

DOCKETED

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Project Title:	Great Oaks South Backup Generating Facility Small Power Plant Exemption
TN #:	235388
Document Title:	10-21-2021 Email from Mimi Patterson
Description:	N/A
Filer:	Cody Goldthrite
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	10/22/2020 8:08:25 AM
Docketed Date:	10/22/2020

From: [Mimi Patterson](#)
To: [Paul Brownell](#); [Avalos, Rosemary@Energy](#); [Hughey, Rosalynn](#); [Manford, Robert](#); [Rood, Timothy](#); [sylvia.do@sanjoseca.gov](#); [Wang, Angela](#); [Lee, Ralph@Energy](#); [Barrera, Linda@Energy](#)
Cc: [nick_renna@sbcglobal.net](#); [sheehanappraisal@yahoo.com](#); [billdunmyer@comcast.net](#); [Patricia sheehan](#); [Lisa Campbell](#); [Ken Hares](#); [Pat Mundt](#); [Janelle Casanave](#); [kandlferguson@yahoo.com](#); [WillBreechen@yahoo.com](#); [BobLiuz@yahoo.com](#); [floyd_conner@comcast.net](#); [Mark.Bloom@sbcglobal.net](#); [kathy.bloom](#); [Hun_Trudi@yahoo.com](#); [JudyPick@aol.com](#); [LeAutoGlasssj_99@yahoo.com](#); [KLScheid@yahoo.com](#); [Stanley.Zaffos@yahoo.com](#)
Subject: Re: [EXTERNAL] Re: Equinix project
Date: Wednesday, October 21, 2020 9:51:47 AM
Attachments: [China Mobile EIR.pdf](#)
[China Mobile Attachment A .pdf](#)

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Good morning Paul,

Thank you for sending your email. Yes, we did find and review many of these documents on the CEC and City of San Jose Planning websites. What I am seeking is a more specific conceptual elevation and detailed drawings of Equinix's three data centers and small power plant. I have attached two separate documents for China Mobile as examples and for your convenience. China Mobile is building a smaller data center with less generators next to your proposed site and their location is further away from our neighborhood.

So I have two questions:

1) Why was China Mobile, who is only building one data center with less generators and their location is further away from our neighborhood, required to complete an Environmental Impact Report (EIR) including conceptual elevations and more detailed drawings?

2) Why did the City of San Jose Department of Planning, Building and Code Enforcement not require Equinix to provide these drawings in their initial application?

I have included the City of San Jose Department of Planning, Building and Code Enforcement and the California Energy Commission in this email so that they can perhaps help you come up with a better explanation and provide better insight on why the City of San Jose approved Equinix's initial application to build three (3) large data centers and small power of twenty-one (21) generators without an Environmental Impact Report (EIR) and more importantly, conceptual elevations and detailed drawings back in 2015-17. I look forward to hearing your explanations.

Best,
Mimi

On Wed, Oct 21, 2020 at 7:25 AM Paul Brownell <pbrownell@equinix.com> wrote:

Hi, Mimi: we have not heard from Councilmember Jimenez's staff regarding a date and time for a meeting and assume that you have not heard, either.

In the meantime, I want to respond to your request for information—including drawings, maps, renderings, etc.—for the project. All of this is public information. There is quite a bit here and the documents found through the links are large, so I want to point out a couple of things that you can turn to first.

Our intention is to come to Councilmember Jimenez's meeting and provide a summary presentation of the project in plain English and answer your questions.

Here are the links to the full Application for SPPE at the CEC:

First is a link to our Status Conference Presentation to the Commission, which includes photos, renderings and a site layout.

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=233840&DocumentContentId=66613>

Additionally, the full SPPE Application can be downloaded at the following links:

The first link is for the first part of the SPPE Application which provides maps on pages 2-4 and contains Section 2 (starting on page 8), which provides the Project Description including layout and elevation drawings

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=232466&DocumentContentId=64482>

The following links include the remainder of the Appendices to the SPPE Application. These include assessments on noise, environmental issues, and air quality.

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=232467-1&DocumentContentId=64483>

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=232467-2&DocumentContentId=64484>

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=232467-3&DocumentContentId=64485>

Again, there is a great deal of information here, but we wanted to make certain you all could find it.

Hope this helps.

Best regards,

Paul

Paul Brownell

Public Policy Director

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From: Mimi Patterson <patterson.mimi@gmail.com>
Sent: Monday, October 19, 2020 9:31 PM
To: Paul Brownell <pbrownell@equinix.com>
Cc: nick_renna@sbcglobal.net; sheehanappraisal@yahoo.com; billdunmyer@comcast.net; Gerry De Young <gdeyoung@ruthandgoing.com>; Patricia sheehan <pattitude51@yahoo.com>; Lisa Campbell <lcampbell@choicecommunications.com>; Ken Hares <kenhares20@yahoo.com>
Subject: Re: [EXTERNAL] Re: Equinix project

Hi Paul,

Thanks for your email. As far as I know, CouncilMember Jimenez has not set any meeting with our neighborhood, so I'm not sure if Equinix, Sergio or the City of San Jose are pushing back on this meeting. With all the delays, flaky communication, and sudden unavailability, I can't help but think that all parties are becoming more evasive.

If you cannot meet on 10/23, can you email us the conceptual elevations and drawings of the proposed data centers and generators? It will be nice for us to see what the project will look like in the end.

Best,

Mimi

On Mon, Oct 19, 2020 at 2:53 PM Paul Brownell <pbrownell@equinix.com> wrote:

Hi, Mimi: so sorry for my delayed response.

Councilmember Jimenez's office reached out again late last week to say that they have heard from others in the community who have questions on our project and that the Councilmember would like to convene his own community call where we will be on hand to answer questions.

We want to be responsive to his request and, therefore, would like to defer to him instead of convening our own call this week. As such, I will let his staff know that we have been in touch with you all and to make certain that they invite you to his community call. And, again, we will take part in that call to present the details of our project and to answer all questions.

We regret the long delays in meeting with you all to answer your questions and address your concerns. Hopefully the Councilmember will be in direct contact with you in order to get something scheduled quickly.

Best regards,

Paul

Paul Brownell

Public Policy Director

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From: Mimi Patterson <patterson.mimi@gmail.com>
Sent: Tuesday, October 13, 2020 4:12 PM
To: Paul Brownell <pbrownell@equinix.com>
Cc: nick_renna@sbcglobal.net; sheehanappraisal@yahoo.com; billdunmyer@comcast.net; Gerry De Young <gdeyoung@ruthandgoing.com>; Patricia sheehan <pattitude51@yahoo.com>
Subject: Re: [EXTERNAL] Re: Equinix project

Hi Paul,

No problem. I will ask and confirm if any other residents would like to join our call.

On a different note, can you possibly send us the conceptual elevations and drawings of the proposed data centers and generators? It will be nice for us to see what the project will look like in the end.

Thanks,

Mimi

On Tue, Oct 13, 2020 at 1:05 PM Paul Brownell <pbrownell@equinix.com> wrote:

Hi, Mimi: our hope was to focus on the questions that you all brought to the CEC meeting in September. If too many more were to join a call, it might be more appropriate for such a community meeting to be convened by the city. The CEC and city prefer to be involved and conduct the meetings when they start to get large. We don't want to step on their jurisdiction.

Also, my understanding is that the CEC is planning on another meeting, which has not been scheduled yet.

Can you tell me who else you would like to include?

Thanks,

Paul

Paul Brownell

Public Policy Director

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From: Mimi Patterson <patterson.mimi@gmail.com>
Sent: Tuesday, October 13, 2020 3:38 PM
To: Paul Brownell <pbrownell@equinix.com>
Cc: nick_renna@sbcglobal.net; sheehanappraisal@yahoo.com; billdunmyer@comcast.net; Gerry De Young <gdeyoung@ruthandgoing.com>; Patricia sheehan <pattitude51@yahoo.com>
Subject: Re: [EXTERNAL] Re: Equinix project

Hi Paul,

Thanks for your email. There may be some other concerned residents who may be interested in attending the call with us. If you can send us the meeting information, that would be great.

We look forward to our zoom call.

Best,

Mimi

On Tue, Oct 13, 2020 at 12:05 PM Paul Brownell <pbrownell@equinix.com> wrote:

Hi, Mimi: we can certainly accommodate a Zoom call on the 23rd at 1 pm with you and those on this email who attended the CEC meeting in September. We can be prepared to provide an overview of the project and answer the questions you all put forward at that meeting and have an open, informal discussion. And, while I can't confirm they can join, we can make it available to Councilmember Jimenez or his staff if their schedule will allow.

Please let me know if that will work for you all and I will set up the call and get back to you.

Best regards,

Paul

Paul Brownell

Public Policy Director
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From: Mimi <patterson.mimi@gmail.com>
Sent: Monday, October 12, 2020 11:27 AM
To: Paul Brownell <pbrownell@equinix.com>
Cc: nick_renna@sbcglobal.net; sheehanappraisal@yahoo.com;
billdunmyer@comcast.net; Gerry De Young <gdeyoung@ruthandgoing.com>;
Patricia sheehan <pattitude51@yahoo.com>

Subject: Re: [EXTERNAL] Re: Equinix project

Hi Paul,

If it's a conflict with Sergio Jimenez, then we can just set up a meeting with you. If 10/23 at 1 pm still works for you, let's stay with that date and time.

Best,

Mimi

Sent from my iPhone

On Oct 12, 2020, at 8:17 AM, Paul Brownell <pbrownell@equinix.com> wrote:

No issues with the meeting. We're eager to answer questions. It's just finding a time that will work.

Paul Brownell

Public Policy Director

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E pbrownell@equinix.com M +1 301-771-1987

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From: Mimi <patterson.mimi@gmail.com>
Sent: Monday, October 12, 2020 11:13 AM
To: Paul Brownell <pbrownell@equinix.com>
Cc: nick_renna@sbcglobal.net; sheehanappraisal@yahoo.com; billdunmyer@comcast.net; Gerry De Young <gdeyoung@ruthandgoing.com>; Patricia sheehan <pattitude51@yahoo.com>
Subject: Re: [EXTERNAL] Re: Equinix project

Hi Paul.

Is there an issue with setting up a meeting?

Thanks,

Mimi

Sent from my iPhone

On Oct 12, 2020, at 8:09 AM, Paul Brownell <pbrownell@equinix.com> wrote:

Hi, Mimi: I'm sorry, but we're not yet able to confirm a date and time for a meeting. Hope to be back to you with something very soon.

Paul

Paul Brownell

Public Policy Director

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From: Mimi Patterson <patterson.mimi@gmail.com>
Sent: Sunday, October 11, 2020 2:36 PM
To: Paul Brownell <pbrownell@equinix.com>
Cc: nick_renna@sbcglobal.net;
sheehanappraisal@yahoo.com; billdunmyer@comcast.net;
Gerry De Young <gdeyoung@ruthandgoing.com>; Patricia
sheehan <pattitude51@yahoo.com>
Subject: [EXTERNAL] Re: Equinix project

Good morning Paul,

I wanted to confirm our meeting on October 23rd at 1 pm.
Will this be a zoom meeting or a conference call?

Best,

Mimi

On Fri, Oct 2, 2020 at 11:19 AM Paul Brownell
<pbrownell@equinix.com> wrote:

Hi, Mimi, Mr/Ms Sheehan, Nick, and Bill:

I am Public Policy Director for Equinix. I know that Gerry from Ruth and Going has been in touch with you about our interest in setting up a call to provide answers to your questions regarding Equinix's project at Great Oaks South. As he has indicated, we have also reached out the San Jose Councilmember Sergio Jimenez, who has provided some potential times for such a call.

We sincerely apologize for the delay in getting back to you. Two of the three dates offered to you by Gerry unfortunately no longer work. Friday, Oct. 23 at 1 pm is currently the only date among the original three that still works. I have asked the Councilmember's office for some additional dates, which I will share with you when they get back to me.

In the meantime, please know that we're eager to meet with you and the Councilmember to address your concerns. On the call we will have our project and technical experts available to answer all your questions. Until then, please don't hesitate to reach out to me.

Thanks,

Paul Brownell

Public Policy Director

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**ADDENDUM TO THE EDENVALE REDVELOPMENT PROJECT FINAL
FINAL ENVIRONMENTAL IMPACT REPORT**

Pursuant to Section 15164 of the CEQA Guidelines, the City of San Jose has prepared an Addendum to the Edenvale Redevelopment Project Final Environmental Impact Report (EIR), as supplemented and addenda thereto because minor changes made to the project, as described below, do not raise important new issues about the significant impacts on the environment.

File No: SPA18-054-01 Permit Amendment to Special Use Permit SP18-054. Special Use Permit Amendment to allow site modifications including a 26% parking reduction supported by a Transportation Demand Management Plan, parking lot re-design to include security measures, modifications to the loading dock doors, and change of the model of the back-up generator to be used at a data center on an approximately 7.54-gross acre site.

Location: 6320 and 6340 San Ignacio, San José (APN 706-09-023). **Council District:** 2.

The environmental impacts of this project were addressed in the Edenvale Redevelopment Project Final Environmental Impact Report (EIR), as supplemented and adopted by City Council Resolutions No. 69699, 70021, and 77220 adopted in June 2000, November 2000, and June 2014, respectively. The Edenvale Redevelopment Project Final EIR analyzed new development in the Edenvale Redevelopment Project Area (ERPA), approximately 2,312 acres located in South San José, in the vicinity of Us Highway 1010 and State Route 85 interchange, north of Santa Teresa Boulevard, east of Cottle Road, and west of Bernal Road/Silicon Valley Boulevard. The project site is located within Sub-Area 2 “Old Edenvale” of the Edenvale Area Development Policy for the ERPA, which considered up to 1 million square feet of Research and Development square footage and 450,000 square feet of retail development.

The proposed project is eligible for an addendum pursuant to CEQA Guidelines §15164, which states that “A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent EIR have occurred.” Circumstances which would warrant a subsequent EIR include substantial changes in the project or new information of substantial importance which would require major revisions of the previous EIR due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects.

The following impacts were reviewed and found to be adequately considered by the Edenvale Redevelopment Project Final EIR, as supplemented and addenda thereto:

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Agriculture Resources	<input checked="" type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Geology and Soils
<input checked="" type="checkbox"/> Greenhouse Gas Emissions	<input checked="" type="checkbox"/> Hazardous Materials	<input checked="" type="checkbox"/> Hydrology & Water Quality
<input checked="" type="checkbox"/> Land Use	<input checked="" type="checkbox"/> Mineral Resources	<input checked="" type="checkbox"/> Noise
<input checked="" type="checkbox"/> Population and Housing	<input checked="" type="checkbox"/> Public Services	<input checked="" type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Transportation/Traffic	<input checked="" type="checkbox"/> Utilities & Service Systems	<input checked="" type="checkbox"/> Energy
<input checked="" type="checkbox"/> Growth Inducing	<input checked="" type="checkbox"/> Cumulative Impacts	<input checked="" type="checkbox"/> Mandatory Findings of Sig.

BACKGROUND

On March 27, 2019, the Director of Planning approved Special Use Permit File No. SP18-054 and considered the Addendum to the Edenvale Redevelopment Project Final Environmental Impact Report, as supplemented (Resolutions Nos. 69699, 70021, and 7720) in accordance with CEQA. The addendum reviewed the demolition of an existing office building, removal of up to 35 ordinance size trees, and the construction of a 312,177-square foot data center and office building. Supplemental project specific reports on air quality/greenhouse gas emissions, environmental site assessment, noise and vibration, traffic operations, and operational energy efficiency and design measures evaluation determined that the development of the data center/office building would not result in new significant environmental impacts, nor an increase in the severity of previously identified significant environmental impacts in the Edenvale Redevelopment Project Final Environmental Impact Report. (See Attachment A: SP18-054 Addendum).

Since approval of the project, the project proponent has demolished the on-site building and currently the building permit for the construction of the data center and office building is under review. On September 5, 2019, the project proponent submitted the proposed project which is a Special Use Permit Amendment (SPA18-054-01) to allow site modifications to the originally reviewed project (SP18-054) including:

- A 26% parking reduction supported by a Transportation Demand Management Plan to provide 198 parking spaces on-site.
- Parking lot re-design to include security measures
- Modification to the location of loading dock doors,
- Change to the back-up generator model and testing hours

Overall the nature and operational characteristics of the proposed project would remain the same as the addendum considered on March 27, 2019 and the impacts reviewed and considered by the Edenvale Redevelopment Project Final EIR, as supplemented and addenda thereto.

Given the minimal scope of the proposed project, this Addendum analyzes the impact of the proposed project in regard to the following environmental resource areas:

- Air Quality
- Transportation/Traffic

PROJECT ANALYSIS:

This Addendum specifically addresses the proposed site modifications to the previously approved project (SP18-054), which is currently working to obtain building permits for construction. The site modifications are project-applicant driven to enhance the security and operations of the site.

Air Quality.

A supplemental air quality memorandum was prepared by Atmospheric Dynamics, Inc. to analyze the potential impacts of the new proposed generator model and 50 testing hours. (See Attachment B: Atmospheric Dynamics Inc. Air Quality Memo, December 2019).

The primary emission sources associated with the operation of the previously approved data center/office would include be the testing and maintenance of the 15 diesel-fueled backup generators. There would be minor emissions from the traffic and area sources associated with the operation of

the data center and office facility.

The proposed project would install 15 (fifteen) 3-MW Kohler emergency backup generators in lieu of the originally proposed 15 fifteen 3.15-MW Caterpillar generators. During normal data center operation, these engines would not be operated other than for periodic testing and maintenance and the diesel engines would meet the U.S. EPA Tier 2 emission standards. The operation of the generators is limited to 50 hours per year of non-emergency use by the State's Air Toxic Control Measure.

Table 1 below compares the generators analyzed in the SP18-054 Addendum with the proposed project's changed generator.

Table 1 Project Impacts Comparison			
	Generator Approved in SP18-054 IS/Addendum	Proposed Kohler Generator	BAAQMD CEQA Significance Level
Manufacturer	Caterpillar	Kohler	-
Model	C175-20	KD83V16	-
Number of Engines	15	15	-
Horsepower	4,636	4,331	-
Assessed Engine Load	75%	100%	-
Run Time	50 hrs/yr (each engine) 28 hrs/yr (each engine) to remain less than 10 tpy (per mitigation in IS/Addendum)	50 hrs/yr (each engine)	50 hrs/yr
NO_x	Unmitigated: 17.64 tons per year (50 hrs/yr) With IS/Addendum Mitigation: 9.8 tons per year (28 hrs/yr)	Unmitigated: 16.11 tons per year (50 hrs/yr) With Required BAAQMD Supplied Offsets: 0 tons per year (50 hrs/yr)	10 tons per year
PM_{10/2.5} (DPM)	0.20 tons per year	0.29 tons per year	15/10 tons per year
GHG	1,405 tons per year	1,704 tons per year	-
Annual PM_{2.5} (ug/m³)	0.0054	0.0033	0.3 ug/m ³
Health Risk Impact (Cancer Risk)	4 per one million	1.84 per one million	>10 per one million

As summarized in the table above, the proposed project would continue to exceed the emission significant thresholds established by the Bay Area Quality Air Management District (BAAQMD) for NO_x (Nitrogen Oxides), under the worse-case scenario that each generator was run at the same time. Implementation of MM AIR-1 requires the project proponent to confirm that any change to the number of generators, model of generators, or number of hours the generators would be tested provided documentation that the maintenance and testing the generators would not exceed the significant thresholds for Nitrogen on both daily and annual averaging. As outlined in the supplemental air quality memorandum, the revised project would utilize BAAQMD supplied offsets and the mitigated project would result in 0 tons per year, below the significance threshold of 10 tons per year. Therefore, the proposed project would result in the same impacts to air quality as the

“Approved Project”, Less than Significant with Mitigation Incorporated.

Transportation/Traffic

As established in City Council Policy 5-1 “Transportation Analysis Policy” (2018), the City of San José currently uses vehicle miles traveled (VMT) as the metric to assess transportation impacts from new development. According to the policy, an employment (e.g. office, R&D) or residential project’s transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional per capita VMT. For industrial projects (e.g. warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional per capita VMT. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel.

However, the City Council Transportation Analysis allows for projects within Area Development Policies (including the Edenvale Area Policy), approved prior to the adoption of Policy 5-1, to analyze a project under the previously adopted EIR prepared for the ADP under the Pipeline Provisions. At the time of the original project review and approval (SP18-054), the project completed a transportation analysis under the LOS as the project is within an Area Development Policy (ADP).

As part of the Special Use Permit (SP18-054), a Local Transportation Analysis was completed, see Attachment A for the traffic/transportation discussion.

As the currently proposed project would not result in new square footage or a change in use, and would only change building equipment and further reduce the parking numbers; the proposed project would reduce vehicle trips associated with the site and would result in less level of service (LOS) impacts than those identified in the Edenvale EIR. Furthermore, the proposed project would not result in an increase in land use intensity beyond what has already been approved in the original SP18-054 project. Rather, the project proposes to:

- Reduce the number of provided parking spaces for a previously approved project from 215 parking spaces to 198 parking space spaces; 18% parking reduction to a 26% parking reduction supported by a Transportation Demand Management Plan
- Change the internal site circulation
- Change the loading dock door location
- Change the proposed back-up generator model and maintenance and testing hours

VMT (Vehicle Miles Traveled) CEQA Guidelines Section 15064.3

As previously mentioned the project is consistent with City Council Policy 5-1, the proposed project is subject to the Pipeline Provisions of the policy as the project is a modification to an approved project without a change in intensity, use, or location. Therefore, project-level analysis approved in the original SP18-054 remains consistent and this proposed project would be subject to all applicable conditions and measures of its original project.

Furthermore, the proposed project would not increase the vehicle miles traveled (VMT) to the project site as the proposed project includes only site improvements and would not result in any new uses on-site or increase in square footage of the use. Rather, the proposed project would reduce the provided off-street parking with the support of a Transportation Demand Management Plan, consistent with the San José Municipal Code, to encourage alternative modes of transportation. As described on the Transportation Analysis Handbook, decreasing the parking supply encourages employees to choose an alternative transportation mode for their commutes. Furthermore, Section 15046.3(b)(1) of the CEQA Statute and Guidelines states projects that decrease the vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than

significant transportation impact. Therefore, the proposed project would result in the same impacts to air quality as the "Approved Project", Less than Significant with Mitigation Incorporated.

CONCLUSION

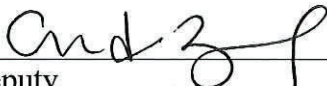
A project that is revised, after completion of an EIR and project approval, can qualify for an Addendum pursuant to CEQA Guidelines Section 15164, which states that "a lead agency or responsible agency shall prepare an addendum to a previously certified EIR or negative declaration if some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred." Circumstances that would warrant a subsequent EIR include substantial changes in the project or new information of substantial importance which would require major revisions of the previous EIR due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects.

For the reasons mentioned above, the proposed project will not result in a substantial increase in the magnitude of any significant environmental impact previously identified in the Edenvale Redevelopment Project Final EIR and addenda thereto. For this reason, a supplemental or subsequent EIR is not required and an addendum to the Edenvale Redevelopment Project Final EIR has been prepared for the proposed project. All applicable conditions and measures of the original project shall be incorporated and implemented as part of this amendment.

This Addendum to the EIR and addenda thereto will not be formally circulated for public review, but will be attached to the Initial Study/EIR, pursuant to CEQA Guidelines Section 15164(c). All documents referenced in this amendment are available for public review in the Department of Planning, Building and Code Enforcement at San Jose City Hall, 200 East Santa Clara Street, during normal business hours.

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

1-17-2020
Date


Deputy

Cassandra van der Zweep
Environmental Project Manager

Attachments:

- a. SP18-054 Addendum
- b. Atmospheric Dynamics Inc. Air Quality Memo, December 2019

**ADDENDUM TO THE EDENVALE 2000 FINAL ENVIRONMENTAL
IMPACT REPORT (SCH # 1996052098); EDENVALE 2000 SUPPLEMENTAL
ENVIRONMENTAL IMPACT REPORT (SCH # 1996052098); AND THE
ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL ENVIRONMENTAL
IMPACT REPORT, SUPPLEMENTAL ENVIRONMENTAL IMPACT
REPORT, AND ADDENDA THERETO (SCH# 2009072096)**

Pursuant to Section 15164 of the CEQA Guidelines, the City of San Jose has prepared an Addendum to the Edenvale 2000 Final Environmental Impact Report, and the Envision San Jose 2040 General Plan Final Environmental Impact Report (General Plan FEIR), Supplemental Program Environmental Impact Report (General Plan SEIR) for the Envision San José 2040 General Plan, and addenda thereto; because minor changes made to the project, as described below, do not raise important new issues about the significant impacts on the environment.

File no. SP18-054- A Special Use Permit to allow the demolition of the existing office building and removal of up to 35 ordinance-size trees for the construction of an approximately 312,177-square foot data center and office building on an approximately 7.5-gross acre site.

Location: The project site is located on the south side of San Ignacio Avenue, approximately 500 feet easterly of Via Del Oro at 6320 and 6340 San Ignacio Avenue.

Assessor's Parcel Number: 706-09-023

Council District: 2.

