

Initial Study

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**Senter & Alma  
Self-Storage Facility  
File No. H15-058**

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December 2016



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## **SECTION 1.0 PROJECT INFORMATION**

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### **1.1 PROJECT TITLE**

Senter and Alma Self-Storage Facility, File Number H15-058

### **1.2 LEAD AGENCY ADDRESS AND LEAD AGENCY CONTACT**

Thai-Chau Le, Planner  
City of San José  
Department of Planning, Building, and Code Enforcement  
200 East Santa Clara Street  
San José, CA 95113  
Phone: (408) 535-5658  
Email: Thai-Chau.le@sanjoseca.gov

### **1.3 PROJECT LOCATION**

The project site is an approximately 4.9-acre, L-shaped property (Assessor's Parcel Number 477-38-014) located on Senter Road between E. Alma Avenue and Phelan Avenue. For the purposes of this Initial Study, Senter Road is considered the eastern boundary of the project site. The site is bound by E. Alma Avenue, the San José Ice Center, San José Municipal Stadium, and Santa Clara Valley Rifle Club to the north, Senter Road to the east, the San José Central Service yard to the south, and S. 10<sup>th</sup> Street to the west. The site is largely vacant and undeveloped, with the exception of a small structure composed of freight containers.

Regional and vicinity maps of the project site are provided on Figures 1 and 2, respectively. An aerial photograph of the project site is provided on Figure 3.

### **1.4 PROJECT APPLICANT'S NAME AND ADDRESS**

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August Ventures, LLC  
990 Highland Drive, Suite 300  
Solana Beach, CA 92075  
Phone: (858) 259-9000 x123  
Email: paul.driscoll@sbcglobal.net

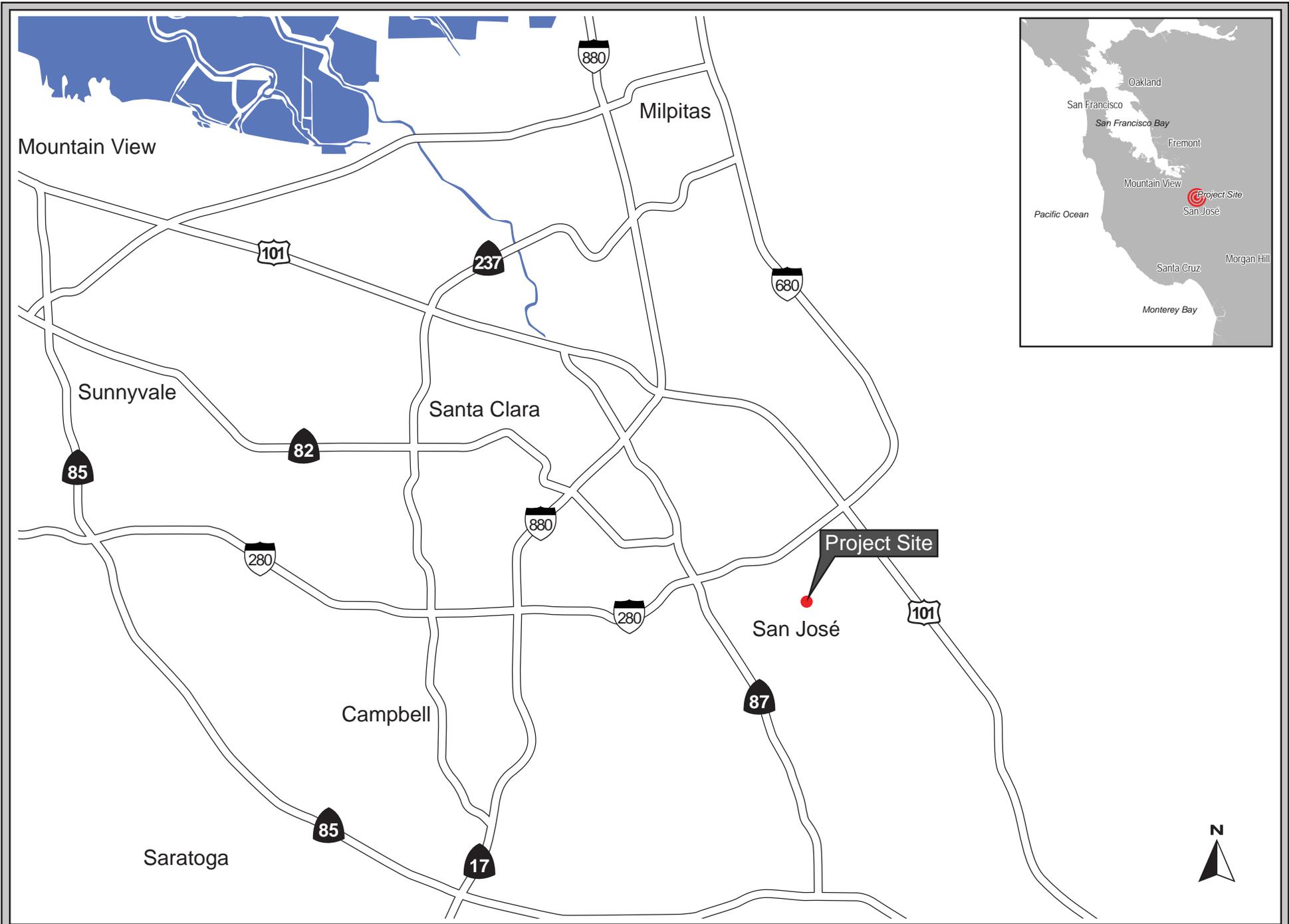
### **1.5 GENERAL PLAN LAND USE DESIGNATION AND ZONING DISTRICT**

General Plan Land Use Designation: *Open Space, Parklands and Habitat (OSPH)*  
Zoning District: *HI – Heavy Industrial*

### **1.6 SURROUNDING LAND USES**

North:	Public/Quasi-Public	South:	Heavy Industrial
East:	Open Space, Parklands and Habitat	West:	Heavy Industrial

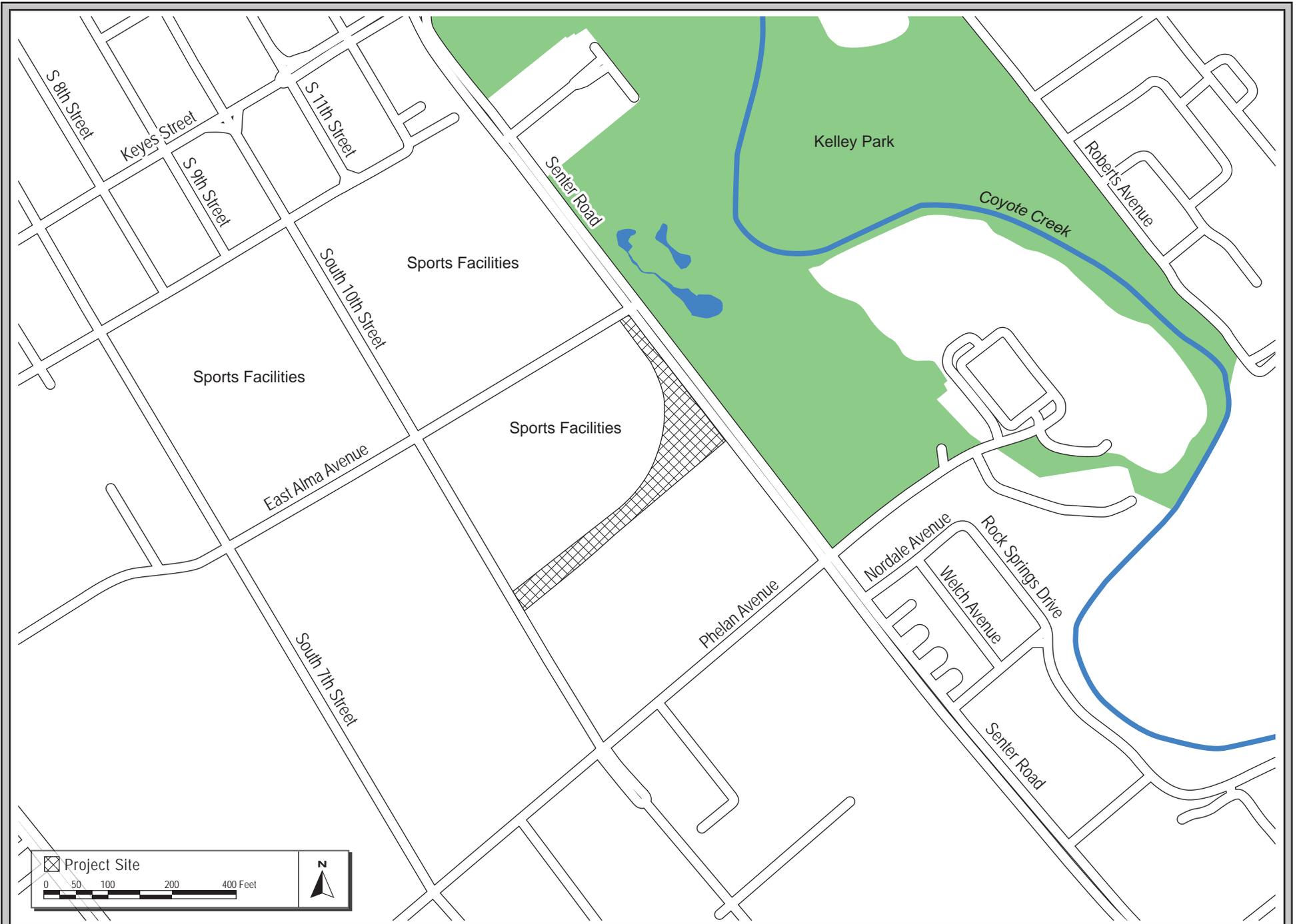




REGIONAL MAP

FIGURE 1

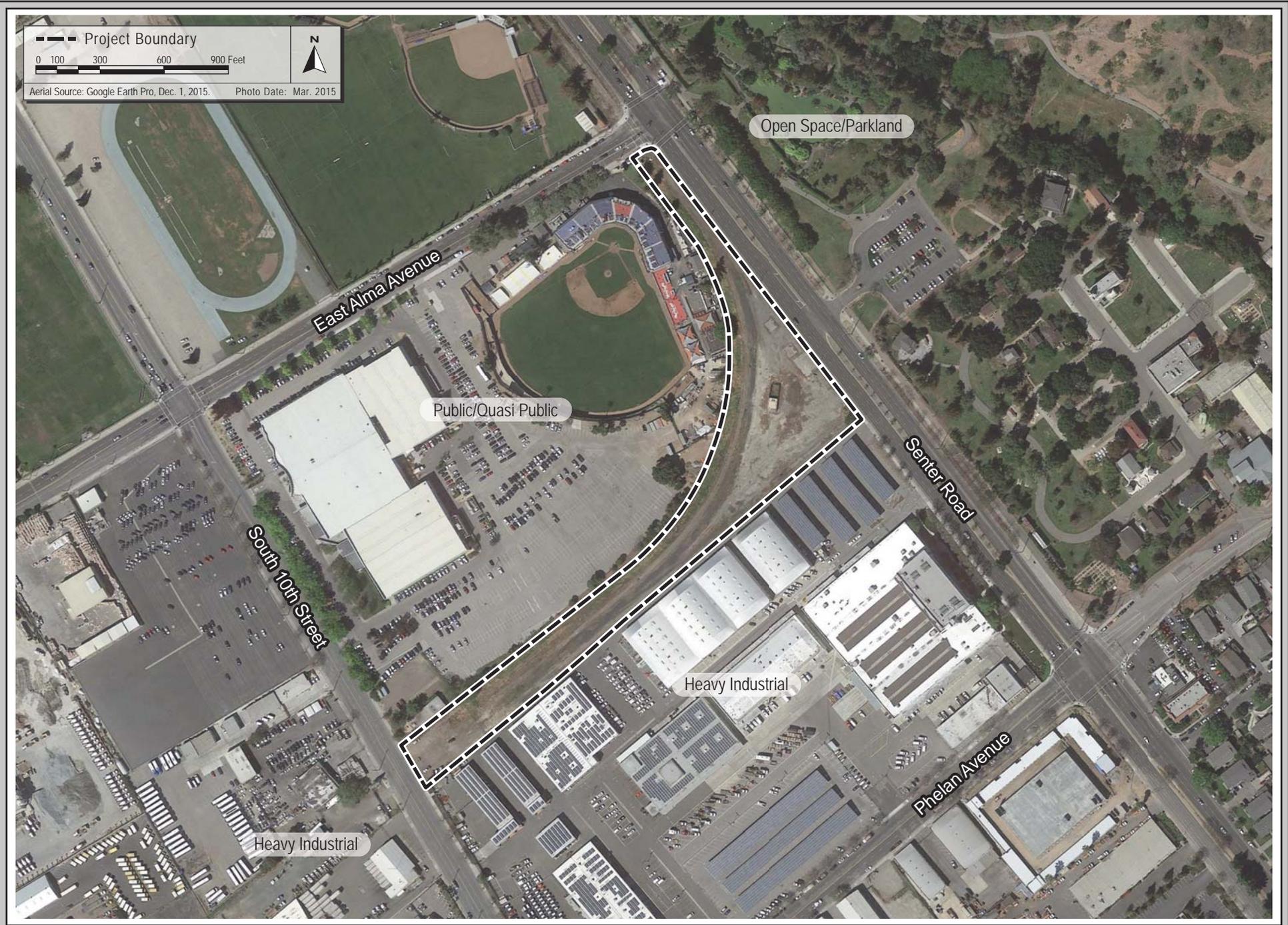




VICINITY MAP

FIGURE 2





AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 3



## **1.7 PROJECT DESCRIPTION**

The project proposes to develop the site with thirteen (13) self-storage facility buildings (approximately 89,537 square feet) and one building would contain an office and caretaker unit (approximately 2,348 square feet). A public bike trail is proposed along the northern boundary of the site and a pedestrian sidewalk is proposed on the eastern boundary along the site's Senter Road frontage. A conceptual site plan of the project is provided on Figure 4 and Figure 5.

