proposed project shall implement **Mitigation Measure CUL-1: Cultural Resources Awareness Training**, in addition to the City's Standard Project Conditions, to determine, mitigate, and reduce any potential significant impacts. If any previously unrecorded archaeological resources are identified during proposed project ground disturbing activities and were found to qualify as a historical resource per CEQA Guidelines Section 15064.5 or a unique archaeological resource, as defined in PRC

(CEQA) Section 21083.2(g), any impacts to the resource resulting from the proposed project could be potentially significant. Any such potential significant impacts would be reduced to a less than significant level with implementation of **Mitigation Measure CUL-1** and the City's Standard Project Conditions, below.

### ***Standard Project Conditions***

The following conditions of approval in the City's Standard Project Conditions are applicable to the proposed project:

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

**Human Remains.** If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. 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 proponent 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:

- a. The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
- b. The MLD identified fails to make a recommendation; or
- c. 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.

## Mitigation

**Impact CUL-1:** Proposed project ground disturbing activities could result in significant impacts to unrecorded archaeological resources.

### **Mitigation Measure CUL-1: Cultural Resources Awareness Training.**

Prior to the start of construction activities, the project proponent shall be required to submit evidence that a Cultural Awareness Training will be provided to construction personnel prior to ground disturbances. The training shall be facilitated by the project archaeologist in coordination with a Native American representative registered with the Native American Heritage Commissions for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3.

- c) *Disturb any human remains, including those interred outside of formal cemeteries?*

**Less than Significant.** Based on the records search and survey results, no human remains are known to exist within the project site. It is possible that human remains would be encountered during construction of the proposed project. Therefore, the possibility of inadvertent discovery cannot be entirely discounted. In the event of the discovery of human remains during proposed project construction activities, implementation of the City's Standard Project Conditions, would reduce potential impacts to human remains.

## 5.6 Energy

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>VI. ENERGY — Would the project:</b>				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Environmental Setting

San José Clean Energy (SJCE) is the electricity provider for most residents and businesses in the City of San José. SJCE sources electricity, and the Pacific Gas and Electric Company (PG&E) delivers it to customers using existing PG&E utility lines. SJCE buys its power from a number of suppliers. Sources of renewable and carbon-free power include California wind, solar, and geothermal; Colorado wind; and hydroelectric power from the Pacific Northwest. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent greenhouse gas (GHG) emission-free electricity. Customers can enroll in the TotalGreen program through SJCE and receive 100 percent GHG free electricity from entirely renewable resources.

## Regulatory Framework

Many federal, State, and local statutes and policies address energy conservation. At the federal level, energy standards set by the U.S. EPA apply to numerous consumer and commercial products.

### State

#### California Renewable Energy Standards

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the State's electricity mix to 20 percent of retail sales by 2010. In 2006, California's 20 percent by 2010 RPS goal was codified under Senate Bill (SB) 107. Under the provisions of SB 107 (signed into law in 2006), investor-owned utilities were required to generate 20 percent of their retail electricity using qualified renewable energy technologies by the end of 2010. In 2008, Executive Order S-14-08 was signed into law and requires that 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 for retail sellers and publicly owned utilities, requires them to procure 50 percent of the State's electricity from renewable sources by 2030.

## California Building Codes

At the State level, 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. Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments (California Energy Commission, 2020).<sup>6</sup>

The California Green Building Standards Code (CalGreen) establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality.

## Local

### General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating energy impacts from development projects. Policies applicable to the proposed project are presented below.

#### Envision San José 2040 Policies Relevant to Energy

Policy MS-1.6	Recognize the interconnected nature of green building systems, and, in the implementation of Green Building Policies, give priority to green building options that provide environmental benefit by reducing water and/or energy use and solid waste.
Policy MS-2.1	Develop and maintain policies, zoning regulations, and guidelines that require energy conservation and use of renewable energy sources
Policy MS-2.4	Promote energy efficient construction industry practices.
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
Policy MS-14.4	Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
Policy TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.

<sup>6</sup> California Energy Commission. 2019 Building Energy Efficiency Standards for Residential and Nonresidential Buildings. 2018. <https://ww2.energy.ca.gov/2018publications/CEC-400-2018-020/CEC-400-2018-020-CMF.pdf>.

**Envision San José 2040 Policies Relevant to Energy**

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

- a, b) *Result in 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?*

**Less than Significant.** Construction and operation of the proposed project would require energy consumption. Construction of the proposed project would increase consumption of energy in the forms of electricity and fossil fuels (e.g., gasoline and diesel) during proposed construction activities. The primary construction-related energy demands would be construction equipment, worker vehicles, and material delivery trucks. The proposed project does not have unusual characteristics that would require construction equipment that would be less energy-efficient than at comparable construction sites in other parts of the City. Therefore, it is expected that construction fuel consumption associated with the proposed project would not be any more inefficient, wasteful, or unnecessary than at other construction.

During proposed project operation, electricity would be consumed through fire station building operation and EV charging spaces. The proposed project would meet LEED Silver, with a goal of obtaining LEED Gold certification. The proposed project would also include on-site renewable electric generation via a rooftop approximately 57.1 kW solar electric PV system, which is estimated to generate between 89,022 and 94,219 kWh of electricity per year (NREL, 2022). As such, much of the building-related electricity would be offset by on-site generated electricity.

Gasoline fuel would be used by SJFD personnel and visitors traveling to and from the project site. Based on 8 daily SJFD personnel and assuming 4 daily visitor trips of 14.37 miles per trip (the average vehicle miles traveled [VMT] per employee for the area), and an average fuel economy of 25.4 miles per gallon (mpg), the proposed project would result in the consumption of approximately 2,478 gallons of gasoline per year (City of San José, 2020; U.S. EPA, 2021). Additionally, SJFD personnel may be moved from other stations as part of the staffing of the new fire station and may represent a lower net increase in employment Citywide, and net new gasoline consumption may be lower as a result. EV spaces and charging would also be provided which would encourage the use of EVs to travel to and from the project site. Bicycle facilities would also be provided on the project site, including long- and short-term bicycle parking spaces. The proposed fire station would also include showers and other amenities as part of its dormitories, which would encourage the use of bicycles for commuting purposes.

Diesel fuel would be consumed by diesel emergency generator testing and usage, and by fire apparatus during calls for service. Emergency generator use would be intermittent, occurring only during routine testing activities and during emergency events. While service boundaries have not yet been set, this analysis assumes a total of 35 calls per day shared between the potential two companies at the new fire station. Calls from other stations would be redistributed and taken by the new Fire Station No. 32. Based on the redistribution of existing SJFD service calls that the new fire companies would respond to, the local-serving nature of the fire station, and that the use of diesel fuel would be tied to the provision of emergency services, diesel fuel consumption associated with the proposed project would not be inefficient, wasteful, or unnecessary.

Considering the information presented above, the proposed project's construction and operational-related energy consumption would not result in inefficient, wasteful, or unnecessary use of energy.

By reducing the need for single-occupancy traffic trips and including green design measures to achieve LEED certification, the proposed project would comply with existing State energy standards. On-site renewable energy generation would also directly support local plans for renewable energy. Therefore, the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, and impacts would be less than significant.

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## 5.7 Geology and Soils

<b>Issues (and Supporting Information Sources):</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>VII. GEOLOGY AND SOILS — Would the project:</b>				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

As described previously under *Air Quality*, in the *California Building Industry Association v. Bay Area Air Quality Management District* case decided in 2015, the California Supreme Court held that CEQA does not generally require lead agencies to consider how existing environmental conditions might impact a project's users or residents, except where the proposed project would significantly exacerbate an existing environmental condition. Thus, with respect to seismic hazards, this Initial Study is not required to consider the effects of bringing a new population into an area where such hazards exist because the proposed project would not increase or otherwise affect the conditions that create those risks. Furthermore, the identified significance criteria related to locating development on unstable geologic units and soils are valid only to extent that the proposed project would significantly exacerbate those risks. Thus, potential seismic and geologic hazards, and applicable regulatory mechanisms that address these effects, are disclosed in this section, for informational purposes.

## Environmental Setting

The project site is located in the San Francisco Bay Region, on the west flank of the Diablo Range foothills of the Coast Range geomorphic province, prominent northwest-trending mountains defining the eastern boundary of the Santa Clara Valley. Regional geologic mapping indicates that the site is underlain by Holocene-age Basin Deposits (Qhb), which consist of dark colored clay and very fine silty clay and rich in organics.

The San Francisco Bay Region contains numerous active earthquake faults. The project site is located within the Santa Clara Valley region, which lies to the east of the San Andreas Fault and to the west of the Hayward and Calaveras Faults. The California Geologic Survey (CGS) defines an active fault as one that has had surface displacement within Holocene time (about the last 11,700 years). According to the Working Group on California Earthquake, which evaluated the 30-year probability of a Moment Magnitude 6.7 or greater earthquake occurring on the known active fault systems in the Bay Area, there is an estimated overall probability of 72 percent for the Bay Area as a whole, 14.3 percent for the Hayward Fault, 7.4 percent for the Calaveras Fault, and 6.4 percent for the Northern San Andreas Fault (the closest major faults to the site). The project site is not located within a currently designate Alquist-Priolo Earthquake Fault Zoner or a Santa Clara County Hazard Zone, and no known active faults across the project site.

Groundwater has been encountered at approximately 13.5 and 16 feet below existing ground surface of the project site. However, fluctuations in the level of groundwater may occur due to variations in the rainfall, irrigation practices, and other factors, which may result in groundwater levels that differ from the levels measured. Historical groundwater data in the proposed project vicinity indicates shallower groundwater levels are possible. For purposes of the planning and design of the proposed project, it is recommended that an estimated groundwater depth of 10 feet below existing ground surface be used.

The project site is located within a mapped State of California Seismic Hazard Zone for areas that may be susceptible to liquefaction. Soil liquefaction results from loss of strength during cyclic loading, such as imposed by earthquakes. The soil considered most susceptible to liquefaction is clean, loose, saturated, uniformly graded fine sand below the groundwater table (ENGEO, 2021).

The project site is identified as having a “high sensitivity at depth” to yield significant fossil; that is, the project site it is not likely to yield resources at the surface but may contain resources at depth (City of San José, 2011).

## Regulatory Framework

### State

#### California Building Code

The 2019 California Building Standards Code (CBC) was published on July 1, 2019 and took effect on January 1, 2020. The 2019 CBC is a compilation of three types of building criteria from three different origins:

- Building standards that have been adopted by state agencies without change from building standards contained in national model codes;
- Building standards that have been adopted and adapted from the national model code standards to meet California conditions; and
- Building standards, authorized by the California legislature, that constitute extensive additions not covered by the model codes that have been adopted to address particular California concerns.

The CBC identifies acceptable design criteria for construction that addresses seismic design and load-bearing capacity, including specific requirements for seismic safety; excavation, foundation and retaining wall design, site demolition, excavation, and construction, and drainage and erosion control.

Changes in the 2019 provide enhanced clarity and consistency in application. The basis for the majority of these changes resulted from California amendments to the 2018 model building codes. Some of the most significant change include the following:

- Aligns engineering requirements in the building code with major revisions to national standards for structural steel and masonry construction, minor revisions to standards for wood construction, and support and anchorage requirements of solar panels in accordance with industry standards;
- Clarifies requirements for testing and special inspection of selected building materials during construction; and
- Recognizes and clarifies design requirements for buildings within tsunami inundation zones.

#### Paleontological Resources Regulations - California Public Resources Code

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. California Public Resources Code (Section 5097.5) stipulates that the unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

## Local

### General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating geology and soils impacts from development projects. Policies applicable to the proposed project are presented below.

Envision San José 2040 Policies Relevant to Geology and Soils	
Policy EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
Policy EC-4.2	Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process. [The City Geologist will issue a Geologic Clearance for approved geotechnical reports.]
Policy EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
Policy EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.
Action EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
Action EC-4.12	Require review and approval of grading plans and erosion control plans prior to issuance of grading permits by the Director of Public Works.
Policy ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.
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.

## Discussion

- a.i) *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.*

**Less than Significant.** The project site is not located within a currently designated Alquist-Priolo Earthquake Fault Zone or a Santa Clara County Hazard Zone, and no known active faults across the project site. The major active faults, nearest to the project site are the Hayward (5.18 miles), Calaveras (5.99 miles), and San Andreas fault (13.50

miles). As the site is not located in an Alquist-Priolo Earthquake Fault Zone nor located on an active fault, fault rupture hazards associated with the proposed project is considered low and there would be a less than significant impact.

- a.ii, iii) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking; Seismic-related ground failure, including liquefaction?*

**Less than Significant.** The project site is located in a seismically active region. The project site could experience a range of ground shaking effects during an earthquake on one of the Bay Area regional active faults. An earthquake on the nearby faults could result in very strong ground shaking intensities.<sup>7</sup> This could pose a risk to proposed structures and infrastructure. Seismic impacts would be minimized by implementation of standard engineering and construction techniques in compliance with the requirements of the California and Uniform Building Codes.

Such seismic shaking can also trigger ground failures caused by liquefaction, potentially resulting in foundation damage, disruption of utility service and roadway damage.<sup>8</sup> The project site is located within a mapped State of California Seismic Hazard Zone for areas that may be susceptible to liquefaction. A Design-Level Geotechnical Exploration (ENGEO, 2021) was prepared for the proposed project which evaluated the liquefaction hazard at the project site. Based on the study of the liquefaction hazard at the project site, a total potential liquefaction-induced settlement of 1.5 inches was recommended. Accordingly, the proposed structure was recommended to be designed to accommodate seismically induced differential settlement up to 0.75-inch between column spans (ENGEO, 2021). Standard Project Conditions below require that the proposed project implement recommendations identified in an approved geotechnical engineering report, which would include design and construction recommendations to avoid and reduce liquefaction hazards. Implementation of these recommendations along with adherence to these design and construction recommendations along with seismic provisions in the California Building Code (CBC) would reduce potential impacts from ground shaking and liquefaction to less than significant.

### **Standard Project Conditions**

The project proponent shall implement the following conditions:

#### **Seismic Damage.**

- To avoid or minimize potential damage from seismic shaking, proposed project construction shall use standard engineering and seismic safety design techniques.

<sup>7</sup> Shaking intensity is a measure of ground shaking effects at a particular location, and can vary depending on the overall magnitude of the earthquake, distance to the fault, focus of earthquake energy, and type of underlying geologic material. The Modified Mercalli (MM) intensity scale is commonly used to measure earthquake effects due to ground shaking. The MM values for intensity range from I (earthquake not felt) to XII (damage nearly total).