The environmental impacts of this project were addressed by the following Final Environmental Impact Reports: "Edenvale Redevelopment Project Final EIR" adopted by City Council Resolution Nos. 69699 and 70021 "Envision San José 2040 General Plan Final EIR," adopted by City Council Resolution No. 76041 on November 1, 2011; Supplemental Program EIR entitled, "Envision San José 2040 General Plan Supplemental EIR," adopted by City Council Resolution No. 77617 on December 15, 2015, and addenda thereto.

The proposed project is eligible for an addendum pursuant to CEQA Guidelines §15164, which states that "A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent EIR have occurred." Circumstances which would warrant a subsequent EIR include substantial changes in the project or new information of substantial importance which would require major revisions of the previous EIR due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects.

The following impacts were reviewed and found to be adequately considered by the EIRs cited above:

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Agriculture Resources	<input checked="" type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Geology and Soils
<input checked="" type="checkbox"/> Greenhouse Gas Emissions	<input checked="" type="checkbox"/> Hazardous Materials	<input checked="" type="checkbox"/> Hydrology & Water Quality
<input checked="" type="checkbox"/> Land Use	<input checked="" type="checkbox"/> Mineral Resources	<input checked="" type="checkbox"/> Noise
<input checked="" type="checkbox"/> Population and Housing	<input checked="" type="checkbox"/> Public Services	<input checked="" type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Transportation/Traffic	<input checked="" type="checkbox"/> Utilities & Service Systems	<input checked="" type="checkbox"/> Energy
<input checked="" type="checkbox"/> Growth Inducing	<input checked="" type="checkbox"/> Cumulative Impacts	<input checked="" type="checkbox"/> Mandatory Findings of Sig.

ANALYSIS: See attached Initial Study/Addendum, dated March 2019.

Sanhita Ghosal
Environmental Project Manager

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

3/20/19



Date

Deputy

Attachment: Initial Study/Addendum, dated March 2019.

Initial Study/Addendum

to the 2000 Final Environmental Impact Report for the Edenvale Redevelopment Project, the 2000 Final Supplemental Environmental Impact Report for the Edenvale Redevelopment Project (SCH# 1996052098), the Final Program Environmental Impact Report for the Envision San José 2040 General Plan, and Supplemental Environmental Impact Report - Greenhouse Gas Emission Analysis (SCH# 2009072096)

China Mobile Data Center Project

File No. SP18-054

Prepared by



In Consultation with



March 2019



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ACRONYMS AND ABBREVIATIONS

CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
EIR	Environmental Impact Report
MND	Mitigated Negative Declaration
NOD	Notice of Determination
RWQCB	Regional Water Quality Control Board
USFWS	United States Fish and Wildlife Service

SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE ADDENDUM

This Addendum has been prepared by the City of San José as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et. seq.) and the regulations and policies of the City San José. This Addendum will provide objective information regarding the environmental consequences of the proposed project to the decision makers who will be reviewing and considering the project.

The purpose of this Addendum is to evaluate the environmental impacts of a Special Use Permit to develop a five-story, 307,432 square foot data center and office building on an approximately 7.5-acre site. The data center portion of the project would occupy approximately 243,381 square feet and office portion would occupy approximately 64,051 square feet.

The CEQA Guidelines Section 15162 states that when an Environmental Impact Report (EIR) has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the Lead Agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines Section 15164 states that the Lead Agency or a Responsible Agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of

the conditions described in 15162 (see above) calling for preparation of a subsequent EIR have occurred.

1.2 EDENVALE AREA REDEVELOPMENT POLICY

The City of San José adopted the Edenvale Area Development Policy (EADP) for the Edenvale Redevelopment Project Area (ERPA) in June 2000 to facilitate industrial development in New Edenvale. The proposed project is located within Sub-Area 2 of the EADP boundaries. Subsequent to its adoption, the EADP was updated to accommodate a mix of uses including residential, commercial, and office uses and to transfer development potential/capacity from one sub-area to another. An update in 2007 included the expansion of the Edenvale Area to include Sub-Area 5 which was not originally part of the EADP. Sub-Area 5 was added to the Edenvale Area, because new development proposed in this Sub-Area would contribute to the previously identified significant and unavoidable impacts identified in the original 2000 Edenvale Redevelopment Project EIR.

In 2014, after the City adopted the Envision San José 2040 General Plan, the EADP was updated to include two General Plan amendments within Edenvale. According to the EADP, updated in April 2014 as part of the Great Oaks Mixed Use EIR (Great Oaks EIR), the Edenvale area is subdivided into three major areas: Edenvale Area, New Edenvale, and Mixed-Use Development Area. The Edenvale Area, which lies generally east of U.S. Highway 101 (U.S. 101) between Hellyer Avenue and Silicon Valley Boulevard, is designated for industrial park/R&D/office land uses. The New Edenvale area contains three sub-areas (Sub-Area 1, 3 and 4) and is generally bounded to the east by Santa Teresa Boulevard, to the west by State Route (SR) 85, to the north by Cottle Road, and to the south by Bernal Road, and is designated for industrial park/R&D/office land uses. The Mixed-Use Development Area, which is generally west of Monterey Highway between Cottle Road and SR 85, is designated for retail, office, and residential land uses.

The EADP accomplishes transportation goals for Edenvale by allowing certain industrial, office, and commercial developments to proceed prior to the construction of traffic mitigation measures required to address identified intersection Level of Service (LOS) impacts. This will result in interim (near-term) congestion at impacted intersections to temporarily exceed the LOS standards of the Citywide LOS Policy, with the intent that these intersections will return to a LOS standard that is better than or equivalent to background conditions once all transportation mitigation improvements are constructed as part of the buildout of Edenvale.

1.2.1 Edenvale Redevelopment Plan Environmental Impact Report and Supplemental Environmental Impact Report (2000 Edenvale EIRs)

The City of San José prepared and certified the EIR for the adoption of the original ERPA in 1976. In 1979, another 1979 ERPA Expansion EIR (1979 Edenvale EIR) was prepared and certified by the City to address the expansion of the Edenvale Redevelopment Project to include New Edenvale, including the location of the project site. A Supplemental EIR was prepared in 1996 to update the environmental analysis to reflect current conditions and environmental regulations.

Since certification of the Final Supplemental EIR in 1996, new development occurred in Edenvale and in the surrounding area, resulting in traffic congestion beyond that forecasted in previous studies. A 2000 Subsequent Edenvale Redevelopment Project Environmental Impact Report (2000 Edenvale

EIR) was certified in June 2000 (Resolution No. 69699) that re-evaluated traffic impacts and required future public improvements. The 2000 Edenvale EIR addressed the impacts of the buildout of ERPA and considered the development of up to 7.88 million square feet of additional industrial uses. The 2000 Edenvale EIR analyzed approximately 4.8 million square feet of industrial uses specifically in New Edenvale, subject to certain development restrictions. In addition, the 2000 Edenvale EIR addressed the impacts of adopting an Area Development Policy for New Edenvale, as well as the formation of an improvement and community facilities district to finance local offsite traffic mitigation.

The 2000 Edenvale EIR included analyses for all applicable CEQA resource areas and identified the following impacts as significant and unavoidable with the assumption of full buildout of the project:

- Land use, specifically for loss of agricultural land and open space,
- Regional air quality impact,
- Transportation/traffic impact,
- Operational and traffic noise impact,
- Obstruction of wildlife movement due to full buildout,
- Cultural resources for potential loss of historical resources, and
- Cumulative impacts.

In late 2000, an Edenvale Redevelopment Project Supplemental EIR (2000 Edenvale SEIR) was certified, which evaluated changes to the EADP to: 1) increase the industrial square footage in New Edenvale from 4.8 to 5.0 million square feet, and 2) relax the standards in the EADP to allow the development of up to 5.0 million square feet of industrial uses to occur prior to completion of the gateway transportation improvements. The original project allowed the development of up to only 2.4 million square feet of development prior to the gateway improvements. The 2000 Edenvale SEIR include detailed analyses to changes in traffic and air quality sections and concluded that the updated EADP would continue to have significant and unavoidable traffic and air quality impacts associated with the interim impacts from development occurring before construction of the gateway traffic improvements. The 2000 Edenvale SEIR was certified by the San José City Council under Resolution Number 70021 on November 21, 2000. With this resolution, the City Council adopted a statement of overriding considerations for the unavoidable impacts to traffic and air quality.

In addition, the latest update to the EADP (Resolution No. 77220) was made as part of the Great Oaks Mixed Use Project EIR in 2014 to provide for the proposed mix of residential, commercial, and office uses in Edenvale Sub-Area 5 and redistribution of entitlements to Edenvale Sub-Area 2.

1.2.2 Envision San José 2040 General Plan Final Program Environmental Impact Report and Supplemental Program Environmental Impact Report (General Plan EIRs)

In November 2011, the City of San José certified the Envision San José 2040 General Plan Final Program EIR (General Plan EIR) for the Envision San José 2040 General Plan (General Plan) that provides capacity for the development of up to 470,000 new jobs and 120,000 new dwelling units through 2035. The growth capacity would allow a total of 839,450 jobs and 429,350 dwelling units in San José, an increase of 127 percent and 39 percent, respectively, which, if fully developed, would

result in jobs to employed resident ratio of 1.3 to 1. In December 2015, the City of San José also certified a Supplemental Program EIR (General Plan SEIR) for the General Plan to include an updated greenhouse gas emissions analysis.

Given the proposed project description and knowledge of the project site, site-specific environmental review, and environmental review prepared for the 2000 Edenvale EIR, the 2000 Edenvale SEIR, the General Plan EIR, and the General Plan Supplemental EIR, the City has concluded that the proposed project would not result in any new impacts not previously disclosed in the 2000 Edenvale EIRs and General Plan EIRs; nor would it result in a substantial increase in the magnitude of any significant environmental impact previously identified in the EIRs. For these reasons, a supplemental or subsequent EIR is not required and an addendum to the 2000 Edenvale EIR, the 2000 Edenvale SEIR, the General Plan EIR, and the General Plan Supplemental EIR has been prepared for the proposed project.

1.3 PUBLIC REVIEW PERIOD

This addendum will not be circulated for public review, but will be attached to the EIRs, pursuant to CEQA Guidelines §15164(c).

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

China Mobile Data Center Project

2.2 LEAD AGENCY CONTACT

City of San José
Department of Planning, Building and Code Enforcement
Sanhita Ghosal, Planner III
200 East Santa Clara Street, Third Floor
San José, CA 95113
(408) 535-7851
Sanhita.Ghosal@sanjoseca.gov

2.3 PROJECT APPLICANT

China Mobile International Infrastructure Inc.
2570 N 1st Street, Suite 440
San José, California 85131
(408) 782-7900
Attn: Eric Ruan

2.4 PROJECT LOCATION

The approximately 7.5-acre project site is located on the south side of San Ignacio Avenue, approximately 500 feet easterly of Via Del Oro (6320 and 6340 San Ignacio Avenue) in the Edenvale area of south San José. Regional and vicinity maps of the project site are shown on Figures 2.2-1 and 2.2-2, respectively. An aerial photograph of the project site and surrounding land uses is shown on Figure 2.2-3.

2.5 ASSESSOR'S PARCEL NUMBER

706-09-023

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

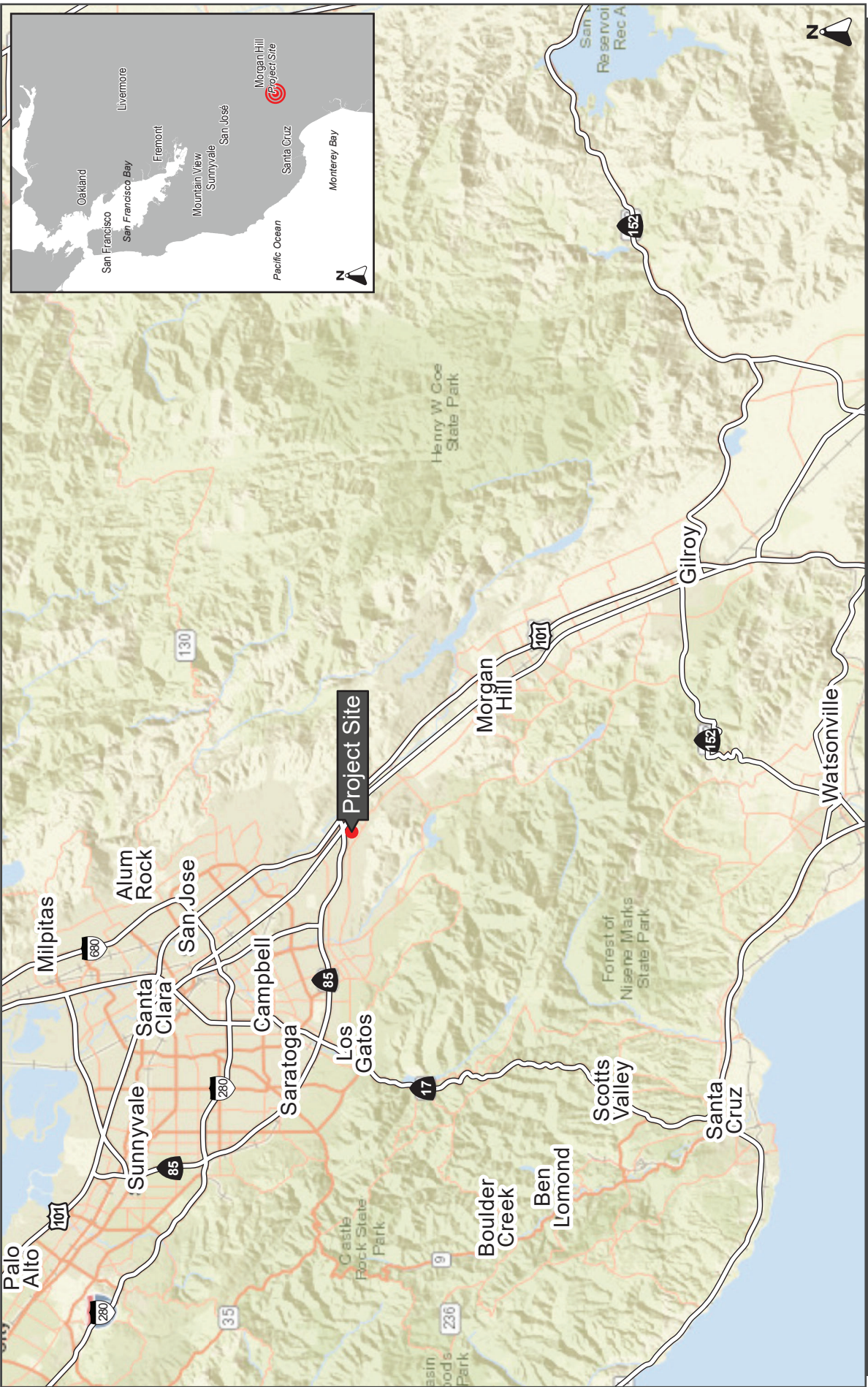
General Plan Land Use Designation: *Industrial Park*
Zoning District: *IP – Industrial Park*

2.7 HABITAT PLAN DESIGNATION

Private Development Area	<i>Urban Development Greater Than Two Acres Covered</i>
Land Cover	<i>Urban Suburban</i>
Land Cover Fee Zone	<i>Urban Areas</i>

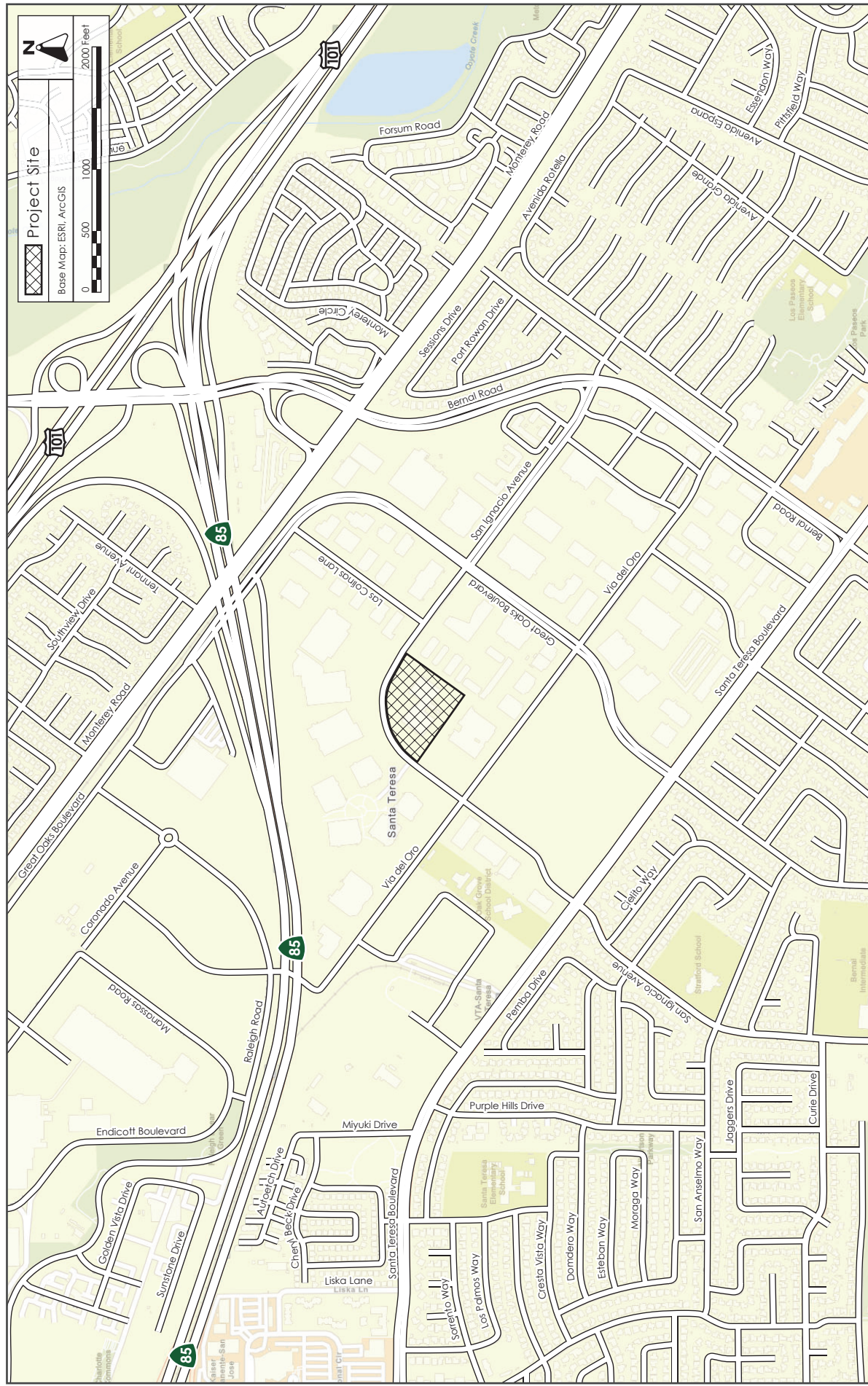
2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Special Use Permit
- Grading Permit
- Other Public Works Clearances, as applicable.



REGIONAL MAP

FIGURE 2.0-1



VICINITY MAP

FIGURE 2.0-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.0-3

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROPOSED DEVELOPMENT

The 7.5-acre project site, located at 6320 and 6340 San Ignacio Avenue, is currently developed with a two-story 162,554 square foot office/R&D building and an associated paved parking area. The applicant proposes to demolish the existing improvements on the site to construct a five-story, 307,432 square foot data center and office building. The data center portion of the building would be approximately 243,381 square feet. The data center would house computer servers in a secure and environmentally controlled structure, and would be designed to provide 20 megawatts (MW) of information technology (IT) power. The office portion of the building would occupy approximately 64,051 square feet of the structure and would accommodate up to 200 employees.

Standby backup emergency electrical generators would be installed to provide for an uninterrupted power supply. A total of 15 3.15-MW diesel-fueled engine generators would be located within generator yards located adjacent to south and east sides of the building. The 15 generators would provide 47.25 MW of backup power generation capacity. The generator yard would be enclosed by a metal fence. Each generator would have a 12,000-gallon diesel storage tank.

The project would be occupied and operational by December 31, 2020.

3.1.1 Building Heights and Setbacks

The building would consist of two data center wings connected by a curving office component with a courtyard in the intervening space. The data center wings would be two stories and approximately 45 feet in height, with a 20-foot louvered screen around the mechanical equipment on the roof. The office building would be five stories and approximately 74 feet in height, and the elevator enclosure would be 85 feet in height, as allowed under the provisions of Chapter 20.85 of the Zoning Code. The building would be located on the southeastern portion of the site and set back approximately 26 feet from the northern property line on San Ignacio Avenue, 85 feet from the western property line on San Ignacio Avenue and 26 feet from the eastern and southern property lines.

3.1.2 Site Access and Parking

The site currently has three driveways on San Ignacio Avenue, with one driveway at both the western and eastern boundaries of the site, and one central driveway. The project would maintain the locations of the western and eastern driveways but would relocate the central driveway to the eastern portion of the site adjacent to the eastern data center wing (refer to Figure 3.0-1). All driveways would be designed to City standards. The project would provide approximately 215 parking spaces, seven of which would be ADA accessible, in a paved parking lot adjacent to San Ignacio Avenue.

3.1.3 Site Grading, Excavation, and Construction

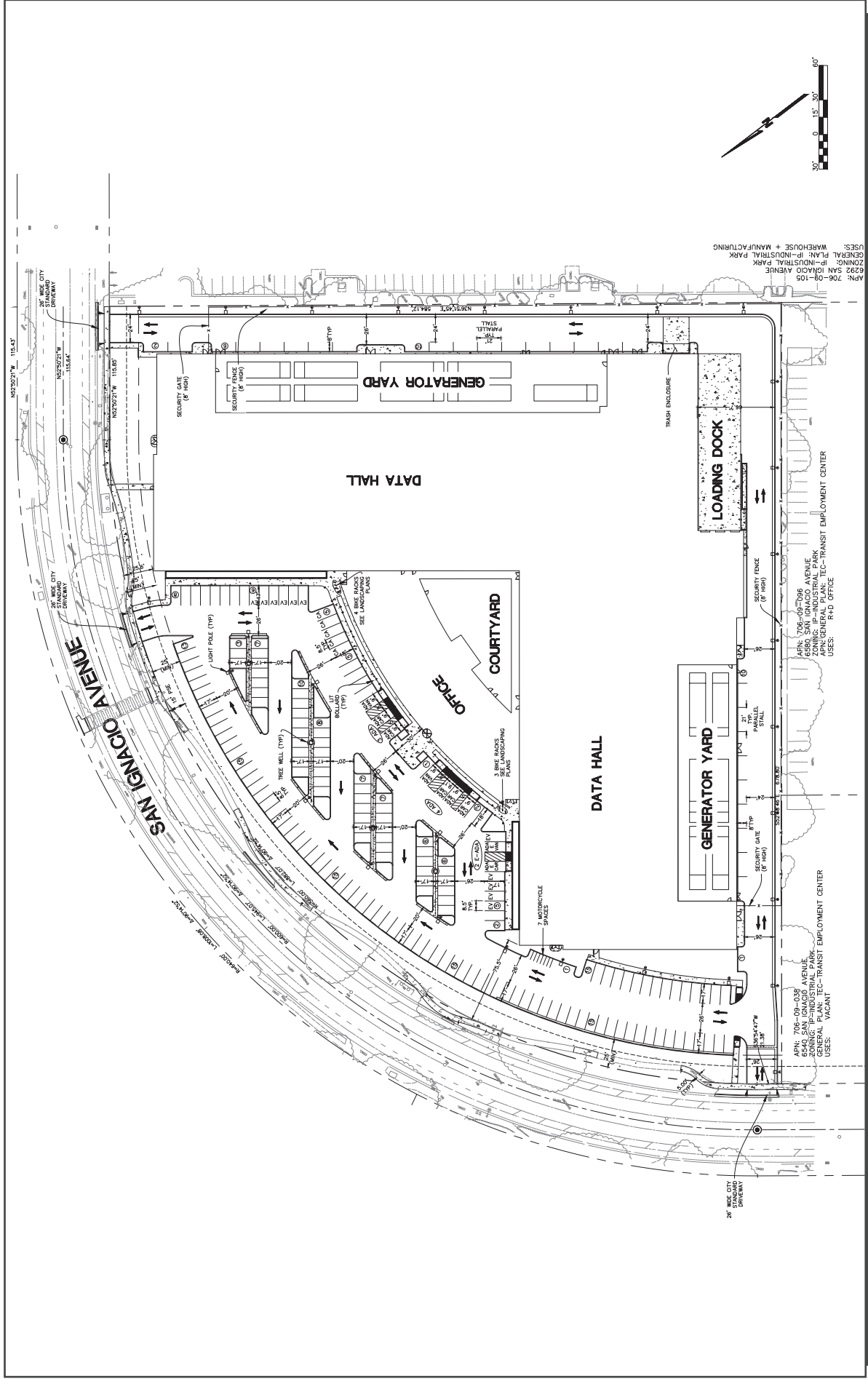
The existing improvements on the site would be demolished to allow for construction of the project. Demolition and construction activities would last approximately 16 months. Roughly 600 cubic yards of fill would be imported to the site. The site would be graded to direct stormwater flows towards biotreatment areas located adjacent to paved parking areas and along the perimeter of the site.