The primary project components, including the proposed storage units, caretaker unit/office, public bike trail, site access and parking, and landscaping, are described in the following section.

## **1.8 PROJECT COMPONENTS**

### **1.8.1 Storage Units**

The proposed buildings for storage on-site would range from approximately 1,394 square feet (sf) to 20,780 sf in size. The storage units would be one-story, approximately 14 feet in height.

### **1.8.2 Caretaker Unit/Office**

The proposed caretaker unit/office would be approximately 2,348 sf and two stories, approximately 22 feet in height. The building would include a one-car garage, office space on the first floor, and two bedrooms and with a restroom on the second floor.

### **1.8.3 Public Bike Trail**

A total of approximately 30,711 sf of land would be dedicated for the future bike trail planned along the Project site's western border.

### **1.8.4 Site Access and Parking**

Site access would be provided from a 26" driveway on S. 10<sup>th</sup> Street and a 36" foot driveway on Senter Road. An additional one-way, 20" driveway would exit to Senter Road. The Project would provide a total of 19 parking spaces, with a parking space provided in the one-car garage attached to the caretaker unit.

### **1.8.5 Public Right-of-Way Improvements**

A total of .07 acres, or 3,086 sf, of public right-of-way would be dedicated on the site, leaving 4.86 acres for development.

**1.8.6            Landscaping**

Landscaping for the project would consist of ornamental landscaping (i.e. trees, shrubs, and groundcover) along the Project site’s Senter Road street frontage and along the site’s border with the future bike trail.

**1.8.7            Construction**

Project construction is anticipated to last approximately eight and 12 months.

**1.9                PROJECT-RELATED APPROVALS AND PERMITS**

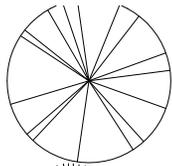
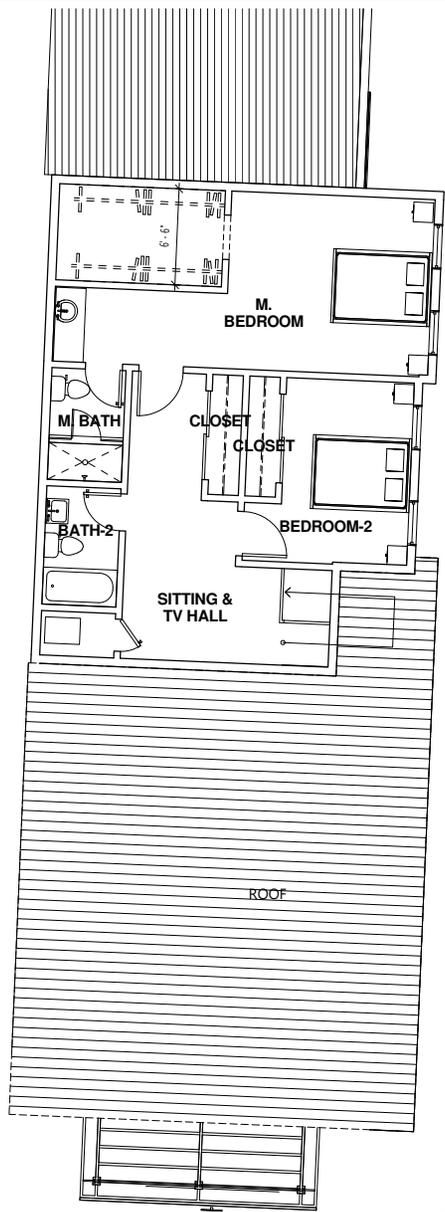
- Site Development Permit
- Tree Removal Permit
- Other Applicable Public Works Clearances (grading, easements, etc.)

**1.10              HABITAT PLAN DESIGNATION**

Land Cover Designation:	<i>Urban – Suburban</i>
Development Zone:	<i>Area 4: Urban Development Equal to or Greater than Two Acres</i>
Fee Zone:	<i>Urban Areas (No land cover fee)</i>
Owl Conservation Zone:	<i>N/A</i>

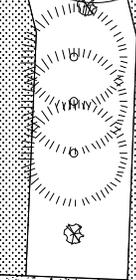
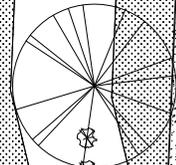
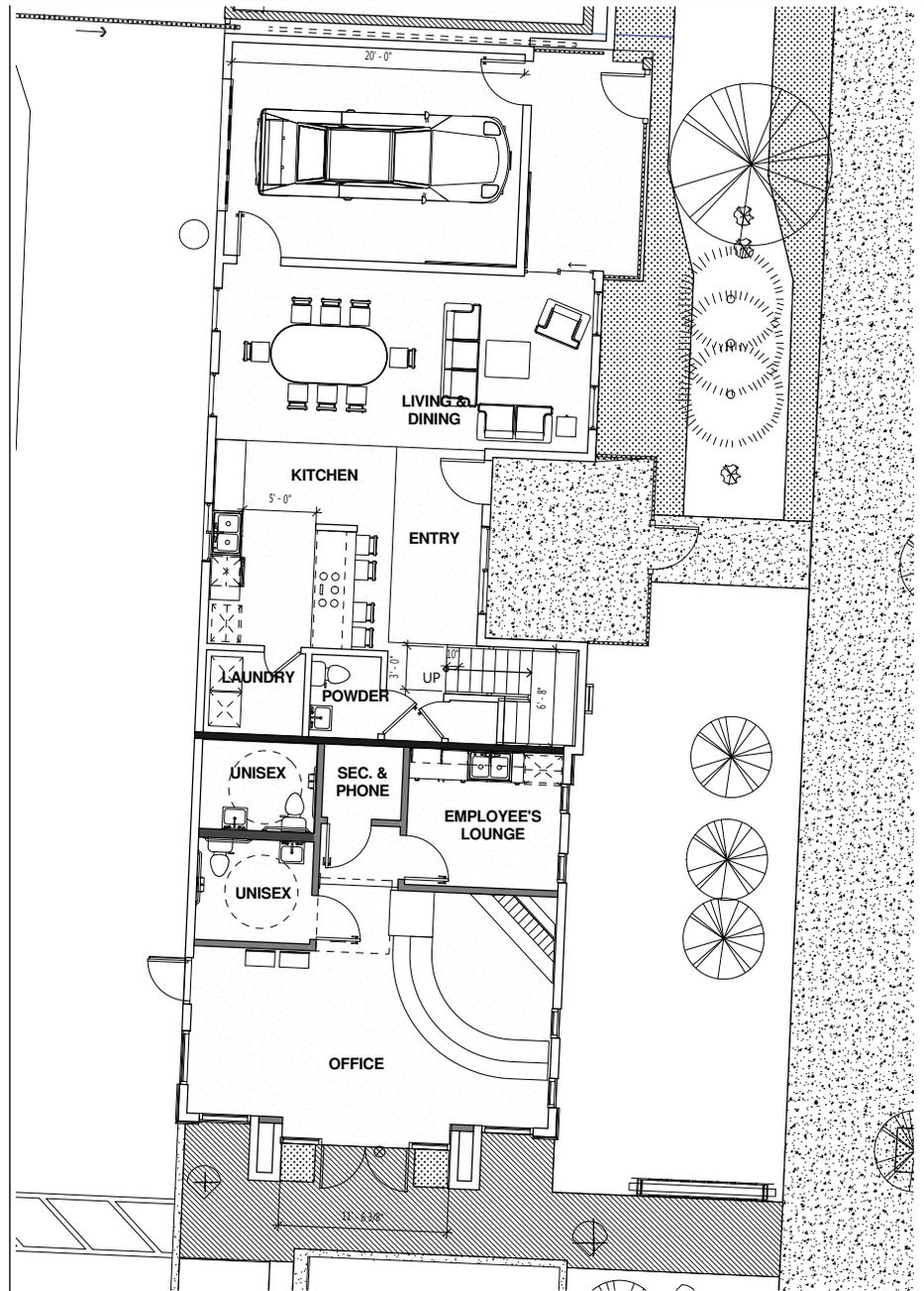






FLOOR PLAN- SECOND FLOOR

J. Craig Mann Architect., 9/21/2016.



FLOOR PLAN- FIRST FLOOR



## SECTION 2.0 ENVIRONMENTAL DETERMINATION

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### 2.1 Environmental Factors Potentially Affected

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

### 2.2 Environmental Determination

On the basis of this initial evaluation (completed by the Lead Agency):

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revision in the project could have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and/or 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Agency

## SECTION 3.0 EVALUATION OF ENVIRONMENTAL IMPACTS

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This section describes the existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all significant project impacts. “Mitigation Measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines §15370). Measures that are required by the Lead Agency or other regulatory agency that will reduce or avoid impacts are categorized as “Standard Permit Conditions.”

**Important Note to the Reader:** The California Supreme Court in a December 2015 opinion [California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 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 focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

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

Therefore, where applicable, in addition to describing the effects of the project on the environment, this chapter will discuss effects on the project related to City policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk or in a noisy environment.

### 3.1 AESTHETICS

#### Aesthetics Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
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"/>	1,2
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
d. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

#### Setting

The approximately 4.9-acre, L-shaped property is located in an industrial area. The project site is bound by the San José Ice Center, San José Municipal Stadium, Santa Clara Valley Rifle Club and E. Alma Avenue (a four-lane roadway) to the north, Senter Road (a six-lane roadway with a center median) to the east, the City’s service/corporation yard to the south, and S. 10<sup>th</sup> Street (a four-lane roadway) to the west. The San José Ice Center is approximately 40 feet in height and constructed with corrugated metal and concrete. To the east of the San José Ice Center is the San José Municipal Stadium, a minor league baseball field with concession stands and multi-tiered seating areas. Between the San José Ice Center and the project site is the Santa Clara Valley Rifle Club, an approximately 15-foot tall building constructed with stucco and wood with an indoor shooting range. To the east of the site is Kelley Park, a City park area located east of the site across Senter Road; Kelley Park has an abundant amount of vegetation, including trees, shrubs, and bushes. To the south and west of the project site are heavy industrial land uses consisting primarily of one- to two-story metal and concrete buildings and paved storage yards.

The project site is mostly undeveloped with the exception of a small, approximately 10-foot structure composed of freight containers. There are 35 trees on the project site, primarily along the site boundaries. Additional detail regarding trees on-site is provided in *Section 3.4 Biological Resources*.

Photos of the project site and surrounding area are provided in Photos 1-6 on the following pages.



**PHOTO 1:** View of the western portion of the project site from S. 10th Street looking northeast.



**PHOTO 2:** View of surrounding development on S. 10th Street looking south.



**PHOTO 3:** View of the northern portion of the project site from E. Alma Avenue looking southeast.



**PHOTO 4:** View of the eastern portion of the project site from Senter Road looking north.



**PHOTO 5:** View of the central portion of the project site from Senter Road looking northwest.



**PHOTO 6:** View of the western portion of the project site from Senter Road looking west.

## **Impacts Evaluation**

- a,b. Would the project have a substantial adverse effect on a scenic vista? Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

**(Less Than Significant Impact)** Scenic resources and views in the City of San José include the broad sweep of the Santa Clara valley, the hills and mountains which frame the Valley floor, the baylands and the urban skyline, particularly high-rise development. Other natural resources, such as trees, are also considered a scenic resource. An impact to a scenic resource or vista would occur if a project modifies a scenic feature, such as a hillside, woodland, or bayland areas, or scenic skyline or built environment.

Due to the project site's location on the valley floor and presence of surrounding development, views of the project site are limited to the immediate area. Views of the foothills and the Diablo range from the project area are already obstructed by existing surrounding development. Development of the proposed project would, therefore, not substantially hinder existing views. The view of the project site is not an integral part of a scenic vista and is not located in an area considered to be a scenic vista.

Implementation of the proposed project could result in the removal of all existing trees on-site (approximately five). However, existing trees to be removed would be replaced in accordance with the City's Tree Protection Ordinance (refer to *Section 3.4 Biological Resources* for a complete discussion of the project's impacts on trees).

There are no rock outcroppings or historic resources on or near the site. The project site is not located along a Caltrans-designated scenic highway or City of San José scenic gateway or rural scenic corridor.

Based on the above discussion, the project would not substantially damage scenic resources.