<sup>8</sup> Liquefaction is the process by which saturated, loose, fine-grained, granular, soil, like sand, behaves like a dense fluid when subjected to prolonged shaking during an earthquake.

Complete building design and construction at the site in conformance with the recommendations of an approved geotechnical investigation. The geotechnical investigation report shall be reviewed and approved by the Department of Public Works as part of the building permit review and entitlement process. The buildings shall meet the requirements of applicable Building and Fire Codes as adopted or updated by the City. The proposed project shall be designed to withstand soil hazards identified on the site and the proposed 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.

- Schedule all excavation and grading work in dry weather months or weatherize construction sites.
- Cover stockpiles and excavated soils with secured tarps or plastic sheeting.
- Install ditches to divert runoff around excavations and graded areas if necessary.
- The proposed project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.

a.iv) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides?*

**No Impact.** The project site has no appreciable vertical relief and would not be subject to landslides.

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

**Less than Significant.** Implementation of the proposed project would include earthwork activities such as grading and trenching. If not conducted appropriately, these activities could potentially expose underlying materials to the effects of erosion. The proposed project would be required to comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls while the site is under construction (refer to Section 5.10, *Hydrology and Water Quality* below). Sediment control measures during construction are also required by the City's Standard Project Conditions (see Section 5.10, *Hydrology and Water Quality*). Because the contractor would be required to develop and implement best management practices (BMPs) to minimize potential erosion and subsequent sedimentation of stormwater runoff in accordance with the City's Grading Ordinance and the City's Standard Project Conditions, the potential impact or erosion or loss of topsoil would be less than significant.

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?*

**Less than Significant.** As addressed under a.iv) above, the project site would not be subject to landslides. Lateral spreading is a failure within a nearly horizontal soil zone (possibly due to liquefaction) that causes the overlying soil mass to move toward a free face or down a gentle slope. The project site is generally level and is not located in close proximity to a free face of down slope. Based on this, the risk of lateral spreading at the project site is very low (ENGEO, 2021).

Land subsidence is a settling of the earth's surface due to the compaction of subsurface materials. Fine-grained soil may experience consolidation settlement when new loads are introduced by structures, earthwork, or equipment. The amount of consolidation settlement is dependent on the magnitude and duration of the applied load, the shape and size of the applied load area, the depth, thickness, and stress history of the compressible soil, and the foundation type. Load-induced settlement was modeled as part of the Design-Level Geotechnical Exploration (ENGEO, 2021), and it was recommended that footing bearing pressure be limited to 2,500 psf and isolated footing sizes to a maximum of 8 feet by 8 feet to limit load-induced settlement to approximately 1 inch or less. If a structural mat foundation is selected, it was recommended that average bearing pressure over the entire mat area be limited to 750 psf to limit long-term load-induced consolidation settlement to approximately 1 inch or less.

As addressed under a.ii, iii), the project site is located within a mapped State of California Seismic Hazard Zone for areas that may be susceptible to liquefaction. Based on the study of the liquefaction hazard at the project site, the proposed structure was recommended to be designed to accommodate differential settlement up to 0.75-inch between column spans.

The City's Standard Project Conditions requires that the proposed project implement recommendations identified in an approved geotechnical engineering report, which would include design and construction recommendations to avoid and reduce load-induced settlement and liquefaction hazard. Implementation of these recommendations along with adherence to these design and construction recommendations along with seismic provisions in the CBC, would include incorporation of site preparation measures to ensure site stability. Therefore, while the proposed project would be located on a geologic unit or soil that is potentially unstable, proposed project characteristics and the building code requirements would ensure it does not exacerbate on- or off-site conditions, and the impact would be less than significant.

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

**Less than Significant.** Expansive soil changes in volume with changes in moisture. It can shrink or swell and cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations. Sampling and testing of near-surface soil at the site to characterize the physical properties in relation to expansion potential was performed as part of the Design-Level Geotechnical Exploration (ENGEO, 2021) for the proposed project. Test results indicate that the soil at the project site exhibits moderate

expansion potential. Native site soil and existing fill that is re-used as engineered fill should be placed in accordance with the fill placement recommendations contained in the Design-Level Geotechnical Exploration to reduce the potential for changes in volume (ENGEO, 2021). Implementation of Standard Project Conditions, which require that building design and construction at the site be in conformance with the recommendations of an approved geotechnical investigation, would reduce the potential impact from expansive soils to less than significant.

- e) *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*

**No Impact.** The proposed project would not include any septic tanks or alternative waste water disposal systems. The project site is within an urban area and existing sanitary sewer main lines run along Felipe Avenue adjacent to the project site. The proposed project would connect to the existing 8-inch sewer main on Felipe Avenue through a proposed 6-inch sewer lateral. Therefore, there would be no impact.

- f) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

**Less than Significant.** The project site is identified as having a “high sensitivity at depth” to yield significant fossil; that is, the project site it is not likely to yield resources at the surface but may contain resources at depth (City of San José, 2011). The project site has previously been modified by development, and thus soil at the project site is previously disturbed. Excavation for the proposed project would occur up to a maximum depth of approximately 10 feet. While the proposed project construction is not expected to encounter paleontological resources, it has the potential to impact paleontological resources. Consistent with General Plan Policy ER-10.3, the following standard project condition would be implemented by the proposed project to reduce or avoid impacts to paleontological resources to a less than significant level. No other unique geological features are found on this infill site.

#### **Standard Project Condition**

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



## 5.8 Greenhouse Gas Emissions

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>VIII. GREENHOUSE GAS EMISSIONS —</b> <b>Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Environmental Setting

Certain gases in the earth's atmosphere, greenhouse gases (GHGs), are important in regulating the earth's surface temperature. As solar radiation enters the atmosphere from space, some of the radiation is absorbed by the earth's surface. Radiation is emitted back toward space; however, greenhouse gases in the atmosphere absorb this radiation, resulting in a warming of the atmosphere. Carbon dioxide (CO<sub>2</sub>), methane, ozone, water vapor, nitrous oxide, and chlorofluorocarbons are the most prominent greenhouse gases. The emission of these gases in excess of natural ambient concentrations has led to an enhanced greenhouse effect and accelerated warming of the atmosphere. In California, the transportation and industrial sectors result in the largest emission of GHGs (CARB, 2018).

The project site is currently vacant. GHG emissions currently associated with the project site are generated by the consumption of electricity by adjacent streetlights.

### Regulatory Framework

#### *State and Regional*

The California Global Warming Solutions Act (Assembly Bill [AB] 32, 2006), as amended, sets statewide GHG emissions caps. California Air Resources Board (CARB) established the Climate Change Scoping Plan, which outlined a framework for achieving the emission reduction goals set in the California Global Warming Solutions Act. Senate Bill (SB) 375 requires CARB to develop regional GHG reduction goals for the automobile and light truck sectors. The *Plan Bay Area* is a plan to achieve regional GHG reduction goal by improving transportation access, maintaining the region's infrastructure, and enhancing resilience to climate change through strategies such as fostering open space. There are a number of other laws in California intended to reduce GHG emissions through the regulation of construction standards, growth, and municipal operations as highlighted below.

#### **California Building Efficiency Standards – Title 24, Part 6**

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24 Building Standards) were established by the California Energy Commission in Title 24, Part 6 of

the CCR. These standards mandate a reduction in California's energy consumption and are updated on a three-year cycle to allow for innovation and incorporation of new energy efficient technologies and methods. Applications for building permits after January 1, 2020 have to be compliant with the 2019 standards. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions.

### **California Green Building Standards Code – CALGreen**

In January 2010, the State of California adopted the California Green Building Standards Code (CalGreen) that established new sustainable building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include a mandatory set of minimum guidelines, as well as more rigorous voluntary measures, for new construction projects to achieve specific green building performance levels. This Code went into effect as part of local jurisdictions' building codes on January 1, 2011, and was most recently updated as the 2019 California Green Building Standards Code, which became effective January 1, 2020 (California Building Standards Commission, 2019).

### **Bay Area Air Quality Management District**

The proposed project is located in Santa Clara County, within the Bay Area Air Basin, and falls under the jurisdiction of the BAAQMD. The BAAQMD is primarily responsible for assuring that the federal and state ambient air quality standards for criteria pollutants are attained and maintained in the SFBAAB.

The BAAQMD established its California Environmental Quality Act Air Quality Guidelines (CEQA Guidelines) to assist in the evaluation of air quality and climate change impacts of projects and plans proposed in the SFBAAB. In June 2010, BAAQMD's Board of Directors adopted CEQA thresholds of significance and an update of the BAAQMD CEQA Guidelines, which included significance thresholds for GHG emissions based on the emission reduction goals for 2020 articulated by the California Legislature in AB 32. The first threshold, 1,100 MTCO<sub>2</sub>e per year, is a numeric emissions level below which a project's contribution to global climate change would be less than cumulatively considerable. For larger and mixed-use projects, the guidelines state that emissions would be less than cumulatively significant if the project as a whole would result in an efficiency metric of 4.6 MTCO<sub>2</sub>e per service population or better.

Under the current BAAQMD Air Quality Guidelines, a local government may prepare a qualified GHG reduction strategy that is consistent with State GHG reduction goals. If a project is consistent with an adopted qualified GHG reduction strategy and general plan that addresses the project's GHG emissions, it can be presumed that the project will not have significant GHG emissions under CEQA (BAAQMD, 2017a).

### **2017 Bay Area Clean Air Plan**

The BAAQMD and other air districts develop plans to reduce emissions of pollutants for which regions are designated as non-attainment areas. The most recent clean air plan for the SFBAAB is the *Bay Area 2017 Clean Air Plan: Spare the Air, Cool the Climate* (2017 Clean Air Plan).

This is an update to the 2010 Clean Air Plan, and centers on protecting public health and climate. Consistent with the state’s GHG reduction targets, the plan lays the groundwork for a long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. The 2017 Clean Air Plan describes control measures and specific actions to reduce emissions of air and climate pollutants from the full range of emission sources; it is based on the following four key priorities (BAAQMD, 2017b):

- Reduce emissions of criteria air pollutants and toxic air contaminants from all key sources.
- Reduce emissions of “super-GHGs” such as methane, black carbon, and fluorinated gases.
- Decrease demand for fossil fuels (gasoline, diesel, and natural gas).
- Decarbonize our energy system.

## **Local**

### **City of San José Greenhouse Gas Reduction Strategy**

The City prepared the *Greenhouse Gas Reduction Strategy* (GHGRS) in conjunction with the General Plan and in accordance with the requirements of AB 32 and CEQA Guidelines Section 15183.5. The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy; land use and transportation; and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures can be incorporated at the City’s discretion as mitigation measures for proposed projects.

In response to the 2030 GHG reduction goals set forth by SB 32, the City updated the strategy in August 2020. The City’s 2030 Greenhouse Gas Reduction Strategy (2030 GHGRS) builds on the City’s *Envision San José 2040 General Plan* as well as Climate Smart San José (City of San José, 2020a). The 2030 GHGRS serves as a Qualified Climate Action Plan for the purposes of CEQA tiering. Pursuant to CEQA Guidelines Sections 15064(h)(3), 15130(d), and 15183(b), a Project’s GHG emissions would be determined not cumulatively considerable if it demonstrates compliance with the requirements of the 2030 GHGRS through the Compliance Checklist (City of San José, 2020b). A GHGRS Compliance Checklist was prepared for the proposed project and is included as **Appendix C**.

### **Climate Smart San José**

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

### **City of San José Municipal Code**

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

- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.11)

- Prohibition of Natural Gas Infrastructure in Newly Constructed Buildings (Chapter 17.845)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)

### City of San José Reach Code

The City has adopted a reach code, which is a building code that is more advanced than those required by the State of California. Reach codes that support energy efficiency, electrification, and renewable energy can save energy and reduce GHG emissions. In September 2019, the San José City Council approved a building reach code ordinance that encourages building electrification and energy efficiency, requires solar readiness on nonresidential buildings, and requires electric vehicle (EV) readiness and installation of EV equipment (City of San José, 2019).

### General Plan

The City of San José adopted the Envision San José 2040 General Plan for the purpose of avoiding or mitigating greenhouse gas emissions impacts from development projects. Policies applicable to the proposed project are presented below.

Envision San José 2040 Policies Relevant to Greenhouse Gas Emissions	
Policy MS-1.2	Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.
Policy MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
Policy MS-2.3	Encourage consideration of solar orientation, including building placement, landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
Policy MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
Policy MS-19.4	Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.
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-21.6	As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
Policy ER-8.7	Encourage stormwater reuse for beneficial uses in existing infrastructure and future development through the installation of rain barrels, cisterns, or other water storage and reuse facilities.
Policy CD-2.5	Integrate Green Building Goals and Policies of the Envision San José 2040 General Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.

Policy CD-3.2	Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity
Policy TR-2.8	Require new development to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-2.18	Provide bicycle storage facilities as identified in the Bicycle Master Plan.
Policy TR-8.5	Promote participation in car share programs to minimize the need for parking spaces in new and existing development.

## Discussion

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

**Less than Significant.** As discussed above, projects that demonstrate consistency with the City's 2030 GHGRS are considered to have a less than significant impact related to GHG emissions. Projects show consistency with the 2030 GHGRS, through the completion of Section A (General Plan Policy Conformance) and Section B (Greenhouse Gas Reduction Strategies) of the Compliance Checklist.

As shown in Appendix C, the proposed project would be consistent with the City's General Plan and the City's applicable GHG reduction strategies included in the 2030 GHGRS. Specifically, the proposed project would include building design measures to meet LEED Silver, with a goal of obtaining LEED Gold certification and on-site renewable electric generation via a rooftop solar PV system. Therefore, the proposed project would be considered consistent with the 2030 GHGRS and the proposed project's contribution to cumulative GHG emissions would not be cumulatively considerable. The proposed project would not generate greenhouse gas 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 greenhouse gases?*

**Less than Significant.** As described above, the City of San José has established policies to reduce GHG emissions in its General Plan, its GHGRS, and its Municipal Code. Overall, the proposed project would be consistent with GHGRS Measures, as it would be required to comply with the Green Building Ordinance. The proposed project would meet LEED Silver, with a goal of obtaining LEED Gold certification. The proposed project would also include on-site renewable electric generation via a rooftop solar electric PV system. EV spaces and charging would also be provided to meet California Green Building Standards. Additionally, the proposed project would be in conformance with the City of San José 2030 GHGRS as shown in the GHGRS Compliance Checklist prepared for the proposed project (see Appendix C).