3.1.4 Landscaping

The project proposes to remove up to 88 existing trees including 35 ordinance-size trees, retain 47 existing trees, and plant 90 replacement trees on-site. New landscaping consisting of trees, shrubs, and groundcover would be installed within the building courtyard, throughout the parking lot, and along the property boundaries.

3.1.5 Stormwater Controls

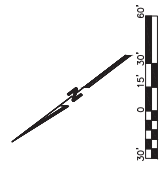
The project proposes to construct stormwater treatment areas consisting of rock lined drainage swales and stormwater planters. The stormwater treatment areas would be located adjacent to paved parking areas and along the perimeter of the site. Drainage from the stormwater treatment features would be collected in underground storm drainage pipes and would flow into an existing 27- to 36-inch storm drain main along San Ignacio Avenue.



APN: 706-09-037
 6540 SAN IGNACIO AVENUE
 ZONING: IP-INDUSTRIAL PARK
 GENERAL PLAN: TEC-TRANSIT EMPLOYMENT CENTER
 USES: VACANT

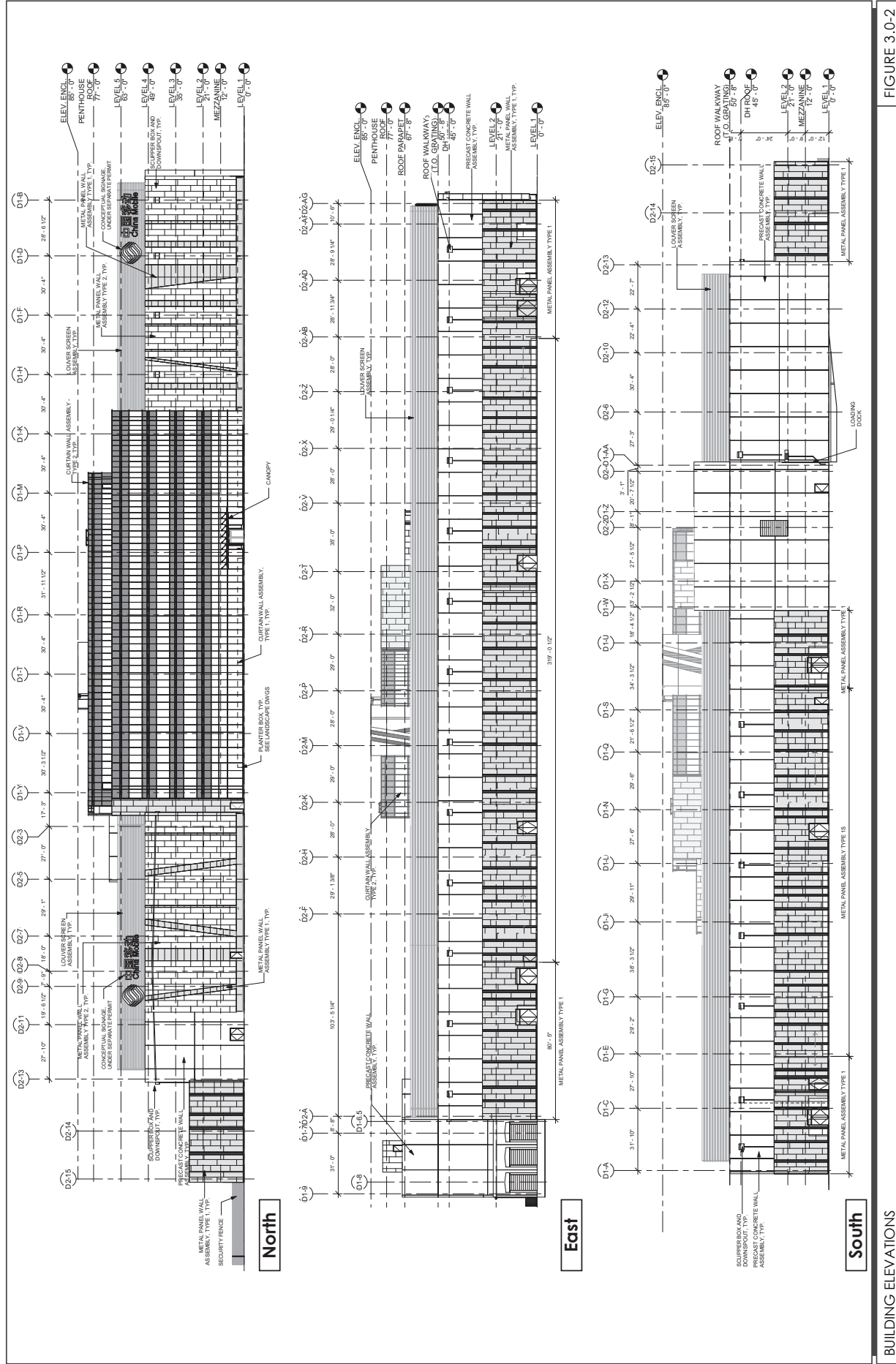
APN: 706-09-038
 6540 SAN IGNACIO AVENUE
 ZONING: IP-INDUSTRIAL PARK
 GENERAL PLAN: TEC-TRANSIT EMPLOYMENT CENTER
 USES: R&D OFFICE

APN: 706-09-039
 6540 SAN IGNACIO AVENUE
 ZONING: IP-INDUSTRIAL PARK
 GENERAL PLAN: TEC-TRANSIT EMPLOYMENT CENTER
 USES: WAREHOUSE + MANUFACTURING



SITE PLAN

FIGURE 3.0-1



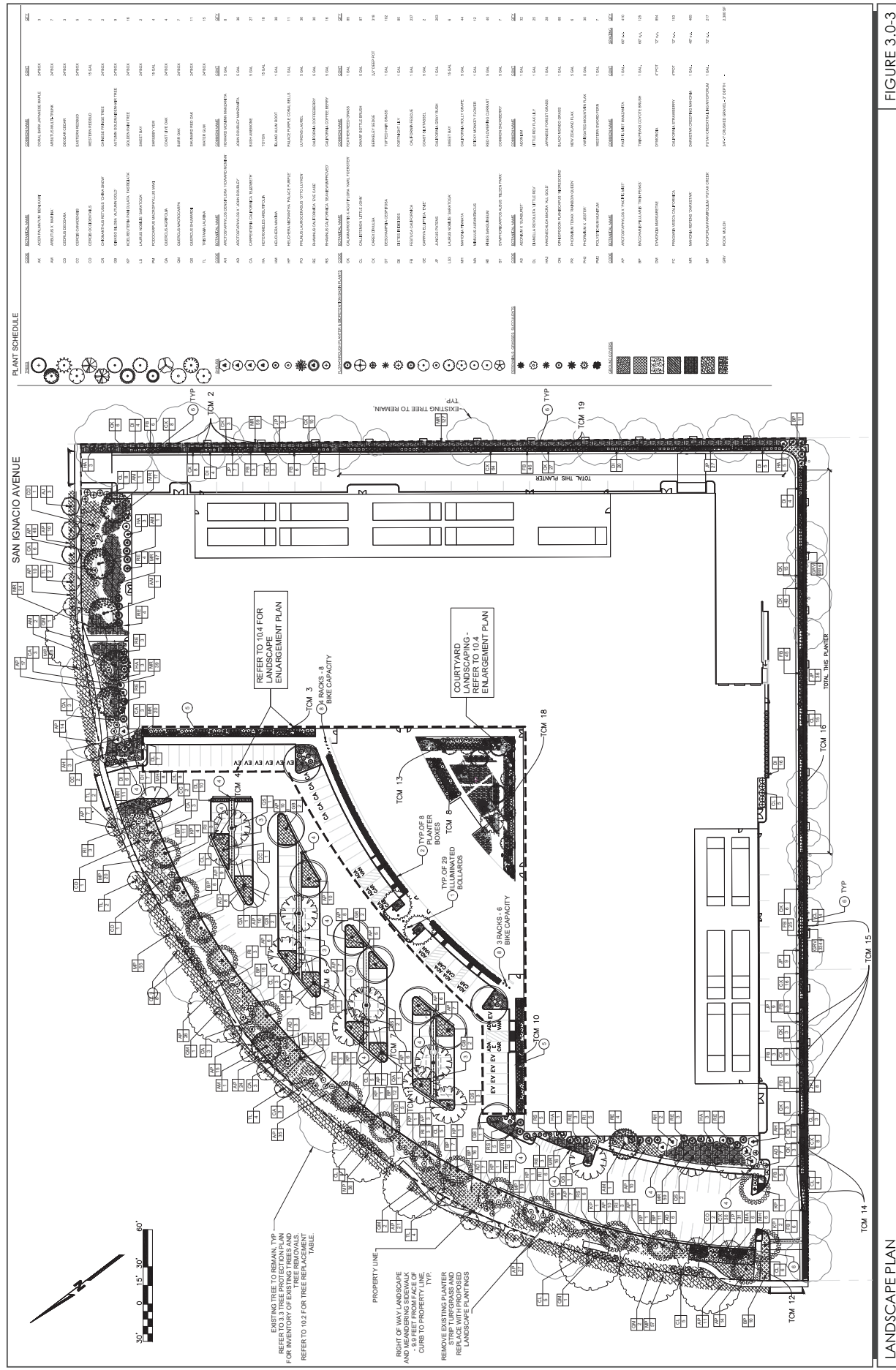


FIGURE 3.0-3

LANDSCAPE PLAN

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

In accordance with CEQA Section 21093(b) and CEQA Guidelines Section 15152(a), this Addendum tiers off the previously certified City of San José 2000 Edenvale Final EIR (approved June 2000), 2000 Edenvale Supplemental EIR (approved December 2000), the General Plan EIR (approved September 2011), and the General Plan Supplemental EIR (approved December 2015). For the purpose of this report:

- “2000 Edenvale EIRs” will refer to both the 2000 EIR and Supplemental EIR
- “General Plan EIRs” will refer to both the General Plan EIR and Supplemental EIR

The amount of industrial development proposed by the project was included and analyzed in the certified 2000 Edenvale EIRs and the General Plan EIRs. Because the proposed project results in minor technical project changes with no new significant impacts, and would not require major revisions to the previous EIRs prepared, an Addendum has been prepared for the proposed project [CEQA Guidelines Sections 15162 and 15164], rather than a supplemental or subsequent EIR.

This section describes changes that have occurred in existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project. The Environmental Checklist which follows compares the environmental impacts of the proposed project with those addressed in the 2000 Edenvale EIRs and the General Plan EIRs, and presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Aesthetics	4.11	Mineral Resources
4.2	Agricultural and Forestry Resources	4.12	Noise and Vibration
4.3	Air Quality	4.13	Population and Housing
4.4	Biological Resources	4.14	Public Services
4.5	Cultural Resources	4.15	Recreation
4.6	Geology and Soils	4.16	Transportation/Traffic
4.7	Greenhouse Gas Emissions	4.17	Utilities and Service Systems
4.8	Hazards and Hazardous Materials	4.18	Energy
4.9	Hydrology and Water Quality	4.19	Wildfire
4.10	Land Use and Planning	4.20	Mandatory Findings of Significance

Each environmental subject includes a brief overview of changes to relevant plans, policies, and regulations and a discussion of project related environmental impacts to identify whether the proposed project would likely result in new significant environmental impacts. The right-hand column in the checklist lists the source(s) for the answer to each question. 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 Guideline 15370).

Measures that are required by law or are City standard conditions of approval are categorized as “Standard Project Conditions.” Measures that are proposed by the applicant that will further reduce or avoid already less than significant impacts are categorized as “Standard Construction Practices.”

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Checklist and Discussion of Impacts** – This subsection includes a checklist for determining potential impacts and discusses the project’s environmental impact as it relates to the checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered using an alphanumeric system that identifies the environmental issue. For example, **Impact HAZ-1** denotes the first potentially significant impact discussed in the Hazards and Hazardous Materials section. Mitigation measures are also numbered to correspond to the impact they address. For example, **MM NOI-2.3** refers to the third mitigation measure for the second impact in the Noise section.
- **Conclusion** – This subsection provides a summary of the project’s impacts on the resource.

Important Note to the Reader

The California Supreme Court in a December 2015 opinion in *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (*BIA v. BAAQMD*) 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 has policies that address existing conditions affecting a proposed project, which are also discussed in this Initial Study/Addendum. This is consistent with one of the primary objectives of CEQA, which is to provide objective information to decision-makers and the public. The CEQA Guidelines and the courts are clear that a CEQA can include information of interest even if such information is not an environmental impact as defined by CEQA.

Therefore, where applicable, in addition to describing the impacts of the project on the environment, this Initial Study/Addendum 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, in a floodplain, geologic hazard zone, high noise environment, or on/adjacent to sites involving hazardous substances.

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Scenic Highways Program

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

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

Local

Outdoor Lighting Policy

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

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to aesthetic resources and are applicable to the proposed project.

Envision San José 2040 Relevant Aesthetic Policies

Policies	Description
Policy CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.7	Require developers to provide pedestrian amenities, such as trees, lighting, recycling and refuse containers, seating, awnings, art, or other amenities, in pedestrian areas along project frontages. When funding is available, install pedestrian amenities in public rights-of-ways.

Envision San José 2040 Relevant Aesthetic Policies

Policies	Description
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City.
Policy CD-1.11	To create a more pleasing pedestrian-oriented environment, for new building frontages, include design elements with a human scale, varied and articulated facades using a variety of materials, and entries oriented to public sidewalks or pedestrian pathways. Provide windows or entries along sidewalks and pathways; avoid blank walls that do not enhance the pedestrian experience. Encourage inviting, transparent facades for ground-floor commercial spaces that attract customers by revealing active uses and merchandise displays.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-1.27	When approving new construction, require the undergrounding of distribution utility lines serving the development. Encourage programs for undergrounding existing overhead distribution lines. Overhead lines providing electrical power to light rail transit vehicles and high tension electrical transmission lines are exempt from this policy.
Policy CD-1.18	Encourage the placement of loading docks and other utility uses within parking structures or at other locations that minimize their visibility and reduce their potential to detract from pedestrian activity.
Policy CD-10.2:	Require that new public and private development adjacent to Gateways, freeways (including U.S.101, I-880, I-680, I-280, SR17, SR85, SR237, and SR87), and Grand Boulevards consist of high-quality architecture, use high-quality materials, and contribute to a positive image of San José.
Policy CD-10.3:	Require that development visible from freeways (including U.S.101, I-880, I-680, I-280, SR17, SR85, SR237, and SR87) be designed to preserve and enhance attractive natural and man-made vistas.

4.1.1.2 *Existing Conditions*

The 7.5-acre project site, located at 6320 San Ignacio Avenue, is currently developed with a two-story 162,554 square foot office/R&D building and an associated paved parking area. The building facades are a mix of brick and stucco with regularly spaced reflective glass windows. The main entrance to the building is located on the northern side of the structure facing San Ignacio Avenue. Trees and ornamental landscaping are located throughout the parking lot in landscaped islands and along the property boundaries.

The site is within a fully developed area in San José. The topography is flat and views of the eastern foothills from public view points are partially blocked by existing industrial and commercial structures in the area. Views of the project site can be seen in Photos 1-4.



Photo 1 - View of the project site looking southeast from San Ignacio Avenue.



Photo 2 - View of the existing building and parking lot, looking southeast from the project site parking lot.



Photo 3 - View of the surrounding commercial development, looking north from San Ignacio Avenue.



Photo 4 - View of the adjacent vacant lot, looking southwest from the project site parking lot, with the project site parking lot in foreground.

Surrounding Land Uses

The project site is located south of Highway 85, northwest of Great Oaks Boulevard and southeast of San Ignacio Avenue. The project area consists primarily of office buildings. Buildings in the area are similar in height and scale to the existing building on the project site. There are no scenic resources on-site, and the site is not visible from a scenic highway.

Scenic Views and Resources

The City has many scenic resources including the hills and mountains that frame the Valley floor, the baylands, and the urban skyline itself, particularly high-rise development. The data center site is flat and primarily visible from only the immediate vicinity and SR 85. While views of the Diablo foothills to the east and the Santa Cruz Mountains to the west are obscured by existing, surrounding development, the Santa Teresa Hills, located to the south, are visible from the site. SR 85 is designated as a scenic urban throughway under the General Plan, but is not a designated state scenic highway.¹

There are no historic buildings or resources located on, or in the immediate vicinity of the site.

4.1.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views ² of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6

¹ California Department of Transportation. *California Scenic Highway Mapping System*. Accessed March 1, 2019. Available at: <http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm>

² Public views are those that are experienced from publicly accessible vantage points.

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6

The proposed project would result in the same visual impact as the approved project, Less than Significant Impact, as described below.

4.1.2.1 *Impacts to Scenic Vistas and Resources (Question a, b)*

The project site is developed with an office building and is not a scenic resource. The General Plan defines scenic vistas in the City as views of the Santa Clara Valley and surrounding foothills. There are no rock outcrops or historic buildings on the project site. Development of the site has already been evaluated in the 2000 Edenvale EIRs and the General Plan EIRs.

The General Plan FEIR concluded that new development and redevelopment allowed under the General Plan would alter views from roadways that provide substantial views of the natural environment within or adjacent to the City; however, implementation of applicable General Plan policies would avoid or substantially reduce impacts to natural scenic views from roadways within the City.

The 2000 Edenvale EIR concluded the planned future development would result in the loss of 451 acres of agricultural land, open space, and rural residential properties. While the ongoing development of the Edenvale project area will result in noticeable visual changes to the vacant and partially developed lands, the EIR concluded this will not create significant adverse visual impacts.

There are no important visual resources on the site itself that would be removed by the project, as there are no significant trees, rock outcroppings, historic buildings, etc. Existing office building built in the 1980's and trees planted during the construction of the development would be removed by the project; none of which are important visual resources.

Development of the site has been evaluated in the 2000 Edenvale EIRs and the General Plan EIRs. Development of the proposed project in conformance with existing policies, regulations, and adopted plans would not result in a substantial degradation of the visual character of the area, and would not significantly affect a scenic vista. Development of the proposed project in conformance with existing policies, regulations, and adopted plans would not result in a substantial degradation of the visual character of the area, and would not significantly affect a scenic vista. **[Same Impact as Approved Project (Less than Significant)]**

4.1.2.2 *Impacts to Visual Character (Question c)*

The project proposes to remove an existing two-story 162,554 square-foot office/R&D building with brick and stucco façades to construct a five-story 307,432 square-foot data center and office building with glass and metal façades. The building would consist of two data center wings connected by a curving office component with a courtyard in the intervening space. The data center wings would be two stories and approximately 45 feet in height, with a 20-foot metal louvered screen around the mechanical equipment on the roof. The office building would be five stories and approximately 74 feet in height. The building would be taller than most of the surrounding one- to two-story office park development, and the proposed glass and metal facades would give the building a more modern appearance than most nearby buildings in the Edenvale area. The proposed building height is within allowed heights identified in the General Plan and Section 20.85.020(C)(2) of the City's Zoning Ordinance. The project includes construction of a surface parking lot providing approximately 215 parking spaces. The project would remove 88 trees and plant 90 replacement trees.

The visual conditions in the Edenvale area are described in the certified 2000 Edenvale EIRs. The visual analysis focuses on conformance of new development with established City of San José design guidelines. It was concluded in the 2000 Edenvale EIRs and the General Plan EIRs that future development's conformance with the City's *Title 20 Zoning Ordinance*, *City's Outdoor Lighting Policies* (4-2 and 4-3), and *Industrial Design Guidelines* would avoid significant visual and aesthetic impacts, including impacts to scenic vistas and visual effects of light and glare.

Aesthetic values are, by their nature, subjective. Opinions as to what constitutes a degradation of visual character differs among individuals. One of the best available means for assessing what constitutes a visually acceptable standard for new buildings are the City's design standards and implementation of those standards through the City's design process. The proposed project is required to conform to the design criteria set forth in the Edenvale Area Development Policy (EADP), as well as the policies and actions set forth in the General Plan EIR and City's Industrial Design Guidelines. The proposed project would conform to the existing General Plan designation (*Industrial Park*) as well as the existing zoning designation (*IP-Industrial Park*) for the site, and would be developed consistent with Edenvale Area Development Policies. Therefore it can be concluded that the project will not create any new significant visual impact than that was identified in the 2000 Edenvale EIRs and the General Plan EIRs. **[Same Impact as Approved Project (Less than Significant)]**

4.1.2.3 *Light and Glare (Question d)*

The project would include new lighting for security purposes, including outdoor lighting of parking areas, driveways, building, and walkways. The lighting from the proposed development would not significantly increase the ambient light levels in the area, which are already dominated by existing light sources from industrial, office, and residential uses. Lighting and fixtures included in the project would meet the design and height standards of the City's Outdoor Lighting Policy (Council Policy 4-3). The project would also go through a design review process, prior to the issuance of a development permit, and would be reviewed for consistency with the City's Industrial Design Guidelines, and other applicable codes, policies, and regulations. As a result, the proposed project would not significantly impact adjacent land uses with increased nighttime light levels or daytime glare from building materials. **[Same Impact as Approved Project (Less than Significant)]**

4.1.3 Conclusion

The proposed project would not result in any new or more significant visual and aesthetic impacts than those previously identified in the 2000 Edenvale EIRs and the General Plan EIRs. **[Same Impact as Approved Project (Less than Significant)]**

4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Environmental Setting

The Edenvale area was used for agricultural purposes since the early 1830's for grazing, grain growing, and row crops.

According to the Santa Clara County Important Farmland 2017 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.³

The project site is not zoned or used for agricultural purposes, nor is it the subject of a Williamson Act contract.⁴ The project site is located in an urban area of San José; is already developed with an industrial complex and there are no agricultural or forestry uses in the project area.

4.2.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6, 7
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"/>	<input type="checkbox"/>	1-6
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"/>	<input type="checkbox"/>	1-6

³ California Department of Conservation, *Santa Clara County Important Farmland Map 2014*. October 2016. Available at: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/sc114.pdf>

⁴ California Department of Conservation, Division of Land Resource Protection. *Santa Clara County Williamson Act FY 2013/2014*. 2013.

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
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"/>	<input type="checkbox"/>	1-6
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"/>	<input type="checkbox"/>	1-6, 7

The currently proposed project would have less impact on agricultural resources than the approved project, No Impact, as described below.

4.2.2.1 *Impacts Agricultural Resource (Questions a, b, c, d, e)*

The Edenvale Redevelopment Project area has been long planned by the City of San José for urbanization. As part of the General Plan, the City identified an urban service area line intended to create a permanent boundary around urbanized areas. The project site is located in the urban service area, and is currently developed with an office building, parking, landscaping and driveways.

The 2000 Edenvale EIRs analyzed the loss of up to 451 acres of agricultural land and open space by the build out of the Edenvale Redevelopment Project Area (ERPA). the project site is designated as *Urban and Built-Up Land* in the *Santa Clara County Important Farmland 2017 Map* and is not considered a significant agricultural resource under CEQA Section 21060.1(a). The site is not designated for agricultural uses in the General Plan; nor is it zoned or used as farmland or agricultural purposes. The project site is not under a Williamson Act contract.⁵ Therefore, the proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. The project site is located within the urban service area of the City of San José.

The project site and surrounding area are not zoned forest land, timberland, or Timberland Production.⁶ Therefore, the proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. The project site and surrounding area are not forest land. Therefore, the proposed project would not result in a loss of

⁵ County of Santa Clara. *Williamson Act Properties*. Accessed March 8, 2018. Available at: <https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce>.

⁶ According to California Public Resources Code Section 12220(g), Forest Land is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. According to California Public Resources Code Section 4526, "Timberland" means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees.

forest land or conversion of forest land to non-forest use. The proposed project does not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. For these reasons, the proposed project would have less of an impact on agricultural resources than the full development analyzed in the 2000 Edenvale EIRs. **[Less Impact Than Approved Project (No Impact)]**

4.2.3 Conclusion

The proposed project would have less of an impact on agricultural resources than was described in the certified 2000 Edenvale EIRs or General Plan EIR. **[Less Impact Than Approved Project (No Impact)]**

4.3 AIR QUALITY

The following discussion is based, in part, on an Air Quality Analysis prepared by *Illingworth & Rodkin, Inc.* in November 2018. The report is attached as Appendix A of this Initial Study.

4.3.1 Environmental Setting

4.3.1.1 *Regulatory Framework*

Federal and State

Air Quality Overview

Federal, state, and regional agencies regulate air quality in the San Francisco Bay Area Air Basin, within which the proposed project is located. At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The California Air Resources Board (CARB) is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act.

Regional and Local Criteria Pollutants

The federal Clean Air Act requires the EPA to set national ambient air quality standards for six common air pollutants (referred to as “criteria pollutants”), including particulate matter (PM), ground-level ozone, carbon monoxide, sulfur oxides, nitrogen oxides, and lead. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate.

Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. “Attainment” status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB. 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_{2.5}), nor does it meet state standards for respirable particulate matter (PM₁₀). The Bay Area is considered in attainment or unclassified for all other pollutants.