- c. Substantially degrade the existing visual character or quality of the site and its surroundings?**

**(Less Than Significant Impact)** The project proposes to demolish the existing structure consisting of freight containers on-site, and construct self-storage facilities. The thirteen self-storage buildings would be approximately 14-feet in height and the office/caretaker unit would be up to 22-feet in height. Although the site is currently undeveloped, the surrounding area is already developed. Proposed development would be similar in height to surrounding development and would be constructed primarily with concrete and metal materials, consistent with the visual character of the project area. Final project design would be subject to the City's design review process and would conform to current architectural and landscaping standards. For these reasons, construction of the proposed project would not substantially degrade the existing visual character or quality of the site and surrounding area.

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

**(Less Than Significant Impact)** Development of the proposed project would incrementally increase nighttime light in the surrounding area due to the net increase in vehicles traveling to and from the site and nighttime security lighting. The project shall comply with the City's Outdoor Lighting on Private Development Policy (Policy 4-3) and Interim Lighting Policy to reduce spillover light. Compliance with the Outdoor Lighting on Private Development Policy (Policy 4-3) and Interim Lighting Policy would not substantially increase nighttime light levels. For these reasons, the project would not be a substantial new source of light or glare.

**Conclusion**

The project would not result in significant aesthetic impacts.

**3.2 AGRICULTURAL AND FORESTRY RESOURCES**

**Agricultural and Forestry Resources Environmental Checklist**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
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"/>	5
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"/>	6
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"/>	4
d. Result in a loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
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"/>	1

**Setting**

According to the Santa Clara County Important Farmland 2012 map, the project site is designated as *Urban and Built-Up Land*. *Urban and Built-Up Land* is defined as residential land with a density of at least six units per 10-acre parcel, as well as land used for industrial and commercial purposes, golf courses, landfills, airports, sewage treatment, and water control structures.

The project site is currently undeveloped and zoned for heavy industrial uses. The project site is not part of a Williamson Act contract.<sup>1</sup> The site is located within an urban area of San José and there is no property used for agricultural or forestry/timberland purposes adjacent to the project site.

<sup>1</sup> California Department of Conservation. *Santa Clara County Williamson Act FY 2013/2014*. 2013.

### **Impacts Evaluation**

- a,b. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use? Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?**

**(No Impact)** As described above, the project site is designated as *Urban and Built-Up Land*. The project site and surrounding properties are not designated for agricultural use. Therefore, development of the project would not convert farmland. The project site is currently zoned for industrial use and is not part of a Williamson Act Contract.

- c,d. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? Would the project result in a loss of forest land or conversion of forest land to non-forest use?**

**(No Impact)** The project site and surrounding area are developed and are not zoned or used for forestland or timberland. Development of the proposed project would not result in the loss or conversion of existing forest land or timberland.

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

**(No Impact)** There is no farmland or forestland in the project area; therefore, the proposed development would not interfere with agricultural operations or facilitate the unplanned conversion of farmland or forest elsewhere in San José to non-agricultural or non-forest uses, respectively.

### **Conclusion**

The project would not impact agricultural or forestry resources.

### 3.3 AIR QUALITY

#### Air Quality Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
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"/>	8
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,8
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,8
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

#### Setting

Air quality is determined by natural factors such as topography, meteorology, and climate, in addition to the presence of existing air pollution sources and ambient conditions. The City of San José is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin. The Santa Clara Valley is bounded by the San Francisco Bay to the north and by mountains to the east, south and west. The project area's proximity to both the Pacific Ocean and the San Francisco Bay has a moderating influence on the climate. The surrounding terrain greatly influences winds in the valley, resulting in a prevailing wind that follows along the valley's northwest-southwest axis. The Bay Area Air Quality Management District (BAAQMD) is the regional air quality agency for the San Francisco Bay Area Air Basin.

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José and other jurisdictions in the San Francisco Bay Area Air Basin often utilize the thresholds and methodology for assessing air emissions and/or health effects adopted by the BAAQMD. The BAAQMD methods are based upon the scientific and other factual data prepared by BAAQMD in

developing those thresholds. The City has carefully considered the thresholds prepared in May 2011 and considers these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin.

### **Criteria Pollutants**

Major criteria pollutants, listed in “criteria” documents by the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (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 Bay Area as a whole does not meet state or federal ambient air quality standards for ground level ozone and fine particulate matter (PM<sub>2.5</sub>) and state standards for respirable particulate matter (PM<sub>10</sub>).<sup>2</sup> The area is considered attainment or unclassified for all other pollutants.

### **Local Community Risks/Toxic Air Contaminants and Fine Particulate Matter**

Besides criteria air pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs). These contaminants tend to be localized and are found in relatively low concentrations in ambient air. Exposure to low concentrations over long periods, however, can result in adverse chronic health effects. Diesel exhaust is a predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average). Long-term and short-term exposure to TACs and PM<sub>2.5</sub> can cause a wide range of health effects. Common stationary sources of TACs and PM<sub>2.5</sub> include gasoline stations, dry cleaners, and diesel backup generators. The other, more significant, common source is motor vehicles on roadways and freeways.

### **Sensitive Receptors**

The BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, hospitals and medical clinics. There are no sensitive receptors in the immediate project area. The closest sensitive land use are residences located approximately 0.3 miles (~1,500 feet) southeast of the project site.

### **Impacts Evaluation**

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

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<sup>2</sup> 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>).

**(Less Than Significant Impact)** BAAQMD is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. The BAAQMD has permit authority over stationary sources, acts as the primary reviewing agency for environmental documents, and develops regulations that must be consistent with or more stringent than, federal and state air quality laws and regulations. Regional Air Quality Management Districts such as BAAQMD must prepare air quality plans specifying how state air quality standards would be met. The BAAQMD's most recent adopted plan is the Bay Area 2010 Clean Air Plan (CAP). Emissions projections are based on population, vehicle, and land use trends developed by the BAAQMD, Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG).

Determining consistency with the 2010 CAP involves: assessing whether applicable control measures contained in the 2010 CAP are implemented, whether the project supports the primary goals of the 2010 CAP, and whether the project would hinder the implementation of the 2010 CAP control measures.

Implementation of control measures improve air quality and protect public health. These control measures are organized into five categories: Stationary Source Measures, Mobile Source Measures, Transportation Control Measures (TCMs), Land Use and Local Impact Measures, and Energy and Climate Measures. Applicable control measures and the project's consistency with them are summarized in Table 1 below.

The project supports the primary goals of the 2010 CAP in that it does not exceed the BAAQMD thresholds for operational air pollutant emissions and is infill development that does not require the construction of utility infrastructure. As summarized in Table 1, the proposed project includes transportation and energy control measures and is generally consistent with the 2010 CAP's control measures.

The project would not hinder the implementation of the 2010 CAP control measures and would not conflict with or obstruct implementation of the 2010 CAP. Therefore, the project by itself would not result in a significant impact related to consistency with the 2010 CAP.

<b>Table 1: Bay Area 2010 Clean Air Plan Applicable Control Measures</b>		
<b>Control Measures</b>	<b>Description</b>	<b>Project Consistency</b>
<b><i>Transportation Control Measures</i></b>		
Improve Bicycle Access and Facilities	Expand bicycle facilities serving transit hubs, employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers.	The project proposes to dedicate land along the western boundary of the project site to construct a public bike trail.

<b>Table 1: Bay Area 2010 Clean Air Plan Applicable Control Measures</b>		
<b>Control Measures</b>	<b>Description</b>	<b>Project Consistency</b>
Improve Pedestrian Access and Facilities	Improve pedestrian access to transit, employment, and major activity centers.	The project proposes to dedicate a portion of the project frontage along Senter Road and S. 10 <sup>th</sup> Street expand the existing sidewalks to a width of 10 feet from the existing 8 feet.
Support Local Land Use Strategies	Promote land use patterns, policies, and infrastructure investments that support mixed-use, transit-oriented development that reduce motor vehicle dependence and facilitate walking, bicycling, and transit use.	The project is consistent with the site's zoning designation and proposes self-storage facilities. As discussed above, the project would also expand existing sidewalks along the project frontage on S. 10 <sup>th</sup> Street and Senter Road.
<b><i>Energy and Climate Measures</i></b>		
Energy Efficiency	Increase efficiency and conservation to decrease fossil fuel use in the Bay Area.	The project would be constructed in conformance with the City's Private Sector Green Building Policy, which requires that the project be constructed to obtain LEED Silver certification.
Urban Heat Island Mitigation	Mitigate the "urban heat island" effect by promoting the implementation of cool roofing, cool paving, and other strategies.	The project does not propose the use of cool roofing or paving. However, the project includes new landscaping and trees.
Tree-Planting	Promote planting of low-VOC-emitting shade trees to reduce urban heat island effects, save energy, and absorb CO <sub>2</sub> and other air pollutants.	As discussed above, the project proposes to plant trees and other landscaping throughout the project site.

**b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

**(Less Than Significant Impact)** Construction activities such as earthmoving, construction, vehicle traffic, and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application.

***Standard Permit Conditions:*** Consistent with General Plan policies, the project shall implement the following standard BAAQMD dust control measures during all phases of construction on the project site to reduce dustfall emissions to a less than significant level:

- All active construction areas shall be watered twice daily or more often if necessary. Increased watering frequency shall be required whenever wind speeds exceed 15 miles-per-hour.
- Apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads and parking and staging areas at construction sites.
- Cover stockpiles of debris, soil, sand, and any other materials that can be windblown. Trucks transporting these materials shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- Subsequent to clearing, grading, or excavating, exposed portions of the site shall be watered, landscaped, treated with soil stabilizers, or covered as soon as possible.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas and previously graded areas inactive for 10 days or more.
- Installation of sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replanting of vegetation in disturbed areas as soon as possible after completion of construction.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the City of San José regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

The 2011 BAAQMD *CEQA Air Quality Guidelines* contain screening criteria that provide a conservative indication of whether construction of a project could exceed the criteria pollutant construction threshold of 54 pounds per day of NO<sub>x</sub> or ROG and 82 pounds per day of particulate matter (see Table 1 above). Projects that do not exceed the associated screening threshold are not required to perform a detailed air quality assessment and are assumed to result in less than significant impacts.

The screening threshold for warehouses is 259,000 sf with the implementation of the standard BAAQMD dust control measures (see standard permit conditions listed above). The project proposes approximately 89,537 sf of self-storage (warehouse) uses and shall implement the standard BAAQMD dust control measures, as discussed previously. Even if the warehouse

includes the additional 2,348 sf for the caretaker live/work residential unit, the total would be approximately 92,000 sf total and would be under the BAAQMD warehouse thresholds. The proposed project is well below the screening threshold and, therefore, would not result in significant construction-related air quality impacts.

### **Operational Emissions/Criteria Air Pollutants**

The BAAQMD operational-related criteria air pollutant screening threshold for warehouses is 864,000 sf. The project proposes approximately 89,537 sf of self-storage (warehouse) uses and is well below the established threshold. Therefore, the project would not result in significant operational-related air quality impacts.

- c. **Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?**

**(Less Than Significant Impact)** The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level ozone and fine particulate matter (PM<sub>2.5</sub>) and state standards for respirable particulate matter (PM<sub>10</sub>). The area is considered attainment or unclassified for all other pollutants.

By its very nature, air pollution is largely a cumulative impact. The proposed project would have temporary air quality impacts during construction and would implement the environmental conditions in 3.3.b to reduce impact to less than significant impact. In addition, as discussed in checklist question b) above, the project would have a less than significant impact on criteria pollutant emissions. For this reason, the project would have a less than significant contribution to a cumulative air quality impact in the San Francisco Bay Area Air Basin.

- d. **Would the project expose sensitive receptors to substantial pollutant concentrations?**

**(Less Than Significant Impact)** Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. Health risks from TACs are a function of both concentration and duration of exposure. The proposed project includes grading on the site; however, given the distance of the project site from nearby sensitive receptors (~1,500 ft), the potential for construction to affect sensitive receptors is limited. The project construction period is estimated to be six to eight months and involve the use of a limited amount of diesel-fueled construction equipment for grading, excavation, and paving. The project shall implement BAAQMD's standard measures (see standard permit conditions above) to reduce dust and diesel exhaust emissions.

Construction of the proposed project, therefore, would not significantly increase health risks to nearby sensitive receptors.

- e. **Create objectionable odors affecting a substantial number of people?**

**(No Impact)** Odors are general considered an annoyance rather than a health hazard. Land uses that have the potential to be sources of odors that generate complaints include, but are not limited to, wastewater treatment plants, landfills, composting operations, and food manufacturing facilities. Self-storage facilities, such as the proposed project, do not typically generate objectionable odors. Therefore, the proposed project would not be create objectionable odors affecting a substantial number of people.

## **Conclusion**

The project, with the implementation of standard permit conditions, would not result in significant air quality impacts.