Given that the proposed project will be consistent with the GHG reduction strategies identified above, the proposed project would not conflict with implementation of recommended actions in plans adopted to reduce GHGs including the AB 32 Climate Change Scoping Plan and the City of San José GHGRS. Therefore, the proposed project would not conflict with an applicable plan, policy, or regulation adopted for reducing the emissions of GHGs, and the proposed project would have a less than significant impact.

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## 5.9 Hazards and Hazardous Materials

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>IX. HAZARDS AND HAZARDOUS MATERIALS —</b>				
<b>Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

As described previously under *Air Quality*, in the *California Building Industry Association v. Bay Area Air Quality Management District* case decided in 2015, the California Supreme Court held that CEQA does not generally require lead agencies to consider how existing environmental conditions might impact a project's users or residents, except where the proposed project would significantly exacerbate an existing environmental condition. The identified significance criteria related to locating development on a site, which is included on a list of hazardous materials sites; projects within an airport land use plan or in the vicinity of a private airstrip; locating development and population in a wildland fire risk area, are valid only to extent that the project would significantly exacerbate those risks. Nonetheless, all potential applicable project impacts associated with hazards and hazardous materials, and applicable regulatory mechanisms that address these effects, are disclosed in this section, for informational purposes.

### Environmental Setting

Site information is based on the results of a Soil, Soil Vapor, and Groundwater Quality Evaluation prepared for the project site in March 2021 by Cornerstone Earth Group.

## **Existing Conditions**

### **On-Site and Off-site Sources of Contamination**

The Department of Toxic Substances Control (DTSC) publishes the Hazardous Waste and Substances Sites (Cortese) List, which identifies known hazardous materials sites. The list is a planning document used by several agencies and developers to comply with CEQA requirements. The project site is included on the list of cleanup program sites from the State Water Board's (SWRCB) GeoTracker database, which meets "Cortese List" listing requirements (SWRCB, 2022; CalEPA, 2022). The cleanup program site is associated with regulatory oversight for development of the proposed project.

The Phase I Environmental Site Assessment (ESA) prepared by ODIC Environmental indicates that the project site was used for agricultural purposes until at least 1971. In 1972, Eachus reportedly installed one 1,000-gallon gasoline underground storage tank (UST) and one 1,000-gallon diesel UST on the western end of the site. Both USTs reportedly were removed in 1988. The project site is currently vacant but was most recently used as a contractor's storage yard for a landscaping business (Cornerstone Earth Group, 2021).

The project site is adjacent to 1010 Olinder Court, which is identified as a leaking underground storage tank (LUST) cleanup site. However, this cleanup status was completed, and the case was closed as of June 19, 1991.

Previous subsurface investigations were performed by E2C, Inc. in May 2001 and AEI Consultants (AEI) in October 2020. E2C collected soil samples that detected total recoverable petroleum hydrocarbons (TRPH). Results from their soil samples also identified elevated metal concentrations of chromium and nickel. Analyses of confirmation samples collected from the excavation sidewalls and base did not contain chromium or nickel above the then current residential Preliminary Remediation Goals or TRPH above its "generally-accepted action level" referenced by E2C. AEI collected soil samples that detected petroleum hydrocarbon concentrations, all of which were below their respective direct exposure Environmental Screening Level (ESL). The organochlorine pesticide (OCP) compound chlordane was detected in one of the two soil samples analyzed for OCPs at a concentration exceeding the residential direct exposure ESL but below the commercial direct exposure ESL. Cobalt and nickel were detected at concentrations exceeding their residential and construction worker direct exposure ESL.

In February 2021, Cornerstone collected soil, soil vapor, and groundwater samples from ten exploratory borings to supplement the soil and soil vapor analytical results reported by E2C in 2001 and AEI in 2020. Detected concentrations from the sampling were compared to Tier 1 ESLs. Results from the most recent soil sampling event detected elevated concentrations of chromium cobalt, vanadium, and lead exceeding the Tier 1 ESLs on the eastern portion of the project site. Nickel was also detected at concentrations which exceeds the tier 1 ESL in soil samples. Soil sample detected concentrations of diesel-range petroleum hydrocarbons (TPHd), motor oil-range petroleum hydrocarbons (TPHo), gasoline-range petroleum hydrocarbons (TPHg), PAHs, and volatile organic compounds (VOCs) were all below their respective Tier 1 ESLs. Elevated concentrations of benzene that exceeded the Tier 1 ESL was detected in soil



vapor samples on the eastern portion of the project site. Elevated concentrations of the VOCs bromodichloromethane and chloroform that exceeded their respective Tier 1 ESL were detected in soil vapor samples. Both of these VOCs are commonly byproducts of water chlorination and likely resulted from the infiltration of treated water used for irrigation (Cornerstone, 2021).

The DTSC EnviroStor and the SWRCB GeoTracker databases were consulted to identify any other hazardous materials sites in the proposed project area. One hazardous waste and substances site was identified within 1,000 feet of the project site at 970 McLaughlin Avenue, the site of the former Jennings Technology which manufactured and assembled electrical components. Various associated cleanup cases have been closed, and the Santa Clara County Department of Environmental Health (SCCDEH) regulates this facility under Permit by Rule (PBR) regulations and a tiered permit for wastewater treatment (DTSC, 2022). There are 6 LUST cases within 1,000 feet of the project site, with all but one case closed. There are also 3 cleanup program sites within 1,000 feet of the project site associated with the former Jennings Technology site (SWRCB, 2022).

### **Regulatory Background**

#### **Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)**

CERCLA, commonly known as Superfund, was enacted by Congress in 1980. This law provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites; provided for liability of persons responsible for releases of hazardous wastes at these sites; and established a trust fund to provide for cleanup when no responsible party could be identified. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986. The EPA maintains the National Priorities List of Superfund sites.

#### **State Water Resources Control Board (SWRCB)**

The SWRCB was created by the Porter-Cologne Act (1967) and is responsible for the oversight of water rights, water pollution and water quality functions. The state is divided into nine regions, each with a Regional Water Quality Control Board (RWQCB). These agencies are authorized to adopt regional water quality control plans, prescribe waste discharge requirements, and perform other functions concerning water quality control within their respective regions. The City of San José is located in Region 2 (San Francisco Bay).

The San Francisco Bay RWQCB oversees the unauthorized releases of pollutants to soils and ground water but in some cases also to surface waters or sediments. Sites that are managed by the San Francisco Bay Regional Water Quality Control Board include sites with pollution from recent or historical surface spills, subsurface releases (e.g., pipelines, sumps, etc.), and other unauthorized discharges that pollute or threaten to pollute surface and groundwater. The State Water Code provides authority for the RWQCB to require investigation and cleanup of sites with unauthorized pollutant releases. The Water Code Section 13304 also authorizes the RWQCB to require technical reports from suspected dischargers, issue “cleanup and abatement” orders to dischargers, and recover costs for oversight of site cleanup. State Water Board Resolution No. 92-

49, “Policies and Procedures for Investigation, Cleanup and Abatement of Discharges Under Water Code Section 13304;” No. 68-16, “Statement of Policy with Respect to Maintaining High Quality of Waters in California;” and No. 88-63, “Sources of Drinking Water,” contain the policies and procedures that all Regional Water Quality Control Boards shall follow to oversee and regulate investigations and cleanup and abatement activities resulting from all types of discharge or threat of discharge subject to Water Code Section 13304. The RWQCB provides guidance on required cleanup at low risk fuel sites.

The RWQCB also oversees the discharge of storm water/urban runoff to the South San Francisco Bay. In 2009 it issued a Regional Municipal Stormwater NPDES for the entire Bay Area based in large part on an earlier joint NPDES Permit to Santa Clara County, the Santa Clara Valley Water District, and 13 of the cities within the County, including San José. This collection of municipalities and agencies formed an association called the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) to meet National Pollutant Discharge Elimination System (NPDES) permit regulations by sharing resources and collaborating on projects of mutual benefit. Program participants share a common permit to discharge storm water to South San Francisco Bay. To reduce pollution in urban runoff to the “maximum extent practicable”, the program incorporates regulatory monitoring, “Industrial/Commercial Discharger Control” (referred to as “IND”) inspections, and outreach measures aimed at improving the water quality of South San Francisco Bay and the streams of the Santa Clara Valley.

### **Hazardous Materials Management**

The California Hazardous Materials Release Response Plans and Inventory Law (Business Plan Act, Health and Safety Code Section 25500 et seq.) requires any business that handles hazardous materials at or above specified thresholds to prepare a hazardous materials business plan (HMBP). The HMBP must include the following:

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

The primary purpose of the HMBP requirements is to provide basic information needed by first responders to prevent or mitigate damage to the public health and safety and to the environment from a release or threatened release of a hazardous material.

### **Airborne Toxic Control Measure**

CARB has adopted the Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations to address some of the health concerns associated with exposure to asbestos. The ATCM requires work practices to minimize asbestos emissions from such activities where naturally-occurring asbestos is found or is likely to be found, and is intended to minimize the release of asbestos fibers during activities involving the handling of

asbestos. The U.S. EPA also requires specific work practices to control the release of asbestos fibers relating to a renovation and/or demolition activity. CARB and the local air districts (BAAQMD for the City) are delegated the authority to enforce the U.S. EPA's National Emission Standards for Hazardous Air Pollutants regulations for asbestos.

### Local Hazardous Materials Ordinances

In addition to the programs listed above, the San José Fire Department administers a local Hazardous Materials Storage Ordinance (San José Municipal Code Chapter 17.68) and Toxic Gas Ordinance (San José Municipal Code Chapter 17.78). The Storage Ordinance and the Toxic Gas Ordinance are standalone ordinances developed to address specific safety needs in San José that were not adequately covered in previous state codes. The Storage Ordinance was first adopted in 1983, and the Toxic Gas Ordinance in 1990. At the time, they were the first attempt in the nation at providing some framework for regulation. Since then, a high percentage of the requirements in those ordinances have been adopted in national model codes and the International Fire Code.

### San José 2040 General Plan

The following policies from the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to hazards and hazardous materials:

Envision San José 2040 Policies Relevant to Hazards and Hazardous Materials	
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, State and federal laws, regulations, guidelines and standards.
Policy EC-6.1	Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use or transport in conformance with local, state and federal laws, regulations and guidelines.
Policy EC-6.2	Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.
Policy EC-6.4	Require all proposals for new or expanded facilities that handle hazardous materials that could impact sensitive uses off-site to include adequate mitigation to reduce identified hazardous materials impacts to less than significant levels.
Policy EC-6.7	Do not approve land uses and development that use hazardous materials that could impact existing residences, schools, day care facilities, community or recreation centers, senior residences, or other sensitive receptors if accidentally released without the incorporation of adequate mitigation or separation buffers between uses.
Policy EC-6.8	The City will use information on file with the County of Santa Clara Department of Environmental Health under the California Accidental Release Prevention (CalARP) Program as part of accepted Risk Management Plans to determine whether new residential, recreational, school, day care, church, hospital, seniors or medical facility developments could be exposed to substantial hazards from accidental release of airborne toxic materials from CalARP facilities.
Policy EC-6.10	Promote source reduction and recycling as alternatives to hazardous materials land disposal whenever feasible.
Policy EC-6.11	Promote the provision of used oil recycling and/or hazardous waste recycling facilities and drop-off locations for residents.

Policy EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, State and federal laws, regulations, guidelines and standards.
Policy EC-7.3	Where a property is located in near proximity of known groundwater contamination with volatile organic compounds or within 1,000 feet of an active or inactive landfill, evaluate and mitigate the potential for indoor air intrusion of hazardous compounds to the satisfaction of the City's Environmental Compliance Officer and appropriate regional, state and federal agencies prior to approval of a development or redevelopment project.
Policy EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
Policy EC-7.5	On development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.
Policy EC-7.6	The City will encourage use of green building practices to reduce exposure to volatile or other hazardous materials in new construction materials.
Policy EC-7.8	Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or. In existing structures.
Policy EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
Policy EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
Policy EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

## Discussion

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

**Less than Significant .** During the construction phase, construction equipment and materials would include fuels, oils and lubricants, solvents and cleaners, cements and adhesives, paints and thinners, degreasers, cement and concrete, and asphalt mixtures, which are all commonly used in construction. Construction activities would be required to comply with numerous hazardous materials regulations designed to ensure that hazardous materials are transported, used, stored, and disposed of in a safe manner to

protect worker safety, and to reduce the potential for a release of construction-related fuels or other hazardous materials into the environment, including stormwater and downstream receiving water bodies. The required compliance with the numerous laws and regulations, such as those governed by the California Fire Code, U.S. Department of Transportation (USDOT), Caltrans, and the California Highway Patrol (CHP), require driver-training requirements, load labeling procedures, and container specifications designed to minimize the risk of an accidental release during the transportation, use, handling, and disposal of hazardous materials, would limit the potential for creation of hazardous conditions due to the routine use of hazardous materials. The proposed project's compliance would render this impact less than significant.

Proposed project operation would involve the use of diesel fuel for the proposed emergency generator and apparatus fueling station, with fuel delivered on an as-needed basis. Fuel oil piping would serve the proposed generator, fuel tank (comprised of a day tank and main storage tank), and apparatus fueling station. All fuel storage tanks and piping would be compliant with State regulations to ensure any spills or leaks are contained. A fuel oil leak detection system would be provided for the approximately 2,400-gallon double wall fuel storage tank and surrounding space and piping. All materials delivered to the project site would be in approved USDOT packaging and all commercial vehicles transporting hazardous materials to the project site would be required to have the proper USDOT hazardous materials placards. As required by law, a HMBP would also be prepared to minimize the potential for spills and leaks from material handling and storage. Requirements include secondary containment or using double-walled storage tanks, conducting regular inspections, and training employees to ensure proper handling, storage, transport, and disposal techniques and methods are implemented. Adherence to the HMBP would further ensure that all handling, storage, and disposal of hazardous materials would be conducted in accordance with proven practices to minimize exposure to workers or the public. Therefore, the impact during operations would be less than significant.

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

**Less than Significant with Mitigation Incorporated.** The project site is included on the list of leaking underground storage tank sites from the SWRCB's GeoTracker database, which meets "Cortese List" listing requirements. The cleanup program site is associated with regulatory oversight by SCCDEH for development of the proposed project. The results of soil, soil vapor, and groundwater sampling by Cornerstone Earth Group (2021) did not indicate the presence of a significant source area related to the former USTs on-site. The slightly elevated TPHg concentration in groundwater occurred near the reported location of former USTs. Elevated benzene concentrations in soil vapor samples could have resulted from these former USTs or could be the result of offsite sources since there

are documented LUST cases within the project site vicinity. However, due to the elevated benzene concentrations that exceed the Tier 1 ESL, vapor intrusion would likely be required (Cornerstone Earth Group, 2021).