Toxic Air Contaminants

Toxic Air Contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality, usually because they cause cancer. TACs are found in ambient air, especially in urban areas, and are released by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. CARB has adopted regulations for stationary and mobile sources to reduce emissions of diesel exhaust and diesel particulate matter (DPM). Several of these regulatory programs affect medium and heavy-duty diesel trucks, which represent the bulk of DPM emissions from California

highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).⁷

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

Fine Particulate Matter (PM_{2.5}) is a TAC composed of a mix of substances, such as carbon and metals, compounds such as nitrates, organics, and sulfates, and mixtures such as diesel exhaust and wood smoke. Because of their small size (particles are less than 2.5 micrometers in diameter), PM_{2.5} can lodge deeply into the lungs. According to BAAQMD, PM_{2.5} is the air pollutant most harmful to the health of Bay Area residents. Sources of PM_{2.5} include gasoline stations, dry cleaners, diesel vehicles, and diesel backup generators.

Local risks associated with TACs and PM_{2.5} are evaluated on the basis of risk to human health rather than comparison to an ambient air quality standard or emission-based threshold.

Regional

2017 Clean Air Plan

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

Local

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to air quality and are applicable to the proposed project.

⁷ CARB. "Overview: Diesel Exhaust and Health". Accessed April 16, 2018. <https://www.arb.ca.gov/research/diesel/diesel-health.htm>.

Envision San José 2040 Relevant Air Quality Policies

Policies	Description
Policy MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
Policy MS-11.2	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
Policy MS-13.3	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

In addition, goals and policies throughout the Envision San José 2040 General Plan encourage a reduction in vehicle miles traveled through land use, pedestrian and bicycle improvements, and parking strategies that reduce automobile travel through parking supply and pricing management.

Sensitive Receptors

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. For cancer risk assessments, children are the most sensitive receptors, since they are more susceptible to cancer causing TACs. The closest sensitive receptors to the proposed project site are existing residences located south of Santa Teresa Boulevard roughly 1,800 feet from the project boundary.

There is a medical office building located at 6620 Via Del Oro, which is about 300 feet south of the project site. While this facility would be visited by sensitive receptors, it is not considered a sensitive receptor for this analysis. The effects of TAC and PM_{2.5} emissions from the project that affect sensitive receptors are chronic, since they cause increased lifetime cancer risk and annual PM_{2.5} exposure. Sensitive receptors using that facility would have short exposure times near the site that would not allow for exposures that would contribute to the adverse effects of TAC and PM_{2.5} exposures. Cancer risk is based on lifetime exposure to facility emissions.

4.3.1.2 *Changes to Environmental Conditions*

BAAQMD continues to monitor trends in air pollution through measurements at regional air monitoring locations. Ozone and particulate matter remain criteria pollutants of concern along with community risks associated with toxic air contaminant emissions. The ambient and regulatory

requirements regarding air quality have basically remained unchanged since the approval of the General Plan EIRs.

4.3.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6, 8
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6, 9
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6, 9
d) Result in substantial emissions (such as odors or dust) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6, 9

The proposed project would result in the same impacts to air quality as the approved project, Less than Significant with Mitigation Incorporated, as described below.

4.3.2.1 *Thresholds of Significance*

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and PM_{2.5}. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-1.

Table 4.3-1 Air Quality Significance Thresholds			
Criteria Air Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Annual Average Emissions (tons/year)
ROG	54	54	10
NO _x	54	54	10
PM ₁₀	82 (Exhaust)	82	15
PM _{2.5}	54 (Exhaust)	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	
Health Risks and Hazards	Single Sources Within 1,000-foot Zone of Influence	Combined Sources (Cumulative from all sources within 1,000-foot zone of influence)	
Excess Cancer Risk	>10 per one million	>100 per one million	
Hazard Index	>1.0	>10.0	
Incremental annual PM _{2.5}	>0.3 µg/m ³	>0.8 µg/m ³	
Note: ROG = reactive organic gases, NO _x = nitrogen oxides, PM ₁₀ = coarse particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, PM _{2.5} = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less.			

4.3.2.2 Consistency with Clean Air Plan (Question a)

Using the BAAQMD's methodology, a determination of consistency with the latest clean air plan - 2017 CAP - should demonstrate that a project: 1) supports the primary goals of the air quality plan; 2) includes applicable control measures from the air quality plan, and 3) does not disrupt or impede implementation of air quality plan control measures.

BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two closely-related BAAQMD goals: protecting public health and protecting the climate. Consistent with the GHG reduction targets adopted by the State of California, the 2017 CAP lays the groundwork for BAAQMD's long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. The consistency of the proposed project with the 2017 CAP is primarily a question of the consistency with the population/employment assumptions utilized in developing the 2017 CAP, which were based on ABAG Projections.

The 2017 CAP includes about 85 control measures that are intended reduce air pollutant emissions in the Bay Area either directly or indirectly. These control measures are divided into nine categories that include:

- Stationary Sources;
- Transportation;
- Energy;
- Agriculture;
- Water;
- Waste;
- Buildings;
- Natural and Working Lands; and
- Super-GHG Pollutants

Stationary equipment to be installed on the project site, such as the diesel-fueled emergency backup generators, will be subject to the permit requirements of BAAQMD which requires measures to reduce emissions from stationary sources. Emissions of non-attainment air pollutants from the proposed project are addressed in *Section 4.3.2.3*. Additionally, exposure of sensitive receptors to TAC and PM_{2.5} emissions associated with the project is addressed in *Section 4.3.2.4*. As noted in these sections, the project will result in air quality impacts that are less than significant with the incorporation of mitigation and standard measures, will not conflict with measures in the 2017 CAP to reduce air pollutant emissions, and will not affect forecasts used for Clean Air Plan projections.

In addition, the project would include implementation of a Transportation Demand Management (TDM) Plan. The TDM measures proposed by the project include promoting alternative modes of transportation with on-site incentives such as secure bicycle parking and dedicated parking spaces for low-emissions vehicles. An annual report outlining the performance of the TDM program would be submitted to the City. Because the project would implement a TDM Plan, and is within proximity to existing transit⁸ and services, it would not conflict with implementation of the 2017 Plan. **[Same Impact as Approve Project (Less Than Significant Impact)]**

4.3.2.3 *Criteria Pollutant Emissions (Question b)*

The air quality assessment for the project estimated emissions from the project during operations and construction using the California Emissions Estimator Model (CalEEMod) Version 2016.3.2.

Construction Emissions

The project site is 7.5 acres in size. Demolition of the existing building and associated parking lot would involve several construction phases including: demolition, site preparation, grading/excavation, trenching, exterior building construction, interior building construction, and paving. Project construction is anticipated to occur over 16 months. CalEEMod was used to provide construction emission estimates for on-site and off-site construction activities. On-site activities are primarily made up of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic. A construction build-out scenario, including equipment list and schedule,

⁸ The Santa Teresa LRT Station is located approximately 0.5 miles north of the project site, at the northern end of Via Del Oro. The project site is also located approximately 1.5 miles from the Blossom Hill Caltrain Station at Ford Road. The closest bus stop to the project site is located along San Ignacio Avenue near its intersections with Via Del Oro and Las Colinas Lane and is served by Routes 42 and 182.

was based on information provided by the project applicant. As shown in Table 4.3-2 below, the predicted construction period emissions would not exceed the BAAQMD significance thresholds.

<p align="center">Table 4.3-2 Construction Criteria Pollutant Emissions</p>				
Description	ROG Emissions	NO_x Emissions	PM₁₀ Exhaust Emissions	PM_{2.5} Exhaust Emissions
Total Construction Emissions (tons)	1.98	2.98	0.13	0.12
<i>Average Daily Emissions (lbs/day)</i>	<i>12</i>	<i>17</i>	<i>1</i>	<i>1</i>
<i>BAAQMD Thresholds (lbs/day)</i>	<i>54</i>	<i>54</i>	<i>82</i>	<i>54</i>
Significant?	No	No	No	No
<p><u>Note:</u> Average daily emissions were computed by dividing total construction emissions by the number of workdays.</p>				

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM₁₀ and PM_{2.5}. the BAAQMD CEQA Air Quality Guidelines requires implementation of best management practices, required as standard conditions of project of approval shown in section 4.3.2.4 below.

Operational Emissions

The primary emission sources associated with operation would include testing or maintenance of the 15 diesel-fueled emergency backup generators. There would be minor emissions from the traffic and area sources associated with operation of the data center and office facility.

The proposed project would install 15 diesel-fueled 3.15-MW emergency backup generators. During normal facility operation, these engines would not be operated other than for periodic testing and maintenance requirements. The generator engines would be fueled using ultra low sulfur diesel fuel with a maximum sulfur content of 15 parts per million (ppm), which minimizes both particulate matter and sulfur dioxide (SO₂) emissions. The diesel engines would meet U.S. EPA Tier 2 emission standards.

The operation of these generators is limited to 50 hours per year of non-emergency use (i.e. testing and maintenance) by the State's Air Toxic Control Measure for Stationary Compression Ignition Engines.⁹ The proposed project generator testing schedule is for each generator to be tested once per month with 25 percent load, plus an additional test once every three months at 80 percent load. To determine the maximum impact scenario for the project, this air quality assessment analyzed a scenario where all 15 emergency generators would be tested simultaneously one day per month at

⁹ Section 93115, title 17, California Code of Regulations.

full load.¹⁰ The generator equipment and operating specifications for the proposed generators are provided in Table 4.3-3.

Table 4.3-3 Daily and Annual Emissions from Emergency Generators			
Pollutant	Average Daily Emissions^a All 15 Units (lb/day)	Total Annual Emissions^b: 50 Hours Operation All 15 Units	
		(lb/year)	(ton/year)
NO _x	96.7	35,279	17.64
ROG	1.2	452	0.23
CO	19.4	7,067	3.53
PM ₁₀	1.1	396	0.20
PM _{2.5}	1.0	371	0.19
SO ₂	0.1	27	0.01
Notes: ^a Average daily emissions calculated from total annual emissions and 365 days per year. ^b Assumes operation at 73% engine load for 50 hours/year per engine.			

Total daily and annual emissions from the emergency generators, mobile and area sources are summarized in Table 4.3-4. In a scenario where each generator is operated for 50 hours per year, total increased daily emissions from operation of the project are estimated to be above the average daily emission significance thresholds established by BAAQMD for NO_x.

Table 4.3-4 Summary of Uncontrolled Operational Emissions in tons/year				
Emission Source	Reactive Organic Gases (ROG)	Nitrogen Oxides (NO_x)	Respirable Particulates (PM₁₀)	Fine Particulates (PM_{2.5})
Existing Uses				
Mobile & Area Sources	(1.0)	(1.3)	(1.0)	(0.3)
Proposed Uses				
Mobile & Area Sources	1.6	1.5	0.7	0.2
Emergency Generators	0.2	17.6	0.2	0.2
Project Total	1.8	19.1	0.9	0.4
Net Increase	0.8	17.8	-0.2	0.1
<i>BAAQMD Threshold</i>	<i>10</i>	<i>10</i>	<i>15</i>	<i>10</i>
Significant?	No	Yes	No	No
Note: Average daily emissions were computed by dividing total construction emissions by the number of workdays.				

¹⁰ Because data centers must ensure uninterrupted service to their clients, emergency backup generators are often installed to ensure electricity supply in the event of an emergency power outage. The generators proposed by the project are not intended to be used during typical project operation, other than for the purposes of routine testing and maintenance. For impacts associated with project operation, CEQA requires an analysis of a project's typical operation under normal conditions. CEQA does not require analysis of emergency events, nor worst-case events that may never occur, or very rarely over a project's lifespan.

Impact AIR-1: Operation of the proposed project could result in significant NOx emissions.
(Significant Impact)

Mitigation Measures:

MM AIR-1: Limit the number of hours generators can be operated for maintenance and testing purposes as follows:

- Generator operation for maintenance and testing purposes shall be limited so that the combined operation of the generator engines for testing and maintenance purposes does not exceed 412 hours (27 hours per generator) in any consecutive 12-month period. The operator shall retain records that include date and times of all reliable testing.

The maximum number of hours of operation of the generators for maintenance and testing is regulated by the Bay Area Air Quality Management District (BAAQMD), which will issue individual Permits to Operate for each data center building (or groups of generators) as they are constructed. The conditions in each Permit to Operate will be enforceable by BAAQMD. Prior to issuance of an occupancy permit for the data center component of the project, the applicant shall provide a letter to the Director of Building, Planning and Code Enforcement from BAAQMD and/or a qualified consultant that documents that the sum of the hours of operation permitted and regulated by BAAQMD for the data center combined does not exceed 412 hours in any consecutive 12-month period. This letter shall include a copy of the BAAQMD approved Permit to Operate.

Any change to the number of generators, the model of generators, or in the number of hours the generators will be tested, additional Air Quality analysis may be necessary. Request for such change shall be made to the City of San José Department of Building, Planning and Code Enforcement with documentation that total emissions from maintenance and testing for the data center would not exceed the significance thresholds for Nitrogen Oxide (NOx) on both an average daily (54 pounds per day) and annual averaging (10 tons/year) period. This documentation shall be reviewed and approved by a Supervising Planner of the Environmental Review Division of the Department of Planning, Building, and Code Enforcement prior to the issuance of any Planning Permits approving changes to the generators.

Implementation of the MM AIR-1 would result in average daily total project NOx emissions of 53.9 pounds per day, which would not exceed the significance threshold of 54 pounds per day. The annual emissions would be 9.9 tons per year, which would not exceed the significance threshold of 10 tons per year. **[Same Impact as Approve Project (Less Than Significant Impact with Mitigation Incorporated)]**

4.3.2.4 *Exposure of Sensitive Receptors to Substantial Pollutant Concentrations* ***(Question c)***

Local Community Risk and Hazards Impacts to Sensitive Receptors

The project would be a source of air pollutant emissions during project construction and from operation of emergency generators for testing and maintenance purposes. These generators are diesel-fueled, emitting diesel particulate matter (DPM), which is a TAC. The generators are also a source of PM_{2.5}, which has known adverse health effects. Construction of the proposed data center would be a source of TAC and PM_{2.5} emissions.

Construction Impacts

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. In addition, fugitive dust contributes to PM_{2.5} concentrations. Construction equipment exhaust emissions may pose community risks for sensitive receptors such as nearby residents. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to PM_{2.5}. Diesel exhaust poses both a potential health and nuisance impact to nearby receptors.

The BAAQMD CEQA Air Quality Guidelines considers exposure of sensitive receptors to air pollutant levels that result in an unacceptable cancer risk or hazard to be significant. BAAQMD recommends a 1,000-foot zone of influence around project boundaries. Since construction activities are temporary and would occur well over 1,000 feet from the nearest sensitive receptor, community risk impacts from construction activities would be less than significant.

Operational Impacts

The primary community risk impact issues associated with operation of the data center emergency generators are cancer risk and exposure to PM_{2.5}. Diesel exhaust from operation of emergency generators pose both a potential health and nuisance impact to nearby receptors. Community health risk impacts to sensitive receptors from operational activities were evaluated using air quality dispersion modeling and applying BAAQMD recommended health impact calculation methods. Air quality modeling of annual average DPM concentrations was conducted using the EPA's AERMOD dispersion model. Annual average DPM and PM_{2.5} concentrations were modeled assuming that generator testing could occur any time between the hours of 7:00 AM and 7:00 PM, and each generator operated 50 hours per year.

The maximum modeled annual DPM and PM_{2.5} concentration from operation of the generators at the data center was 0.00175 µg/m³ at a residential receptor southwest of the project site on Burning Tree Drive. As shown in Table 4.3-5, the maximum increased cancer risk would be 4.0 in one million, the maximum modeled annual PM_{2.5} concentration would be 0.0054 µg/m³, and the maximum hazard index would be less than 0.01 from operation of the proposed emergency generators and would be below the BAAQMD significance thresholds. **[Same Impact as Approve Project (Less Than Significant Impact)]**

<p align="center">Table 4.3-5 Summary of Community Risks and Hazards</p>			
	Increased Cancer Risk	Hazard Index	PM_{2.5} Concentration
Project's Impact	4.0 in 1 million	<0.01	0.0054 µg/m ³
<i>BAAQMD Threshold</i>	<i>10.0 in 1 million</i>	<i>1.0</i>	<i>0.3 µg/m³</i>
Significant?	No	No	No

4.3.2.5 *Odors and Dust (Question d)*

The project would generate localized emissions of diesel exhaust during construction activities and routine maintenance of emergency generators of the site. Although these emissions may be noticeable from time to time by adjacent receptors, odors would be localized and temporary. The project, therefore, would not create objectionable odors affecting a substantial number of people.

[Same Impact as Approve Project (Less Than Significant Impact)]

During grading and construction activities, dust would be generated, most of which would occur during grading activities. The amount of dust generated would be highly variable and is dependent on the size of the area disturbed at any given time, amount of activity, soil conditions and meteorological conditions. Nearby areas could be adversely affected by dust generated during construction activities. Nearby land uses are primarily commercial, industrial, and office uses that are separated by roadways or open areas. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less than significant if best management practices are employed to reduce these emissions.

Standard Permit Conditions

The following standard permit conditions will be implemented during construction to control dust and during construction:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site 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 prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). 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 construction firm regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. **[Same Impact as Approve Project (Less Than Significant Impact)]**

4.3.3 Conclusion

Implementation of the proposed project, with the incorporation of MM AIR-1 and standard dust control measures, would result in less than significant air quality impacts. **[Same Impact as Approve Project (Less Than Significant Impact with Mitigation Incorporated)]**

4.4 BIOLOGICAL RESOURCES

4.4.1 Environmental Setting

The biological resources in the Edenvale area have not substantially changed since the certification of the 2000 Edenvale EIRs or the General Plan EIRs.

4.4.1.1 *Regulatory Framework*

Federal and State

Special-Status Species

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

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

Migratory Bird and Birds of Prey Protections

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. The MBTA encompasses whole birds, parts of birds, and bird nests and eggs. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment, a violation of the MBTA. Additionally, nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Regional

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) covers an area of 519,506 acres, or approximately 62 percent of Santa Clara County. It was developed and adopted through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW). The Habitat Plan is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the plan.

City of San José

City of San José Tree Ordinance

Ordinance-sized trees, heritage trees, and street trees make up the urban forest and are protected under the City of San José Tree Ordinance. The City of San José Tree Removal Controls (San José City Code, Sections 13.31.010 to 13.32.100) protect all trees having a trunk that measures 38 inches or more in circumference (12.1 inches in diameter) at the height of 4.5 feet above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City for the removal of ordinance-size trees. In addition, any tree found by the City Council to have special significance due to history, girth, height, species, or unique quality can be designated as a Heritage Tree due to its size, history, unusual species, or unique quality. It is illegal to prune or remove a heritage tree without first consulting the City Arborist and obtaining a permit.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to biological resources and are applicable to the proposed project.

Envision San José 2040 Relevant Biological Resource Policies	
Policies	Description
Policy ER-4.4	Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.
Policy ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

Policy ER-6.5	Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.
MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
MS-21.6	As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies, or guidelines.
CD-1.25	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Any adverse effect on the health and longevity of such trees should be avoided through design measures, construction, and best maintenance practices. When tree preservation is not feasible include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

4.4.1.2 *Existing Conditions*

The 7.5-acre project site is located within an urbanized area of San Jose. The parcel is occupied by a 162,554 square foot office/R&D building and associated paved parking lot. Ornamental landscaping and mature trees are located throughout the parking lot and along the project boundaries.

Wildlife habitats in such developed urban areas are low in species diversity. Species that use the habitat on the site are predominantly urban adapted birds, such as rock doves, mourning doves, house sparrows, finches, and starlings.

Special Status Species

Special status plant and wildlife species are not present on the highly urbanized project site, although raptors (birds of prey) could use the trees on the site for nesting or as a roost. Raptors are protected by the Federal Migratory Bird Treaty Act (MBTA) (16 U.S.C. Section 703, et seq.).

Trees

Trees (both native and non-native) are valuable to the human environment for the benefits they provide including resistance to global climate change (i.e., carbon dioxide absorption), protection

from weather, nesting and foraging habitat for raptors and other migratory birds, and as a visual enhancement to the urban environment.

Trees located on the project site are primarily non-native species in varying sizes and levels of health. Within the boundaries of the project site, there are a total of 135 trees, 97 of which are considered ordinance-sized trees by the City. Table 4.4-1 list the trees on site, the locations of which are shown on Figure 4.4-1.

Table 4.4-1 Tree Survey					
Tree No.	Tree Species	Tree Common Name	Trunk Diameter	Trunk Circumference	Proposed for Removal
1	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	20	63	No
2	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	20	63	No
3	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	28	88	No
4	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	24	75	No
5	Prunus yedoensis	Cherry	10	31	No
6	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	18	57	No
7	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	24	75	No
8	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	16	50	No
9	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	18	57	No
10	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	18	57	No
11	Eucalyptus globulus	Bluegum Eucalyptus	36	113	No
12	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	16	50	No
13	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	18	57	No
14	Eucalyptus globulus	Bluegum Eucalyptus	6	19	No
15	Eucalyptus globulus	Bluegum Eucalyptus	26	82	No
16	Eucalyptus globulus	Bluegum Eucalyptus	6	19	No
17	Eucalyptus globulus	Bluegum Eucalyptus	8	25	No
18	Eucalyptus globulus	Bluegum Eucalyptus	48	151	No
19	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	12	38	No
20	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	34	107	No
21	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	8	25	No
22	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	18	57	No
23	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	28	88	No
24	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	24	75	No
25	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	20	63	No
26	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	18	57	No
27	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	30	94	No
28	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	14	44	No
29	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	36	113	No
30	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	26	82	No

Table 4.4-1 Tree Survey					
Tree No.	Tree Species	Tree Common Name	Trunk Diameter	Trunk Circumference	Proposed for Removal
31	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	30	94	No
32	Platanus acerifolia	London Plan Tree	16	50	No
33	Platanus acerifolia	London Plan Tree	16	50	No
34	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	36	113	No
35	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	22	69	Yes
36	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	18	57	Yes
37	Cercis occidentalis	Redbud	12	38	No
38	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	30	94	Yes
39	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	20	63	No
40	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	30	94	No
41	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	16	50	Yes
42	Cercis occidentalis	Redbud	12	38	No
43	Cercis occidentalis	Redbud	24	75	No
44	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	26	82	No
45	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	36	113	No
46	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	22	69	No
47	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	38	119	No
48	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	18	57	No
49	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	36	113	No
50	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	20	63	No
51	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	36	113	No
52	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	18	57	Yes
53	Platanus acerifolia	London Plan Tree	6	19	Yes
54	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	12	38	Yes
55	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	34	107	Yes
56	Platanus acerifolia	London Plan Tree	8	25	Yes
57	Platanus acerifolia	London Plan Tree	8	25	Yes
58	Carya illinoensis	Pecan Tree	12	38	Yes
59	Cercis occidentalis	Redbud	18	57	Yes
60	Unknown ornamental*	Unknown Ornamental	12	38	Yes
61	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	24	75	Yes
62	Eucalyptus polyanthemos	Silver Dollar Eucalyptus	18	57	Yes
63	Platanus acerifolia	London Plan Tree	8	25	Yes
64	Platanus acerifolia	London Plan Tree	12	38	Yes
65	Platanus acerifolia	London Plan Tree	8	25	Yes
66	Platanus acerifolia	London Plan Tree	8	25	Yes
67	Platanus acerifolia	London Plan Tree	8	25	Yes
68	Eucalyptus globulus	Bluegum Eucalyptus	18	57	Yes

Table 4.4-1 Tree Survey					
Tree No.	Tree Species	Tree Common Name	Trunk Diameter	Trunk Circumference	Proposed for Removal
69	Pyrus kawakamii	Evergreen Pear	10	31	Yes
70	Unknown ornamental†	Unknown Ornamental	6	19	Yes
71	Eucalyptus globulus	Bluegum Eucalyptus	12	38	Yes
72	Eucalyptus globulus	Bluegum Eucalyptus	20	63	Yes
73	Eucalyptus globulus	Bluegum Eucalyptus	18	57	Yes
74	Eucalyptus globulus	Bluegum Eucalyptus	20	63	Yes
75	Eucalyptus globulus	Bluegum Eucalyptus	18	57	Yes
76	Eucalyptus globulus	Bluegum Eucalyptus	8	25	Yes
77	Eucalyptus globulus	Bluegum Eucalyptus	20	63	Yes
78	Eucalyptus globulus	Bluegum Eucalyptus	20	63	Yes
79	Platanus acerifolia	London Plan Tree	12	38	Yes
80	Carya illinoensis	Pecan Tree	24	75	Yes
81	Carya illinoensis	Pecan Tree	18	57	Yes
82	Carya illinoensis	Pecan Tree	26	82	Yes
83	Carya illinoensis	Pecan Tree	24	75	Yes
84	Platanus acerifolia	London Plan Tree	10	31	Yes
85	Platanus acerifolia	London Plan Tree	12	38	Yes
86	Platanus acerifolia	London Plan Tree	10	31	Yes
87	Platanus acerifolia	London Plan Tree	10	31	Yes
88	Platanus acerifolia	London Plan Tree	14	44	Yes
89	Platanus acerifolia	London Plan Tree	12	38	Yes
90	Podocarpus macrophyllus	Yew Pine	12	38	Yes
91	Podocarpus macrophyllus	Yew Pine	12	38	Yes
92	Prunus yedoensis	Cherry	12	38	Yes
93	Prunus yedoensis	Cherry	10	31	Yes
94	Pyrus kawakamii	Evergreen Pear	14	44	Yes
95	Prunus yedoensis	Cherry	10	31	Yes
96	Prunus yedoensis	Cherry	12	38	Yes
97	Pyrus kawakamii	Evergreen Pear	12	38	Yes
98	Pyrus kawakamii	Evergreen Pear	8	25	Yes
99	Platanus acerifolia	London Plan Tree	16	50	Yes
100	Platanus acerifolia	London Plan Tree	8	25	Yes
101	Carya illinoensis	Pecan Tree	18	57	Yes
102	Carya illinoensis	Pecan Tree	24	75	Yes
103	Platanus acerifolia	London Plan Tree	10	31	Yes
104	Platanus acerifolia	London Plan Tree	10	31	Yes
105	Platanus acerifolia	London Plan Tree	6	19	Yes
106	Platanus acerifolia	London Plan Tree	8	25	Yes

**Table 4.4-1
Tree Survey**

Tree No.	Tree Species	Tree Common Name	Trunk Diameter	Trunk Circumference	Proposed for Removal
107	Platanus acerifolia	London Plan Tree	8	25	Yes
108	Platanus acerifolia	London Plan Tree	8	25	Yes
109	Platanus acerifolia	London Plan Tree	10	31	Yes
110	Platanus acerifolia	London Plan Tree	12	38	Yes
111	Platanus acerifolia	London Plan Tree	8	25	Yes
112	Pyrus kawakamii	Evergreen Pear	12	38	Yes
113	Pyrus kawakamii	Evergreen Pear	12	38	Yes
114	Pyrus kawakamii	Evergreen Pear	6	19	Yes
115	Eucalyptus globulus	Bluegum Eucalyptus	18	57	Yes
116	Eucalyptus globulus	Bluegum Eucalyptus	18	57	Yes
117	Eucalyptus globulus	Bluegum Eucalyptus	20	63	Yes
118	Eucalyptus globulus	Bluegum Eucalyptus	12	38	Yes
119	Eucalyptus globulus	Bluegum Eucalyptus	12	38	Yes
120	Eucalyptus globulus	Bluegum Eucalyptus	14	44	Yes
121	Eucalyptus globulus	Bluegum Eucalyptus	18	57	Yes
122	Eucalyptus globulus	Bluegum Eucalyptus	30	94	Yes
123	Eucalyptus globulus	Bluegum Eucalyptus	30	94	Yes
124	Platanus acerifolia	London Plan Tree	12	38	Yes
125	Platanus acerifolia	London Plan Tree	6	19	Yes
126	Platanus acerifolia	London Plan Tree	12	38	Yes
127	Platanus acerifolia	London Plan Tree	6	19	Yes
128	Platanus acerifolia	London Plan Tree	10	31	Yes
129	Carya illinoensis	Pecan Tree	18	57	Yes
130	Carya illinoensis	Pecan Tree	18	57	Yes
131	Platanus acerifolia	London Plan Tree	6	19	Yes
132	Platanus acerifolia	London Plan Tree	10	31	Yes
133	Platanus acerifolia	London Plan Tree	10	31	Yes
134	Platanus acerifolia	London Plan Tree	12	38	Yes
135	Platanus acerifolia	London Plan Tree	14	44	Yes

Notes:

Source: Phill Peters (Jacobs), 2/28/2019

* Tree did not contain any leaves or remnant fruits or seeds. Unable to identify.