**3.4 BIOLOGICAL RESOURCES**

**Biological Resources Environmental Checklist**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
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 US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
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 US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
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, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,9
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 checked="" type="checkbox"/>	<input type="checkbox"/>	1,10

## **Setting**

The project site is in an industrial area and is surrounded by existing development. The primary biological resources on-site are trees. Based on the tree survey completed by *Kielty Arborist Services LLC* (refer to Appendix A), there are five trees located completely within the project site, and 30 trees that either straddle the property line with adjacent properties, or are located on adjacent property but have a canopy that extends into the project site. A total of 35 trees were evaluated for the proposed project. Most of the trees are in fair condition. Native tree species on-site include Coast live oak, Redwoods, and the California pepper; there are 14 native trees on-site. There are eight ordinance sized trees, (defined by the City as trees over 56 inches in circumference measured at a height of 24 inches above natural grade) and no Heritage trees on-site.

The project site is located within the boundaries of the Santa Clara Valley Habitat Conservation Plan (Habitat Plan). 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 Santa Clara County. The project site is located on land cover designated as *Urban-Suburban*, which as defined by the Habitat Plan as land that has been cleared for residential, commercial, industrial, or other urban developments, and is defined as having one or more structures per 2.5 acres. Vegetation found in *Urban-Suburban* land cover is usually in the form of landscaped residences, planted street trees, and parklands. The project site is not located within any other potential fee zones, plant or wildlife survey areas, or other areas that would be subject to specific Habitat Plan conditions such as stream setbacks.

## **Impacts Evaluation**

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

**(Less Than Significant Impact with Mitigation Incorporated)** Trees on and adjacent to the project site could provide nesting habitat for birds, including migratory birds. Nesting birds are protected under provisions of the Migratory Bird Treaty Act and California Department of Fish and Wildlife (CDFW) Code Sections 3503, 3503.5, and 2800.

Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFW. Construction activities such as tree removal and site grading that disturb a nesting bird on-site or immediately adjacent to the construction zone would constitute a significant impact.

**MM BIO-1.1:** In conformance with the California State Fish and Wildlife Code and provisions of the Migratory Bird Treaty Act, the project proposes to implement the following mitigation measures to avoid and/or reduce impacts to nesting birds (if present on or adjacent to the site) to a less than significant level:

- Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31.
- If it is not possible to schedule demolition and construction between September 1 and January 31, pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1 through April 30) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31). During this survey, the ornithologist will inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found in an area that would be disturbed by construction, the biologist shall designate a construction-free buffer zone (typically 250 feet) to be established around the nest, in consultation with California Department of Fish and Wildlife (CDFW).
- The project applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Environmental Supervising Planner of the City of San José Department of Planning, Building, and Code Enforcement, prior to the issuance of any grading permit.

**b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?**

**(No Impact)** Due to the urban nature of the site, there are no sensitive, riparian, or wetland habitats on-site. Because of the lack of these habitats and the extent of human disturbance on the project site, special status plant and animal species are not expected to be present. The project site is not located near, and would not affect, any riparian habitat or other sensitive natural community as identified in the General Plan and Santa Clara Valley Habitat Plan (Habitat Plan) or by the CDFW or United States Fish and Wildlife Service (USFWS).

**c. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

**(No Impact)** There are no federally protected wetlands on-site.

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

**(No Impact)** There are no waterways located on the project site; therefore, the project would not interfere with migratory fish species. Given the developed nature of the project area, the project site does not act as a wildlife corridor.

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

**(Less Than Significant Impact)** Development of the proposed project would result in the removal of the five trees on-site. Potential future development of a public trail may result in the removal of the other 30 trees on the western boundary of the site would require separate environmental review and determination. Trees that are on the current site and anticipated to be removed for the purpose of the currently proposed project shall be replaced in accordance with the City’s standard tree replacement ratios summarized in Table 2 below.

**Standard Permit Condition:** Trees removed as a result of the project would be required to be replaced in accordance with all applicable laws, policies or guidelines, including:

- City of San José Tree Protection Ordinance
- San José Municipal Code Section 13.28
- General Plan Policies MS-21.4, MS-21.5, and MS-21.6

The species of trees to be planted shall be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement. Trees removed shall be replaced at these ratios, or the applicant shall pay an in-lieu fee to Our City Forest to compensate for the loss of trees on-site.

The project shall comply with the above listed city ordinance, Municipal Code, and General Plan policies to reduce impacts to trees to a less than significant level.

<b>Table 2: Tree Replacement Ratios</b>				
<b>Circumference of Tree to be Removed</b>	<b>Type of Tree to be Removed</b>			<b>Minimum Size of Each Replacement Tree</b>
	<b>Native</b>	<b>Non-Native</b>	<b>Orchard</b>	
56 inches or more	5:1	4:1	3:1	24-inch box
38 – 56 inches	3:1	2:1	none	24-inch box
Less than 38 inches	1:1	1:1	none	15-gal. container
x:x = tree replacement to tree loss ratio <b>Note:</b> Trees greater than or equal to 56-inch trunk circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.				

In addition, the project shall implement the following mitigation measures to reduce potential construction impacts to trees to be preserved. Implementation of standard permit conditions and mitigation measures would reduce impacts to trees to a less than significant level.

**MM BIO-2.1:** The project shall implement a tree protection plan to reduce impacts to trees on the property line or trees with a canopy that extends over the project site during the construction period.

- The project applicant, in consultation with a certified arborist or biologist, shall submit a tree protection plan to the Supervising Planner of the Department of Planning, Building, and Code Enforcement for trees on the property line or trees with a canopy that extends over the project site prior to issuance of any grading permit. The tree protection plan shall include, but is not limited to, the following:
  - Number, location, and type of tree to be protected.
  - Size and location for tree protection zones. The tree protection plan shall include any specific recommendation and suggestions for each protect zone if applicable.
  - Maintenance methodology for tree protection zones during the entire demolition and construction periods.

**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?**

**(Less Than Significant Impact)** The project site is located within the Santa Clara Valley Habitat Plan (Habitat Plan) area and has a land cover designation of *Urban-Suburban*. The *Urban-Suburban* designation is for land that has been identified for residential, commercial, industrial, or other urban development, and is defined as having one or more structures per 2.5 acres. The proposed residential development, therefore, is consistent with the land use assumptions for the site in the Habitat Plan. The development of the project site would not impact any of the Habitat Plan’s covered species and would implement the following standard permit condition.

**Standard Permit Condition:** The project applicant shall pay all applicable fees, consistent with the Santa Clara Valley Habitat Plan, prior to issuance of a grading permit.

Therefore, payment would ensure that the project is consistent with the SCVHP and would reduce nitrogen deposition impacts to a less than significant level.

**Conclusion**

The project, with the implementation of mitigation measures and standard permit conditions, would result in less than significant biological resource impacts.

**3.5 CULTURAL RESOURCES**

**Cultural Resources Environmental Checklist**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Cause a substantial adverse change in the significance of an historical resource as defined in §15063.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
b. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15063.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
c. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3

**Setting**

Cultural resources are evidence of past human occupation and activity and include both historical and archaeological resources. These resources may be located aboveground or underground and have significance in history, prehistory, architecture, State of California, or local or tribal communities.

The project site is located in Santa Clara Valley, where Native American occupation extended over 5,000 to 8,000 years and possibly longer. Before European settlement, Native Americans (specifically the Ohlone/Costanoan populations) resided in the area that encompasses the project site. The Bay Area’s favorable environment during the prehistoric period included bay marshes, valley grasslands, mountainous uplands and open coastal environments that provided an abundance of wild food and other resources.

There are no designated historic resources on the subject site nor in the vicinity.

**Impacts Evaluation**

**a. Would the project cause a substantial adverse change in the significance of an historical resource as defined in §15063.5?**

**(No Impact)** The project site is mostly vacant and undeveloped, with the exception of a small structure composed of freight containers. There are no historic resources on-site or in the immediate vicinity of the site. Therefore, implementation of the proposed project would not affect historical resources.

**b.,d. Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in §15063.5? Would the project disturb any human remains, including those interred outside of formal cemeteries?**

**(Less Than Significant Impact)** No archaeological resources are known to occur on the project site. However, previous archeological reports (conducted in the late 1990s and early 2000s) and literature review, done for surrounding projects, has identified the area to be archaeological sensitive and could potentially contain cultural important artifacts and/or human remains. In addition, according to the General Plan (approved in 2011), the project site is located in an archaeologically sensitive area due to its location on the valley floor between the Guadalupe River and Coyote Creek, an area known to have been occupied by Native Americans prior to European settlement. Therefore, construction of the project could encounter unknown, buried archaeological resources and/or human remains.

The site is largely vacant and undeveloped, with the exception of a small structure composed of freight containers. While the project does not propose extensive excavation, the area is known as archaeological sensitive and the project shall implement the following mitigation measures to reduce potential impacts to less than significant.

***MM CUL-1.1: Investigation Prior to Construction.*** The project applicant shall retain a qualified archaeologist to perform a surface survey of the project site after the small structure composed of freight containers and all of the asphalt surface cover (if any) are removed, prior to any construction activities. If any indication of prehistoric or historic-era resources or paleosol (buried soil) is identified during the surface survey, the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement shall be notified. The qualified archaeologist shall make recommendations for further evaluation that may include measures to protect potential resources including a research design and excavation plan. Field work shall also be conducted by the archaeologist to determine if the resource is eligible for the California Register, in accordance with CEQA guidelines.

***MM CUL-1.2:*** If the resource is Native American in origin, the project applicant shall contact the Native American Heritage Commission (NAHC) to identify the appropriate Native American monitor. The project applicant shall then retain the Native American monitor or qualified that has knowledge of local historic and prehistoric Native American village sites, culture, religion, ceremony, and burial practices for the field work portions of construction, and actively consulted by the archaeologist.

***MM CUL-1.3:*** A final report of the results of the surface survey, findings, and recommendation (if applicable) shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement.

***MM CUL-1.4: During Construction.*** In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped, the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement shall be notified, and the

archaeologist will examine the find and make appropriate recommendations regarding treatment of the find. Recommendations could include, but are not limited to, collection, recordation, and analysis of any significant cultural materials. A final report documenting any data recovery during demolition, grading, and/or construction on-site shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement prior to issuance of any occupancy permits.

***MM CUL-1.5: Human Remains.*** If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American.

If the remains are believed to be Native American, the Coroner will contact the NAHC within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.

If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the NAHC.
- The MLD identified fails to make a recommendation; or  
The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

**c. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?**

**(Less Than Significant Impact)** Paleontological resources are fossils, the remains or traces of prehistoric life preserved in the geologic record. They range from the well-known and well-publicized (such as mammoth and dinosaur bones) to scientifically important fossils. According to the General Plan EIR, the project site is located in an area that has a high sensitivity for paleontological resources at depth.

The project does not include substantial excavation; therefore, the chances of encountering an unknown, subsurface paleontological resource is unlikely. In the event that paleontological resources are discovered during construction of the project, the following standard permit

condition would be implemented to reduce potential impacts to paleontological resources to a less than significant level.

**Standard Permit Condition:** In accordance with General Plan policy ER-10.3, the following standard permit condition would be implemented by the project to reduce and avoid impacts to as yet unidentified paleontological resources to a less than significant level:

- If vertebrate fossils are discovered during construction, all work on the site would stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include 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 would be responsible for implementing the recommendations of the paleontological monitor.

### **Conclusion**

The project, with the implementation of standard permit conditions, would not result in significant cultural resource impacts.

**3.6 GEOLOGY AND SOILS**

**Geology and Soils Environmental Checklist**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1. Rupture of a known earthquake fault, as described 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"/>	1,11
2. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
3. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11
4. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
c. Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11
d. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

**Setting**

The project site slopes in a northerly direction and is underlain by El Palo Alto complex soil, which has a sandy clay loam to silty clay loam texture. Soil on-site has a moderate expansion potential.<sup>3</sup>

<sup>3</sup> Natural Resource Conservation Service. *Web Soil Survey*. 2013. Accessed December 2, 2015. Available at: <<http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>>

## Groundwater

Groundwater depth in the project area has historically been recorded at a depth of 15 to 25 feet below ground surface (bgs).<sup>4</sup> Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall and underground drainage patterns, and other factors.

## Liquefaction

Liquefaction is a result of seismic activity and is characterized as the transformation of loose, water-saturated soils from a solid state to a liquid state after ground shaking. There are many variables that contribute to liquefaction, including the age of the soil, soil type, soil cohesion, soil density, and groundwater level. Soil susceptible to liquefaction includes loose to medium dense sand and gravel, low-plasticity silt, and some low-plasticity clay deposits.

The project site is located within a State of California Hazard Zone for liquefaction and also within a Santa Clara County Liquefaction Hazard Zone. Given the on-site soil type, soil density, and depth to groundwater, the potential for liquefaction on the site during seismic shaking is considered high.

## Surface Fault Rupture and Seismic Shaking

The project site is located within the seismically active San Francisco Bay Region. Major active faults near the project site are listed below in Table 3. The project site is not located in a defined Alquist-Priolo Earthquake Zone<sup>5</sup> and no active faults are known to cross the project site.<sup>6</sup> The site is not located within a fault rupture hazard zone. Due to the presence of active faults in the region, however, it is anticipated that the project site would experience strong ground shaking in the event of an earthquake.