Since the former on-site UST removal does not appear to have been documented, Cornerstone Earth Group's Soil, Soil Vapor, and Groundwater Quality Evaluation (2021) also recommends the preparation of a Site management Plan (SMP) to provide protocols to personnel that may encounter areas of unexpected subsurface contamination, the USTs, and/or former components of the USTs. **Mitigation Measure HAZ-1: Site Management Plan and Vapor Intrusion Measures**, would require the preparation of a SMP that would include the aforementioned protocols and also include a plan for management of soil during construction, dust control measures, and waste management. A magnetometer survey and test pit investigation would also be required to be performed to identify the potential presence of buried metallic objects, such as USTs or piping.

Additionally, based on the results of prior soil vapor samples, Mitigation Measure HAZ-1 requires that the proposed fire station structure incorporate vapor intrusion mitigation measures (VIMS) to help reduce the potential for vapor intrusion into the future fire station structure during operation in accordance with SCCDEH oversight and recommendations.

Additionally, asbestos was detected in soil samples collected on-site from up to depths of approximately 3 feet. The material used for fill on the project site likely contains serpentinite rock or soils weathered from serpentinite outcrops. Serpentinite contains varying concentrations of naturally occurring asbestos (NOA). CARB's ATCMs regulate disturbance of materials that contain NOA and require implementation of dust mitigation measures to prevent the emissions of airborne asbestos during land disturbance. The proposed project will implement the following Standard Project Conditions which require removal of all potentially friable ACMs in accordance with NESHAP guidelines prior to demolition activities that may disturb ACMs. All demolition activities would also be required to be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.

### ***Standard Project Conditions***

#### **Asbestos and Lead-based Paint**

The project proponent shall implement the following conditions:

- In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paints (LBP)
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or

coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.

- All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8 CCR, Section 1529, to protect workers from asbestos exposure.
- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one-percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

Therefore, with implementation of Mitigation Measure HAZ-1 and the City's Standard Project Conditions, potential impacts from upset or accidental hazardous material releases during or after proposed project construction or due to being located on a "Cortese List" site would be considered less than significant.

**Impact HAZ -1:** Development of the proposed project could potentially expose construction workers and the public to soil, soil vapor and/ or groundwater contamination from former onsite USTs or an off-site LUST source during the demolition and construction phases of the proposed project, and future site occupants to soil vapor contamination after construction.

**Mitigation Measure HAZ-1: Site Management Plan and Vapor Intrusion Measures.**

Prior to the commencement of construction activities, the City shall enter into an agreement with the Santa Clara County Department of Environmental Health under their Site Cleanup Program. The proponent shall meet with the SCCDEH and perform additional soil, soil gas and/or groundwater sampling and testing to adequately define the known and suspected contamination from past agricultural use and former onsite underground storage tank (USTs) and an off-site leaking underground storage tank (LUST). A Site Management Plan (SMP), Corrective Action Plan, Remedial Action Plan, or other equivalent plan shall be prepared and submitted to the SCCDEH for their approval. The Plan must include a Health & Safety Plan (HASP) and must establish remedial measures and/or soil management practices (including sampling protocols) to ensure construction worker safety and the health of future workers and visitors. The SMP shall include a plan for management of soil during demolition/construction, dust control measures, and waste management. A management survey and test pit investigation shall also be performed to identify the potential presence of buried metallic objects, such as USTs or piping.

Additionally, based on the results of soil vapor samples, the planned structure shall incorporate vapor intrusion mitigation measures (VIMS) to help reduce the potential for vapor intrusion into the future structure in accordance with SCCDEH oversight and recommendations.

The Plan and evidence of regulatory oversight shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

- c) *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.** There are no schools located within a quarter mile of the project site. The closest school to the project site is the Santee Elementary School (0.48 miles south), McKinley Elementary School (0.55 miles west), and KIPP Heartwood Academy (0.65 miles west). As described above, the proposed project would not emit any substantive quantities of hazardous emissions or handle acutely hazardous materials, substances, or waste in quantities that could affect existing or future students or other off-site receptors. There would be no impact.

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

**No Impact.** The project site is located approximately 4 miles southeast of the Norman Y. Mineta San José International Airport. The project site is not located within an airport land use plan or within two miles of a public airport or public use airport and would not result in a safety hazard to airport operations.

- f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

**Less than Significant.** The proposed project would construct a new Fire Station No. 32 for SJFD at 1138 Olinder Court. The proposed project would support adopted emergency and evacuation plans. Construction employees and delivery trucks would result in a minor increase in vehicle trips in the proposed project vicinity during proposed project construction. Construction of the proposed project would result in the temporary closure of lanes on Olinder Court and Felipe Avenue for construction and utility connections into adjacent streets. However, these closures would be temporary and would not result in the obstruction of any emergency response or evacuation plans. Therefore, the impact would be considered less than significant.

- g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?*

**No Impact.** The proposed project would not expose people or structures, either directly or indirectly, to risk of loss, injury or death from wildland fires since it is located in a highly urbanized area that is not prone to such events. See also *Section 5.20, Wildfire* of this Initial Study.



## 5.10 Hydrology and Water Quality

<b>Issues (and Supporting Information Sources):</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>X. HYDROLOGY AND WATER QUALITY — Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk or release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

As described previously under *Air Quality*, in the *California Building Industry Association v. Bay Area Air Quality Management District* case decided in 2015, the California Supreme Court held that CEQA does not generally require lead agencies to consider how existing environmental conditions might impact a project's users or residents, except where the proposed project would significantly exacerbate an existing environmental condition. Accordingly, the identified significance criteria related to placement of structures within a flood hazard area, or exposure of people or structures to risks from failure of levee or dam, are valid only to the extent that the proposed project would significantly exacerbate the potential for flooding or for failure of a levee or dam. Nonetheless, potential flooding hazards, and applicable regulatory mechanisms that address these effects, are disclosed in this section, for informational purposes.

### Environmental Setting

The approximately 1.1-acres site is relatively level and lies at an approximate elevation of 105 to 106 feet (ENGEO, 2021). The site is currently paved with asphalt and concrete. Stormwater runoff from the project site currently drains to an existing 10-inch storm drain lateral at the south end of the site.

The Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) indicate that the project site is located within Zone D (Panel 253 of 830 effective May 18, 2009). Zone D is defined as an area of undetermined but possible flood hazard outside the 100-year floodplain. The City does not have any floodplain restrictions for development in Zone D.

The project site does not contain waterways or features. The nearest waterway to the project site is Coyote Creek, located approximately 0.8 miles to the east of the site.

## **Regulatory Framework**

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

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

FEMA established the National Flood Insurance Program (NFIP) in order to reduce 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 (FIRM) that identify Special Flood Hazard Areas (SFHA). 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.

#### **Porter-Cologne Water Quality Act**

The Porter-Cologne Act delegates authority to the State Water Resources Control Board (SWRCB) to establish regional water quality control boards. The San Francisco Bay Area RWQCB has authority to use planning, permitting, and enforcement to protect beneficial uses of water resources in the proposed project region. Under the Porter-Cologne Water Quality Control Act (California Water Code Sections 13000- 14290), the RWQCB is authorized to regulate the discharge of waste that could affect the quality of the state's waters, including projects that do not require a federal permit through the USACE. To meet RWQCB 401 Certification standards, all hydrologic issues related to a project must be addressed, including the following:

- Wetlands
- Watershed hydrograph modification
- Proposed creek or riverine related modifications
- Long-term post-construction water quality

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

The SWRCB has implemented a NPDES Construction General Permit for the State of California. For projects disturbing one acre or more, a Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction. The Construction General Permit includes requirements for training, inspection, 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.

The proposed project would not require Construction General Permit coverage based on the disturbance area for the project site, which includes approximately 0.87 acres (38,106 square feet). The north easternmost 0.23-acre portion of the project site would be retained as is, with the existing pavement, chain link border fencing, and trees. All development projects, whether subject to the Construction General Permit or not, are required to comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 1<sup>st</sup> to April 30), the proposed project will submit to the Director of Public Works an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants.

### ***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 Stormwater Permit**

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (MRP) 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. The City of San José is required to operate under the MRP to discharge stormwater from the City's storm drain system to surface waters. The MRP mandates that the City of San José use its planning and development review authority to require that stormwater management measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. Provision C.3 of the MRP regulates the following types of development projects:

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

The MRP requires regulated projects to include Low Impact Development (LID) practices. These include site design features to reduce the amount of runoff requiring treatment and maintain or restore the site's natural hydrologic functions, source control measures to prevent stormwater from pollution, and stormwater treatment features to clean polluted stormwater runoff prior to discharge into the storm drain system. The MRP requires that stormwater treatment measures are properly installed, operated, and maintained.

### City of San José Post-Construction Urban Runoff Management (Policy 6-29)

The City of San José's Policy 6-29 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. The City of San José's Policy 6-29 requires all new development and redevelopment projects to implement post-construction BMPs and Treatment Control Measures (TCMs).

### General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating hydrology and water quality impacts from development projects. Policies applicable to the proposed project are presented below.

Envision San José 2040 Policies Relevant to Hydrology and Water Quality	
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
Policy ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.

### Discussion

- a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

**Less than Significant with Mitigation Incorporated.** The project site contains a mix of pervious and impervious surfaces, including a surface parking lot and landscaping. Due to ground disturbing activities, construction of the proposed project could potentially affect water quality from sediment erosion in stormwater runoff. However, the proposed project would be required to comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 1<sup>st</sup> to April 30), the proposed project would be required to submit to the Director of Public Works an Erosion Control Plan detailing BMPs that would prevent the discharge of stormwater pollutants. Sediment control measures are also required by the standard project conditions. The required erosion control plan and

measures required by the standard project conditions would reduce water quality impacts during construction to a less than significant level.

### ***Standard Project Conditions***

The following condition of approval in the Standard Project Conditions is applicable to the proposed project:

#### **Construction-related Water Quality.**

The project proponent shall implement the following conditions:

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

To ensure that contaminants would not be released into groundwater during construction activities, the proposed project would implement Mitigation Measure HAZ-1: Site Management Plan and Vapor Intrusion Measures and the City's Standard Project Conditions, as described in Section 5.9, *Hazards and Hazardous Materials*. Mitigation Measure HAZ-1 requires development of a plan to provide for the safe handling, transport, and disposal of potentially hazardous materials, if encountered in site soils and the City's Standard Project Conditions require removal and disposal of ACMs in accordance with NESHAP guidelines.

The project site would be designed in accordance with the Santa Clara Valley Urban Pollution Prevention Program C.3 Handbook. Three bioretention areas are proposed to receive and treat the site stormwater runoff, along with permeable paving areas and a self-treating landscape area (see Figure 3-7 for the proposed project's stormwater

management plan). Special consideration would also be given to the washing of the fire apparatus located on the north side of the site, behind the bays. A trench drain would be provided with an automated valve to allow for the disconnection from the storm drain system and the connection to the sewer system when washing the trucks to prevent pollutants from entering the storm drain system. The proposed on-site sewer system would also include a grease-oil separator to control the potential discharge of pollutants from the washing of fire apparatus into the sewer system.

With implementation of Mitigation Measure HAZ-1, standard project conditions, and compliance with regulatory requirements, including measures required by the City's Grading Ordinance, C.3 MRP requirements, and standard project conditions, impacts on water quality would be less than significant with mitigation incorporated.

### Mitigation

**Impact HYD-1:** During construction activities, contaminants could be released into groundwater.

**Mitigation Measure HAZ-1: Site Management Plan and Vapor Intrusion Measures.** (see Section 5.9, *Hazards and Hazardous Materials*, above)

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

**Less than Significant.** The depth of groundwater in the site vicinity is expected to be 10 feet below ground surface (ENGEO, 2021). The proposed project is located within the Santa Clara Plain Confined Area of the Santa Clara Subbasin, an area where a low permeability aquitard restricts groundwater recharge (Valley Water, 2020). The proposed project includes excavation to a depth of approximately 10 feet below grade and does not propose the installation of new ground water wells. Dewatering may be necessary during proposed project construction. However, this dewatering would be temporary and would not decrease groundwater supplies or interfere substantially with groundwater recharge (such that the proposed project may impede sustainable groundwater management of the basin). Additionally, the proposed project would not create and/or replace one acre or more of impervious surface on the site. Therefore, the proposed project would not significantly reduce groundwater supplies due to groundwater extraction, or substantively reduce groundwater recharge, or conflict or obstruct and water quality control plan or management plan. Impacts would be less than significant.

- c.i - iii) *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 offsite; 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.*

**Less than Significant.** The proposed project would not alter any stream or river, but would alter the existing drainage patterns through the alteration of impervious and pervious surfaces on the project site.

Construction of the proposed project would require grading activities that could result in a temporary increase in erosion affecting the quality of storm water runoff. This increase in erosion is expected to be minimal, due to the small size and flatness of the site. As discussed under a) above, the proposed project would be required to prepare an erosion control plan and sediment control measures are also required by the City's Standard Project Conditions, which would reduce potential erosion or siltation impacts during construction to a less than significant level.

The proposed project would result in a net increase in pervious surfaces on the project site through proposed bioretention areas that would receive and treat site stormwater runoff, along with proposed permeable paving areas in the proposed parking areas and landscaping (approximately 5,340 square feet). The proposed project would comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and C.3 MRP requirements, as described in a) above. Stormwater from proposed project impervious surfaces would drain into treatments area prior to entering the storm drainage system. Consistent with the C.3 MRP requirements, the proposed treatment facilities will be numerically sized and will have sufficient capacity to treat the runoff generated by the proposed project, prior to entering the storm drainage system through an existing 10-inch lateral connection located at the south end of the project site. Special consideration would also be given to the washing of the fire apparatus on the north side of the building, behind the bays. A trench drain would be provided with an automated valve to allow for the disconnection from the storm drain system and the connection to the sewer system when washing the trucks to prevent pollutants from entering the storm drain system. The proposed on-site sewer system would also include a grease-oil separator to control the potential discharge of pollutants from the washing of fire apparatus into the sewer system. Therefore, the proposed project would not contribute runoff water that would exceed the capacity of the City's existing and/or planned storm drainage systems or provide additional sources of polluted runoff, or impede/redirect flood flows.

Therefore, the potential impact of altered drainage causing erosion or siltation, offsite or onsite flooding, or substantial additional sources of polluted runoff would be less than significant.