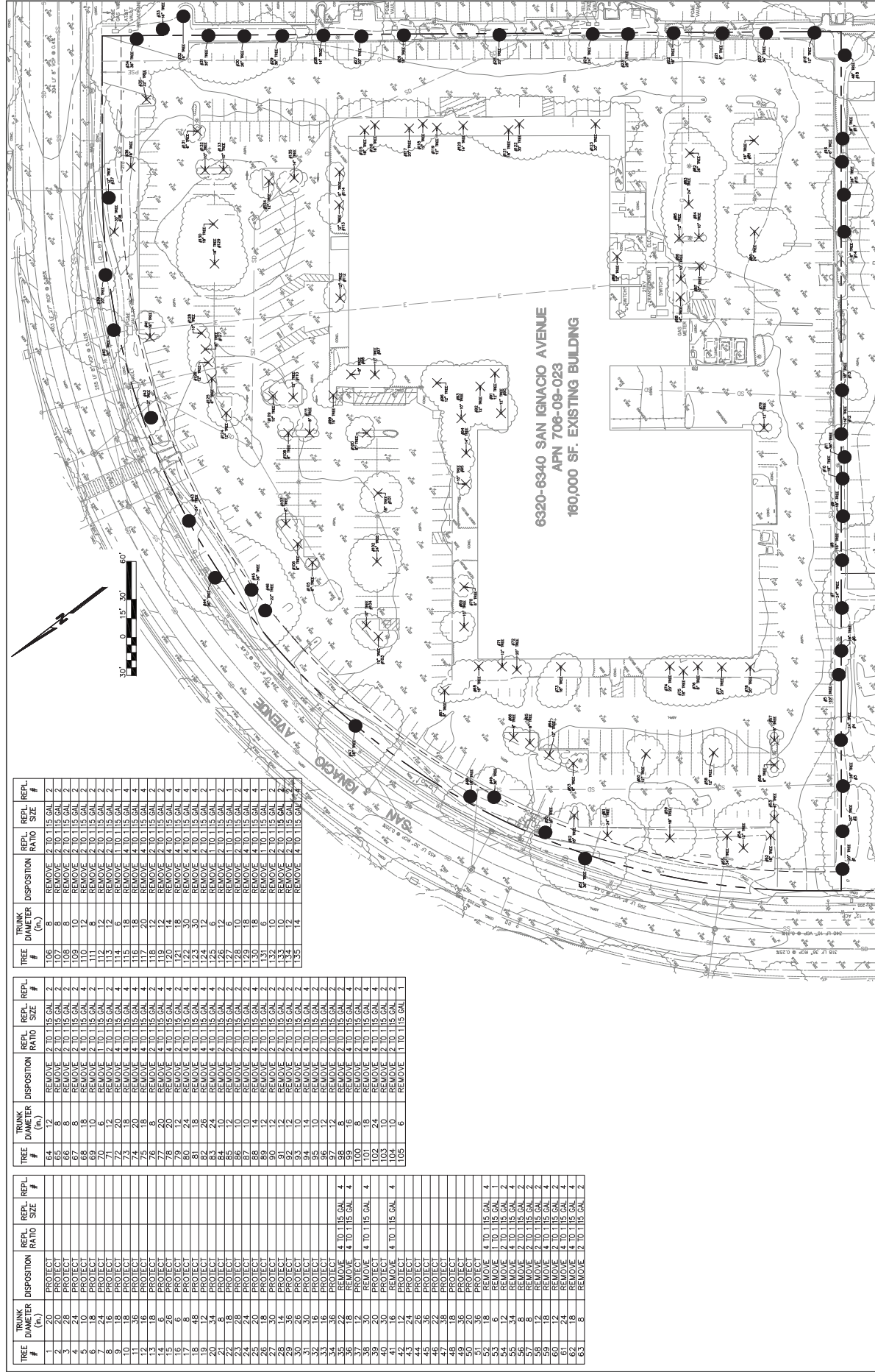


FIGURE 4.4-1

TREE #	TRUNK DIAMETER (in.)	DISPOSITION	REPL. RATIO	REPL. SIZE	REPL. #
106	8	REMOVE	2 TO 1.15 GAL	2	2
107	8	REMOVE	2 TO 1.15 GAL	2	2
108	8	REMOVE	2 TO 1.15 GAL	2	2
109	8	REMOVE	2 TO 1.15 GAL	2	2
110	12	REMOVE	2 TO 1.15 GAL	4	4
111	8	REMOVE	2 TO 1.15 GAL	2	2
112	12	REMOVE	2 TO 1.15 GAL	4	4
113	12	REMOVE	2 TO 1.15 GAL	4	4
114	6	REMOVE	2 TO 1.15 GAL	2	2
115	18	REMOVE	4 TO 1.15 GAL	4	4
116	18	REMOVE	4 TO 1.15 GAL	4	4
117	20	REMOVE	4 TO 1.15 GAL	4	4
118	12	REMOVE	2 TO 1.15 GAL	2	2
119	12	REMOVE	2 TO 1.15 GAL	2	2
120	12	REMOVE	2 TO 1.15 GAL	2	2
121	18	REMOVE	4 TO 1.15 GAL	4	4
122	30	REMOVE	4 TO 1.15 GAL	4	4
123	30	REMOVE	4 TO 1.15 GAL	4	4
124	30	REMOVE	4 TO 1.15 GAL	4	4
125	6	REMOVE	2 TO 1.15 GAL	2	2
126	12	REMOVE	2 TO 1.15 GAL	2	2
127	12	REMOVE	2 TO 1.15 GAL	2	2
128	10	REMOVE	2 TO 1.15 GAL	2	2
129	18	REMOVE	4 TO 1.15 GAL	4	4
130	18	REMOVE	4 TO 1.15 GAL	4	4
131	18	REMOVE	4 TO 1.15 GAL	4	4
132	10	REMOVE	2 TO 1.15 GAL	2	2
133	10	REMOVE	2 TO 1.15 GAL	2	2
134	10	REMOVE	2 TO 1.15 GAL	2	2
135	12	REMOVE	2 TO 1.15 GAL	2	2

TREE #	TRUNK DIAMETER (in.)	DISPOSITION	REPL. RATIO	REPL. SIZE	REPL. #
64	12	REMOVE	2 TO 1.15 GAL	2	2
65	8	REMOVE	2 TO 1.15 GAL	2	2
66	8	REMOVE	2 TO 1.15 GAL	2	2
67	8	REMOVE	2 TO 1.15 GAL	2	2
68	18	REMOVE	4 TO 1.15 GAL	4	4
69	10	REMOVE	2 TO 1.15 GAL	2	2
70	12	REMOVE	2 TO 1.15 GAL	2	2
71	12	REMOVE	2 TO 1.15 GAL	2	2
72	20	REMOVE	4 TO 1.15 GAL	4	4
73	18	REMOVE	4 TO 1.15 GAL	4	4
74	18	REMOVE	4 TO 1.15 GAL	4	4
75	18	REMOVE	4 TO 1.15 GAL	4	4
76	8	REMOVE	2 TO 1.15 GAL	2	2
77	20	REMOVE	4 TO 1.15 GAL	4	4
78	12	REMOVE	2 TO 1.15 GAL	2	2
79	12	REMOVE	2 TO 1.15 GAL	2	2
80	24	REMOVE	4 TO 1.15 GAL	4	4
81	18	REMOVE	4 TO 1.15 GAL	4	4
82	18	REMOVE	4 TO 1.15 GAL	4	4
83	24	REMOVE	4 TO 1.15 GAL	4	4
84	10	REMOVE	2 TO 1.15 GAL	2	2
85	10	REMOVE	2 TO 1.15 GAL	2	2
86	10	REMOVE	2 TO 1.15 GAL	2	2
87	10	REMOVE	2 TO 1.15 GAL	2	2
88	14	REMOVE	2 TO 1.15 GAL	2	2
89	14	REMOVE	2 TO 1.15 GAL	2	2
90	12	REMOVE	2 TO 1.15 GAL	2	2
91	12	REMOVE	2 TO 1.15 GAL	2	2
92	10	REMOVE	2 TO 1.15 GAL	2	2
93	10	REMOVE	2 TO 1.15 GAL	2	2
94	14	REMOVE	4 TO 1.15 GAL	4	4
95	10	REMOVE	2 TO 1.15 GAL	2	2
96	12	REMOVE	2 TO 1.15 GAL	2	2
97	12	REMOVE	2 TO 1.15 GAL	2	2
98	8	REMOVE	2 TO 1.15 GAL	2	2
99	16	REMOVE	4 TO 1.15 GAL	4	4
100	18	REMOVE	4 TO 1.15 GAL	4	4
101	18	REMOVE	4 TO 1.15 GAL	4	4
102	24	REMOVE	4 TO 1.15 GAL	4	4
103	10	REMOVE	2 TO 1.15 GAL	2	2
104	10	REMOVE	2 TO 1.15 GAL	2	2
105	6	REMOVE	1 TO 1.15 GAL	1	1

TREE #	TRUNK DIAMETER (in.)	DISPOSITION	REPL. RATIO	REPL. SIZE	REPL. #
1	20	PROTECT			
2	20	PROTECT			
3	28	PROTECT			
4	28	PROTECT			
5	10	PROTECT			
6	18	PROTECT			
7	18	PROTECT			
8	24	PROTECT			
9	18	PROTECT			
10	18	PROTECT			
11	18	PROTECT			
12	16	PROTECT			
13	18	PROTECT			
14	20	PROTECT			
15	6	PROTECT			
16	8	PROTECT			
17	8	PROTECT			
18	18	PROTECT			
19	18	PROTECT			
20	34	PROTECT			
21	6	PROTECT			
22	18	PROTECT			
23	28	PROTECT			
24	24	PROTECT			
25	20	PROTECT			
26	20	PROTECT			
27	30	PROTECT			
28	14	PROTECT			
29	16	PROTECT			
30	26	PROTECT			
31	30	PROTECT			
32	16	PROTECT			
33	36	PROTECT			
34	36	PROTECT			
35	22	REMOVE	4 TO 1.15 GAL	4	4
36	18	REMOVE	4 TO 1.15 GAL	4	4
37	18	REMOVE	4 TO 1.15 GAL	4	4
38	30	REMOVE	4 TO 1.15 GAL	4	4
39	20	PROTECT			
40	40	PROTECT			
41	40	PROTECT			
42	12	PROTECT	4 TO 1.15 GAL	4	4
43	24	PROTECT			
44	36	PROTECT			
45	36	PROTECT			
46	22	PROTECT			
47	38	PROTECT			
48	38	PROTECT			
49	36	PROTECT			
50	20	PROTECT			
51	36	PROTECT			
52	36	PROTECT			
53	6	REMOVE	4 TO 1.15 GAL	4	4
54	12	REMOVE	2 TO 1.15 GAL	2	2
55	34	REMOVE	2 TO 1.15 GAL	2	2
56	8	REMOVE	2 TO 1.15 GAL	2	2
57	8	REMOVE	2 TO 1.15 GAL	2	2
58	12	REMOVE	2 TO 1.15 GAL	2	2
59	12	REMOVE	2 TO 1.15 GAL	2	2
60	12	REMOVE	2 TO 1.15 GAL	2	2
61	24	REMOVE	4 TO 1.15 GAL	4	4
62	18	REMOVE	4 TO 1.15 GAL	4	4
63	8	REMOVE	2 TO 1.15 GAL	2	2

TREE SURVEY

4.4.2

Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
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"/>	<input type="checkbox"/>	1-6
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
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"/>	<input type="checkbox"/>	1-6

The proposed project would result in the same impact to biological resources as the approved project, Less Than Significant With Mitigation Incorporated, as described below.

4.4.2.1 *Impacts to Sensitive Habitats and Species (Questions a, b, c, d)*

The site is developed as mentioned before and there are no sensitive habitats such as riparian habitat or wetlands located on the data center site, or in the surrounding area. In addition, no sensitive species are known to occur on the project site. Development of the proposed project would, however, result in the removal of 88 trees on the project site. Trees could provide nesting habitat for birds, including migratory birds. Nesting birds are protected under provisions of the Migratory Bird Treaty Act and 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.

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

Mitigation Measures: Consistent with the General Plan FEIR and 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:

MM BIO-1.1: If possible, construction should be scheduled between September and January (inclusive) to avoid the nesting season. If this is not possible, pre-construction surveys for nesting raptors and other migratory breeding birds shall be conducted by a qualified ornithologist to identify active nests that may be disturbed during project implementation onsite and within 250 feet of the site. Between February and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for nests.

MM BIO-1.2: If an active nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the California Department of Fish and Wildlife (CDFW), designate a construction-free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, which shall be maintained until after the breeding season has ended and/or a qualified ornithologist has determined that the young birds have fledged.

MM BIO-1.3: The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and

Code Enforcement prior to the issuance of any grading or building permit and removal of trees.

Implementation of mitigation measures MM BIO 1.1 through 1.3 would reduce impacts to nesting birds to a less than significant level. **[Same Impact as Approve Project (Less Than Significant Impact with Mitigation Incorporated)]**

4.4.2.2 *Impacts to Trees (Question e)*

Within the City of San José, the urban forest as a whole is considered an important biological resource because most mature trees provide some nesting, cover, and foraging habitat for a variety of species that are tolerant of humans, as well as providing necessary habitat for beneficial insects.

The project proposes to preserve 47 of the on-site trees. The remaining 88 trees, including 35 ordinance-sized trees, would be removed.

Any trees removed or harmed (outside of the construction zone) 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 Removal Control (Municipal Code Section 13.31.010 to 13.32.100)
- San José Municipal Code Section 13.28
- General Plan Policies MS-21.4, MS-21.5, and MS-21.6

Standard Permit Conditions

- Any tree to be removed will be replaced with new trees in accordance with the City's Tree Replacement Ratios, as set forth below.

Table 4.4-2: Tree Replacement Ratios				
Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more	5:1	4:1	3:1	15-gallon
19 up to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon
x:x = tree replacement to tree loss ratio Note: Trees greater than or equal to 38-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial and Industrial properties, a permit is required for removal of trees of any size. A 38-inch tree equals 12.1 inches in diameter. A 24-inch box tree = two 15-gallon trees Single Family and Two-dwelling properties may be mitigated at a 1:1 ratio.				

In the event that a project site does not have sufficient area to accommodate the required tree replacement, one or more of the following may be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement.

- If the street tree is missing, a replacement tree (consult with the City Arborist as to the correct species) may be planted within the park strip.
 - A 24-inch box tree may be planted and count as two 15-gallon replacement trees.
 - An alternative site is identified for planting. Alternative sites may include local parks or schools or other off-site locations to the satisfaction of the Director of Planning. Applicants may contact the Parks Division at Parks, Recreation and Neighborhood Services at 408-535-3570 for more information on parks planting.
- Implement the following tree protection measures consistent with the City's requirements to protect adjacent off-site trees.

Pre-Construction and Grading Treatments

1. A pre-construction and grading meeting with a certified arborist ("site arborist") shall be required to discuss monitoring schedule, as recommended by the site arborist, in addition to applicable logistics to ensure tree protection.
2. The site arborist shall review all future project submittals including grading, utility, drainage, irrigation, and landscape plans. The consulting arborist shall assist with:
 - a. Establishing a Tree Protection Zone around each tree to be preserved. For design purposes, the Tree Protection Zone shall be either the existing masonry wall separating the two properties. No grading, excavation, construction or storage of materials shall occur within that zone.
 - b. Verifying the location and tag numbers of the 19 trees proposed for preservation. Include trunk locations and tag numbers on all plans.
 - c. Routing underground services including utilities, sub-drains, water or sewer around the Tree Protection Zone. Where encroachment cannot be avoided, special construction techniques such as hand digging or tunneling under roots shall be employed where necessary to minimize root injury.
3. Trees to be preserved will require pruning to clean the crown and to provide clearance. All pruning shall be completed by a Certified Arborist or Tree Worker and adhere to the latest editions of the American National Standards for tree work (Z133 and A300).
4. Use only herbicides safe for use around trees and labeled for that use, even below pavement.
5. Design irrigation systems so that no trenching will occur within the Tree Protection Zone.

Tree Protection During Construction

1. Prior to beginning work, contractors working in the vicinity of trees to be preserved are required to meet with the consulting arborist at the site to

review all work procedures, access routes, storage areas and tree protection measures.

2. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the site arborist.
3. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.
4. Any additional tree pruning needed for clearance during construction must be performed by a site arborist and not by construction personnel.
5. Any roots damaged during grading or construction shall be exposed to sound tissue and cut cleanly with a saw, with the consultation of the site arborist.

4.4.2.3 *Consistency with the Habitat Conservation Plan (Question f)*

The project site is located within the Habitat Plan study area and would be subject to all applicable Habitat Plan fees. The project site is designated as *Urban-Suburban*, which is a designated urban area, and therefore is not in a fee zone. The project would implement the following standard permit condition in accordance with the HCP.

Standard Permit Condition

- The project is subject to applicable Habitat Plan conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant shall submit a Habitat Plan Coverage Screening Form to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement for review and will complete subsequent forms, reports, and/or studies as needed.

Nitrogen Deposition Impacts on Serpentine Habitat

Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the Habitat Plan study area, as well as the host plants that support the Bay checkerspot butterfly. All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area, including the project area. Because serpentine soils tend to be nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species. The displacement of these species, and subsequent decline of the several federally-listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County. Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. Mitigation for the impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. Fees collected under the Habitat Plan for new vehicle trips will be used to purchase conservation land for the Bay checkerspot butterfly.

The Habitat Plan requires payment for nitrogen deposition fees for all covered projects that generate new net trips and create or replace more than two acres of impervious surfaces. As discussed in

Section 4.16 Transportation, the project would result in a net reduction in trips associated with the site. Therefore, the project will not be required to pay the nitrogen deposition fee for vehicle trips.

Although the project would result in a decrease in vehicle trips, testing of the proposed generators would result in substantial emissions of NO_x (refer to Section 4.3 Air Quality). A certain amount of airborne nitrogen is converted into forms that fall to earth as depositional nitrogen. Increased nitrogen in serpentine soils has been shown to favor the growth of nonnative annual grasses over native serpentine species. Invasive non-native species, if left unmanaged, have the potential to overtake the native serpentine species, which are host plants for larval bay checkerspot butterfly.

The contribution of nitrogen deposition to impacts on serpentine habitat in Santa Clara County was estimated as a part of the development of the Habitat Plan. The Habitat Plan accounts for both the existing and future indirect impacts of nitrogen deposition from all sources (i.e. stationary, industrial, mobile etc.), both inside and outside the Habitat Plan area. The Habitat Plan identifies measures to conserve and manage serpentine habitat areas over the term of the Habitat Plan. These measures are funded through the collection of nitrogen deposition fees from all projects generating mobile source emissions (i.e. new vehicle trips). Through collection of mobile source emission fees and implementation of conservation and management measures, cumulative impacts to serpentine habitat and associated special-status species are reduced to a less than significant level.

Although the proposed project is considered a covered project under the Habitat Plan, the Habitat Plan does not require stationary/industrial sources such as the project to pay the nitrogen deposition impact fee. As described previously, however, the Habitat Plan conservation strategies for serpentine habitats account for nitrogen deposition from all sources, including stationary sources such as the proposed project. Through collection of nitrogen deposition fees by San José and other local partners from mobile source projects within the Habitat Plan area, nitrogen deposition impacts from all sources are reduced by the Habitat Agency's conservation activities, including managed grazing programs on serpentine soils, to a less than significant level. Project implementation, therefore, would not result in significant impacts to special status species or habitat, nor would it conflict with the Habitat Plan. **(New Less Than Significant Impact)**

4.4.3 Conclusion

Implementation of the proposed project, with the incorporation of MM BIO-1.1 through MM BIO-1.3 would result in a less than significant impact to biological resources. **[Same Impact as Approve Project (Less Than Significant Impact with Mitigation Incorporated)]**

4.5 CULTURAL AND TRIBAL RESOURCES

The discussion in this section is based in part upon a Cultural Resources Literature Search prepared for the project by Holman & Associates, Inc. in November 2018. The archaeological literature review may discuss locations of specific archaeological sites and is confidential. For this reason, it is not included in this Initial Study. Qualified personnel, however, may request a copy of the report from the City's Planning Division located at 200 East Santa Clara Street, 3rd Floor, during normal business hours. A copy of the report is on-file at the City of San José Planning, Building, and Code Enforcement Department.

4.5.1 Environmental Setting

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

4.5.1.1 *Regulatory Framework*

Federal

National Historic Preservation Act

The National Historic Preservation Act (NHPA) of 1966 (as amended) is the primary federal law dealing with historic preservation. Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consult with the Advisory Council on Historic Preservation to consider the effects of their undertakings on historic properties.

National Register of Historic Places

The National Historic Preservation Act is the primary federal law dealing with historic preservation. The historic significance of a building, structure, object, site, or district for listing is assessed based upon the criteria in the National Register of Historic Places (NRHP). A resource is considered eligible for the NRHP if the quality of significance in American history, architecture, archaeology, engineering, and culture is present and if the resource includes integrity of location, design, setting, materials, workmanship, feeling, and association and:

- Is associated with events that have made a significant contribution to the broad pattern of our history; or
- Is associated with the lives of persons significant to our past; or
- Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possessed high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- Has yielded, or may be likely to yield, information important in prehistory or history.

State

California Register of Historical Resources

The CRHR is administered by the State Office of Historic Preservation and encourages public recognition and protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes, determines eligibility for state historic preservation grant funding, and affords protections under CEQA. A historic resource listed in, or formally determined to be eligible for listing in the NRHP is, by definition, included in the CRHR (Public Resources Code Section 5024.1(d)(1)).

For a historical resource to be eligible for listing on the CRHR, it must be significant under one or more of the following criteria:

- It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
- It is associated with the lives of persons important to local, California, or national history;
- It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
- It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Tribal Cultural Resources

Assembly Bill (AB) 52 requires that tribal cultural resources be considered under CEQA. A tribal cultural resource can be a site, feature, place, object, or cultural landscape with value to a California Native American tribe that is also eligible for listing on the CRHR. Assembly Bill (AB) 52 includes a broad definition of what may be considered to be a tribal cultural resource, and includes a list of recommended mitigation measures for potential impacts. AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached.