<b>Fault</b>	<b>Approximate Distance from Site</b>
Calaveras	7.7 miles east of the site
Hayward Fault (southeast extension)	11.8 miles north of the site
San Andreas	12 miles west of the site

<sup>4</sup> Cornerstone Earth Group. *Phase I Environmental Site Assessment*. April 13, 2015.

<sup>5</sup> California Department of Conservation. Regional Geologic Hazards and Mapping Program. *Alquist-Priolo*. Available at: <<http://www.conservation.ca.gov/cgs/rghm/ap/Pages/index.aspx>>. Accessed December 2, 2015.

<sup>6</sup> U.S. Geological Survey. *The San Andreas and Other Bay Area Faults*. Available at: <<http://earthquake.usgs.gov/regional/nca/virtualtour/bayarea.php>>. Accessed December 2, 2015.

## **Impacts Evaluation**

- a,c,d. **Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) rupture of a known earthquake fault, ii) strong seismic ground shaking, iii) seismic-related ground failure, or iv) landslides? Would the project be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? Would the project located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?**

### **Soil Stability**

**(Less Than Significant Impact)** The primary soil concern on the project site is the moderate expansion potential of surficial soil, which could damage future buildings and improvements on the project site. Differential settlements, structural damage, warping and cracking of roads and sidewalks, and rupture of utility lines may occur if the nature of expansive soils are not considered during project design and construction. The City's NPDES Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process. In accordance with General Plan policies, implementation of the regulatory programs and policies in place would reduce possible impacts of accelerated erosion during construction to a less than significant level. Implementation of the standard permit condition, described below, would reduce potential soil impacts to a less than significant level.

**Standard Permit Condition:** Prior to issuance of any site-specific grading or building permits, a design-level geotechnical investigation shall be prepared and submitted to the City of San José Public Works Department for review and approval. The project shall implement the recommendations in the investigation to minimize impacts from expansive soils and undocumented fill. Options to address these conditions may range from removal of the problematic soils and replacement, as needed, with properly conditioned and compacted fill, to design and construction improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements.

### **Surface Fault Rupture and Seismic Shaking**

**(Less Than Significant Impact)** The project site is not located in an Alquist-Priolo Earthquake Fault Zone. The project site is, however, located within a seismically active region and strong ground shaking would be expected during the lifetime of the proposed project. While no active faults are known to cross the project site, ground shaking on the site could damage future buildings and other structures and expose nearby residences and structures to injury and harm. However, per the City's General plan policies, municipal codes, and State regulatory programs and policies, incorporation of the standard permit condition, described below, would reduce impacts from ground shaking to a less than significant level.

**Standard Permit Condition:** To avoid or minimize potential damage from seismic shaking, the project shall be built using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of a design-level geotechnical investigation, which shall be included in a report to the City prior to the issuance of a building permit. The structural designs for the proposed development shall account for repeatable horizontal ground accelerations. The report shall be reviewed and approved by the City of San José's Building Division as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes, including the 2013 California Building Code (CBC) Chapter 16, Section 1613, as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property to the extent feasible and in compliance with the Building Code.

### **Liquefaction, Lateral Spreading, Landslides**

**(Less Than Significant Impact)** Due to the historically high groundwater table and soil type on-site, there is a high potential for liquefaction impacts during a regional earthquake. Liquefaction can result in ground failure (e.g. fissures), foundation bearing failure, and settlement of the ground surface, which can ultimately damage future development or endanger future residents on-site. Implementation of the standard permit condition, described below, would reduce potential liquefaction impacts to a less than significant level.

The project would not be subject to impacts from other seismic-related hazards including lateral spreading, slope instability, or landslides due to the flat topography of the site.

**Standard Permit Condition:** The project shall be constructed in conformance with the recommendations of the design-level geotechnical investigation to be prepared for the project, as well as the 2013 California Building Code, or subsequent adopted codes.

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

**(Less Than Significant Impact)** Construction of the project would result in ground disturbance from demolition, grading, and other construction activities. Ground disturbance would expose soils and increase the potential for wind or water related erosion and sedimentation at the site until construction is complete. Conformance with the standard permit conditions, as described below, would reduce potential erosion impacts to a less than significant level.

**Standard Permit Conditions:** The City of San José Department of Public Works requires a grading permit be obtained prior to the issuance of a Public Works Clearance. The project shall prepare and implement an Erosion Control Plan in conformance with the requirements of the Department of Public Works. These standard practices, including the measures outlined below, would ensure that the potential for wind or water related erosion and sedimentation is minimized at the site during construction:

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

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

**(No Impact)** The project proposes to construct self-storage facilities that would not require the use of septic tanks. The proposed office/caretaker unit would connect to the existing sewer system in Senter Road. The project site would not use septic tanks.

**Conclusion**

The project, with the implementation of standard permit conditions, would not result in significant geology and soil impacts.

**3.7 GREENHOUSE GAS EMISSIONS**

**Greenhouse Gas Emissions Environmental Checklist**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
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"/>	1-3
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"/>	1-3

**Setting**

Climate change associated with the “greenhouse effect” is a process in which greenhouse gases (GHGs) accumulate over time in the earth’s atmosphere and trap radiation and heat, thereby contributing to an increase in the temperature of the earth’s atmosphere over time. The main GHGs that contribute to global warming and associated climate change are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and fluorinated compounds. Emissions of GHGs that contribute to global climate change are largely attributable to human activities associated with the transportation, industrial/manufacturing, utility, residential, commercial, and agricultural sectors.

In California, GHG emissions are regulated primarily through Assembly Bill 32 (AB 32) and Senate Bill 375 (SB 375). AB 32, also known as the Global Warming Solutions Act, established a goal to reduce GHG emissions in the State to 1990 levels by 2020. SB 375 builds on AB 32 by requiring the California Air Resources Board to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035 in comparison to 2005 emissions.

At a local level, GHG emission reduction is addressed in the City’s General Plan policies, Private Sector Green Building Policy (Policy 6-32) and Greenhouse Gas Reduction Strategy.

The project site is mostly undeveloped, with the exception of a small structure composed of freight containers, and does not generate GHG emissions.

## **Impacts Evaluation**

- a,b. **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

### **Overview of Impact Assessment**

GHG emissions worldwide contribute, on a cumulative basis, to the significant adverse environmental impacts of global climate change. No single land use project could generate sufficient GHG emissions on its own to noticeably change the global average temperature. The combination of GHG emissions from past, present, and future projects in San José, the entire state of California, and across the nation and around the world, contribute cumulatively to the phenomenon of global climate change and its associated environmental impacts.

Per the CEQA Guidelines, a lead agency may analyze and mitigate significant greenhouse gas emissions in a plan for the reduction of greenhouse gas emissions that has been adopted in a public process following environmental review. The City of San José has an adopted GHG Reduction Strategy that was initially approved by the City Council in November 2011 in conjunction with the General Plan, and following litigation, was re-adopted after certification of a Supplemental EIR in December 2015. The City's projected emissions and the GHG Reduction Strategy are consistent with measures necessary to meet statewide 2020 goals established by AB 32 and addressed in the Climate Change Scoping Plan.

The following discussion focuses on whether project emissions represent a cumulatively considerable contribution to climate change as determined by consistency with City of San José and statewide efforts to curb GHG emissions. Projects that are consistent with the City's adopted GHG Reduction Strategy would have a less than significant impact related to GHG emissions.

### **Project Impact**

**(Less Than Significant Impact)** The project proposes to develop self-storage facilities and an office/caretaker building. The project does not generate a substantial number of daily trips, does not involve a large on-site population that requires substantial amounts of electricity or natural gas, nor significant quantities of water, and therefore would not emit significant GHG emissions. The City's GHG Reduction Strategy measures center around five strategies: energy, waste, water, transportation, and carbon sequestration. Some measures are considered mandatory for all proposed development projects while others are considered voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects at the discretion of the City.

Compliance with the mandatory measures and any voluntary measures required by the City would ensure an individual project's consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would then be considered to have a less

than significant impact related to GHG emissions. Below is a listing of the mandatory and voluntary criteria provided by the City of San José.

### Mandatory Criteria

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP-1, LU-10)
2. Implementation of Green Building Measures (GP Goals: MS-1, MS-2, MS-14)
  - Solar Site Orientation
  - Site Design
  - Architectural Design
  - Construction Techniques
  - Consistency with City Green Building Ordinance and Policies
  - Consistency with GHGRS Policies: MS-1.1, MS-1.2, MC-2.3, MS-2.11, and MS-14.4)
3. Pedestrian/Bicycle Site Design Measures
  - Consistency with Zoning Ordinance
  - Consistency with GHGRS Policies: CD-2.1, CD-3.2, CD-3.3, Cd-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7)
4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable;
5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g. data centers) (General Plan Policy MS-2.8), if applicable;
6. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable; and
7. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g. drive-through windows, car washes, service stations) must not disrupt pedestrian flow. (General Plan Policy LU-3.6), if applicable.

The project is consistent with mandatory criteria 1. While the site is designated *Open Space, Parklands and Habitat (OSPH)* on the General Plan land use map, that designation is intended for public property, and privately-owned sites with that designation are allowed to develop consistent with the character and pattern of development of the adjoining land uses. Therefore, the site is consistent with criteria 1. The project is also consistent with criteria 2 and 3. Specifically, the project proposes to achieve LEED Silver Certification and would construct a new public bicycle trail and expanded sidewalks along its project frontages, thereby improving bicycle and pedestrian connectivity in the project area.

Criteria 4, 5, 6, and 7 are not applicable to the proposed project because there are no historic structures on-site, the project is not an energy-intensive use nor would it be a large employer in the area, and the site does not propose drive-through uses.

Table 4 on the following page provides a summary of the voluntary criteria and describes the proposed project's compliance with each criterion.

**Conclusion**

The project would not result in significant GHG emission impacts.

<b>Table 4: Voluntary Greenhouse Gas Reduction Strategy Criteria</b>		
<b>Policies</b>	<b>Description of Project Measure</b>	<b>Project Conformance/ Applicability</b>
<b>BUILT ENVIRONMENT AND RECYCLING</b>		
Installation of solar panels or other clean energy power generation sources on development sites, especially over parking areas MS-2.7, MS-15.3, MS-16.2	The project does not propose on-site renewable power generation.	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Not Proposed or <input type="checkbox"/> Not Applicable
Use of Recycled Water Use recycled water wherever feasible and cost-effective (including non-residential uses outside of the Urban Service Area) MS-17.2, MS-19.4	The closest recycled water line is located immediately east of the project site in Senter Road. The project does not propose to connect to the recycled water line for landscaping irrigation purposes.	<input type="checkbox"/> Required/ Proposed <input checked="" type="checkbox"/> Not Proposed or <input type="checkbox"/> Not Applicable
<b>TRANSPORTATION AND LAND USE</b>		
Car share programs Promote car share programs to minimize the need for parking spaces TR-8.5	The project is not an employment use that would warrant a car share program.	<input type="checkbox"/> Proposed <input type="checkbox"/> Not Proposed or <input checked="" type="checkbox"/> Not Applicable
Limit parking above code requirements TR-8.4	The project proposes to provide 11 regular stalls, one handicapped-accessible stall, and a one-car garage for the manager/caretaker unit building.	<input checked="" type="checkbox"/> Project is Parked at or below Code Requirements <input type="checkbox"/> Project is Parked above Code Requirements or <input type="checkbox"/> Not Applicable

<b>Table 4: Voluntary Greenhouse Gas Reduction Strategy Criteria</b>		
<b>Policies</b>	<b>Description of Project Measure</b>	<b>Project Conformance/ Applicability</b>
<p>Consider opportunities for reducing parking spaces (including measures such as shared parking, TDM, and parking pricing to reduce demand)</p> <p>TR-8.12</p>	<p>The project does not propose shared parking or TDM measures.</p>	<p><input type="checkbox"/> Proposed</p> <p><input type="checkbox"/> Project Does Not Propose</p> <p>or</p> <p><input checked="" type="checkbox"/> Not Applicable</p>

### 3.8 HAZARDS AND HAZARDOUS MATERIALS

A Phase I Environmental Site Assessment (ESA) and Revised Magnetometer Survey, Test Pit Investigation, and Soil Quality Evaluation were completed for the project by *Cornerstone Earth Group* in April 2015 and July 2015, respectively. The reports are attached to this Initial Study as Appendix C and D, respectively.

#### Hazards and Hazardous Materials Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
b. 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"/>	1
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"/>	1,12,13
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"/>	1
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, will it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	12,13
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, will the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	15
f. For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
g. 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"/>	1

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	14

**Setting**

**Site History**

The site was historically used for railcar freight transfer purposes since at least the 1930s. The former rail lines on the property are also believed to have been associated with a former brick manufacturing facility (known as the Remillard Dandini Brickyard) that began operation in the late 19<sup>th</sup> century and was located north of the site. Prior to 1986, the site was reportedly used for loading dried fruit from a nearby packing shed business. Between 1986 and 2007, the Santa Clara Transfer Company maintained a lease for part of the site to operate a rail sliding and off-loading/transfer facility on the site for purposes of transferring inert mineral materials such as aggregate.