- c.iv) *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 imperious surfaces, in a manner which would: impede or redirect flood flows?*

**Less than Significant.** As described above, while the proposed project would alter existing drainage patterns onsite, the proposed project would not impede or redirect the flow of any existing water body. Any runoff created by the added impervious surface of the proposed project would continue to flow to existing stormwater drainage facilities.

The proposed project would not impede or redirect flood flows and impacts would be less than significant.

- d) *In flood hazard, tsunami, or seiche zones, risk or release of pollutants due to project inundation?*

**Less than Significant.** The proposed project is not located in a tsunami or seiche zone. The project site is not located in an area subject to significant seiche or tsunami. The project site is in FEMA Flood Zone D, which is undetermined and outside any flood hazard zones. However, the project site is located within the Lexington Dam and Anderson Dam failure inundation hazard zone (Valley Water, 2016a; Valley Water, 2016b). All of the dams potentially affecting San José fall under the jurisdiction of the California Department of Water Resources Division of Safety of Dams (DSOD). DSOD is responsible for inspecting dams on an annual basis to ensure the dams are safe, performing as intended, and not developing problems. As part of its comprehensive dam safety program, the Santa Clara Valley Water District (Valley Water) routinely monitors and studies the condition of each of its 10 dams, including Anderson and Lexington. The City's General Plan EIR (as amended) concluded that with the regulatory programs currently in place, the possible effects of dam failure would not expose people or structures to a significant risk of loss, injury or death (City of San José, 2011). As a result, future occupants of the site would not be exposed to flooding hazards or to the release of pollutants due to inundation.

During proposed project operations diesel fuel for the emergency generator and apparatus fueling station would be stored on site. As discussed in Section 5.9, *Hazards and Hazardous Materials*, above, all fuel storage tanks and piping would be compliant with State regulations to ensure any spills or leaks are contained. As required by law, a HMBP would also be prepared to minimize the potential for spills and leaks from diesel handling and storage. Requirements include secondary containment or using double-walled storage tanks and conducting regular inspections. Adherence to the HMBP would further ensure that if the project site were to be inundated, it would not lead to the release of pollutants. Therefore, impacts would be less than significant.

- e) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

**Less than Significant with Mitigation Incorporated.** As described above, the proposed project would not involve groundwater extraction and would not alter the course of any stream or river. During construction, the proposed project would prepare an erosion control plan and measures required by the City's Project Conditions to reduce water quality impacts. Additionally, Mitigation Measure HAZ-1 and City Project Conditions would ensure that any potentially contaminated soil would be handled, transported, and disposed of in a manner consistent with public health and safety and applicable regulations, as described in Section 5.9, *Hazards and Hazardous Materials*.



The proposed project would be generally consistent with the objectives for sustainable management of groundwater resources, which include managing groundwater to optimize water supply reliability and minimize land subsidence and protecting against groundwater contamination. Therefore, the proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. With implementation of Mitigation Measure HAZ-1, impacts would be less than significant.

**Mitigation**

**Impact HYD-2:** During construction, groundwater contamination could occur due to disturbance of potentially contaminated soil on-site.

**Mitigation Measure HAZ-1: Site Management Plan and Vapor Intrusion Measures.** (see Section 5.9, *Hazards and Hazardous Materials*, above)

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## 5.11 Land Use and Planning

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XI. LAND USE AND PLANNING — Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Environmental Setting

The project site is located within the Little Saigon neighborhood of San José and the surrounding area is comprised primarily of commercial and industrial uses. There is a recycling center located to the southeast (across of Felipe Avenue) and a sheet metal building located adjacent to the north. The project site currently consists of a flat parking lot surrounded by walls with barbed wires and fencing. One-story buildings are located to the southwest (directly across Felipe Avenue) and northwest, adjacent to the proposed project.

The project site is designated Combined Industrial/Commercial (CIC) in the Envision 2040 San José General Plan. The Zoning designation for the proposed project is Industrial Park (IP). Per Resolution No. 79873 (Approved 01-26-2021), City services and facilities such as public parks, fire stations, and libraries are allowed on all properties within the City, regardless of General Plan land use designation or zoning district.

### Regulatory Framework

#### Local

#### General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating land use impacts from development projects. Policies applicable to the proposed project are presented below.

<b>Envision San José 2040 Policies Relevant to Land Use</b>	
Policy VN1.12	Design new public and private development to build upon the vital character and desirable qualities of existing neighborhoods
Policy IN-1.9	Design new public and private utility facilities to be safe, aesthetically pleasing, compatible with adjacent uses, and consistent with the Envision General Plan goals and policies for fiscal sustainability, environmental leadership, an innovative economy, and quality neighborhoods.
Policy IN-1.10	Require undergrounding of all new publicly owned utility lines. Encourage undergrounding of all privately owned utility lines in new developments. Work with electricity and telecommunications providers to underground existing overhead lines.
Policy IP-1.11	City services and facilities necessary to serve the community are allowed on all properties within the Urban Service Area, regardless of General Plan land use designation or Zoning District.

### San José Zoning Ordinance

The Zoning Ordinance (Title 20 of the San José Municipal Code) is a set of regulations that promote and protect the public peace, health, and general welfare by:

- Guiding, controlling, and regulating future growth and development in the City in a sound and orderly manner, and promoting the achievement of the goals and purposes of the General Plan;
- Protecting the character and economic and social stability of agricultural, residential, commercial, industrial, and other areas in the City;
- Providing light, air, and privacy to property;
- Preserving and providing open space and preventing overcrowding of the land;
- Appropriately regulating the concentration of population;
- Providing access to property and preventing undue interference with and hazards to traffic on public rights-of-way; and
- Preventing unwarranted deterioration of the environment and promoting a balanced ecology.

### Discussion

- a) *Physically divide an established community?*

**No Impact.** The proposed project is proposed on a developed site that is surrounded by commercial and industrial uses. The proposed project, which includes the construction of a new fire station structure would not 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?*

**Less than Significant.** The General Plan land use designation of the site is Combined Industrial/Commercial (CIC) and the Zoning is Industrial Park (IP). The proposed project would construct a single company, one-story fire station with a single apparatus bay as part of the new Fire Station No. 32 at 1138 Olinder Court. Per Resolution No. 79873 (Approved 01-26-2021), City services and facilities such as public parks, fire stations, and libraries are allowed on all properties within the City, regardless of General Plan land use designation or zoning district, consistent with General Plan Policy IP-1.11.

Physical effects that would ensue from development of the proposed fire station are analyzed in this Initial Study under the applicable topics. As concluded herein, the proposed project would not result in any significant effects that could not be mitigated to a less-than-significant level. Accordingly, no additional mitigation is required.

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## 5.12 Mineral Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XII. MINERAL RESOURCES — Would the project:</b>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Environmental Setting

Under the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated only the Communications Hill Area of San José as containing mineral deposits of regional significance for aggregate (Sector EE). There are no mineral resources in the proposed project area. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits that are of statewide significance or for which the significance requires further evaluation. Other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA.

## Discussion

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

**No Impact.** The Communications Hill Area is the only area in San José that contains mineral deposits subject to the Surface Mining and Reclamation Act of 1975 (SMARA) (City of San José, 2020). The Communications Hill Area is located approximately 3.5 miles from the project site; as a result, construction of the proposed project would not result in the loss of availability of known mineral resources classified as regional or statewide significance.

- 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?*

**No Impact.** The only locally important mineral resource recovery site delineated in the City of San José 2040 General Plan or other land use plan is the Communications Hill Area, as discussed above. Given the distance of the Communications Hill Area from the project site, the proposed project would not result in the loss of availability of a locally-important mineral resource recovery site.

## 5.13 Noise

<b>Issues (and Supporting Information Sources):</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>XIII. NOISE — Would the project result in:</b>				
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

As described previously under *Air Quality*, in the *California Building Industry Association v. Bay Area Air Quality Management District* case decided in 2015, the California Supreme Court held that CEQA does not generally require lead agencies to consider how existing environmental conditions might affect a project's users or residents, except where the proposed project would exacerbate the existing environmental condition. Accordingly, the identified significance criteria related to exposure of people, including sensitive receptors, to excessive noise levels or vibration are valid only to the extent that the proposed project significantly contributes to those worsened noise conditions. The analysis in this section with respect to noise exposure of future proposed project occupants, therefore, is provided for informational purposes.

## Environmental Setting

### Noise Exposure and Community Noise

Noise levels rarely persist consistently over a long period. Rather, noise levels at any one location vary with time. Specifically, community noise is the result of many distant noise sources that constitute a relatively stable background noise exposure where the individual contributors are unidentifiable. Throughout the day, short duration single-event noise sources (e.g., aircraft flyovers, motor vehicles, sirens) that are readily identifiable to the individual add to the existing background noise level. The combination of the slowly changing background noise and the single-event noise events give rise to a constantly changing community noise environment.

To characterize a community noise environment and evaluate cumulative noise impacts, community noise levels must be measured over an extended period of time. This time-varying characteristic of environmental noise is described using statistical noise descriptors, including the following:

- L<sub>eq</sub>:** The equivalent sound level is used to describe noise over a specified period of time, typically one hour, in terms of a single numerical value. The L<sub>eq</sub> is the constant sound level that would contain the same acoustic energy as the varying sound level, during the same time period (i.e., the average noise exposure level for the given time period).

- L<sub>max</sub>:** The instantaneous maximum noise level measured during the measurement period of interest.
- DNL:** The day-night average sound level (DNL) is the energy average of the A-weighted sound levels occurring during a 24-hour period, accounting for the greater sensitivity of most people to nighttime noise by weighting (“penalizing”) nighttime noise levels by adding 10 dBA to noise between 10:00 p.m. and 7:00 a.m. The noise thresholds for the City of San Jose are derived from the General Plan and use the dBA DNL descriptor.
- CNEL:** Similar to the DNL, the Community Noise Equivalent Level (CNEL) adds a 5-dBA “penalty” for the evening hours between 7:00 p.m. and 10:00 p.m. in addition to the 10-dBA penalty between the hours of 10:00 p.m. and 7:00 a.m.

In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise would be judged by those hearing it. With regard to increases in A-weighted noise level, the following relationships occur:

- except in carefully controlled laboratory experiments, a change of 1 dBA cannot be perceived;
- outside of the laboratory, a 3-dBA change is considered a just-perceivable difference;
- a change in level of at least 5 dBA is required before any noticeable change in human response would be expected; and
- a 10-dBA change is subjectively heard as approximately a doubling in loudness, and can cause adverse response.

These relationships occur in part because of the logarithmic nature of the decibel system. Because the decibel scale is based on logarithms, two noise sources do not combine in a simple additive fashion, but rather logarithmically. For example, if two identical noise sources produce noise levels of 50 dBA, the combined sound level would be 53 dBA, not 100 dBA.

### ***Vibration Background***

Vibration is an oscillatory motion through a solid medium in which the motion’s amplitude can be described in terms of displacement, velocity, or acceleration. Several different methods are used to quantify vibration. The peak particle velocity (PPV) is defined as the maximum instantaneous peak of the vibration signal. The PPV is most frequently used to describe physical vibration impacts on buildings. Typical groundborne vibration generated by human activities attenuates rapidly with distance from the source of the vibration. Sensitive receptors to vibration include people (especially residents, the elderly, and sick people), structures (especially older masonry structures), and vibration-sensitive equipment.

Another useful vibration descriptor is known as vibration decibels or VdBs. VdBs are generally used when evaluating human response to vibration, as opposed to structural damage (for which PPV is the more commonly used descriptor). Vibration decibels are established relative to a reference quantity, typically  $1 \times 10^{-6}$  inches per second.<sup>9</sup>

<sup>9</sup> Federal Transit Administration, Transit Noise and Vibration Impact Assessment, 2006.

There are no major sources of vibration in the project site vicinity. Most motor vehicles and trucks have independent suspension systems that substantially reduce if not eliminate vibration generation, barring discontinuities in the roadway.

### **Existing Noise Environment - Sensitive Receptors**

The noise element of the current General Plan identifies residential uses, hotels, hospitals, schools libraries, museums and meeting halls as noise-sensitive land uses, with a normally acceptable exterior noise level of 60 DNL (City of San José, 2020). The area surrounding the project site consists of industrial uses. The nearest sensitive receptors include a church and residential neighborhood approximately 400 feet to the south across Story Road.

Long-term noise monitoring at these nearest residential uses indicates that the existing noise environment is substantially affected by vehicle traffic on Story Road and on U.S. 101. The DNL at these receptors was monitored to be 78 dBA.

**TABLE 5.13-1  
MONITORED NOISE ENVIRONMENT AT PROJECT AREA RECEPTORS**

Long Term (LT) Noise Monitoring Location	Day-Night Noise Level ( $L_{dn}$ )	Noise Levels in dBA	
		24-Hour Average $L_{eq}$	Nighttime Hourly Average (10 p.m.– 7 a.m.) $L_{eq}$
LT-1: 601 East Santa Clara Street adjacent to apartments to north	78	74	71

NOTES:  
dBA = A-weighted decibels;  $L_{dn}$  = day/night average sound level;  $L_{eq}$  = equivalent continuous sound level  
SOURCE: Data compiled by Environmental Science Associates in 2022.

## **Regulatory Framework**

### **State**

#### **California Building Code**

The current 2019 version of the California Building Code (CBC) requires interior noise levels attributable to exterior environmental noise sources to be limited to a level not exceeding 45 dBA DNL/CNEL in any habitable room. The State of California established exterior sound transmission control standards for new non-residential buildings as set forth in the 2016 California Green Building Standards Code (Section 5.507.4.1 and 5.507.4.2). These sections identify the standards (e.g., STC rating) that building materials and assemblies need to be in compliance with based on the noise environment.

### **Local**

#### **San José General Plan Noise Compatibility Guidelines**

The City's General Plan includes goals and policies pertaining to noise and vibration. Community Noise Levels and Land Use Compatibility (commonly referred to as the Noise Element) of the General Plan utilizes the DNL descriptor and identifies interior and exterior noise standards for

residential uses. The General Plan includes the following criteria for land use compatibility and acceptable exterior noise levels in the City based on land use types.

**TABLE 5.13-2**  
**LAND USE COMPATIBILITY GUIDELINES FOR COMMUNITY NOISE IN SAN JOSÉ**  
 (Exterior Noise Exposure [DNL in Decibels DBA] From the General Plan)

Land Use Category	Exterior DNL Value In Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care						
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 Arenas, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						
<input type="checkbox"/>	<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.					
<input type="checkbox"/>	<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.					
<input type="checkbox"/>	<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.)					