Archaeological Resources and Human Remains

Archaeological, and historical sites are protected by a number of state policies and regulations under the California Public Resources Code, California Code of Regulations (Title 14 Section 1427), and California Health and Safety Code. California Public Resources Code Sections 5097.9-5097.991 require notification of discoveries of Native American remains and provides for the treatment and disposition of human remains and associated grave goods.

Both state law and County of Santa Clara County Code (Sections B6-19 and B6-20) require that the Santa Clara County Coroner be notified if cultural remains are found on a site. If the Coroner determines the remains are those of Native Americans, the Native American Heritage Commission and a “most likely descendant” must also be notified.

Local

Envision San José 2040 General Plan

The General Plan includes the following cultural resource policies applicable to the proposed project.

Policies	Description
ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.
ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

4.5.1.2 *Existing Conditions*

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

Archaeological Resources

Archaeological resources are resources associated with human activity in the past and encompass both prehistoric and historic resources. According to the General Plan EIR, the project site is located in an archaeologically sensitive area.

Historic Resources

Historic resources are generally 50 years or older in age and include, but are not limited to, buildings, districts, structures, sites, objects, and areas. The existing building on site was constructed in 1998.¹¹ The building is less than 50 years old and does not meet the standards to be considered eligible for the California or National Registers. The building has not been identified by the City of San José as architecturally or historically significant. There are no historic structures on or adjacent to the project site.

¹¹ Cardno. Phase I Environmental Site Assessment. 6320 San Ignacio Avenue – San José, California. July 29, 2015.

4.5.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
b) Cause a substantial adverse change in the significance of an archaeological resource as pursuant to CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6, 10
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
d) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:						
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6, 10
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying this criteria, the significance of the resource to a California Native American tribe shall be considered.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6, 10

4.5.2.2 Impacts to Historic Resources (Question a)

The project site is not located within any city historic district, landmark district, or potential city landmark district identified in the City's General Plan FEIR (as amended). The project site and on-site structure, which is less than 50 years old, are not listed in the City of San José's Historic

Resources Inventory.¹² Therefore, the demolition of the of the existing building, or the construction of the proposed development would not impact historic resources. **[Less Impacts Than Approved Project (No Impact)]**

4.5.2.3 *Impacts to Archaeological Resources (Questions b, c)*

Archaeological Resources

Extensive research and testing has been done throughout the Edenvale Redevelopment area for prehistoric resources. The results of those evaluations are reflected in the EIRs done for the Edenvale Redevelopment Project (June 1976) and the Edenvale Redevelopment Project Area Expansion (September 1979). The project site is within an identified archeologically sensitive area of the City of San José.

A records search was completed at the Northwest Information Center of the California Historical Resources Information System (CHRIS) in November 2018 (File No. 18-901). There are no recorded cultural resources located within the project site. No archaeological resources have been identified within a half mile. The search revealed that the project site has been intensively surveyed by local archaeologists in the past and no archaeological deposits or cultural materials were identified on the site. Furthermore, when the former orchard on the site was removed, the process of tree extraction would have disturbed the subsoils bringing lower sediments and artifacts to the surface providing indications of buried deposits that would have been noticeable and documented during previous archeological surveys of the area.

In general, buried archeological sites have been recorded near Coyote Creek. Based on the records search conducted, the project site would have moderate potential for Native American resources.

Impact CUL-1: Construction of the proposed project could impact unknown buried archaeological resources, if present on-site. **(Significant Impact)**

Mitigation Measures: The project shall implement the following mitigation measures to reduce and/or avoid impacts to unknown buried archaeological resources (if present on-site) to a less than significant level:

MM CUL-1.1: A qualified archaeologist shall monitor all ground disturbance activities during excavation, utility installation, and trenching in native soils more than four feet below ground surface. Monitoring shall consist of coordinating subsurface work to allow for the careful examination of vertical and horizontal soil relationships for the purpose of seeking positive archaeological finds (prehistoric and/or historic). The monitor must maintain a field log of their presence and observations, carefully noting soil conditions. The archaeological monitor must be pre-approved by the Director of Planning or Director's designee. After written approval, the Planning Division must be notified at least 48 hours prior to any grading or other subsurface work on the

¹² City of San José. "City of San José Historic Resources Inventory." Accessed September 5, 2018. Available at: <http://www.sanjoseca.gov/DocumentCenter/View/35475>.

site. The Director of Planning or Director's designee will provide written protocol which stipulates the manner in which the applicant shall comply with the monitoring requirements.

In the event any archaeological resources are discovered during site earthwork activities, all earthwork activities in the vicinity of the find shall halt and the archaeologist shall evaluate the resources found on-site. The archaeologist shall document their provenance and nature (through drawings, photographs, written description, etc., as necessary). The monitor will then direct the work to either proceed if the find is deemed to be insignificant or is adequately documented and resolved, or continue elsewhere, as appropriate, until adequate mitigation measures are adopted or the matter is otherwise resolved to the satisfaction of the City.

Once a find has been made and deemed to be significant, the archaeologist will then submit a Treatment Plan (if one was not previously approved) to the City. The key elements of a treatment plan shall include the following:

- Identify scope of work and range of subsurface effects (include location map and development plan).
- Describe the environmental setting (past and present) and the historic prehistoric background of the parcel (potential range of what might be found).
- Develop research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).
- Detail field strategy used to record, recover, or avoid the finds (photogs, drawings, written records, provenience data maps, soil profiles, excavation techniques, standard archaeological methods) and address research goals.
- Analytical methods (radiocarbon dating, obsidian studies, bone studies, historic artifact studies [list categories and methods], packaging methods for artifacts, etc.).
- Report structure, including a technical and layman's report and an outline of document contents in one year of completion of development (provide a draft for review before a final report).
- Disposition of the artifacts.
- Appendices: site records, update site records, correspondence, consultation with Native Americans, etc. The need for a burial agreement plan for Native American burials can be incorporated

into Treatment Plan but must be done in consultation with Most Likely Descendant (MLD). Plan should include details, goals, methods, and disposition of remains and associated artifacts.

MM CUL-1.2: 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 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 Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission.
- The MLD identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the descendant, the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation Incorporated)]**

4.5.2.4 *Impacts to Tribal Resources (Question d)*

The project site is located approximately 0.85 miles west of the Coyote Creek and 1.15 miles east of Canoas Creek, areas which are considered highly sensitive for prehistoric and archaeological deposits, including tribal cultural objects. No other tribal cultural features, including sites, features, places, cultural landscapes or sacred places have been identified based on available information.

AB 52 requires lead agencies to complete formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant

impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. On July 9, 2018 the Ohlone Indian Tribe representative requested notification under PRC Section 21080.3.1, subd.(b) and consultation under PRC Section 21080.3.2 for future projects in the City where the projects include ground-disturbing activities. The requirement for notification under AB52 applies to projects subject to a new EIR or Initial Study/MND, and not to projects that are accounted for in completed EIRs or MNDs. Given the proposed project is covered under a certified EIR, it is not subject to AB 52 notification requirements. As noted above, there are no known tribal cultural resources present on the site. In the event of discovery of resources by the project during construction, the project proponent would implement the mitigation measures identified above in Section 4.5.2.3. **(New Less Than Significant Impact)**

4.5.3 Conclusion

The proposed project, with the implementation of the standard permit conditions outlined above, would not result in any new or more significant impacts to cultural resources than those addressed in the 2000 Edenvale EIRs and General Plan EIRs. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.6 GEOLOGY AND SOILS

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act ensures public safety by prohibiting the siting of most structures for human occupancy across traces of active faults that constitute a potential hazard to structures from surface faulting or fault creep. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction.

Seismic Hazards Mapping Act

Following the 1989 Loma Prieta earthquake, the Seismic Hazards Mapping Act (SHMA) was passed. The SHMA directs the Department of Conservation, California Geological Survey to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. It also requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the identified hazard is present and requires the inclusion of measures to reduce earthquake-related hazards.

California Building Standards Code

The California Building Standards Code (CBC) contains the regulations that govern the construction of buildings in California and prescribes standards for constructing safer buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared by a licensed professional for proposed developments to evaluate seismic and geologic conditions that may affect a project, such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years; the current version is the 2016 CBC.

California Division of Occupational Safety and Health Regulations

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

Paleontological Resources Regulations

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These are valued for the information they yield about the history of the earth and its past ecological settings. The California Public Resources Code

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

Local

Envision San José 2040 General Plan

The General Plan includes the following geology and soil policies applicable to the proposed project.

Policies	Description
EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
EC-4.2	Approve development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.
ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.
ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.
ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

City of San José Municipal Code

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

permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

4.6.1.2 *Existing Conditions*

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

Soil Conditions

The project area is composed of an Urban land-Stevens Creek soil complex.¹³ The soil profile for this complex includes sandy loam which persists to two inches below the surface, silt loam which persists from two to nine inches below the surface, silty clay which persists from nine to 27 inches below the surface, clay loam which persists from 27 to 39 inches below the surface, and sandy clay loam which persists from 39 to 70 inches below the surface.

The soils on the data center site exhibit a high potential for expansion. The site topography is flat with no erosion or landslide hazards. Expansive soils shrink and swell as a result of moisture changes, which can cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations. Because the topography of the project area is flat, erosion hazard is limited and there is no landslide hazard.

Groundwater

According to public well data, groundwater in the project area has been found at depths between 30 feet to 70 feet below ground surface (bgs).¹⁴ 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 within the Santa Clara Plain Recharge area of the Santa Clara Valley Basin where groundwater occurs under unconfined conditions. The site is located within urbanized areas of San José and is not within or adjacent to a SCVWD groundwater recharge facility, such as a SCVWD recharge pond.¹⁵

Seismicity and Seismic Hazards

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

¹³ U.S. Department of Agriculture. *Web Soil Survey: Soil Report*. Generated on: October 30, 2018. Available at: <http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

¹⁴ Kleinfelder. *Geotechnical Investigation Report New PG&E Santa Teresa Substation*. January 26, 2016.

¹⁵ Santa Clara Valley Water District. *Groundwater Management Plan*. 2012.

The three major faults in the region are the Calaveras Fault (approximately 16.4 miles east of the site), the Hayward Fault (approximately 3.36 miles east of the site) and the San Andreas Fault (approximately 11.9 miles southwest of the site). While the project site is not located within a fault rupture hazard zone, strong ground shaking is expected to occur on-site during an earthquake. Due to the flat topography of the site, there is no erosion or landslide hazard.¹⁶

Liquefaction

Soil liquefaction is a condition where saturated granular soils near the ground surface undergo a substantial loss of strength during seismic events. Loose, water-saturated soils are transformed from a solid to a liquid state during ground shaking. Liquefaction can result in a significant deformations and ground rupture or sand boils. Soils most susceptible to liquefaction are loose, uniformly graded, saturated, fine-grained sands that lie close to the ground surface. The project site is located within a State-designated Liquefaction Hazard Zone and a Santa Clara County Liquefaction Hazard Zone.¹⁷ No significant liquefaction phenomena, however, were observed/recorded in the site vicinity during the 1989 Loma Prieta earthquake.

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open face, such as the steep bank of a stream channel. The site is not located near any open faces and is therefore not susceptible to lateral spreading.

Paleontological Resources

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. The project site is underlain by Holocene alluvial fan material deposits, which have low potential to yield significant fossils at the surface, but may contain resources at depth.¹⁸

4.6.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact Than “Approved Project”	Checklist Source(s)
Would the project:						
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:						1-6

¹⁶ Santa Clara County. *Santa Clara County Geologic Hazard Zones*. October 26, 2012.

¹⁷ CA Department of Conservation. *CGS Seismic Hazard Zone and Liquefaction Map. Santa Clara County*. 2012

¹⁸ City of San José. *Envision San José 2040 General Plan Final EIR*. November 2011.

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact Than “Approved Project”	Checklist Source(s)
Would the project:						
1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
3. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
4. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
d) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2016), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
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"/>	<input type="checkbox"/>	1-6
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6

The proposed project would have the same impact on geology and soils as the approved project, Less Than Significant Impact, as described below.

4.6.2.1 *Seismicity and Seismic-Related Hazards (Question a)*

The project site is located in a seismically active region and would be exposed to strong shaking and in the event of seismic activity. The proposed project would be subject to potential seismic and seismic-related hazards from ground shaking and liquefaction.

Standard Permit Condition: Consistent with the General Plan and current standard practices in the City of San José, the project proposes to implement the following Standard Permit Condition to reduce significant seismic and seismic-related impacts:

- The project shall be constructed in conformance with the recommendation of the design-level geotechnical investigation, which will be reviewed and approved by the City Geologist. The project would be built using standard engineering and seismic safety design techniques and shall meet the requirements of the 2014 California Building Code, or subsequent adopted codes. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk of life or property to the extent feasible and in compliance with the Building Code. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.6.2.2 *On-Site Soils (Questions b, c, d, e)*

The project site is currently completely developed. Construction of the proposed project would not exacerbate soil conditions (e.g., undocumented fill, exposure, and liquefaction) such that it would cause off-site impacts.

Ground disturbance necessary to complete the project would expose soils and increase the potential for wind or water related erosion and sedimentation at the site until construction is complete. The City's NPDES Municipal Permit, urban runoff policies, and the Municipal Code (which are discussed in more detail in *Section 4.9 Hydrology and Water Quality*) are the primary means of enforcing erosion control measures through the grading and building permit process. In accordance with General Plan policies, construction activities would be subject to the requirements of the regulatory programs and policies in place and, therefore, would have a less than significant soil erosion impact.

The project site is located within an urbanized area of San José where sewers are available to dispose wastewater from the project site. The project does not propose the use of septic tanks or alternative wastewater disposal systems.

Soils on the project site have a moderate to high potential for expansion. If untreated, expansive soils could damage future buildings and improvements on the project site. Without incorporating appropriate engineering into grading and foundation designs, the project would result in significant impacts from expansive soils.

Standard Permit Condition: In conformance with the General Plan and current practices in the City of San José, the project shall implement the following Standard Permit Condition to reduce and/or avoid impacts related to expansive soils:

- 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 geotechnical investigation should include, but not be limited to the following: foundation, earthwork, utility trenching, retaining and drainage recommendations. The City Geologist will issue a Geologic

Clearance that will approve the geotechnical investigation. The project shall implement the recommendations in the investigation to minimize impacts from expansive soils. Options to address these conditions may range from removal of the problematic soils and replacement, as needed, with properly conditioned and compacted fill, lime treat soils, and to design and construct improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.6.2.3 *Paleontological Resources (Question f)*

The project site is located in an area that is considered sensitive for paleontological resources at depth. The project does not include any underground parking or large scale excavation. Although not anticipated, construction activities could disturb paleontological resources, if present. The project would implement the following standard permit conditions, as necessary, to reduce potential impacts to paleontological resources. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Standard Permit Conditions: In accordance with General Plan policy ER-10.3, the following standard permit conditions will be implemented by the project to reduce and avoid impacts paleontological resources:

- If vertebrate fossils are discovered during construction, the Director of Planning, Building, and Code Enforcement shall be notified and all work on the site will 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 will be responsible for implementing the recommendations of the paleontological monitor, and a final report documenting the implementation of the treatment program shall be provided to the Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement.

4.6.3 Conclusion

The proposed project, with the implementation of the standard permit conditions outlined above, would not result in any new or more significant geologic impacts than those addressed in the 2000 Edenvale EIRs and General Plan EIRs. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation Incorporated in the Project)]**

4.7 GREENHOUSE GAS EMISSIONS

In accordance with CEQA Section 21093 and CEQA Guidelines Section 15152, the following impacts analysis tiers from the certified 2015 *Envision San José 2040 Final Supplemental Program Environmental Impact Report* (PEIR) (SCH#2003042127). Updated information reflecting changes to the regulatory setting is also incorporated in the discussion.

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Global Warming Solutions Act

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

In 2016, Senate Bill (SB) 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of carbon dioxide equivalent (MMTCO_{2e}). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCO_{2e}.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035, as compared to 2005 emissions levels. The per-capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission partnered with the Association of Bay Area Governments, BAAQMD, and Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area. Plan Bay Area establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs). The project site is not located within a PDA.

Renewables Portfolio Standard for Energy Generation

California's Renewables Portfolio Standard (RPS) is one of the most ambitious renewable energy standards in the country. The RPS program requires electric corporations to increase procurement from eligible renewable energy resources and meet established milestones. Under SB 2X, all electricity suppliers must achieve the criterion that 33 percent of electric generation come from renewable sources by the end of 2020. These requirements apply to all electricity retailers in the state – investor-owned utilities, municipal utilities and independent sellers. The California Public Utilities Commission (CPUC) and the California Energy Commission (CEC) jointly implement the RPS program. To the extent that several types of renewable energy sources (e.g., hydropower, wind and solar) have limited GHG emissions from power generation compared to energy generated through combustion processes, implementation of this standard would reduce GHG emissions from electric power generation.

Advanced Clean Cars Program

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

Regional

Bay Area 2017 Clean Air Plan

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

CEQA Air Quality Guidelines

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

¹⁹ CARB. "The Advanced Clean Cars Program". Accessed April 6, 2018.
<https://www.arb.ca.gov/msprog/acc/acc.htm>.

Local

Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy

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

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

The primary test for consistency with the City's GHG Reduction Strategy is conformance with the General Plan Land Use / Transportation Diagram and supporting policies. CEQA clearance for development proposals are required to address the consistency of individual projects with the goals and policies in the General Plan designed to reduce GHG emissions. Compliance with the mandatory measures and voluntary measures (if 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 have a less than significant impact related to GHG emissions through 2020 and would not conflict with targets in the *Climate Change Scoping Plan* through 2020.

Achieving the substantial communitywide GHG emissions reductions needed beyond 2020 cannot be done alone with the measures identified in the GHG Reduction Strategy adopted by the City Council in 2015. The Final Supplemental PEIR disclosed that it will require an aggressive multiple-pronged approach that includes policy decisions and additional emission controls at the federal and state level, new and substantially advanced technologies, and substantial behavioral changes to reduce single occupant vehicle trips, especially to and from work places. Future policy and regulatory decisions by other agencies (such as the CARB, CPUC, CEC, MTC, and BAAQMD) and technological advances are outside the City's control, and therefore could not be relied upon as feasible mitigation strategies at the time of the latest revisions to the GHG Reduction Strategy (e.g., when the 2015 Final Supplemental PEIR was certified on December 15, 2015). The City Council adopted overriding considerations for the identified cumulative impact for the 2035 timeframe.

The General Plan includes an implementation program for monitoring, reporting progress on, and updating the GHG Reduction Strategy over time as new technologies or practical measures are identified. Implementation of future updates is called for in General Plan Policies IP-3.7 and IP-17.2 and embodied in the GHG Reduction Strategy. The City of San José recognizes that additional strategies, policies and programs, to supplement those currently identified, will ultimately be required to meet the mid-term 2035 reduction target of 40 percent below 1990 levels in the GHG Reduction Strategy and the target of 80 percent below 1990 emission levels by 2050.

The General Plan includes the following GHG policies applicable to the proposed project:

Policies	Description
MS-2.8	Develop policies which promote energy reduction for energy-intensive industries. For facilities such as data centers, which have high energy demand and indirect greenhouse gas emissions, require evaluation of operational energy efficiency and inclusion of operational design measures as part of development review consistent with benchmarks such as those in EPA's EnergyStar Program for new data centers. Also require consideration of distributed power production for these facilities to reduce energy losses from electricity transmission over long distances and energy production methods such as waste-heat reclamation or the purchase of renewable energy to reduce greenhouse gas emissions.
MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
MS-4.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

City of San José Municipal Code

The City's Municipal Code includes the following regulations designed to reduce GHG emissions from development:

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

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

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. The proposed project would be subject to this policy. The proposed commercial/industrial project is greater than 25,000 square feet, and the proposed data center buildings will achieve LEED Silver certification, at minimum.²⁰

²⁰ City of San José. *Private Sector Green Building*. Accessed June 13, 2016. Available at: <https://www.sanjoseca.gov/DocumentCenter/Home/View/363>

4.7.1.2 *Existing Conditions*

The project site is currently developed with an approximately 162,554 square foot office/R&D building and an associated paved parking area. The main sources of GHG emissions associated with the existing uses on-site are vehicle trips and electricity consumed during building operations.

4.7.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact Than “Approved Project”	Checklist Source(s)
Would the project:						
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6, 9
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6, 9

The proposed project would have the same impact on GHG emissions, Less Than Significant Impact, as described below.

4.7.2.1 *Overview of Impact Assessment*

GHG emissions worldwide cumulatively contribute 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, 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 City’s projected 2035 GHG emissions, could prevent the State of California from maintaining a statewide trajectory to achieve Executive Order S-3-05 emissions levels in 2050. The City Council adopted overriding considerations for the identified cumulative GHG impacts for the 2035 timeframe.

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 and are constructed and become operational by December 31, 2020 would have a less than significant impact related to GHG emissions.

Envision San José 2040 General Plan Supplemental EIR (SEIR to 2040 General Plan)

The Supplemental EIR to the 2040 General Plan EIR identified the following significant cumulative impacts:

Impact GHG-3: The City's projected 2035 GHG emissions, in total and compared to emissions in 2008, could prevent the State of California from maintaining a statewide trajectory to achieve Executive Order S-3-05 emissions levels in 2050, and therefore, would represent a cumulatively considerable contribution to global climate change. (Significant Cumulative Impact)

Impact GHG-4: The City's projected 2035 GHG emissions, without further reductions, would constitute a cumulatively considerable contribution to global climate change by exceeding the average carbon efficiency standard necessary to maintain a trajectory to meet statewide 2050 goals as established by Executive Order S-3-05. (Significant Cumulative Impact)

To reduce these impacts, additional feasible and enforceable measures or strategies were proposed to be incorporated in the City's General Plan Greenhouse Gas Reduction Strategy. Out of those measures, General Plan Action MS-2.8 is applicable for energy intensive industries such as a data center. Language for MS-2.8 has been provided in the section 4.7.1.1 above.

4.7.2.1 *Project Impacts (Questions a, b)*

The project proposes to construct a data center and office facility. GHG impacts from the project would consist of emissions during construction and electricity consumption during operation of the data centers. The operational phase of the data center and office would also generate GHG emissions from vehicles traveling to and from the project site.

Construction Emissions

The project would result in temporary increase in GHG emissions associated with construction activities including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the project site. Construction related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of San José nor BAAQMD have established a quantitative threshold or standard for determining whether a project's construction-related GHG emissions are significant. Because construction would be temporary (16 months) and would not result in a permanent increase in emissions, the project would not interfere with the implementation of AB 32 in 2020 or SB 32 in 2030.

Operational 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, and are constructed and operational by December 31, 2020, would then be considered to have a less than significant impact related to GHG emissions per AB 32. the project is proposed to be occupied and operational by December 31, 2020.

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) and consider using renewable and carbon-free energy (General Plan Action 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.

As discussed in *Section 4.10 Land Use*, the proposed project is consistent with the *IP – Industrial Park* General Plan designation for the site; therefore, the project is consistent with Criteria 1. The project is also consistent with Criteria 2 and 3. Specifically, the project proposes to achieve a minimum of LEED Silver certification and would be constructed in conformance with applicable pedestrian/bicycle site design measures identified in the Zoning Ordinance and General Plan.

An evaluation of operational energy efficiency and design measures for the project was completed by *Jacobs* (refer to Appendix E). The design measures incorporated in the project to maximize energy efficiency for the lifetime of the project are described in Appendix E. Therefore, the project is consistent with Criteria 5.

A TDM Program has been prepared for the project; therefore, the project is consistent with Criteria 6.

Criteria 4 and 7 are not applicable to the proposed project because there are no historic structures on-site and the project does not propose drive-through uses.

Table 4.7-1 on the following page provides a summary of the voluntary criteria and describes the proposed project's compliance with each criterion.

In addition, consistent with Action MS-2.8, the project applicant has agreed to subscribe to power supply to the site with an energy mix that is a minimum 75 percent carbon-free including some renewable energy sources (see, for example, PG&E clean energy data as of February 2019 at https://www.pge.com/en/about/newsroom/newsdetails/index.page?title=20180220_pge_clean_energy_deliveries_already_meet_future_goals). The use of this power supply will reduce the project's GHG emissions greatly as compared to an energy mix that includes more fossil fuel sources. The following permit condition will be included in the conditions of approval of the project to ensure that the project uses at least 75 percent carbon-free power supply during the lifetime of the project.

Specific Permit Condition:

The office and data center shall use at least a 75% carbon-free power supply in perpetuity. If minimum 75 percent carbon-free power is not available at the site, the project shall use the most carbon-reduced power supply available at the site. Any change in this permit condition shall require discretionary review by the Director of Planning, and may require a Development Permit and further environmental analysis.