In 1986, the Santa Clara Transfer Company reportedly imported, filled, and graded the site with base rock fill material obtained from a former railroad maintenance facility. There is a potential that soils on-site could be contaminated from the imported fill. In addition, incidental spills and leaks from storage tanks, rail cars, and engines from historic use of various materials for weed abatement, pest control and dust suppression were common along rail corridors. Therefore, there is also a potential for soil contamination from incidental spills.

Furthermore, soils on-site could be impacted from the San José Municipal Firing Range, located immediately north of the site. Exhaust ducts and roof drain with discharge to the project site were observed during a site visit. Lead contamination has been associated with firing ranges, and the firing range’s proximity to the project site could have impacted shallow soil on-site.

A subsequent Test Pit Investigation and Soil Quality Evaluation were conducted, in accordance with state and federal regulations, to evaluate historical subsurface conditions through soil sampling and analytical testing. Results of the testing detected petroleum hydrocarbons, cyanide and asbestos above their respective laboratory reporting limits, and arsenic, lead, diesel, oil, and polyaromatic hydrocarbon compounds contamination above their respective commercial screening levels. Based on soil testing, the primary contaminants of potential concern are arsenic, lead, oil, diesel, and to a lesser extent, the polyaromatic hydrocarbon compounds benzo[a]pyrene and benzo[b]fluoranthene.

A Magnetometer Survey was also performed to determine the presence of buried metallic objects. The Magnetometer Survey found various metal debris and metal pipes throughout the project site but no underground storage tanks.

### Regulatory Database Review

A regulatory database search of facilities within the project area was completed to identify potential on-site and off-site sources of hazardous materials contamination that could impact the project. The project site was not identified in a review of federal, state, and local regulatory agency databases.

Nearby off-site spill incidents that could affect the project site were, however, identified. The adjacent property to the south (1661 Senter Road, San José Central Service Yard) was listed as a closed case on the leaking underground storage tank (LUST) database. Based on the distances from the project site to the identified off-site facilities, type of listing, and groundwater flow direction, no other off-site spill incidents that could impact the project site were identified.

### Impacts Evaluation

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

**(Less Than Significant Impact)** Hazardous materials storage would not be permitted at the proposed self-storage facility and hazardous materials would not be transported to and from the site. Therefore, the project is not anticipated to result in the release of hazardous materials into the environment.

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

**(Less Than Significant Impact with Mitigation)** Construction on the project site could encounter soils impacted by contaminated imported fill, incidental spills from the site's historical freight transfer uses, and/or metal particulates from the adjacent firing range. Construction of the project could expose construction workers and future users to excessive hazardous material levels; however, preparation of a soil Site Management Plan (SMP) and Health and Safety Plan (HSP) under the regulatory oversight of the County Department of Environmental Health or the state Department of Toxic Substances Control, prior to the commencement of construction activities, and implementation of the SMP and HSP during construction, would reduce potential health impacts from hazardous materials to a less than significant level. The project proponent shall obtain a No Further Action Letter from the regulatory agency that assumes oversight responsibility for the site.

**MM HAZ-1.1: Site Management Plan.** A Site Management Plan shall be prepared by a qualified hazardous materials consultant to establish management practices for handling contaminated soil or other materials encountered during construction activities. The sampling results shall be compared to appropriate risk-based screening levels in the Site Management Plan. The Site Management Plan shall identify potential health, safety, and environmental exposure considerations associated with redevelopment activities and shall identify appropriate mitigation measures. The Site Management Plan shall be submitted to

the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and Santa Clara County Department of Environmental Health (or equivalent regulatory agency) for approval prior to commencing construction activities. The Site Management Plan shall include, but is not limited to, the following:

- Proper mitigation as needed for demolition of existing structures;
- Management of stockpiles, including sampling, disposal, and dust and runoff control including implementation of a stormwater pollution prevention program;
- Management of underground structures encountered, including utilities and/or underground storage tanks;
- Procedures to follow if evidence of an unknown historic release of hazardous materials (e.g., underground storage tanks, polychlorinated biphenyls [PCBs], asbestos containing materials, lead-based paint, etc.) is discovered during excavation or demolition activities;
- Traffic control during site improvements;
- Noise, work hours, and other relevant City regulations;
- Mitigation of soil vapors (if required);
- Procedures for proper disposal of contaminated materials (if required); and Monitoring, reporting, and regulatory oversight arrangements.

***MM HAZ-1.2: Health and Safety Plan.*** A site-specific Health and Safety Plan shall be prepared by the project applicant prior to issuance of any grading permit for project construction to address potential health and safety hazards associated with implementation of the Work Plan and proposed redevelopment activities (e.g., site preparation, demolition, grading and construction). The Health and Safety Plan shall be submitted to Santa Clara County Department of Environmental Health (or equivalent regulatory agency) for review and approval prior to commencing construction activities. A copy of the Santa Clara County Department of Environmental Health (or equivalent regulatory agency) approval shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the Compliance Officer/Hazardous Materials Specialist of the City of San José Department of Environmental Services.

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

**(No Impact)** There are no schools located within one-quarter mile of the project site. Furthermore, the proposed project would not be a source of hazardous emissions or handle hazardous or acutely hazardous materials as a part of its operation.

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

**(Less Than Significant Impact)** The project site is not included on a State of California list of hazardous materials sites (i.e., Cortese List). Based on the distance from the project site to

the identified off-site facilities, type of listing, and groundwater flow direction, there are no off-site sources of contamination in the project area that would pose a significant environmental risk to the project site.

- e.f. 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 for people residing or working in the project area? For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

**(No Impact)** The project site is not located within the Norman Y. Mineta San José International Airport influence area or safety zones, and the proposed building height of less than 45 feet does not require Federal Aviation Administration (FAA) airspace review. The project site is not located in the vicinity of a private airstrip.

- g,h. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

**(Less Than Significant Impact)** The project is located in a developed area and would not change the local roadway circulation pattern and access, or otherwise physically interfere with local emergency response plans. The site is not adjacent to wildland areas and would not be exposed to hazards associated with wildland fires.<sup>7</sup>

## **Conclusion**

The project, with the implementation of the identified mitigation measure, would not result in significant hazard or hazardous material impacts.

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<sup>7</sup> California Department of Forestry and Fire Protection. Fire Hazard Severity Zones Maps. Available at: [http://www.fire.ca.gov/fire\\_prevention/fire\\_prevention\\_wildland\\_zones\\_maps.php](http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps.php). Accessed November 9, 2015.

**3.9 HYDROLOGY AND WATER QUALITY**

**Hydrology and Water Quality Environmental Checklist**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
e. Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
g. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16
h. Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

**Setting**

**Surface Water**

The project site is located within the Coyote Creek Watershed, which covers parts of central San José, most of east San José, and extends down to the City of Morgan Hill. The Coyote Creek Watershed is comprised of many small tributaries and sub-watersheds that eventually flow into Coyote Creek and ultimately the San Francisco Bay.

The 4.9-acre project site is mostly undeveloped. The project site consists of 4,275 sf of impervious surfaces (two percent) and 207,577 sf of pervious surfaces (98 percent). Storm drain lines serving the project area include a 15-inch storm main in S. 10<sup>th</sup> Street, a 60-inch storm main in E. Alma Avenue, and an 18-inch storm main in Senter Road.

**Groundwater**

As discussed in *Section 3.6 Geology and Soils*, groundwater depth in the project area is estimated at 15 to 25 feet bgs. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall and underground drainage patterns, and other factors.

The project site is not located within a natural or facility groundwater recharge area.<sup>8</sup>

**Flooding and Inundation Hazards**

The project site is not located in a 100-year flood plain. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the project site is located in Flood Zone D, which is defined as areas where flood hazards are undetermined, but possible.<sup>9</sup>

The project site is not located within a dam failure inundation area, as described in the General Plan FPEIR.

<sup>8</sup> Santa Clara Valley Water District. *Groundwater Management Plan*. 2012.

<sup>9</sup> Federal Emergency Management Agency. *Firmette 06085C0253H*. May 18, 2009.

## **Impacts Evaluation**

- a.f. **Would the project violate any water quality standards or waste discharge requirements? Would the project otherwise substantially degrade water quality?**

### **Construction-Related Water Quality Impacts**

**(Less Than Significant Impact)** Construction of the proposed project, including grading and excavation activities, may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system.

The proposed project is required to comply with the City's Grading Ordinance and National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities. The City of San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 1 to April 30), the applicant is required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The Plan must detail the Best Management Practices (BMPs) that would be implemented to prevent the discharge of stormwater pollutants.

The NPDES General Permit for Construction Activities requires the developer to submit a Notice of Intent (NOI) to the Regional Water Quality Control Board (RWQCB) and develop a Stormwater Pollution Prevention Plan (SWPPP) to control discharge associated with construction activities. Implementation of the following standard permit conditions would reduce potential construction-related water quality impacts to a less than significant level.

**Standard Permit Conditions:** Consistent with the General Plan, standard permit conditions that shall be implemented to prevent stormwater pollution and minimize potential sedimentation during construction include, but are not limited to the following:

- Utilize on-site sediment control BMPs to retain sediment on the project site;
- Utilize stabilized construction entrances and/or wash racks;
- Implement damp street sweeping;
- Provide temporary cover of disturbed surfaces to help control erosion during construction; and
- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

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

### Post-Construction Water Quality Impacts

**(Less Than Significant Impact)** Development of the proposed project would increase impervious surfaces on the site from 4,275 (two percent) to 163,422 sf (90 percent), an increase of 88 percent. The amount of pervious surfaces would decrease from 181,141 to 17,719 sf.

Construction of the project would add or replace more than 10,000 sf of impervious surfaces and, therefore, is required to comply with the City’s Urban Runoff Policy 6-29 and the RWQCB’s MRP NPDES Permit/C.3, which require post-construction runoff be treated with Low Impact Development (LID) treatment controls. Details of specific site design, pollutant source control, and stormwater treatment control measures demonstrating compliance with the aforementioned policies are shown in the project’s stormwater control plan (Figure 5).

The General Plan EIR concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. Therefore, the project, in compliance with the City’s Grading Policy, the City’s Urban Runoff Policy 6-29, and RWQCB’s MRP NPDES Permit/C.3 requirements, would result in less than significant impacts to post-construction water quality.

**b. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge?**

**(Less Than Significant Impact)** Groundwater in the project area has historically been recorded at depths of 15 to 20 feet bgs. The project does not require substantial subsurface excavation and, therefore, it is not anticipated that project construction would encounter groundwater.

The project site is not located in a groundwater recharge area. The project would not use groundwater from the project site.

**c, d, e. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site? Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site? Would the project create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

**(Less Than Significant Impact)** There are no waterways on the project site. Development of the project would, therefore, not alter the course of a stream or river.

As described above, the project would increase impervious surfaces on-site by 159,147 sf, or 88 percent, compared to existing conditions. This increase in impervious surfaces results in a

corresponding increase in site runoff. The existing storm drain system has sufficient capacity to accommodate project flows.

Based on the Santa Clara Permittees Hydromodification Management Applicability Map for the City of San José, the project site is exempt from the NPDES hydromodification requirements related to preparation of an HMP because it is located in a subwatershed greater than or equal to 65 percent impervious.

The project would not substantially alter existing drainage patterns on-site or in the project area to the extent that new stormwater facilities would be required.

- g, h, i. Would the project place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Would the project place within a 100-year flood hazard area structures which will impede or redirect flood flows? Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

**(Less Than Significant Impact)** As previously discussed, the project does not involve housing and the site is not located in a 100-year floodplain and, therefore, would not place structures within a 100-year flood hazard area.

The project site is not located within a dam failure inundation area. For this reason, the site is not subject to a significant risk of loss, injury, or death involving dam inundation.

- j. Would the project exposed the project to inundation by seiche, tsunami, or mudflow?**

**(Less Than Significant Impact)** Due to the project site's inland location and distance from the San Francisco Bay, the project site is not subject to inundation by seiche or tsunami. The project area is generally level and not adjacent to natural hills; therefore, the project is not subject to mudflows.

### **Conclusion**

The project, with the implementation of standard permit conditions, would not result in significant hydrology and water quality impacts.

Figure 6: Stormwater Control Plan

**3.10 LAND USE**

**Land Use Environmental Checklist**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,10

**Setting**

The approximately 4.9-acre project site is located in an industrial area bound by the San José Ice Center, San José Municipal Stadium, Santa Clara Valley Rifle Club, and E. Alma Avenue to the north, Senter Road to the east, the San José Central Service yard to the south, and S. 10<sup>th</sup> Street to the west. The site is mostly vacant and undeveloped, with the exception of a small structure composed of freight containers.

**Envision San José 2040 General Plan**

The project site is designated as *Open Space, Parklands and Habitat (OSPH)* on the General Plan land use map. Lands in this designation can be publicly or privately owned areas that are intended for low intensity uses.

**San José Zoning Ordinance**

The project site is zoned as *HI – Heavy Industrial*, which is intended for land uses with nuisance or hazardous characteristics. In addition, warehouse retail uses may be allowed where they are compatible with adjacent industrial uses and will not constrain future use of the site for industrial purposes.