Additionally, policies in the General Plan have been adopted for the purpose of avoiding or mitigating noise and vibration impacts from development projects. Policies applicable to the proposed project are presented below.

#### Envision San José 2040 Policies Relevant to Noise and Vibration

Policy EC-1.1	<p>Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:</p> <p>Interior Noise Levels</p> <ul style="list-style-type: none"> <li>The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected <i>Envision General Plan</i> traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.</li> </ul> <p>Exterior Noise Levels</p> <ul style="list-style-type: none"> <li>The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan. Residential uses are considered "normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.</li> </ul>
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Policy 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 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 five 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 three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.</li> </ul>
Policy EC-1.3	Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.
Policy EC-1.7	<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>
Policy EC-2.3	Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of a historical building, or building in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

### San José Municipal Code

Per the San José Municipal Code Title 20 (Zoning Ordinance) Noise Performance Standards, the sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in the table below at any property line, except upon issuance and in compliance with a Special Use permit as provided in Chapter 20.100.

**TABLE 5.13-3  
SAN JOSÉ ZONING ORDINANCE NOISE STANDARDS**

Land Use Types	Maximum Noise Levels in Decibels at Property Line
Residential, open space, industrial or commercial uses adjacent to a property used or zoned for residential purposes	55
Open space, commercial, or industrial use adjacent to a property used for zoned for commercial purposes or other non-residential uses	60
Industrial use adjacent to a property used or zoned for industrial use or other use other than commercial or residential purposes	70

Chapter 20.100.450 of the Municipal Code establishes allowable hours of construction within 500 feet of a residential unit between 7:00 AM and 7:00 PM, Monday through Friday, unless

permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.

## Discussion

- 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?*

### **Less than Significant with Mitigation.**

#### **Construction**

As discussed above, the City of San José has established allowable construction hours within its municipal code. Proposed project construction activities are proposed to occur from approximately 7:00 a.m. to 7:00 p.m., Monday through Friday. Chapter 20.100.450 of the San José Municipal Code restricts construction activities to between 7:00 a.m. and 7:00 p.m., Monday through Friday, and no construction activities are permitted on the weekends at sites within 500 feet of a residence. The proposed construction activities would be consistent with the time restrictions of the City ordinance.

Construction of the proposed project could result in a substantial temporary increase in ambient noise levels in the proposed project vicinity above levels existing without the proposed project. While the City of San José noise ordinance or General Plan do not establish quantitative noise exposure standards from construction equipment, the Federal Transit Administration publishes a general construction noise assessment criterion of 90 dBA for residential uses during daytime hours.

Construction noise levels at and near the project site would fluctuate depending on the type, number, and duration of use of various pieces of construction equipment. Given the low level of construction-related vehicle trips associated with hauling (166 truck trips over 44 days of demolition or an average of approximately four truck trips per day) and commuting workers, these trips would not be expected to raise ambient noise levels along haul routes. **Table 5.13-4** shows typical noise levels produced by various types of construction equipment that would operate during the construction of the proposed project.

To quantify construction-related noise exposure that would occur at the nearest sensitive receptors, it was assumed that the two loudest pieces of construction equipment would operate at the same time at the closest location of the project site to the nearest off-site sensitive receptors. **Table 5.13-5** presents the highest  $L_{eq}$  noise levels that sensitive receptors could be exposed to at each of the construction sites.

As shown in Table 5.13-4, construction activities of all phases of the proposed project would generate noise levels at the nearest sensitive receptors below the 90 dBA criterion

of the FTA. The temporary increase in ambient noise levels would cause less-than-significant impact.

**TABLE 5.13-4**  
**REFERENCE CONSTRUCTION EQUIPMENT NOISE LEVELS – (50 FEET FROM SOURCE)**

Type of Equipment	L <sub>max</sub> , dBA	Hourly L <sub>eq</sub> , dBA/Percent Used <sup>a</sup>
Bulldozer	85	81/40
Front End Loader	80	76/40
Excavator	85	81/40
Dump Truck	84	80/40
Water Truck	84	80/40
Compactor	80	73/20
Crane	85	77/16
Concrete Saw	90	83/20
Tractor	84	80/40
Grader	85	81/40
Gradall	83	79/40
Compressor (air)	78	74/40

NOTE:

a. "Percent used" were obtained from the FHWA Roadway Construction Noise Model User's Guide.

SOURCE: FHWA 2006.

Construction of the proposed project is anticipated to occur over the course of 14 months. As such, the proposed project shall implement the following **Mitigation Measure NOI-1**, which incorporates applicable provisions outlined in the City's General Plan Policy EC-1.7 and Title 20, Part 3, Section 20.100.450 of the City's Municipal Code. Implementation of Mitigation Measure NOI-1 would reduce potential construction noise impacts to a less than significant level.

### **Mitigation**

**Impact NOI-1:** Sensitive receptors in the proposed project area would be intermittently exposed to high noise levels during proposed project construction.

#### **Mitigation Measure NOI-1: Construction Noise Logistics Plan.**

Prior to the start of construction activities, the project proponent shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

**TABLE 5.13-5  
ESTIMATED NOISE LEVELS AT SENSITIVE RECEPTORS DURING PROPOSED PROJECT CONSTRUCTION**

Receptor	Distance to Nearest Sensitive Receptor (feet)	Two Loudest Pieces of Construction Equipment	Combined Noise level from 50 feet (dBA L <sub>eq</sub> ) <sup>a</sup>	Attenuated Noise Level (dBA L <sub>eq</sub> ) <sup>b</sup>	Exceed 90 dBA Leq (yes or no)?
<b>Demolition</b>					
Via Ferrari/Panoche Avenue Residences	400	Concrete Saw, Tractor	85	66	No
McLaughlin Avenue/Story Road Residences	700	Concrete Saw, Tractor	85	62	No
Panoche Court Residences	950	Concrete Saw, Tractor	85	59	No
Pipe Dream Court Residences	850	Concrete Saw, Tractor	85	60	No
<b>Site Preparation/Grading</b>					
Via Ferrari/Panoche Avenue Residences	400	Grader, Tractor	84	66	No
McLaughlin Avenue/Story Road Residences	700	Grader, Tractor	84	62	No
Panoche Court Residences	950	Grader, Tractor	84	59	No
Pipe Dream Court Residences	850	Grader, Tractor	84	60	No
<b>Building Construction</b>					
Via Ferrari/Panoche Avenue Residences	400	Gradall, Tractor	83	65	No
McLaughlin Avenue/Story Road Residences	700	Gradall, Tractor	83	61	No
Panoche Court Residences	950	Gradall, Tractor	83	59	No
Pipe Dream Court Residences	850	Gradall, Tractor	83	60	No
<b>Paving</b>					
Via Ferrari/Panoche Avenue Residences	400	Tractor, Front End Loader	81	63	No
McLaughlin Avenue/Story Road Residences	700	Tractor, Front End Loader	81	58	No
Panoche Court Residences	950	Tractor, Front End Loader	81	56	No
Pipe Dream Court Residences	850	Tractor, Front End Loader	81	57	No

## NOTE:

a. Reference construction equipment noise levels were obtained from Caltrans' Roadway Construction Noise Level (RCNM).

SOURCE: FHWA 2006.

- Pile Driving is prohibited.
- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Equip all internal combustion–driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining noise-sensitive land uses.
- Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent businesses, residences, and other noise-sensitive land uses of the construction schedule in writing and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- Limit construction hours to 7 a.m. to 7 p.m., 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. Because it is anticipated that certain construction activities (such as continuous pours of concrete foundations) may require work outside normally permitted construction hours (e.g., overnight), the project’s Planned Development Permit would allow for such construction activities, subject to conditions of approval, including performance standards, imposed by the City to limit noise impacts.

### Operation

Once all construction activities are completed, the proposed project would result in daily on-site activities such as cleaning and maintenance of equipment, conducting drills and physical fitness training, and responding to emergency service calls.

The proposed fire station would staff up to approximately eight SJFD personnel daily and operate 24 hours per day, 7 days a week, depending on the level of emergency activation in the City. SJFD estimates that the new Fire Station No. 32 would respond to approximately 25 calls per day under the Base One-Company Design. For the Alternative Two-Company Design, this analysis assumes a total of 35 calls per day shared between the two companies.

The typical practice for emergency siren use is to use sirens to break traffic at intersections or warn drivers of the emergency vehicle approach when traffic is congested or at intersections where sound is the only way the oncoming driver can be alerted to the emergency vehicle's presence. Although Fire Station No. 32 would be a new fire station its service area is currently accommodated by existing SJFD units that generate occasional siren noise throughout the proposed project area and the magnitude of localized noise from emergency sirens would be similar to existing conditions, while the potential frequency would result in a modest increase in the frequency of siren use within the service area. The use of sirens in connection with emergency responses would generate a high level of sound along the response routes; however, siren noise would be occasional and short-lived. Sirens would be used in-transit for a very short duration in the vicinity of the project site. Furthermore, siren noise from emergency vehicles are part of the existing environment from responses to emergencies in the general population. Therefore, the noise from sirens would not substantially increase the CNEL noise levels in the project site vicinity, particularly given the existing noise levels of 78 dBA DNL as monitored at the nearest receptors.

Given that the fire station would only staff eight firefighters daily, any increase in vehicle traffic in the vicinity of the project site would be inconsequential and not result in a noticeable increase in roadside noise levels. The new Fire Station No. 32 would also require installation of an emergency generator which would be operated for no more than one hour once a week for maintenance testing as a condition of permit. Given the brief period of testing, which would occur during daytime hours, noise from generator testing would be a less than significant impact.

Overall operational noise from emergency sirens, traffic, and maintenance operations of back-up generator, would be a less than significant impact.

b) *Generation of excessive groundborne vibration or groundborne noise levels?*

**Less than Significant.** Proposed project construction is expected to require 14 months. Construction activity would utilize standard construction equipment and would not involve and substantial vibration-inducing activities such as pile driving or blasting. Policy EC-2.3 of the City of San José General Plan requires new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or building that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV is used to minimize the potential for cosmetic damage to a building, while a continuous vibration limit of 0.20 in/sec PPV is used to minimize the potential for cosmetic damage at buildings of normal conventional construction. According to the Caltrans

Transportation and Construction Vibration Manual, both caisson drilling and large bulldozer typically generate vibration levels of 0.089 inch/second PPV at a distance of 25 feet (Caltrans, 2018). There is a commercial building located 60 feet north from the proposed project footprint. As shown in **Table 5.13-6**, the commercial building would be exposed to a vibration level of less than .056 inch/second PPV, well below the applied 0.2 PPV building damage threshold. There is a residential building located 400 feet southeast from the project site. The residential building would be exposed to a vibration level of less than .009 inch/second PPV, well below the building damage threshold. Because construction would be restricted to daytime hours, consequently, existing sensitive receptors and structures near the project site would not be affected by substantial ground-borne vibration during proposed project construction. Therefore, the potential for proposed project-related vibration from construction would represent a less than significant impact.

- 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?*

**Less than Significant.** The proposed project is approximately 3.5 miles southeast of the nearest runway of the Norman Y. Mineta San José International Airport, and 1.6 miles northwest of the nearest runway of the Reid-Hillview County Airport. The project site exists outside of the 60 CNEL noise contour lines of Norman Y. Mineta San José International Airport (SCCALUC, 2016) and the Reid-Hillview County Airport (SCC, 2020) and does not represent a noise-sensitive land use. Therefore, although the proposed project would be located within two miles of an active public airport, the potential for noise exposure from aircraft operations would be a less than significant impact.

**TABLE 5.13-6  
VIBRATION LEVELS FOR CONSTRUCTION ACTIVITY**

Equipment	Estimated PPV (inches per second)	
	At 25 Feet (reference)	At 60 Feet
Jack Hammer	0.035	0.009
Loaded Trucks	0.076	0.02
Caisson Drilling	0.089	0.024
Large Bulldozer	0.089	0.024
Vibratory Roller	0.21	0.056

SOURCE: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment*, 2018 and Caltrans, 2020

## 5.14 Population and Housing

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XIV. POPULATION AND HOUSING — Would the project:</b>				
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Environmental Setting

Based on information from the Department of Finance, the City of San José's population was estimated to be 1,029,782 in January 2021 (CA Department of Finance, 2021). As of December 2021, employment in the City was approximately 531,600 (CA Employment Development Department, 2022).

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth (e.g., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

### Discussion

- 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)?*

**Less Than Significant.** The proposed fire station would staff approximately eight SJFD personnel daily. Thus, the proposed project would result in the potential additional staffing of approximately 24 SJFD personnel (assuming three rotating shifts) to serve the daily needs of the station. This represents a minor increase in the City's overall employment and is consistent with the growth planned in the 2040 General Plan. The proposed project would not create any new housing and would not extend any roads. As a result, the proposed project would not result in direct or indirect unplanned population growth. Although the proposed project would create new infrastructure in the form of a new Fire Station, the additional staffing would not be a considerable contribution to the City's overall employment and would have a less than significant population and housing effect.

- b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*



**No Impact.** The project site does not contain any residential structures. Therefore, the proposed project would not demolish or otherwise remove any existing housing units or displace any people.

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## 5.15 Public Services

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XV. PUBLIC SERVICES — Would the project:</b>				
a) 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 following public services:				
i) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Environmental Setting

**Fire Protection:** Fire protection services are provided to the project site by the San José Fire Department (SJFD). The closest fire stations to the project site are Station 16, located at 2001 S. King Road, approximately 1.2 miles from the project site, Station 8, currently located at 802 E. Santa Clara Street,<sup>10</sup> about 1.4 miles from the project site, and Station 3, approximately 1.7 miles from the project site.

**Police Protection:** Police protection services are provided to the project site by the San José Police Department (SJPd) headquartered at 201 West Mission Street. The City has four patrol divisions and 16 patrol districts. Patrols are dispatched from police headquarters and the patrol districts consist of 83 patrol beats, which include 357 patrol beat building blocks.

**Parks:** The San José Parks, Recreation, and Neighborhood Services Department (PRNS) operates the City's regional and neighborhood parks. PRNS also operates community and recreation centers and provides various recreation, community service, and other programs for children, youth, teens, adults, seniors, and people with disabilities. The nearest City of San José park facility is Emma Prusch Farm Park, located approximately 0.25-miles east of the project site, and McLaughlin Park, located approximately 0.3-miles south of the project site.

**Schools:** The project site is within the Franklin-McKinley Elementary School District (FMSD) and the East Side Union High School District (ESUHSD).