The project would be consistent with the City's GHG Reduction Strategy and General Plan 2040 Action MS-2.8; therefore, implementation of the proposed project would result in less than significant GHG emission impacts. **[Same Impact as the Approved Project (Less Than Significant Impact)]**

Table 4.7-1: Voluntary Greenhouse Gas Reduction Strategy Criteria

Policies	Description of Project Measure	Project Conformance/ Applicability
BUILT ENVIRONMENT AND RECYCLING		
Installation of solar panels or other clean energy power generation sources on development sites, especially over parking areas MS-2.7, MS-15.3, MS-16.2	The project does not propose 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 in the Monterey Highway, approximately one mile east of the project site. The project does not propose to use recycled water on-site.	<input type="checkbox"/> Required/ Proposed <input checked="" type="checkbox"/> Not Proposed or <input type="checkbox"/> Not Applicable
TRANSPORTATION AND LAND USE		
Car share programs Promote car share programs to minimize the need for parking spaces TR-8.5	Although the project would reduce vehicle trips associated with the site, the project would implement a TDM Program to reduce parking demand which would include car sharing.	<input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Not Proposed or <input type="checkbox"/> Not Applicable
Limit parking above code requirements TR-8.4	The project proposes to provide fewer parking spaces than required by the City Code. The project would implement a TDM Program to reduce parking demand.	<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
Consider opportunities for reducing parking spaces (including measures such as shared parking, TDM, and parking pricing to reduce demand) TR-8.12	The project proposes to provide fewer parking spaces than required by the City Code. The project would implement a TDM Program to reduce parking demand.	<input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Project Does Not Propose or <input type="checkbox"/> Not Applicable

4.7.3 Conclusion

The proposed project, with the implementation of General Plan 2040 Action MS-2.8, and the mandatory and voluntary GHG Reduction Strategy measures outlined above, would not result in any new or more significant impacts than those addressed in the General Plan EIRs. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based, in part, on a Phase I Environmental Site Assessment (ESA) prepared by ATC in January 2019. A copy of this report is attached as Appendix B of this Initial Study.

4.8.1 Environmental Setting

4.8.1.1 *Regulatory Framework*

Federal and State

Hazardous Materials Overview

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

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

Cortese List (Government Code Section 65962.5)

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by the state, local agencies, and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC), State Water Resources Control Board (SWRCB), and Santa Clara County. The project site is not on the Cortese List.²¹

Asbestos-Containing Material and Lead Paint Regulations

Friable asbestos is any asbestos containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-

²¹ CalEPA. "Cortese List Data Resources". Accessed October 22, 2018. <https://calepa.ca.gov/sitecleanup/corteselist>.

friable ACMs are asphalt roofing shingles, vinyl asbestos floor tiles, and transite siding made with cement. Use of friable asbestos products was banned in 1978. National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodel that may disturb the ACMs.

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

California Accidental Release Prevention Program (CalARP)

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

Local

Envision San José 2040 General Plan

The General Plan includes the following hazards and hazardous materials policies applicable to the proposed project.

Policies	Description
EC-6.6	Address through environmental review for all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.
EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
EC-7.5	In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use

Policies	Description
	considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.
EC-7.8	Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.
EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.
EC-8.3	For development proposed on parcels located within a very high fire hazard severity zone or wildland-urban interface area, implement requirements for building materials and assemblies to provide a reasonable level of exterior wildfire exposure protection in accordance with City-adopted requirements in the California Building Code.

4.8.1.2 *Existing Conditions*

Historical Uses

The project site was originally agricultural land from 1939 through 1982. Beginning in 1982, the site transitioned to industrial land use, and by 1998 the current building on the site was constructed.

The properties adjacent to the site were agriculture fields dating back to at least 1939. By 1998, the surrounding areas were redeveloped for industrial uses.

On-Site Hazardous Materials Conditions

Based on the Phase I ESA prepared for the site, no Recognized Environmental Conditions (RECs) or Controlled Recognized Environmental Conditions (CRECs) in connection with the project site were identified.

The property was historically utilized for agricultural purposes, including orchard cultivation. Based on the historical agricultural use of the property, pesticides and/or herbicides may have been utilized on the property and near-surface soils may have at one time contained these compounds.

Off-Site Hazardous Materials Conditions

The former Fairchild Semiconductor Corporation facility is located at 101 Bernal Road, approximately 2,000 feet from the site. The facility operations included the use, handling, repackaging, and storage of industrial solvents or volatile organic compounds (VOCs), including

1,1,1-trichloroethane (TCA), and 1,1 dichloroethylene (1,1-DCE). In 1981, an underground storage tank containing waste solvent was found to have failed, causing a release of its contents. A series of extensive remedial programs were completed, and the site was listed as cleaned up in 2008. Based on distance, topography, assumed groundwater gradient, current regulatory status, and/or the absence of reported releases, none of the sites listed in the federal agency databases are considered to represent a likely past, present or material threat of release in, on, or at the property.

The property at 6580 Via Del Oro has a LUST listing for a release of Trichloroethylene in May of 1989. The case received regulatory closure in January of 2011. Another release was reported in October of 1987, and received regulatory closure in April of 2009. Based on distance, topography, assumed groundwater gradient, current regulatory status, and/or the absence of reported releases, none of the remaining sites listed in the state and tribal databases are considered to represent a likely past, present or material threat of release in, on, or at the property.

4.8.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project:						
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6, 11
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6, 11
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"/>	<input type="checkbox"/>	1-6, 11
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6, 11
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project:						
f) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6

The currently proposed project would result in the same hazards and hazardous materials impact as the approved project, Less Than Significant With Mitigation Incorporated, as described below.

4.8.2.1 *Hazardous Materials Use by Proposed Project (Questions a, c)*

Diesel fuel for each of the 15 proposed generators would be stored in individual tanks located below the generator units belly storage tanks. Each storage tank would have a storage capacity of 12,000 gallons of diesel. The tanks would be double-walled and have a leak detection system. Some oils and lubricants could be stored on-site for the maintenance of mechanical equipment in equipment yards. Limited quantities of water treatment chemicals for mechanical equipment would also be used on-site.

Hazardous materials storage at the site is regulated under local, State and federal regulations. Businesses must complete a Hazardous Materials Business Plan for the safe storage and use of chemicals. Firefighters, health officials, planners, public safety officers, health care providers and others rely on the Business Plan in an emergency. None of the hazardous materials used on the site are considered regulated substances under the California Accidental Release Prevention (CalARP) program that could have off-site consequences if accidentally released.

Conformance with relevant laws and regulations would minimize the likelihood of hazardous materials releases from the proposed fuel storage tanks, and the use or storage of diesel fuel, oils, lubricants, and water treatment chemicals on the site by the project would not create a significant hazard to the public or the environment due to foreseeable upset or accident conditions.

The proposed data center and office facility would not emit hazardous emissions or use acutely hazardous materials. The project site is not located within one quarter-mile of an existing or proposed school. Therefore, the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.8.2.2 *Hazardous Materials Impacts (Questions b, d)*

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Based on the Phase I ESA prepared for the site, no Recognized Environmental Conditions (RECs) or Controlled Recognized Environmental Conditions (CRECs) in connection with the project site have been identified. Nearby sites identified in the Phase I ESA have all been determined as not posing an environmental concern to the project site given the case status, groundwater flow direction, type of release, and/or distance of off-site facilities in relation to the project site.

The project area was historically used for agricultural production. As a result, on-site soils may contain elevated levels of organochloride pesticides and/or herbicides. If present at sufficient concentration, future construction on the project site could expose people and/or the environment to these harmful chemicals.

Impact HAZ-1: Implementation of the proposed project could release pesticide chemicals from on-site soils into the environment and expose construction workers and/or nearby residential receptors to residual agricultural soil contamination. **(Significant Impact)**

Mitigation Measures: Consistent with the General Plan EIRs and in conformance with the State regulations on handling and disposal of hazardous materials, the following mitigation measures would avoid and/or reduce potential contaminated soil impacts (i.e., residual agricultural chemicals) to a less than significant level:

MM HAZ-1.1: After demolition but prior to the issuance of grading permits, a qualified environmental specialist shall collect shallow soil samples from the native soil layers within the surface lots and have the samples analyzed to determine if contaminated soil from previous agricultural operations is located on-site with concentrations above established construction/trench worker and residential thresholds. The soil shall be tested for organochlorine pesticides and pesticide-based metals, arsenic and lead. Once the soil sampling analysis is complete, a report of the findings will be provided to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the Municipal Compliance Officer of the City of San José Environmental Services Department for review.

MM HAZ-1.2: If contaminated soils are found in concentrations above established regulatory environmental screening levels, the applicant shall enter into the Santa Clara County Department of Environmental Health's (SCCDEH) Voluntary Cleanup Program (VCP) to formalize regulatory oversight for remediation of contaminated soil to ensure the site is safe for construction workers and the public after development. The project applicant must remove contaminated soil in order to achieve detection levels acceptable to the SCCDEH. With approval of the SCCDEH, some of the contaminated soil may be allowed to be left in-place buried under hardscape and/or several feet of clean soil.

The project applicant shall prepare and implement a Removal Action Plan, Soil Mitigation Plan or other similar report describing the remediation process and to document the removal and/or capping of contaminated soil.

All work and reports produced shall be performed under the regulatory oversight and approval of the SCCDEH.

Implementation of the above mitigation measure in conformance with General Plan Policy EC-7.1, which includes evaluating historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment, such as organochloride pesticides and herbicides, shall reduce human exposure to potential hazardous materials on-site to less than significant levels. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]**

4.8.2.3 *Other Hazards and Considerations (Questions e, f, g)*

Airport and Aircraft Hazards

The project site is not located in proximity to an airport, and is not located in an Airport Influence Areas for any airport. **[Same Impact as Approved Project (No Impact)]**

Implementation of Safety Plans

Development of the proposed data center, including its design, would not impair or interfere with the implementation of the City's Emergency Operations Plan or any statewide emergency response or evacuation plans. **[Same Impact as Approved Project (No Impact)]**

Wildfire Hazards

As discussed previously, the project site is not located in a Very High Fire Hazard Severity Zone and is not subject to hazards from wildland fires. Implementation of the proposed project would not expose people or structures to any risk from wildland fires. **[Same Impact as Approved Project (No Impact)]**

4.8.3 Conclusion

With implementation of mitigation measures MM HAZ-1.1 and 1.2, the proposed project would not result in any new or more significant hazards or hazardous material impacts than those addressed in the certified 2000 Edenvale EIRs and General Plan EIRs. **[Same Impact as Approved Project (Less than Significant Impact With Mitigation Incorporated)]**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Environmental Setting

The existing flooding and inundation conditions are generally unchanged since the certification of the 2000 Edenvale EIRs and General Plan EIRs. Primary changes include the City's update of its Post-Construction Urban Runoff Management Policy and City's adoption of the Post-Construction Hydromodification Management Policy.

4.9.1.1 *Regulatory Framework*

Federal, State, and Regional

Water Quality Overview

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

Basin Plan

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

Statewide Construction General Permit

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

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

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit²² (MRP) that covers the project area. Under provisions of the NPDES Municipal Permit, redevelopment projects that disturb more than 10,000 square feet are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

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

National Flood Insurance Program

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

Dam Safety

Dam failure is the uncontrolled release of impounded water behind a dam. Flooding, earthquakes, blockages, landslides, lack of maintenance, improper operation, poor construction, vandalism, and terrorism can all cause a dam to fail.²³ Because dam failure that results in downstream flooding may affect life and property, dam safety is regulated at both the federal and state level. In accordance with the state Dam Safety Act, dams are inspected regularly and detailed evacuation procedures have been prepared for each dam.

As part of its comprehensive dam safety program, the Santa Clara Valley Water District (SCVWD) routinely monitors and studies the condition of each of its 10 dams. The SCVWD also has its own Emergency Operations Center and a response team that inspects dams after significant earthquakes. These regulatory inspection programs reduce the potential for dam failure.

²² MRP Number CAS612008

²³ State of California. 2013. *2013 State Hazards Mitigation Plan*. Accessed April 23, 2018.
http://hazardmitigation.calema.ca.gov/plan/state_multi-hazard_mitigation_plan_shmp.

Santa Clara Valley Water District

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

Local

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

The City of San José's Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. The City of San José's Policy No. 6-29 requires all new development and redevelopment projects to implement post-construction Best Management Practices (BMP) and Treatment Control Measures (TCM) to the maximum extent practicable. This policy also established specific design standards for post-construction TCM for projects that create, add, or replace 10,000 square feet or more of impervious surfaces. The Municipal Regional Stormwater NPDES Permit requires all of the post-construction stormwater runoff to be treated by numerically sized LID TCMs.

City of San José Hydromodification Management (Policy 8-14)

The City of San José's Policy No. 8-14 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. Policy No. 8-14 requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP).

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to hydrology and water quality and are applicable to the proposed project.

Envision San José 2040 Relevant Hydrology and Water Quality Policies

Policies	Description
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.

Policy ER-8.1	Manage stormwater runoff in compliance with the City’s Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
Policy EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City’s Municipal NPDES Permit to reduce urban runoff from project sites.

4.9.1.2 *Existing Conditions*

Flooding and Inundation

According to the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Map (FIRM) numbers 06085C0406H and 06085C0407H, dated May 18, 2009, the project site is located in Zone D, an area in which flood hazards are possible but undetermined. The project site is not located within a 100-year flood hazard area. There are no City flood plain requirements for Zone D.

Seiches, Tsunamis, and Mudflows

A seiche is defined as a wave generated by rapid displacement of water within a reservoir or lake, typically due to an earthquake that triggers land movement within the water body or landsliding into or beneath the water body. There are no landlocked bodies of water near the project site that will affect the site in the event of a seiche.

A tsunami is a series of water waves caused by the displacement of a large volume of a body of water, such as an ocean or a large lake. Due to the immense volumes of water and energy involved, tsunamis can devastate coastal regions. There are no bodies of water near the project site that could affect the site in the event of a tsunami.²⁴ The project area is flat and there are no mountains near the site that could have a mudflow that would affect the site.

Storm Drainage

The City of San José owns and maintains the municipal storm drainage system which serves the project site. The site is served by an existing storm drain line in San Ignacio Avenue. The line that serve the project site drain into Canoas Creek, which carries stormwater from the storm drains into the San Francisco Bay.

²⁴ Association of Bay Area Governments. *Tsunami Inundation Emergency Planning Map for the San Francisco Bay Region*. Available at: <http://quake.abag.ca.gov/tsunamis> Accessed July 20, 2016.

Water Quality

The project site is located within the Guadalupe River watershed. The water quality of the river is directly affected by pollutants contained in stormwater runoff from a variety of urban and non-urban uses. Stormwater from urban uses contains metals, pesticides, herbicides, and other contaminants, such as oil, grease, asbestos, lead, and animal wastes. Pollutants from unidentified sources, known as “non-point” source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains.

Under Section 303(d)²⁵ of the 1972 Clean Water Act, states are required to identify impaired surface water bodies and develop total maximum daily loads (TMDLs) for contaminants of concern. The TMDL is the quantity of pollutant that can be safely assimilated by a water body without violating water quality standards. Listing of a water body as impaired does not necessarily suggest that the water body cannot support the beneficial uses; rather, the intent is to identify the water body as requiring future development of a TMDL to maintain water quality and reduce the potential for future water quality degradation. The Guadalupe River is listed as an impaired waterbody in the U.S. EPA’s Section 303(d) Listed Waters for California. The source of impairment is attributed to urban runoff/storm sewers, mine tailings, and illegal dumping. The contaminants listed include diazinon, mercury and trash.²⁶

4.9.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact Than “Approved Project”	Checklist Source(s)
Would the project:						
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6

²⁵ The Clean Water Act, Section 303, establishes water quality standards and TMDL programs. The 303(d) list is a list of impaired water bodies.

²⁶ U.S. EPA. *California 303(d) Listed Waters for Reporting Year 2010*. December 2010. Accessed: January 25, 2017. Available at:

http://www.waterboards.ca.gov/water_issues/programs/tmdl/2010state_ir_reports/category5_report.shtml

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact Than “Approved Project”	Checklist Source(s)
Would the project:						
- result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
- substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
- create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
- impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6

The proposed project would have the same hydrological impact, Less Than Significant Impact, as described below.

4.9.2.1 *Water Quality Impacts (Question a, c, e)*

Short-Term Construction-Related Impacts

Construction of the proposed project would disturb more than one acre of land, therefore, construction of the proposed project would be required to comply with the NPDES General Permit for Construction Activities. Grading activities would increase the potential for erosion and sedimentation that could be carried by runoff into the San Francisco Bay. As a result, construction activities on-site would result in a temporary increase in pollutants in stormwater runoff during precipitation events. The proposed project would incorporate the following standard project conditions, which are based on RWQCB Best Management Practices and required of all construction projects in San José. These conditions are required to be implemented prior to and during earthmoving and demolition activities, and continue until construction is complete.

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

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.

- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.
- The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.
- A Storm Water Permit will be administered by the State Water Resources Control Board (SWRCB). Prior to construction grading for the proposed land uses, the project proponent will file an NOI to comply with the General Permit and prepare a SWPPP which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Measures will include, but are not limited to, the aforementioned RWQCB Best Management Practices.
- The SWPPP will be posted at the project site and will be updated to reflect current site conditions.
- When construction is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the SWRCB. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the site.

Implementation of these standard measures would avoid significant construction water quality impacts. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Post-Construction Impacts

Construction of the proposed project would replace more than 10,000 square feet of impervious surface area on the site and would be required to comply with the City of San José's Post-Construction Urban Runoff Policy (Council Policy 6-29) and the MRP. The project would also replace more than one acre of impervious surface and would be required to comply with the project-related hydromodification requirements of Policy 8-14 through preparation of a Hydromodification Management Plan (HMP). Consistency with these policies is typically determined through the submittal of stormwater control plans and the HMP to the San José Department of Public Works and Department of Planning, Building, and Code Enforcement. With implementation of a stormwater control plan consistent with RWQCB requirements and compliance with City policies pertaining to

stormwater and drainage, the project would have a less than significant water quality impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.9.2.2 *Groundwater Impacts (Questions b, e)*

Historic groundwater elevations in the vicinity of the project site are considered to vary in depths between 30 to 70 feet. It is not anticipated that construction activities would encounter groundwater during construction of the project.

The project does not include installation of new groundwater wells or use of groundwater supplies that could lead to draw-down of the groundwater aquifer. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.2.3 *Flooding and Inundation Impacts (Questions c, d)*

The project site is not located in a 100-year flood hazard area, nor is it subject to seiche, tsunami, or mudslide hazards. The project, therefore, would not impede or redirect flood flows, or risk the release of pollutants due to project inundation. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.2.4 *Storm Drainage Impacts (Question c)*

The project site is currently fully developed. Construction of the proposed project would decrease the amount of impervious surfaces on the site by approximately 2,694 square feet. The proposed project would be required to implement stormwater treatment and drainage measures consistent with City Policy 8-14 and 6-29, and provision C.3 of the MRP for post-construction stormwater treatment. Stormwater collection facilities such as biotreatment cells and flow-through planters, included in the project, would be designed to collect stormwater runoff before connecting to the City's existing stormwater infrastructure. These facilities are designed, or "numerically-sized," to capture projected stormwater volumes during storm events to avoid overflow and flooding. They also reduce the rate of runoff compared to traditional stormwater drainage systems by allowing stormwater to flow through biotreatment soils, layers of rock, and native soils before connecting overflows to the storm system.

The project's on-site storm drainage system would connect to the existing storm drain located in San Ignacio Avenue, which ultimately drains to the Canoas Creek. The proposed project would not result in stormwater runoff which would exceed the capacity of existing stormwater drainage systems or provide substantial additional sources of polluted runoff. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.3 Conclusion

The proposed project would not result in any new or more significant hydrology and water quality impacts than those addressed in the 2000 Edenvale EIRs and General Plan EIRs. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.10 LAND USE AND PLANNING

4.10.1 Environmental Setting

4.10.1.1 *Applicable Plans, Policies, and Regulations*

Edenvale Development Policy

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

The project is located within Sub-Area 2 of the ERPA as part of the latest EADP, which is characterized by a mix of industrial office and R&D uses.

Santa Clara Valley Habitat Plan

The Santa Clara Valley Habitat Plan/ Natural Community Conservation Plan (Habitat Plan) was adopted and became effective in October 2013. The Habitat Plan was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW). The Habitat Plan is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. Conformance with the Habitat Plan is required under Chapter 18.40 of the San José Municipal Code. The project site is designated as *Urban-Suburban* and construction of the proposed project is considered a covered activity under the plan.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following policies are specific to land use and are applicable to the proposed project.

Envision San José 2040 Relevant Land Use Policies

Policies	Description
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

4.10.1.2 Existing Conditions

The approximately 7.5-acre project site is located at 6320 and 6340 San Ignacio Avenue in the City of San José. The project site is located south of Highway 85, northwest of Great Oaks Boulevard, and southeast of San Ignacio Avenue. The project area consists primarily of business park buildings. The project site is currently developed with a two-story 162,554 square-foot office/R&D building and an associated paved parking area.

The project site is designated *Industrial Park* in the City of San José General Plan, a designation intended for a variety of industrial users such as research and development, manufacturing, assembly, testing and offices.

The zoning district for the site is *IP– Industrial Park*, which is an exclusive designation intended for a wide variety of industrial uses such as research and development, manufacturing, assembly, testing, and offices.

4.10.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project:						
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6

The project would result in the same land use impacts as the approved project, Less Than Significant, as described below.

4.10.2.1 Impacts to Established Communities (Question a)

The project is located in the Edenvale Redevelopment Project Area, which consists primarily of land designated for Industrial Park uses, and its development with such uses has been part of the City’s General Plan for over twenty years. The project site is located in an area where existing land use designations are primarily industrial. The proposed project would not introduce a new or incompatible use into the area, nor would it divide an existing community. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.10.2.2 Land Use Compatibility (Question b)

San José Municipal Code

With approval of a Special Use Permit, the proposed data center and office facility would be consistent with the *IP– Industrial Park* zoning district.

Envision San José 2040 General Plan

The project would construct a new data center and office facility, which is consistent with the *Industrial Park* designation in the General Plan.

Edenvale Development Policy

The purpose of the EADP is to manage traffic congestion, promote economic development, and encourage a reverse commute to jobs in the EADP area of south San José. A project's consistency with the EADP is determined by its consistency with the land use development and traffic assumptions described in the EADP, and its contribution to assessment and community facilities districts to finance infrastructure improvements in the EADP, as appropriate.

The construction of a data center and office facility would be consistent with the *Industrial Park* land use designation and the project would contribute its fair share to assessment and community facilities and would finance infrastructure improvements in the EADP, as appropriate.

The EADP provides for the development of approximately 3,080,000 square feet of new industrial development within Sub-Area 2. The proposed project is consistent with the amount of development allowed under the EADP and would be constructed in accordance with the EADP Industrial Design Guidelines. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.10.2.3 Conclusion

The proposed project would not result in any new or more significant land use compatibility impacts than those addressed in the 2000 Edenvale EIRs or General Plan EIRs. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.11 MINERAL RESOURCES

4.11.1 Setting

The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Mount Hamilton-Diablo Range were exposed by continuous tectonic uplift and regression of the inland sea that had previously inundated the area. As a result of this process, the topography of the City is relatively flat and there are no significant mineral resources. The project site is not located in an area containing known mineral resources.

The State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 (SMARA) has designated an area of Communications Hill in Central San José, bounded by the Union Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as a regional source of construction aggregate materials. Other than the Communications Hills area, San José does not have mineral deposits subject to SMARA. The project site is not located on or near Communications Hill, and therefore, does not contain known mineral resources.

4.11.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact Than "Approved Project"	Checklist Source(s)
Would the project:						
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"/>	<input type="checkbox"/>	1-6
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"/>	<input type="checkbox"/>	1-6

The proposed project would result in the same impact as the approved project, No Impact, as described below.

4.11.2.1 *Impacts to Mineral Resources (Questions a, b)*

The proposed project is located in a developed urban area and is not located in an area containing known mineral resources. Implementation of the project would not result in the loss of availability of any known resources.

4.11.3 Conclusion

The proposed project would not result in any new or more significant impacts to mineral resources than those addressed in the 2000 Edenvale EIRs and General Plan EIRs. **[Same Impact as Approved Project (No Impact)]**

4.12 NOISE AND VIBRATION

The following noise discussion is based in part in a Noise and Vibration Assessment prepared by Illingworth & Rodkin, Inc. in November of 2018. A copy of this report is included in Appendix C of this Initial Study.

4.12.1 Setting

4.12.1.1 *Background Information*

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

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are almost always expressed using one of several noise averaging methods, such as L_{eq} , DNL, or CNEL.²⁷ Using one of these descriptors is a way for a location’s overall noise exposure to be measured, given that there are specific moments when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and specific moments when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

4.12.1.2 *Vibration Overview*

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

²⁷ L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 p.m. and 7:00 a.m. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 p.m. and 10:00 p.m. As a general rule of thumb where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq} .

4.12.1.3 *Regulatory Framework*

State

California Building Standards Code

The California Green Building Standards Code (CalGreen) requires that wall and roof-ceiling assemblies exposed to the adjacent roadways have a composite Sound Transmission Class (STC) rating of at least 50 or a composite Outdoor-Indoor Transmission Class (OITC) rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the commercial property falls within the 65 dBA L_{dn} noise contour for a freeway or expressway, railroad, industrial source or fixed-guideway noise source. The state also requires interior noise levels to be maintained at 50 dBA $L_{eq}(1\text{-hr})$ or less during hours of operation at a proposed office building.