## **Impacts Evaluation**

**a. Would the project physically divide an established community?**

**(No Impact)** The project proposes to construct self-storage facilities in an industrial area, consistent with the development in the surrounding area. In addition, the project proposes to expand sidewalks along the project frontage and construct a public use trail to improve pedestrian and bicycle connectivity in the project area. For these reasons, the project would not divide an established community.

**b. Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?**

**(Less Than Significant Impact)** The project proposes self-storage uses, consistent with the site's zoning district regulations and the development pattern of the surrounding area. While the site is designated *Open Space, Parklands and Habitat (OSPH)* on the General Plan land use map, that designation is intended for public property, and privately-owned sites with that designation are allowed to develop consistent with the character and pattern of development of the adjoining land uses.

**c. Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?**

**(Less Than Significant Impact)** The project site is located within the Santa Clara Valley Habitat Plan area. As described in *Section 3.4 Biological Resources*, no sensitive species or habitat types covered by the Habitat Plan are present on the site and the project would pay all applicable Habitat Plan fees. For these reasons, the project would not conflict with the Habitat Plan.

## **Conclusion**

The project would not result in significant land use impacts.

**3.11 MINERAL RESOURCES**

**Mineral Resources Environmental Checklist**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3
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"/>	1,3

**Setting**

The project site is not designated by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 as containing mineral deposits of regional significance. Communications Hill in central San José is the only area in the City with this designation.

**Impacts Evaluation**

**a,b. Would the project result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state or in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

**(No Impact)** The project site is not located on or near Communications Hill and, therefore, would have no significant impact on the loss of availability of a known mineral resource. The project would not result in the loss of availability of a locally important mineral resource recovery site delineated in the City’s General Plan or any other City of San José land use plan.

**Conclusion**

The project would not result in significant mineral resource impacts.

**3.12 NOISE**

**Noise Environmental Checklist**

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
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, will the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	15
f. For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

**Setting**

**Background Information**

Noise may be defined as unwanted sound. It is usually objectionable because it is disturbing or annoying, which is affected by the sound’s pitch and loudness. Since excessive noise levels can adversely affect human activities, federal, state, and local government agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise is measured in decibels (dB) and typically expressed using one of several noise averaging methods, including:  $L_{eq}$ , DNL, or CNEL.<sup>10</sup>

<sup>10</sup>  $L_{eq}$  stands for the Noise Equivalent Level and is a measurement of the average energy level intensity of noise over a given period of time such as the noisiest hour. DNL stands for Day-Night Level and is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. CNEL stands for

It is important to recognize that there are specific moments when noise levels are higher (e.g., during a train passby) and specific moments when noise levels are lower (e.g. during lulls in traffic flows). The General Plan establishes policies and standards to mitigate or avoid noise impacts resulting from planned development projects within the City. The following policies establish the quantitative thresholds for noise and vibration impacts for new developments in the City and are applicable to the proposed project.

Table 5 shows noise and land use compatibility guidelines for new developments set forth in General Plan Policy EC-1.1.

<b>Table 5: General Plan Land Use Compatibility Guidelines</b>						
<b>Land Use Category</b>	<b>Exterior DNL Value in Decibels</b>					
	<b>55</b>	<b>60</b>	<b>65</b>	<b>70</b>	<b>75</b>	<b>80</b>
1. Residential, Hotels and Motels, Hospitals and Residential Care <sup>1</sup>						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						

Notes: <sup>1</sup>Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.

	<b>Normally Acceptable:</b> Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
	<b>Conditionally Acceptable:</b> Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.
	<b>Unacceptable:</b> New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.

Exterior noise levels up to 70 dBA DNL and 80 dBA DNL are considered normally acceptable and conditionally acceptable, respectively, for new commercial developments.

Community Noise Equivalent Level; it is similar to the DNL except that there is an additional five dB penalty applied to noise which occurs between 7:00 PM and 10:00 PM. Generally, where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour  $L_{eq}$ .

Under General Plan Policy EC-1.2, a significant noise impact would occur if a project would:

- Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain “Normally Acceptable”, or
- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level.

### **Existing Conditions**

The project site is located in an industrial area that consists of storage facilities and warehouses. The San José Ice Center, San José Municipal Stadium, and Kelley Park are also located in the surrounding area. Although events held at the San José Ice Center and San José Municipal Stadium may occasionally result in higher noise levels, ambient noise levels are primarily due to vehicular traffic on surrounding local roadways. Based on the existing citywide noise contour map in the Envision San José 2040 General Plan FEIR, ambient traffic noise currently ranges between 55 to 60 dBA DNL.

### **Impacts Evaluation**

- a,b. **Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? Would the project result in exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?**

### **Noise and Vibration Impacts from the Project**

**(Less Than Significant Impact)** The project proposes to redevelop the site with a self-storage facility. As further described below, the project would not generate substantial noise or vibration impacts following the completion of construction activities. Because the site is currently undeveloped, the project would incrementally increase noise levels in the surrounding area. As previously mentioned, the citywide noise contour map in the Envision San José 2040 General Plan FEIR indicate that the ambient traffic noise currently ranges between 55 to 60 dBA DNL at the project site. The closest sensitive land uses (residential apartments, duplexes, etc.) are residences located approximately 0.3 miles (~1,500 feet) southeast of the project site. Noise generated by the project would mostly be limited to vehicle traffic from employees and customers traveling to and from the project site, the operation of HVAC (heating, ventilation, and air conditioning) unit for the office/caretaker unit, and on-site loading and unloading activities. Noise from these activities would not result in a substantial increase in ambient noise levels compared with noise levels without the project and would not exceed City of San José Municipal Code Zoning Ordinance performance standards.

In addition, the project does not propose any substantial sources of vibration.

### **Noise and Vibration Impacts to the Project**

As previously discussed in Section 3.0, on December 17, 2015, the California Supreme Court issued an opinion in “CBIA vs. BAAQMD” holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project’s future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. In light of this ruling, the effect of existing ambient noise on future or residents of the project would not be considered an impact under CEQA. However, General Plan policies under Goal EC-1 (EC-1.1 to EC-1.7) requires that existing ambient noise levels be analyzed for new residences, office buildings, business commercial, or professional offices and that noise attenuation be incorporated into the project in order to bring interior and exterior noise levels down to acceptable levels.

As previously mentioned, the project site is located in an area with traffic noise currently ranges between 55 to 60 dBA DNL. Based on future (2035) traffic noise contours for buildout of the General Plan, the project site is predicted to have a future ambient noise level of less than 60 dBA DNL. The proposed self-storage warehouse use is not considered noise sensitive, and the caretaker unit is an incidental use on the site, where the occupants would not have the expectation of a normal residential noise environment. Exterior noise levels up to 70 dBA DNL are considered normally acceptable for business and commercial uses.

The project shall be required to implement minimum noise insulation standards pursuant to the California Building Code, employees and customers would be further protected from ambient noise from surrounding roadways. Therefore, the project would be compatible with the predictable future noise environment of the project site. Implementation of General Plan policies and standard permit conditions will ensure future occupants of the hotel will not be exposed to excessive interior noise levels.

In addition, the project site is surrounded by the San José Municipal Stadium, an ice rink, a park, and other industrial uses. However, none of the surrounding anticipate to be a source of vibration that would substantially impact the project.

**c. Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

**(Less Than Significant Impact)** As previously discussed above, the project would not generate substantial noise levels in the project area nor are there noise-sensitive uses in the vicinity, and, therefore, would not result in a substantial permanent increase in ambient noise levels.

**d. Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

**(Less Than Significant Impact)** Noise impacts resulting from project demolition and construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, and the distance between construction noise sources and noise sensitive receptors. Construction period is anticipated for

approximately eight and 12 months. Construction noise impacts primarily occur when construction activities coincide with noise-sensitive times of the day (early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise sensitive land uses, or when construction durations last over extended periods of time.

The closest sensitive land uses are residences located approximately 0.3 miles (~1,500 feet) southeast of the project site. Construction of the project would not substantially affect sensitive land uses due to the distance from the project site. The project construction will not include pile driving. Implementation of standard permit conditions, described below, would further reduce potential noise impacts from construction. For these reasons, the project would not result in significant temporary noise impacts.

**Standard Permit Conditions:** Consistent with the General Plan FPEIR and General Plan Policy EC-1.7, the project shall implement the following standard construction noise control measures to reduce construction noise impacts to a less than significant level:

- Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists;
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;
- Locate staging areas and construction material areas as far away as possible from adjacent land uses;
- Prohibit all unnecessary idling of internal combustion engines;
- The contractor will prepare a detailed construction plan identifying a schedule of major noise generating construction activities. This plan shall identify a noise control ‘disturbance coordinator’ and procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance. This plan shall be made publicly available for interested community members; and
- The disturbance coordinator will be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The telephone number for the disturbance coordinator at the construction site will be posted and included in the notice sent to neighbors regarding the construction schedule.

- e.f. **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, will the project expose people residing or working in the project area to excessive noise levels? For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?**

**(No Impact)** The project site is not located within the Norman Y. Mineta San José International Airport influence area or noise contours. The project is not located in the vicinity of a private airstrip. The project would not expose people to excessive aircraft noise levels.

### **Conclusion**

The project would result in less than significant noise and vibration impacts.

**3.13 POPULATION AND HOUSING**

**Population and Housing Environmental Checklist**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

**Setting**

Based on information from the Department of Finance, the City of San José population was estimated to be approximately 1,016,479 in January 2015.<sup>11</sup> The City has approximately 322,770 housing units in 2015, and the Association of Bay Area Governments (ABAG) projects that there will be approximately 409,800 households in the City by 2035.<sup>12</sup> The average number of persons per household in San José is approximately 3.07.<sup>13</sup>

**Impacts Evaluation**

- a. Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

**(No Impact)** 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).

<sup>11</sup> State of California, Department of Finance. E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2014 and 2015. May 2015. Available at: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>

<sup>12</sup> Association of Bay Area Governments. Projections 2013. August 2013.

<sup>13</sup> Ibid.

The project is an infill development and proposes to construct self-storage facilities that typically do not induce population growth.

**b,c. Would the project displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?**

**(No Impact)** The project site is mostly undeveloped. Implementation of the proposed project would not displace housing or people. Therefore, the project would not directly or indirectly induce population growth.

**Conclusion**

The project would not result in significant population and housing impacts.

**3.14 PUBLIC SERVICES**

**Public Services Environmental Checklist**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
<p>a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</p>					
1. Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
2. Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
3. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
4. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
5. Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3

**Setting**

**Fire and Police Protection Services**

Fire and police protection services for the project site are provided by the San José Fire Department (SJFD) and the San José Police Department (SJPD), respectively.

The SJFD responds to all fires, hazardous materials spills, and medical emergencies in the City. The closest station to the project site is Fire Station 21, located at 1749 Mount Pleasant Road, approximately 3.2 miles east of the project site.

The SJPD is headquartered at 201 West Mission Street, approximately 4.1 miles west of the project site. 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.

### Schools

The project site is located in the San José Unified School District (SJUSD). Students in the project area attend Galarza Elementary School, Hoover Middle School, and Lincoln High School.<sup>14</sup>

### Parks

Nearby parks include Kelley Park, approximately 0.2 miles east of the project site, and Selma Olinder Park, approximately 2.0 miles north of the project site.

### Libraries

The closest library to the project site is the Tully Community Branch Library, located at 880 Tully Road, approximately 1.9 miles southeast of the project site.

## Impacts Evaluation

- a. **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for public services?**

### Fire and Police Protection Services

**(Less Than Significant Impact)** The project site is located in an urbanized area within the Urban Service Area of the City of San José. The project site is already served by the SJFD and SJPD. Development of the project site with self-storage facilities would incrementally increase the need for fire and police protection services, but would not significantly impact the response time to the site, or require the construction of new facilities. The proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. For these reasons, the project would result in a less than significant impact on fire and police protection services.

### Schools

**(No Impact)** The project proposes to construct self-storage facilities that would not generate students that could impact local schools.

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<sup>14</sup> San José Unified School District. *Boundary Maps*. Last modified March 27, 2014. Available here: <<http://www.schvision.com/schoolfinder2/SJUSD/maps.asp>> Accessed: December 4, 2015.

### **Parks**

**(No Impact)** The project proposes to construct self-storage facilities that would not generate residents that could substantially impact nearby parks. The project proposes to dedicate land for a future public use trail.

### **Libraries**

**(No Impact)** The project proposes to construct self-storage facilities that would not generate residents that could substantially impact nearby libraries.

### **Conclusion**

The project would not result in significant public service impacts.

**3.15 RECREATION**

**Recreation Environmental Checklist**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
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 will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
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 type="checkbox"/>	<input checked="" type="checkbox"/>	1-3

**Setting**

The City of San José owns and maintains approximately 3,435 acres of parkland, including neighborhood parks, community parks, and regional parks. The City also has 25 community centers, 12 senior centers, and 14 youth centers, though some are temporarily closed due to budget constraints. Other recreational facilities include six public skate parks and over 54 miles of trails. As described in *Section 3.14 Public Services*, nearby parks include Kelley Park, approximately 0.2 miles east of the project site, and Selma Olinder Park, approximately 2.0 miles north of the project site.