<sup>10</sup> Plans for the relocation of Fire Station No. 8 to a new facility at 601 E Santa Clara Street are currently underway, which would be approximately 1.5 miles from the project site.

**Libraries:** The City of San José is served by the San José Public Library System. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr.) and 22 branch libraries.

## Regulatory Framework

### Local

#### General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating public service impacts from development projects. Policies applicable to the proposed project are presented below.

#### Envision San José 2040 Policies Relevant to Public Services

Policy CD-5.5	Include design elements during the development review process that address security, aesthetics and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular and pedestrian facilities and other standards set forth in local, state, and federal regulations.
Policy ES-3.1	Provide rapid and timely Level of Service (LOS) response time to all emergencies: 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
Policy ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
Policy ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.
Policy PR-1.1	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.

## Discussion

- a.i) *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 following public services: Fire protection?*

**Less than Significant with Mitigation Incorporated.** As described in Chapter 3, the proposed project includes construction of a single-company, one-story fire station with a single apparatus bay as part of the construction of a new Fire Station No. 32 at 1138 Olinder Court. To the extent construction of this new fire station structure as part of the proposed project could potentially result in significant environmental effects, such effects are analyzed throughout this Initial Study. Mitigation measures are included to reduce construction-related impacts to biological resources, cultural resources, hazards and

hazardous materials, and noise to less than significant levels. These include Mitigation Measures BIO-1: Nesting Bird Protection Measures; CUL-1: Cultural Resources Awareness Training; and HAZ-1: Site Management Plan and Vapor Intrusion Measures; and Mitigation Measure NOI-1: Construction Phasing. Therefore, the impacts regarding the effects of constructing the new fire protection infrastructure would be less than significant with mitigation incorporated.

## Mitigation

**Impact PUB-1:** Construction of the proposed fire protection facilities could result in substantial adverse physical impacts.

**Mitigation Measure BIO-1: Nesting Bird Protection Measures.** (see Section 5.4, *Biological Resources*, above)

**Mitigation Measure CUL-1: Cultural Resources Awareness Training.** (see Section 5.5, *Cultural Resources*, above)

**Mitigation Measure HAZ-1: Site Management Plan and Vapor Intrusion Measures.** (see Section 5.9, *Hazards and Hazardous Materials*, above)

**Mitigation Measure NOI-1: Construction Phasing.** (see Section 5.13, *Noise*, above)

- a.ii) *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 following public services: Police protection?*

**Less than Significant.** The proposed project would redevelop the site, which would intensify the use of the site and generate additional occupants in the area. This would result in an incremental increase in the demand for police protection services. The project site, however, 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 proposed 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. Therefore, the proposed new fire station would not significantly impact police protection services or require the construction of new or remodeled facilities.

- a.iii-v) *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 following public services: Schools; Parks; Other public facilities?*

**Less than Significant.** The proposed project would not significantly increase employment within the City or result in the construction of residential uses. The construction of a new Fires Station No. 32 would not result in additional residential development which would generate new school-aged children at FMSD or ESUHSD schools such that new school facilities would be required. Additionally, the proposed project would not result in the increased the use of existing parks, libraries, or other public facilities such that expansion of these facilities within the City would be required. Therefore, the proposed project would result in less than significant impacts to these public services.

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## 5.16 Recreation

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XVI. RECREATION:</b>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Environmental Setting

San José has approximately 3,537 acres of parkland, consisting of 1,232 acres of neighborhood/community parkland, 562 acres of regional parkland, 321 acres of land on three public golf courses, and 1,422 acres of open space and undeveloped land. PRNS operates 209 parks throughout the city: 199 neighborhood parks and 10 regional serving parks. The nearest City of San José park facility is Emma Prusch Farm Park, located about 0.25-miles east of the project site, and McLaughlin Park, located approximately 0.3-miles south of the project site.

## Discussion

- a, b) *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; 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?*

**Less than Significant.** The proposed project includes construction of a single-company, one-story fire station with a single apparatus bay as part of the construction of a new Fire Station No. 32 at 1138 Olinder Court. As discussed in Section 5.14, *Population and Housing*, the proposed project would not significantly increase employment within the City or result in the construction of residential uses. As such, the proposed project would not result in the increased the use of existing parks such that substantial physical deterioration of the facility would occur or be accelerated, nor would it result in the need for expansion of parks and recreation facilities within the City. Therefore, recreation-related impacts would be less than significant.

## 5.17 Transportation

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XVII. TRANSPORTATION — Would the project:</b>				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Environmental Setting

The project site is located at 1138 Olinder Court, on the northeast corner of Olinder Court and Felipe Avenue, south of the U.S. 101 and I-680/280 interchange. The project site currently contains one gated access driveway on Olinder Court and one gated access driveway on Felipe Avenue.

Story Road and McLaughlin Avenue are the closest major streets to the project site, located one block south and west of the project site, respectively. Story Road and McLaughlin Avenue within the proposed project vicinity are City Connector Streets as defined in the City's General Plan. City Connector Streets are focused on providing access for mid- and long-range trips across San José. However, this does not mean that more local activities of walking or cycling are not accommodated, because City Connector Streets serve short range trips and the local uses along them as well. In the City Connector Street typology, pedestrians and bicyclists are prioritized, or equally accommodated with automobiles. While transit may be present, it is given limited emphasis.

Protected bike lanes are located on Story Road and McLaughlin Avenue, one block south and west of the project site. Protected bike lanes are a dedicated bikeway that combines the user experience of a multi-use path but are located on a street. They are physically distinct from the sidewalk and separated from motor vehicle traffic by a physical object such as parking, a curb, or posts. These bicycle lanes serve as the closest connectors to the City's bike lane network to the project site.

Bus stops are located on Story Road and McLaughlin Avenue one block south and west of the project site for trips on the 25 and 72 bus lines.

## Regulatory Framework

### Local

#### Council Policy 5-1 Transportation Analysis

In alignment with SB 743 and the City's goals in the Envision San José 2040 General Plan, the City has adopted a Transportation Analysis Policy (Council Policy 5-1) to replace the former Transportation Level of Service Policy (Council Policy 5-3). The new policy establishes the thresholds for transportation impacts under CEQA based on vehicle miles traveled (VMT) rather than intersection level of service (LOS). VMT is the total miles of travel by personal motorized vehicles from a project in a day. The intent of this change in policy is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway capacity to a reduction in vehicle emissions and the creation of multimodal networks that support integrated land uses.<sup>11</sup>

#### Transportation Analysis Handbook

The City's Transportation Analysis Handbook (April 2018) sets forth objectives and methodologies related to the preparation of project-related transportation analyses. The Transportation Analysis Handbook outlines significance criteria, screening criteria, and thresholds of significance for environmental clearance for development projects, transportation projects, and General Plan Amendments. The Transportation Analysis Handbook aligns with SB 743; City Council Policy 5-1, and the major strategies, goals, and policies of the City's General Plan. According to the Transportation Analysis Handbook, a detailed CEQA transportation analysis would not be required if a project meets certain screening criteria. Small infill projects and other projects of sufficiently small size (i.e., 30,000 square feet or less of industrial use) would meet the City's screening criteria, in which case the Project would not be required to prepare a detailed CEQA transportation analysis.

#### San Jose Bike Plan 2020

The San José Bike Plan 2020<sup>89</sup> includes policies for developing and maintaining bike trails and associated facilities within the City. The following five goals are listed within the plan in order to improve bike accessibility and connectivity: (1) complete 500 miles of bikeways; (2) achieve a 5 percent bike mode share; (3) reduce bike collision rates by 50 percent; (4) add 5,000 bicycle parking spaces; and (5) achieve Gold-Level Bicycle Friendly Community status.

#### General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating transportation impacts from development projects. Policies applicable to the proposed project are presented below.

<sup>11</sup> The new policy took effect on March 29, 2018.



**Envision San José 2040 Policies Relevant to Transportation**

Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
Policy TR-1.3	Increase substantially the proportion of commute travel using modes other than the single-occupant vehicle in order to meet the City's mode split targets for San José residents and Workers.
Policy TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
Policy TR-1.5	Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
Policy TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
Policy TR-8.1	Promote transit-oriented development with reduced parking requirements and promote amenities around appropriate transit hubs and stations to facilitate the use of available transit services.
Policy TR-8.3	Support using parking supply limitations and pricing as strategies to encourage the use of non-automobile modes.
Policy TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.

**Discussion**

- a) *Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

**Less than Significant.** The proposed project includes construction of a new, one-story fire station with two apparatus bays, which would serve as the new Fire Station No. 32. While service boundaries have not yet been set, this analysis assumes a total of 35 calls per day shared between the potential two companies at the new fire station. Calls from other stations would be redistributed and taken by the new Fire Station No. 32. As discussed further under b) below, per City Council Policy 5-1, the proposed project would be considered a local-serving public facility that further City goals and policies and will not result in significant transportation impacts.

The proposed project would neither directly nor indirectly eliminate existing or planned alternative transportation corridors or facilities (e.g., bike paths, lanes, etc.), including changes in policies or programs that support alternative transportation, nor construct facilities in locations in which future alternative transportation facilities may be planned. The proposed project would not conflict with adopted policies, plans and programs supporting alternative transportation. In addition, the proposed project would not generate traffic volume increases that would affect traffic flow on area roadways. Therefore, the

performance of public transit, bicycle and pedestrian facilities in the area would not be impacted by the proposed project and the impact would be less than significant.

- b) *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

**Less than Significant.** On December 28, 2018, the California Natural Resources Agency certified CEQA Guidelines Section 15064.3(b), which required, among other things, that by July 2020, all public agencies must base the determination of transportation impacts under CEQA on VMT rather than level of service.<sup>12</sup> On February 27, 2018, the City Council for the City of San José adopted the VMT metric for determining level of significance (Council Policy 5-1). Per City Council Policy 5-1, local-serving public facilities either produce very low VMT, or divert existing trips from established local facilities to new local facilities without measurably increasing trips outside of the area; these projects will further City goals and policies and will not result in significant transportation impacts. Since the proposed project would construct a new fire station, it would qualify as a local-serving public facility that produces very low VMT (approximately 35 service calls per day based) and calls from other existing stations would be redistributed to the new Fire Station No. 32. Therefore, the proposed project's VMT impact would be considered less than significant.

- c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

**Less than Significant.** The proposed project would not substantially increase hazards due to a design feature or incompatible use. The proposed project would not materially affect the design of the existing street network except for adding one new driveway on Olinder Court. Therefore, potential transportation hazard impacts related to road design would be less than significant.

- d) *Result in inadequate emergency access?*

**No Impact.** The proposed project would not result in inadequate emergency access. As a fire station, the proposed project would be designed to allow adequate access for fire apparatus and emergency service vehicles to use the facility. Therefore, the proposed project would have a no impact on emergency access.

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<sup>12</sup> VMT measures the amount and distance people drive by personal vehicle to a destination. VMT is measured by multiplying the total vehicle trips by the average distance of those trips. Level of service, by contrast, measures the operating conditions of an individual facility (intersection or roadway) in terms of average vehicle delay (intersection) or measures such as average speed (roadway).

## 5.18 Tribal Cultural Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XVIII. TRIBAL CULTURAL RESOURCES — Would the project:</b>				
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Environmental Setting

ESA contacted the California State Native American Heritage Commission (NAHC) on February 7, 2022, to request a search of the NAHC's Sacred Lands File and a list of Native American representatives who may have knowledge of tribal cultural resources in the project site, or interest in the proposed project. The NAHC replied to ESA by email on March 27, 2022, with the statement that the result of any Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative. The NAHC response included a list of 11 Native American representatives from 8 tribes who may have knowledge of tribal cultural resources in the project site, or be interested in the proposed project.

In 2017, the City sent a letter to tribal representatives in the area to welcome participation in consultation processes for all ongoing, proposed, or future projects within the City's Sphere of Influence or specific area of the City. The Ohlone Tribe submitted a request in July of 2018 for email notification of projects requiring a Negative Declaration, a Mitigated Negative Declaration, or an Environmental Impact Report that would involve ground-disturbing activities within the downtown area of the City of San José. On May 28, 2021, Tamien Nation requested certified mail notification of all non-exempt projects within the City of San José. In April, 2022 Tamien Nation verbally revised their original request to receive notice of all non-exempt projects within the City of San Jose via email only. The tribal representatives for the Ohlone Tribe, Tamien Nation, and other tribes known to have traditional lands and cultural places within the City of San José, were sent Tribal Consultation letters via email on October 24, 2023. No requests for consultation were received during the noticing period. See Section 5.5, *Cultural Resources*, above for a summary of ESA's NWIC records search, background research, and archaeological sensitivity analysis.

## Regulatory Framework

### ***Native American Heritage Commission***

NAHC was created by statute in 1976, is a nine-member body appointed by the Governor to identify and catalog cultural resources (i.e., places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands) in California. The Commission is responsible for preserving and ensuring accessibility of sacred sites and burials, the disposition of Native American human remains and burial items, maintaining an inventory of Native American sacred sites located on public lands, and reviewing current administrative and statutory protections related to these sacred sites.

### ***California Public Resources Code and Tribal Cultural Resources***

In 2014, the California Legislature enacted Assembly Bill (AB) 52, which added provisions to the Public Resources Code regarding the evaluation of impacts on tribal cultural resources under CEQA, and requirements to consult with California Native American tribes. In particular, AB 52 requires lead agencies to analyze project impacts on tribal cultural resources separately from archaeological resources (PRC Sections 21074 and 21083.09). AB 52 defines “tribal cultural resources” in PRC Section 21074 and requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC Sections 21080.3.1, 21080.3.2, and 21082.3).

A *tribal cultural resource* is defined in PRC Section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- 1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k); or
- 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c). In applying the criteria set forth in PRC Section 5024.1(c), the lead agency shall consider the significance of the resource to a California Native American tribe.

### ***California Public Resources Code Sections 5097.98 and 5097.99***

PRC Section 5097.98 (reiterated in CEQA Guidelines Section 15064.5(e)) identifies steps to follow in the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery. PRC Section 5097.99 prohibits obtaining or possessing any Native American artifacts or human remains that are taken from a Native American grave or cairn (stone burial mound).

## Discussion

- a.i) *Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and*

*that is: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k),*

**Less than Significant with Mitigation Incorporated.** Based on the results of background research including a NWIC records search and the NAHC's SLF search, no known tribal cultural resources listed or determined eligible for listing in the California Register, or included in a local register of historical resources as defined in PRC Section 5020.1(k), pursuant to PRC Section 21074(a)(1), would be affected by the proposed project.