**Impacts Evaluation**

**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 will 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?**

**(No Impact)** As described in *Section 3.13 Population and Housing*, the project would not generate residents on-site or induce population growth. Development of self-storage facilities would not substantially increase the use of existing neighborhood and regional recreational facilities. The project does not propose or require the construction, or expansion, of recreational facilities, although the project provides land dedication for a potential future public use trail, should the City or another public agency decide to construct a trail segment across the site. Therefore, the project would not impact recreation resources.

**Conclusion**

The project would not result in significant recreation impacts.

**3.16 TRANSPORTATION**

**Transportation Environmental Checklist**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

**Setting**

**Existing Roadway Network**

Regional access to the project site is provided by Interstate 280 (I-280), US Highway 101 (US 101), and Highway 87. US 101 and Highway 87 trend in the north-south direction and are located east and

west of the project site, respectively. I-280 is located north of the project site and trends in the west-east direction.

Local access to the project site is provided by Story Road, Senter Road, and S. 10<sup>th</sup> Street.

### **Existing Transit Service**

Nearby Santa Clara Valley Transportation Authority (VTA) bus routes include Route 73 on Senter Road and Route 25 on Story Road. No bus lines run along S. 10<sup>th</sup> Street or E. Alma Avenue.

### **Existing Pedestrian and Bicycle Facilities**

Pedestrian facilities in the project area consists of sidewalks along Senter Road, E. Alma Avenue, and S. 10<sup>th</sup> Street. Crosswalks and pedestrian traffic signals are located at the intersection of Senter Road and E. Alma Avenue. There are no bicycle lanes within the project vicinity. There are no other existing trails in the project area.

### **Impacts Evaluation**

- a,b. Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

**(Less Than Significant Impact)** The project proposes to construct self-storage facilities. The amount of traffic entering and existing the project site was estimated on a daily and peak-hour basis based on the Institute of Transportation Engineers' *Trip Generation Manual, 9<sup>th</sup> Edition*. Trip generation was estimated using the mini-warehouse land use, defined as buildings in which a number of storage units or vaults are rented for the storage of goods and are typically referred to as self-storage facilities.

According to the trips calculation (Appendix D), implementation of the project would generate approximately 15 AM and 27 PM net peak hour trips. Given the project's size and trips calculations, the City's Department of Public Works has determined that the projected traffic impacts resulting from implementation of this project would not substantially impact traffic flows on roadways in the project area. The project would be in conformance with the City of San José Transportation Level of Service Policy (Council Policy 5-3). The project proposes to dedicate land area upon which the City or another public agency could construct a public use trail. The proposed project would not conflict with applicable plans, ordinances, or policies related to traffic circulation in the City of San José.

- c. **Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

**(No Impact)** As discussed in *Section 3.8 Hazards and Hazardous Materials*, the project site is not located within the Norman Y. Mineta San José International Airport influence area or safety zones, and the proposed building height does not require Federal Aviation Administration (FAA) airspace review in that proposed building heights do not exceed 45 feet. The project site is not located in the vicinity of a private airstrip.

- d. **Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?**

**(No Impact)** The proposed development is consistent with existing zoning regulations and would conform to applicable height limits, setback requirements, and policies regarding on-site pedestrian and vehicular circulation and access. The project does not include any design features or uses that could potentially create a traffic safety hazard.

- e. **Would the project result in inadequate emergency access?**

**(No Impact)** The proposed project is consistent with City policies regarding emergency access. No hazards or design features would hinder emergency vehicles access to the project site or on surrounding area roadways.

- f. **Would the project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?**

**(Less Than Significant Impact)** The project proposes to expand existing sidewalks along the project frontage on Senter Road and S. 10<sup>th</sup> Street to improve pedestrian access in the project area. A public use trail is also proposed along the western boundary of the project site. Construction of the public use trail would increase bicycle infrastructure in the project area. The proposed project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, nor would it decrease the performance or safety of existing facilities in the immediate vicinity of the project site.

## **Conclusion**

The project would not result in significant transportation impacts.

### 3.17 UTILITIES AND SERVICE SYSTEMS

#### Utilities and Service Systems Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	18
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	18
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17
e. 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"/>	1-3,18
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	19
g. Comply with federal, state and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

#### Setting

##### **Water Service**

Water service to the project site is provided by the San José Water Company (SJWC). SJWC provides water to over one million people in the greater San José metropolitan area and provides services to other utilities including, but not limited to, operations and maintenance, billing, and

backflow testing.<sup>15</sup> The project proposes to connect to existing water mains to provide water service to the project site.

“Purple pipes” that transport recycled water throughout the city are located along Senter Road, adjacent to the project site.

### **Storm Drainage**

The City of San José owns and maintains storm drainage facilities throughout the City. Storm drain lines are inspected and maintained by the Department of Transportation, and are installed, rehabilitated, and replaced by the Department of Public Works. Depending on the scale of a new development project, the Department of Public Works requires private developers to also install, rehabilitate, and replace storm lines.

Most of the project site (98 percent) is currently pervious. Stormwater runoff from the project site drains into the Coyote Creek watershed and ultimately into the San Francisco Bay. Storm drain lines serving the project area include a 15-inch storm main in S. 10<sup>th</sup> Street, a 60-inch storm main in E. Alma Street, and an 18-inch storm main in Senter Road.

### **Wastewater Treatment/Sanitary Sewer System**

Wastewater from the project area is treated at the San José/Santa Clara Regional Wastewater Facility (RWF) in Alviso. The RWF has a capacity to treat 167 million gallons per day (gpd) of sewage during dry weather flow. On average, the RWF treats 110 million gpd of wastewater.<sup>16</sup> The resulting fresh water from the RWF is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution.

The City of San José generates approximately 69.8 million gpd of dry weather sewage flow. The City’s share of the RWF’s treatment capacity is 108.6 million gpd, which leaves the City with approximately 38.8 mgd of excess treatment capacity.<sup>17</sup> Sanitary sewer lines in the project area are inspected and maintained by the City of San José Department of Transportation, and rehabilitated and replaced by the Department of Public Works. Sanitary sewer lines in the project area include a 24-inch sewer main in Senter Road, an eight-inch sewer line in E. Alma Avenue, and a 15-inch sewer line in S. 10<sup>th</sup> Street.

### **Solid Waste**

The City of San José has an existing contract with Newby Island Sanitary Landfill (NISL) through December 31, 2020 with the option to extend the contract as long as the landfill is open. The City

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<sup>15</sup> San José Water Company. *San José Water*. Accessed December 9, 2015. Available here: <[http://www.sjwater.com/about\\_us/san\\_jose\\_water/](http://www.sjwater.com/about_us/san_jose_water/)>

<sup>16</sup> City of San José. *San José/Santa Clara Regional Wastewater Facility*. May 4, 2010. Available at: <http://www.sanjoseca.gov/index.aspx?NID=1663>

<sup>17</sup> City of San José. *Envision San José 2040 General Plan Integrated Final Program EIR*. November 2011.

has an annual disposal allocation for 395,000 tons per year. As of March 2014, NISL had approximately 20.1 million cubic yards of capacity remaining.<sup>18</sup>

Republic Services provides waste hauling services for businesses in San José and would continue to do so upon completion of the proposed project.<sup>19</sup> Materials that can be recycled or composted are processed at the Newby Island Resource Recovery Park while materials that cannot be recycled or composted are deposited at NISL.

### **Impacts Evaluation**

- a,b,e. Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

**(Less Than Significant Impact)** It is estimated that the project would generate approximately 1,800 gallons of sewage a day.<sup>20</sup> Given the City's existing remaining treatment capacity at the RWF (38.8 mgd), and the project's estimated sewage generation (0.0017 mgd), there is sufficient capacity at the RWF to treat project flows. There is sufficient capacity in local sewer lines to convey project flows to the RWF. Therefore, no new or expanded water or wastewater treatment facilities would be required as a result of this project.

- c. Would the project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

**(Less Than Significant Impact)** As discussed in *Section 3.9 Hydrology and Water Quality*, implementation of the proposed project would increase impervious surfaces by approximately 170,104 sf. In conformance with the City's Urban Runoff Policy 6-29 and the RWQCB's MRP NPDES Permit/C.3, the project shall implement a Stormwater Control Plan to mitigate post-construction runoff impacts to a less than significant level.

Based on the Santa Clara Permittees Hydromodification Management Applicability Map for the City of San José, the project site is exempt from the NPDES hydromodification requirements related to preparation of an HMP because it is located in a subwatershed greater than or equal to 65 percent impervious.

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<sup>18</sup> McGourty, Scott. Personal communications with Republic Services, Inc. Environmental Manager at NISL. May 19, 2014.

<sup>19</sup> A 15-year exclusive franchise has been granted to Republic Services to collect most standard garbage, recycling, and organics from businesses. The current agreement extends through June 30, 2027.

<sup>20</sup> Sewage generation rates are typically 85 percent of estimated water usage.

The project would require a connection to the existing storm mains in Senter Road and S. 10<sup>th</sup> Street. The existing storm drain system has sufficient capacity to accommodate project runoff flows; therefore, no new or expanded storm drainage facilities downstream of the project site are required.

**d. Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

**(Less Than Significant Impact)** The project would use approximately 2,114 gallons of water per day.<sup>21</sup> According to the Water Supply Assessment for Envision San José 2040 General Plan Update in 2010, there would be sufficient water supply to serve the proposed project.<sup>22</sup> The project proposes to connect to the existing water main in Senter Road. No new or expanded water facilities would be required as a result of this project.

**f,g. Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Would the project comply with federal, state and local statutes and regulations related to solid waste?**

The proposed project would intensify the uses on the site and increase the amount of solid waste generated on-site, compared to existing conditions. Given the City's existing recycling rates and the proposed self-storage facility uses, the project would not generate a substantial amount of solid waste. There is sufficient capacity at existing landfills to serve the proposed project. No new or expanded landfill facilities would be required as a result of this project.

**Conclusion**

The project would not result in significant utility and service system impacts.

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<sup>21</sup> Based on a rate of 0.02 gallons/square feet of floor space/day. (Source: Oberg, John. City of San José. Email communications. 2004.)

<sup>22</sup> City of San José Municipal Water System. *Water Supply Assessment for Envision San José 2040 General Plan Update*. September 2010.

**3.18 MANDATORY FINDINGS OF SIGNIFICANCE**

**Mandatory Findings Environmental Checklist**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Does the project have the potential to 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, 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"/>	Pgs. 1-67
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Pgs. 1-67
c. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Pgs. 1-67
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Pgs. 1-67

**a. Does the project have the potential to 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, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

**(Less Than Significant Impact with Mitigation)** As discussed in the individual sections, the proposed project would not degrade the quality of the environment with the implementation of identified mitigation measures or standard permit conditions. As discussed in *Section 3.4*

*Biological Resources*, the project would not have significant impacts on sensitive habitat or species, although routine pre-construction surveys would be needed prior to tree removal activities if occurring during the bird breeding/nesting season. The project would not have significant impacts on cultural resources upon implementation of mitigation measures and standard project conditions protecting buried cultural resources, as discussed in *Section 3.5 Cultural Resources*.

- 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 Impact)** Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects “that are individually limited, but cumulatively considerable.” As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means “that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”

The project would not impact agricultural and forest resources or mineral resources nor would it result in impacts related to population and housing, public services, or recreation. The project, therefore, would not contribute to cumulative impacts to these resources. The project’s cultural resources, geology and soils, and hazardous materials impacts are specific to the project site and would not contribute to cumulative impacts elsewhere.

There are no planned or proposed developments in the immediate project site vicinity that could contribute to cumulative aesthetic, construction-related air quality, noise and vibration impacts, land use, and utilities and service systems impacts.

Implementation of the project would marginally contribute to global GHG emissions, by definition. As discussed in *Section 3.7 Greenhouse Gas Emissions*, the project’s individual GHG emissions would have a less than significant (cumulative) impact. The project’s contribution to cumulative air quality, biology (trees and nesting birds), and transportation impacts were determined to be less than significant individually and there are no planned or proposed developments in the immediate project site vicinity that could contribute to cumulative impacts in these areas. The project would not contribute to significant cumulative impacts.

- c. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?**

**(Less Than Significant Impact)** The project site is mostly undeveloped, with the exception of a small structure composed of freight containers. The project proposes to construct self-storage facilities and an office with a caretaker unit.

Construction of the project would require the use of nonrenewable construction material, such as concrete, metals, and plastics. Nonrenewable resources and energy would also be consumed during the manufacturing and transportation of buildings materials, preparation of the site, and construction of the building. The operational phase would consume energy for multiple purposes including, building heating and cooling, lighting, and electronics. Energy, in the form of fossil fuels, would be used to fuel vehicles traveling to and from the project site. The project would increase the demand of nonrenewable resources; however, the project is required to comply with the City's Private Sector Green Building Policy and Greenhouse Gas Reduction Strategy. The project would also expand sidewalks along the project frontage and construct a public bike trail along the western boundary of the project site. For these reasons, the project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

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

**(Less Than Significant Impact)** Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air pollutants, geological hazards, flooding, hazardous materials, and noise and vibration. Implementation of identified standard permit conditions would reduce impacts to human beings to a less than significant level.

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## SECTION 5.0    AUTHORS AND CONSULTANTS

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