However, if any previously unrecorded archaeological resource were identified during ground-disturbing construction activities and were found to qualify as a tribal cultural resource pursuant to PRC Section 21074(a)(1) (determined to be eligible for listing in the California Register or in a local register of historical resources), any impacts of the proposed project on the resource could be potentially significant. Any such potentially significant impacts would be reduced to a less-than-significant level by implementing **Mitigation Measure CUL-1: Cultural Resources Awareness Training**, and the Standard Project Conditions, Subsurface Cultural Resources and Human Remains (see Section 5.5, *Cultural Resources*).

**Impact TRB-1:** Proposed project ground disturbing activities could result in significant impacts to unrecorded tribal cultural resources.

**Mitigation Measure CUL-1: Cultural Resources Awareness Training.** (see Section 5.5, *Cultural Resources*, above)

- a.ii) *Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. 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.*

**Less than Significant with Mitigation Incorporated.** Based on the results of background research including a NWIC records search and the NAHC's SLF search, the City of San José did not determine any resource that could potentially be affected by the proposed project to be a tribal cultural resource significant pursuant to criteria set forth in PRC Section 5024.1(c). The City of San José sent notification of the proposed project to tribal representatives in the area on October 24, 2023, inviting written requests, and did not receive any request for consultation for this proposed project from any tribal representative during the noticing period. Therefore, the proposed project is not anticipated to affect any such resources. Additionally, if any subsurface resources are

encountered, the proposed project would be required to implement Mitigation Measure CUL-1: Cultural Resources Awareness Training, and the Standard Project Conditions, Subsurface Cultural Resources and Human Remains (see Section 5.5, *Cultural Resources*) thereby reducing any such potentially significant impacts to a less-than-significant level.

**Impact TRB-1:** Proposed project ground disturbing activities could result in significant impacts to unrecorded tribal cultural resources.

**Mitigation Measure CUL-1: Cultural Resources Awareness Training.** (see Section 5.5, *Cultural Resources*, above)

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## 5.19 Utilities and Service Systems

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XIX. UTILITIES AND SERVICE SYSTEMS —</b>				
<b>Would the project:</b>				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Environmental Setting

Utilities and services are furnished to the project site by the following providers:

- Wastewater Treatment: treatment and disposal provided by the San José/Santa Clara Water Regional Wastewater Facility (RWF); sanitary sewer lines maintained by the City of San José
- Water Service: San Jose Water Company (SJWC)
- Storm Drainage: City of San José
- Solid Waste: Green Team of San José
- Natural Gas & Electricity: PG&E

There is an existing 8-inch water main in Olinder Court and an existing 6.625-inch water main in Felipe Avenue. An existing 8-inch sewer main on Felipe Avenue is located adjacent to the project site. There is an existing 8-inch sewer main on Felipe Avenue. For stormwater, the existing point of connection to the project site is a 10-inch storm drain lateral at the south end of the project site.

## Regulatory Framework

### State

#### Assembly Bill 939 (1989)

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 from the landfill at least 50 percent of solid waste generated 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 (2011)

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program for businesses that generate four or more cubic yards of commercial solid waste per week and multi-family dwellings with five or more units in California. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

#### Assembly Bill 1826 (2014)

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.

#### Assembly Bill 1383 (2016)

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.

#### Assembly Bill 939

California AB 939 established the California Integrated Waste Management Board (CalRecycle), which required all California counties to prepare Integrated Waste Management Plans. In addition, AB 939 required all municipalities to divert 50 percent of their waste stream by the year 2000.

### California Green Building Standards Code

The California Green Building Standards Code (“CalGreen”) establishes mandatory green building standards for new and remodeled structures in California. These standards include a mandatory set of guidelines and more stringent voluntary measures for new construction projects, in order to achieve specific green building performance including recycling and/or salvage of 65 percent of nonhazardous construction and demolition debris.



### ***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 nonhazardous 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.

### ***Local***

#### **San José Zero Waste Strategic Plan/Climate Smart San José**

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

#### **Construction and Demolition Diversion Deposit Program**

The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50% of the waste generated during the project's construction phase. The deposit is assessed on the square footage of the project and it applies to residential and commercial alteration and demolition projects. Permit holders pay for the refundable deposit at permit issuance, and the deposit is fully refundable if the projected amount construction and demolition materials (C&D) were reused, donated, or recycled by at least 50% diversion at a City Certified Processing C&D facility. Reuse and donation require acceptable documentation such as photos, estimated weight quantities, receipts from donation centers, etc.

#### **General Plan Policies**

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating utilities and service system impacts from development projects. Policies applicable to the proposed project are presented below.

**Envision San José 2040 Policies Relevant to Utilities & Service Systems**

Policy MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.
Policy MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
Action EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
Policy IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
Policy IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.

## Discussion

- a) *Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

**Less than Significant.** The proposed Fire Station No. 32 building would require utility connections to support the newly construction fire station. The proposed project would tie into the existing City infrastructure as follows:

- **Water:** the proposed project would connect to an existing 9-inch water main in Olinder Court and an existing 6.625-inch water main in Felipe Avenue. On Olinder Court, a total of two new laterals would be provided, with one each for fire water service and a new fire hydrant. On Felipe Avenue a total of three new laterals will be provided, with one each for domestic water, irrigation water, and a new fire hydrant.
- **Sewer:** the proposed project would connect to the existing 8-inch sewer main on Felipe Avenue through a proposed 6-inch sewer lateral.
- **Storm Drainage:** the proposed project would connect to an existing 10-inch storm drain lateral at the south end of the project site.
- **Electricity and telecommunications:** the proposed project would tie into PG&E electric lines and connect to an existing AT&T vault for telephone service. Cable service would be provided through Comcast with a connection to the nearest pole. City of San José Fiber may also be provided. No natural gas connection is proposed.

Physical effects that would ensue from development of the utility connection required for the proposed fire station are analyzed in this Initial Study under the applicable topics. As concluded herein, the proposed project would not result in any significant effects that

could not be mitigated to a less-than-significant level. Accordingly, no additional mitigation is required.

The proposed project would incrementally increase demands on utility services. Given the small scale of the proposed project (up to approximately 7,827 square-foot fire station structure), the increase in utility demand is expected to be minor, since it represents a small fraction of the total growth identified in the City's General Plan.

Therefore, the proposed project would not require the relocation or construction of additional utility infrastructure which might have significant environmental impacts, beyond those proposed as part of the proposed project and analyzed in this Initial Study.

- b) *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

**Less than Significant.** The proposed project would incrementally increase demands on utility services. Water service to the site would be supplied by SJWC, a private entity that obtains water from a variety of groundwater and surface water sources. The City will acquire a "will serve" letter from SJWC to assure adequate water is available to serve the proposed fire station uses during normal, dry, and multiple dry year conditions. Additionally, as the proposed project's growth is consistent with the City's General Plan and associated water use was analyzed in the General Plan EIR. Furthermore, the proposed project would be required to adhere to the guidelines required by the CalGreen Code. Therefore, the proposed project would have a less than significant impact with regard to water supply and availability.

- c) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

**Less than Significant.** Wastewater from the City of San José is treated at the RWF. The RWF is permitted to provide tertiary-level treatment to up to 167 million gallons per day (mgd) in the dry season and has a permitted wet weather peak capacity of 261 mgd (City of San José, 2018). Based on the General Plan EIR, the City's average dry weather flow is approximately 69.8 million gallons per day and the City's capacity allocation is approximately 108.6 mgd, leaving the City with approximately 38.8 mgd of excess treatment capacity. Development allowed under the General Plan (which includes the proposed project) would not exceed the City's allocated capacity at the RWF. Additionally, the proposed project would follow the guidelines of the CalGreen Code. Therefore, the development of the proposed project would have a less than significant impact on wastewater treatment capacity.

- d, e) *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; Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

**Less than Significant.** During construction, the proposed project would generate construction-related debris. However, the amount of waste sent to the landfill would be minimized through compliance with the following regulations:

- CDDD Program – the program is memorialized in Chapter 9.10, Part 15 of the San Jose Municipal Code and applies to the demolition permit of this proposed project.
  - CDD Review and Final – requires non-hazardous debris generated during the construction of the newly designed building to be diverted at 75%, a higher diversion requirement than the state CalGreen Code.
-

## 5.20 Wildfire

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XX. WILDFIRE — If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</b>				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Environmental Setting

The project site is located in a Local Responsibility Area that is not designated as a Very High Fire Hazard Severity Zone (VHFHSZ) and is not located near any local or state responsibility areas that have been designated as VHFHSZs (CAL FIRE, 2008). The project site is also not located in an area designated as a wildland-urban interface (SJFD, 2017). The project site is relatively flat and is located in an urbanized area.

## Regulatory Framework

### State

#### Public Resources Code Section 4201 – 4204

Sections 4201 through 4204 of the California Public Resources Code direct the California Department of Forestry and Fire Protection (CAL FIRE) to map Fire Hazard Severity Zones (FHSZ) within State Responsibility Areas (SRA), based on relevant factors such as fuels, terrain, and weather. Mitigation strategies and building code requirements to reduce wildland fire risks to buildings within SRAs are based on these zone designations.

#### Government Code Section 51175 – 51189

Sections 51175 through 51189 of the California Government Code directs CAL FIRE to recommend FHSZs within Local Responsibility Areas (LRA). Local agencies are required to designate VHFHSZs in their jurisdiction within 120 days of receiving recommendations from CAL FIRE, and may include additional areas not identified by CAL FIRE as VHFHSZs.

## California Fire Code

The California Fire Code (Chapter 49) establishes the requirements for development within wildland-urban interface areas, including regulations for wildfire protection building construction, hazardous vegetation and fuel management, and defensible space maintained around buildings and structures.

## Discussion

- a-d) *Substantially impair an adopted emergency response plan or emergency evacuation plan; 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; 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; 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?*

**No Impact.** The proposed project would construct a new Fire Station for SJFD. The proposed project would support adopted emergency and evacuation plans. The proposed project would not exacerbate wildfire risks due to slope, prevailing winds, and other factors due to the project site's urbanized location away from natural areas susceptible to wildfire. The project site is not located within an area of moderate, high, or very high fire hazard severity for the local responsibility area nor does it contain areas of moderate, high, or very high Fire Hazard Severity for the State responsibility area. Due to the project site's urbanized location and lack of interface with any natural areas susceptible to wildfire, the proposed project would not require the installation or maintenance of associated wildfire suppression or related infrastructure. The proposed project would also not expose people or structures to significant wildfire risks given its highly urban location away from natural areas susceptible to wildfire.

## 5.21 Mandatory Findings of Significance

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

### Discussion

- a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

**Less than Significant with Mitigation.** Based upon background research and the analysis contained herein, with implementation of mitigation measures identified in this Initial Study, the proposed project does not have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Any potential short-term increases in potential effects to the environment during construction, and long-term effects on the environment during proposed project operation, are mitigated to a less-than-significant level, as described throughout the Initial Study.

**Mitigation Measure BIO-1: Nesting Bird Protection Measures.** (see Section 5.4, *Biological Resources*, above)

**Mitigation Measure CUL-1: Cultural Resources Awareness Training.** (see Section 5.5, *Cultural Resources*, above)

- b) *Does the project have impacts that are individually limited but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

**Less than Significant with Mitigation.** In accordance with CEQA Guidelines Section 15183, the environmental analysis in this Initial Study was conducted to determine if there were any project-specific effects that are peculiar to the proposed project or its site. In addition to this requirement, Section 15065(a)(3) states that a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects “that are individually limited, but cumulatively considerable.”<sup>13</sup> If cumulative impacts could occur, cumulative analysis asks whether the project’s contribution to the significant cumulative impact would be cumulatively considerable.

Based on the above discussion, the proposed project would not result in cumulatively considerable contributions to significant cumulative impacts. The proposed project would not result in impacts to agricultural and forestry resources, mineral resources, and wildfire; therefore, the proposed project would not contribute to cumulative impacts to these resources. The proposed project’s impacts to geology and soils and hazards and hazardous materials are site specific and, therefore, would not contribute to a significant cumulative impact to those resources. There are no cumulative projects in the vicinity of the project site that the proposed project would contribute cumulatively to for aesthetics, noise, population and housing, public services, recreation, or utility and service system impacts. With implementation of the identified mitigation measures and City Standard Project Conditions, the proposed project would not result in cumulatively considerable contributions to significant biological resources, hydrology and water quality, noise, or cultural or tribal cultural resources.

The project’s cumulative impact on land use was determined to be less than significant, as the proposed project would not alter land use in a manner that would modify the existing service population. Implementation of the proposed project would marginally contribute to criteria pollutants and global GHG emissions. As discussed in Section 5.3 *Air Quality*, and Section 5.8 *Greenhouse Gas Emissions*, the proposed project’s individual criteria pollutant and was below the BAAQMD threshold criteria and the proposed project would comply with the City’s Greenhouse Gas Reduction Strategy Compliance Checklist measures; it would thus have a less than significant cumulative impact. The proposed project would not result in significant emissions of criteria air pollutants or GHGs and, therefore, would not result in a cumulatively considerable impact. As discussed in Section 5.3, with mitigation health risk impacts would be reduced

<sup>13</sup> *Cumulatively considerable* is defined in Section 15065(a)(3) of the CEQA Guidelines as “the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”



to less than significant; therefore, the proposed project would not contribute to a significant impact.

Based on the above discussion, the proposed project would not have cumulatively considerable contributions to significant cumulative impacts.

**Mitigation Measure BIO-1: Nesting Bird Protection Measures.** (see Section 5.4, *Biological Resources*, above)

**Mitigation Measure CUL-1: Cultural Resources Awareness Training.** (see Section 5.5, *Cultural Resources*, above)

**Mitigation Measure HAZ-1: Site Management Plan and Vapor Intrusion Measures.** (see Section 5.9, *Hazards and Hazardous Materials*, above)

**Mitigation Measure NOI-1: Construction Phasing.** (see Section 5.13, *Noise*, above)

- c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

**Less than Significant with Mitigation.** Based on the analysis provided in this Initial Study, the proposed project would not result in environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly, with implementation of identified mitigation measures and Standard Project Conditions.

**Mitigation Measure AIR-1: Tier 4 Engines.** (see Section 5.3, *Air Quality*, above)

**Mitigation Measure HAZ-1: Site Management Plan and Vapor Intrusion Measures.** (see Section 5.9, *Hazards and Hazardous Materials*, above)

**Mitigation Measure NOI-1: Construction Phasing.** (see Section 5.13, *Noise*, above)

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# CHAPTER 6

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