Local

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to noise and vibration and are applicable to the proposed project. In addition, the noise and land use compatibility guidelines set forth in the General Plan are shown in Table 4.12-1.

Envision San José 2040 Relevant Noise and Vibration Policies

Policies	Description
Policy ES-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: <u>Interior Noise Levels</u> <ul style="list-style-type: none">The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected <i>Envision General Plan</i> traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. <u>Exterior Noise Levels</u> <ul style="list-style-type: none">The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan or Table 4.12-1 in this Initial Study). Residential uses are considered "normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.
Policy EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan or Table 4.12-1 in

Envision San José 2040 Relevant Noise and Vibration Policies

Policies	Description
	<p>this Initial Study) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:</p> <ul style="list-style-type: none"> • Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain “Normally Acceptable”; or • Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level.
Policy EC-1.6	Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City’s Municipal Code.
Policy EC-1.7	<p>Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City’s Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:</p> <ul style="list-style-type: none"> • Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. <p>For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.</p>
Policy EC-2.3	Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

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

City of San José Municipal Code

The City's Municipal Code limits noise levels at any property line of residential, commercial, or industrial properties as shown in Table 4.12-2.

Table 4.12-2 City of San José Zoning Ordinance Noise Standards	
Land Use Types	Maximum Noise Level in Decibels at Property Line
Residential, open space, industrial or commercial uses adjacent to a property used or zoned for residential purposes	55
Open space, commercial, or industrial land uses adjacent to a property used or zoned for commercial purposes or other non-residential uses	60
Industrial use adjacent to a property used or zoned for industrial or use other than commercial or residential purposes	70

The Zoning Ordinance also limits noise levels generated by stand-by/backup and emergency generators. The noise level emitted by these generators shall not exceed 55 dBA at the property line of residential properties. The standards and criteria for stand-by/backup generators are set as follows:

1. Maximum noise levels, based upon a noise analysis by an acoustical engineer, will not exceed the applicable noise standards set forth in Title 20.80.2030.
2. Testing of generators is limited to 7 a.m. to 7 p.m., Monday through Friday.

According to the San José Municipal Code, construction hours within 500 feet of a residential unit are limited to the hours of 7:00 a.m. to 7:00 p.m. on Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval. The City's Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

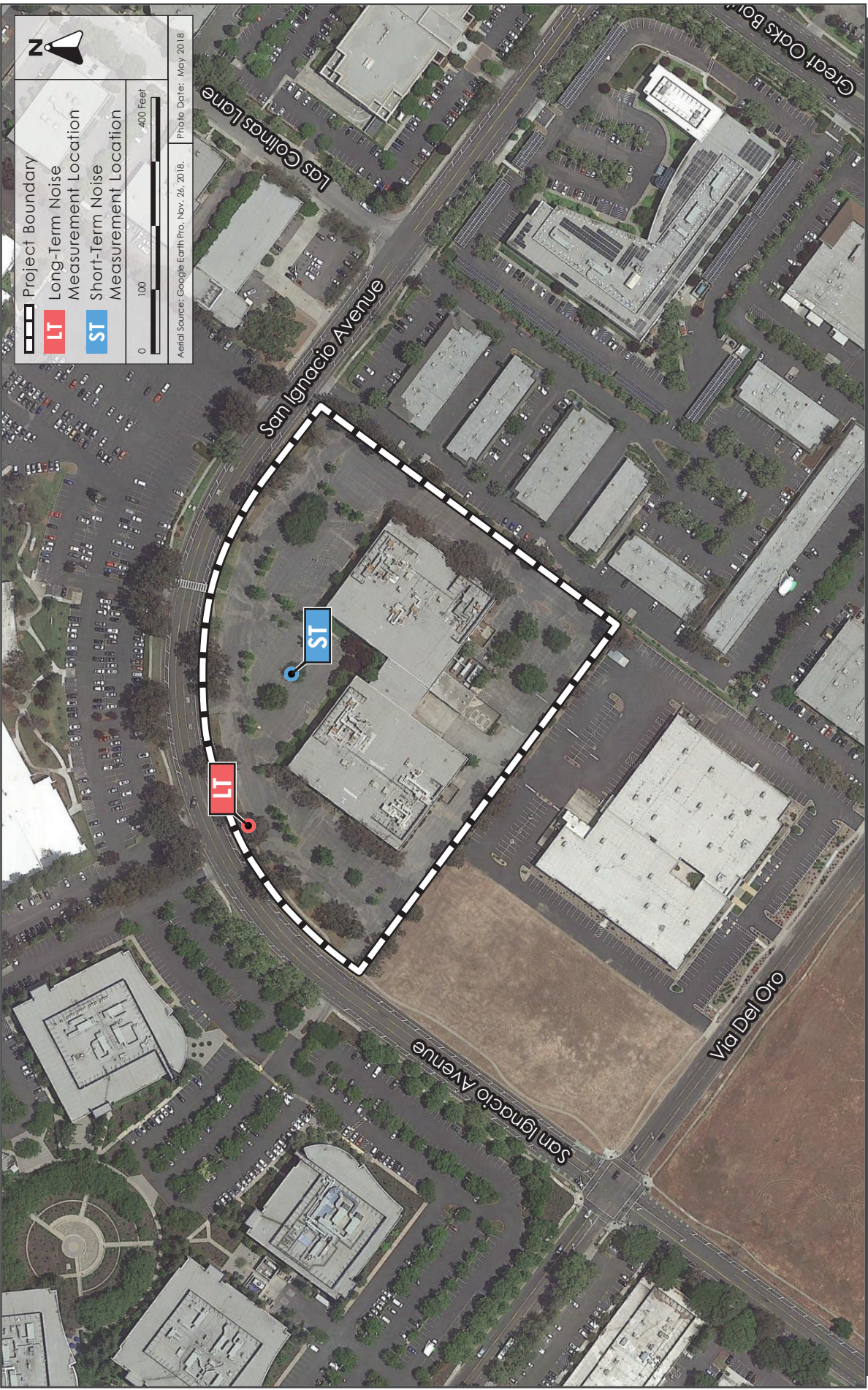
4.12.1.4 *Existing Conditions*

The project site is developed with an office building and is surrounded by commercial and light industrial development. The nearest sensitive land uses are single-family residences located approximately 1,800 feet to the southwest, on the opposite side of Santa Teresa Boulevard. The predominant sources of noise in the area include vehicular traffic on SR 85 and on surrounding roadways.

A noise monitoring survey was performed to quantify and characterize ambient noise levels at the site and in the project vicinity from Tuesday, October 30, 2018 to Friday, November 2, 2018. The monitoring survey included one long-term noise measurement (LT-1) and one short-term measurement (ST-1), as shown in Figure 4.12-1. Long term measurements were made to characterize the day and night trends in noise levels at the site. Short-term measurements were taken to quantify the variation of noise levels throughout the site by comparing the results to noise levels taken by the long-term meters. The short-term measurements help identify noise sources for associated noise levels and are also used to quantify typical daytime conditions for use in the construction noise assessment. The predominant sources of noise measured in the project vicinity included local and distant vehicular traffic and occasional jet aircraft.

Long-term noise measurement LT-1 was made approximately 60 feet from the center of San Ignacio Avenue. Hourly average noise levels at this location ranged from 55 to 66 dBA L_{eq} during the day, and from 50 to 65 dBA L_{eq} at night. The day-night average noise level at this location ranged from 65 to 67 dBA DNL.

Short-term measurement ST-1 was made north of the existing on-site building. The 10-minute L_{eq} at this location, measured from 11:40 AM to 11:50 AM on Friday, November 2, 2018, was 56 dBA L_{eq} .



NOISE MEASUREMENT LOCATIONS

FIGURE 4.12-1

4.12.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project result in:						
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6, 12
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6, 12
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6, 12

The project would have the same noise impacts as the approved project, Less Than Significant With Mitigation Incorporated, as described below.

4.12.2.1 *Noise Impacts from the Project (Checklist Questions a, b, c)*

Construction-Related Noise

Noise impacts resulting from construction depend upon 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 areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

Table 4.12-3, below, shows the calculated construction noise for each phase of construction at various distances.

The nearest noise sensitive uses to project construction are commercial buildings located about 50 feet east of the shared property line. A vacant building (where an industrial use has recently been permitted) is located about 100 feet south of the shared property line. Commercial and light industrial uses are also located 200 to 300 feet to the north, east, and west. As indicated in Table 4.12-3, hourly average noise levels generated by project construction equipment would typically range from 81 to 91 dBA L_{eq} at a distance of 50 feet from the noise source and from 69 to 79 dBA L_{eq} at a distance of 200 feet. Construction noise typically drops off at a rate of six dB per doubling of distance from the

noise source. Construction noise would be lower as activities move further from noise sensitive locations or into shielded areas.

Table 4.12-3: Calculated Construction Noise by Project Phase			
Construction Phase	Estimated Construction Equipment	Calculated L_{eq} at 50 feet, dBA	Calculated L_{eq} at 200 feet, dBA
Demolition	Concrete saws (5), excavators (2), dozers (3), loaders (3)	91	79
Site Preparation	Grader (1), dozers (2), loaders (3)	85	73
Grading/Excavation	Excavators (2), graders (2), dozers (3), loaders (3)	88	76
Trenching	Excavators (2), loaders (1)	81	69
Building - Exterior	Crane (1), forklifts (3), loaders (3), welders (2)	82	70
Paving	Paving equipment (2), rollers (2), loaders (2)	82	70
Note: Calculations include all pertinent equipment at site. Calculated using a standard drop off rate for point sources of 6 dB per doubling of distance.			
Source: Illingworth & Rodkin, 2018.			

The Edenvale EIRs evaluated construction noise in the context of impacts to residential uses and determined that it was unlikely that any given residence would be exposed to excessive noise for a significant period of time given the temporary nature of construction activities, resulting in a less than significant impact determination. The project site is located roughly 1,800 feet from the nearest residence and would not expose residential uses to substantial noise during construction.

The General Plan EIRs determined that, although numeric standards adopted for established land uses will be exceeded by construction of individual projects developed consistent with the General Plan, most construction noise is temporary and the City's Municipal Code limits construction noise to daylight hours from Monday to Friday unless explicitly allowed otherwise by a development permit. Therefore, construction projects undertaken consistent with the General Plan and Municipal Code would be required to reduce construction noise levels to the extent practicable and provide a method for complaint resolution as regulated through the land use development permit process. The General Plan EIRs determined that construction noise impacts would be mitigated through the implementation of proposed General Plan policies and existing regulations that require reasonable noise reduction measures be incorporated into the construction plan and implemented during all phases of construction activity to minimize the exposure of neighboring properties, resulting in a less than significant impact determination.

Project construction would occur within 200 feet of office uses and noise generated by project construction at these locations would be anticipated to exceed 70 dBA L_{eq} and the ambient noise levels by more than five dBA L_{eq} over a period exceeding one year. As described below, the project

would be required to implement mitigation measures consistent with the requirements of the General Plan to reduce its construction noise impact to a less than significant level.

Impact NOI-1: Construction activities associated with the project could result in construction-related noise impacts as substantial noise generating activities will occur within 200 feet of existing commercial uses for a period of more than twelve months. **(Significant Impact)**

Mitigation Measure: In accordance with General Plan Policy EC-1.7, the proposed project would include the following mitigation measure.

MM NOI-1: The project applicant shall prepare a noise logistics plan, which shall be submitted for review and approval by the Supervising Planner of the Environmental Review Division of the Department of Planning, Building, and Code Enforcement prior to issuance of demolition, grading, and building permits. This plan shall include, at a minimum, the following measures to reduce the exposure of adjacent office buildings to construction noise:

- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines within 200 feet of commercial uses is strictly prohibited. Equipment shall be turned off when not in use and the maximum idling time shall be limited to five minutes.
- Locate stationary noise-generating equipment such as air compressors or portable power generators at least 200 feet from adjacent office and commercial uses to the greatest extent feasible.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Notify all adjacent business other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

With implementation of mitigation measure MM NOI-1 identified above, the proposed project would result in less than significant construction-related noise impacts. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]**

Construction-Related Vibration

Construction of the project is anticipated to take about 16 months. Policy EC-2.3 of the City of San José General Plan specifies a vibration limit of 0.2 in/sec PPV to minimize damage at buildings of normal conventional construction. A significant impact would occur if buildings adjacent to the proposed construction site were exposed to vibration levels in excess of 0.2 in/sec PPV.

Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may generate substantial vibration in the immediate vicinity of the work area. Vibration levels would vary depending on soil conditions, construction methods, and equipment used.

The nearest structures include commercial buildings located about 50 feet east of the shared property line and a currently vacant building located about 100 feet south of the shared property line. Calculations were made to predict vibration levels at distances of 25, 50, and 100 feet from project construction. Vibration levels are highest close to the source, and then attenuate with increasing distance. Jackhammers typically generate vibration levels of 0.035 in/sec PPV and drilling typically generates vibration levels of 0.09 in/sec PPV at 25 feet. Vibration levels would vary depending on soil conditions, construction methods, and equipment used.

Groundborne vibration levels from construction would be anticipated to range from 0.002 to 0.145 in/sec PPV at a distance of 50 feet and from 0.001 to 0.098 in/sec PPV at a distance of 100 feet. Vibration levels would be below the 0.2 in/sec PPV impact threshold and would not be anticipated to cause structural or architectural damage at these structures. In areas where vibration would not be expected to cause structural damage, vibration levels may still be perceptible. However, as with any type of construction, this would be anticipated and would not be considered significant, given the intermittent and short duration of the phases that have the highest potential of producing vibration (use of jackhammers and other high-power tools). **[Same Impact as Approved Project (Less Than Significant Impact)]**

Operational Noise

The project would include rooftop mechanical equipment and standby backup emergency electrical generators. The predominant sources of rooftop mechanical equipment noise would be evaporative cooling units, air conditioning units, and make-up air units. The 15 generators would produce noise during monthly testing and maintenance operations.

The City of San José's Municipal Code Section 20.80.2030 limits testing of backup generators to between the hours of 7:00 AM and 7:00 PM, Monday through Friday. Chapters 20.30.700, 20.40.600, and 20.50.300 limit operational noise to 55 dBA at residential property lines, 60 dBA at commercial property lines, and 70 dBA at industrial property lines, respectively. The code is not explicit in terms of the acoustical descriptor associated with the noise level limit. Consistent with General Plan policy E.C.-1.3, a reasonable interpretation of this standard would identify the ambient

base noise level criteria as the day/night noise level (DNL). The DNL criteria would be applicable to the operation of rooftop mechanical equipment, which would be anticipated to operate 24-hours per day. However, in the analysis of emergency generator testing, the average noise level descriptor, L_{eq} , is used because the equipment is only tested for short periods of time during the day.

Rooftop Mechanical Equipment Noise

Noise from rooftop equipment was analyzed using data provided by the project applicant including the roof plan showing the equipment locations and heights, roof heights, parapet wall height and location, building elevations, and equipment sound levels. The proposed rooftop fans, air handling units, and condensers are essential to maintain the low temperature required for data center equipment and would operate continuously. Based on sound data provided by the equipment manufacturers, the proposed units generate sound power levels ranging from 90 dBA to 98 dBA when operating at their maximum fan speed. The rooftop equipment area is surrounded by a five-foot, eight-inch-high parapet wall.

Noise modeling was conducted using SoundPLAN v 8.0 software. Since the nearest residential uses are located roughly 1,800 feet to the southwest, the noise level exposure of adjacent commercial and light industrial uses resulting from the operation of the proposed rooftop mechanical equipment was calculated. Sound levels were calculated for the worst-case condition at the property lines and façades of the nearest existing industrial and commercial uses. Noise modeling took into account the geometry of the noise sources and receptors and shielding from the surrounding buildings, rooftop, and parapet wall.

Noise levels from continuous operation of rooftop equipment would exceed the 60 dBA DNL limit at most commercial land uses adjacent to the site. Based on observations made during the noise monitoring survey, buildings in the vicinity of site either do not have windows facing the site or have inoperable windows. As such, a noise attenuation of about 25 dBA would be anticipated for commercial structures, resulting in an interior noise level of up to 41 dBA DNL during continuous operation of the rooftop equipment.

Emergency Generator Testing

A total of 15 3.15-MW diesel-fueled engine generators would be located within generator yards on the south and east sides of the building. The 15 generators would provide 47.25 MW of backup power generation capacity. During normal facility operation, the generators would not be operated other than for periodic monthly testing and maintenance requirements. The generators would run continuously during power outages. The City's Municipal Code would only be applicable to the testing of the generators and not to the operation of emergency generators necessary to provide services during an emergency.

The backup generators would each be tested once per month under 25 percent load conditions. Every three months, the backup generators would be tested under 80 percent load conditions. Generators would be tested one at a time, with each test lasting 30 minutes. With 15 generators testing under this schedule, this would total about 10 hours per month or 120 hours per year of testing for all units. This testing would be in compliance with BAAQMD regulations, which permit each generator to operate

up to 50 hours per year. Testing would occur during daytime hours only, in compliance with the City's Municipal Code specified hours (7:00 AM to 7:00 PM). The project proposes to use enclosures for all units, specified to achieve a 25 dBA noise reduction.

Noise modeling using SoundPLAN v 8.0 was conducted to calculate the noise level exposure at adjacent commercial and industrial uses resulting from the testing of the emergency generators. Emergency generator testing would exceed the City's commercial noise limits at the adjacent property line to the southeast during 25 percent and 80 percent load operation of the nearest generator. Testing would also exceed limits at the façades of the commercial buildings to the southeast during 80 percent load operations.

There are no exterior noise sensitive use areas associated with the commercial properties to the southeast of the project site. Noise sensitive interior uses include office and commercial uses. Based on observations made sure the noise monitoring survey, the affected buildings do not have windows facing the site. As such, a noise attenuation of about 25 dBA would be anticipated for commercial structures, resulting in an interior noise level of 33 to 35 dBA $L_{eq(1-hr)}$ during 25 percent load testing of the closest generator and 36 to 38 dBA $L_{eq(1-hr)}$ during 80 percent load testing of the closest generator. While exterior noise levels would exceed the City's Code limit, interior noise levels would be below 50 dBA $L_{eq(1-hr)}$, in compliance with the Cal Green Code.

Overall Equipment Noise during Generator Testing

As described above, the backup generators would be tested individually for 30 minutes once per month with 25 percent load, plus once every three months at 80 percent load. Rooftop equipment would operate continuously. Day-night equivalent, DNL, and average, L_{eq} , noise levels for rooftop equipment and generator testing occurring simultaneously were calculated for the project. Day-night equivalent noise levels assume the testing of the four worst-case generators at 80 percent load during a single day, for a total operational period of two daytime hours over the 24-hour day. Average L_{eq} noise level calculations assume operation of the worst-case generator, simultaneous to all rooftop equipment. The results of the calculations are shown in Table 4.12-4, below. The locations of the receptors are shown graphically in Figure 4.12-2.

Table 4.12-4 Noise Levels from Operation of Rooftop Equipment and Generators				
Location	Average Noise Level, L_{eq} dBA		Day-Night Level, DNL dBA	
	Rooftop Equipment Only	With Operation of Worst-Case Generators	Rooftop Equipment Only	With Operation of Worst-Case Generators
R1	52	56	57	57
R2	59	59	64	64
R3	58	60	63	63
R4	59	69	64	65
R5	57	70	62	63
R6	60	65	65	65
R7	60	65	65	66
R8	60	64	65	65
R9	58	63	63	63
R10	58	60	63	63

The maximum average noise levels during generator testing occurring simultaneous to operation of the rooftop equipment would increase noise levels above rooftop-equipment-only levels by as much as 13 dBA and would exceed 60 dBA L_{eq} at the commercial property line and building façades to the southeast. Assuming standard construction, interior noise levels would be 44 dBA L_{eq} or less inside these uses, below the Cal Green Code limit of 50 dBA L_{eq} (1-hr).

Day-night noise levels would be virtually unaffected by generator testing (worst-case increases are zero to one dBA DNL). Additionally, maximum operational noise levels of 66 dBA DNL is within the existing 65 to 67 dBA DNL range measured on the site, resulting in no substantial increase in ambient noise levels.

However, as described above, with operation of the rooftop equipment and generators, noise levels would be above the 60 dBA DNL at commercial land uses in the vicinity of the site.



Figure 4.12-2: Noise Modeling Receptor Locations

Impact NOI-2: Operational noise associated with mechanical equipment on the site would exceed relevant noise limits at nearby land uses. **(Significant Impact)**

Mitigation Measures:

MM NOI-2.1: A 16-foot high rooftop screen or parapet wall shall be constructed along the perimeter of the data center rooftop, with a solid material with no gaps in the face of the wall. Suitable materials for sound wall construction shall have a minimum surface weight of three pounds per square foot.

MM NOI-2.2: Acoustical enclosures, specified to provide 25 dBA or greater noise attenuation, shall house the emergency generator units.

MM NOI-2.3: Rooftop equipment shall be selected to be as quiet as feasible.

MM NOI-2.4: A design-level study shall be conducted by a qualified acoustical consultant to ensure that sound level specifications are being met and to determine any additional attenuation necessary to achieve the noise limits. The results of this study shall be submitted to the City's Supervising Environmental Planner prior to the issuance of building permits.

With implementation of mitigation measures MM NOI-2.1 through 2.4 identified above, the proposed project would result in less than significant operational noise impacts. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]**

Project Generated Traffic Noise

A significant impact would be identified if traffic generated by the project would substantially increase noise levels at sensitive receivers in the vicinity. As discussed in *Section 4.16 Transportation*, the project would result in a net reduction in vehicle trips associated with the site. Therefore, the project would not result in a significant increase in traffic-related noise. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Airport and Aircraft Noise

The project site is not located in proximity to an airport, and is not located in an Airport Influence Areas for any airport. **[Same Impact as Approved Project (No Impact)]**

4.12.3 Conclusion

The proposed project, with the implementation of the above mitigation measures, would not result in any new or more significant noise impacts. **[Same Impact as Approved Project (Less than Significant Impact With Mitigation Incorporated)]**

4.13 POPULATION AND HOUSING

4.13.1 Setting

The population of San José was estimated to be approximately 1,051,316 in January 2018 with an average of 3.20 persons per household.²⁸ The City currently has approximately 335,164 housing units and, by 2040, the City's population is projected to reach 1,445,000 with 472,000 households.²⁹

The jobs/housing balance refers to the ratio of employed residents to jobs in a given community or area. When the ratio reaches 1.0, a balance is struck between the supply of local housing and jobs. The jobs/housing resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing.

The City currently has a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident), but this trend is projected to reverse with full build out under the General Plan.

4.13.2 Population and Housing Environmental Checklist

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6

The project site would result in the same impact to population and housing as the approved project, No Impact, as described below.

4.13.2.1 *Impacts to Population and Housing (Questions a, b)*

The Edenvale Redevelopment Project Area is an existing redevelopment area that consists primarily of land designated by the City General Plan for Industrial Park uses. Development of the Edenvale

²⁸ State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018." Accessed: July 23, 2018. Available at: <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>.

²⁹ Center for the Continuing Study of the California Economy. "Projections of Jobs, Populations, and Households for the City of San José." August 2008. Accessed: July 23, 2018. Available at: <https://www.sanjoseca.gov/DocumentCenter/View/3326>.

area with new industrial uses has been part of the City's General Plan for over twenty years. The EADP would result in a greater increase in jobs than housing in the Edenvale area, which is consistent with the City's General Plan policies.

The project includes the construction of a new data center and office facility. The applicant anticipates that there would be approximately 200 employees working in the building once completed. The project would not require the extension of roads or expansion of infrastructure. The site is currently developed with commercial uses and construction of the project would not displace existing housing or people on site.

4.13.3 Conclusion

The proposed project would not result in any new or more significant population growth and/or housing impacts than were described in the 2000 Edenvale EIRs and General Plan EIRs. **[Same Impact as Approved Project (No Impact)]**

4.14 PUBLIC SERVICES

4.14.1 Setting

4.14.1.1 *Fire and Police Protection Services*

Fire Protection

Fire protection in the project area is provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies in the City. The nearest fire station to the project site is Station 27, located at 6027 San Ignacio Avenue, 0.8 miles east of the project site.

Police Protection

Police protection is provided by the City of San José Police Department (SJPD). Officers patrolling the project area are dispatched from police headquarters, located at 201 West Mission Street, approximately 10.3 miles northwest 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, which include 357 patrol beat building blocks.

4.14.1.2 *Schools*

The project site is located in the Oak Grove School District and the East Side Union High School District. Oak Grove School District is comprised of 16 elementary schools and three intermediate (middle) schools. East Side Union High School District is comprised of 11 schools. The nearest schools to the site are Stratford School roughly 0.8 miles to the south and Santa Teresa Elementary School roughly 1.2 miles to the west.

4.14.1.3 *Parks*

The City of San José manages a total of 3,435 acres of regional and neighborhoods/community serving parkland.³⁰ Other recreational facilities within the City include community centers, senior centers, youth centers, skate parks, and trails. Nearby parks include George Page Park, located approximately 0.6 miles west of the project site, and Los Paseos Park, located approximately 0.8 miles southeast of the project site.

4.14.1.4 *Libraries*

The San José Public Library System consists of one main library and 18 open branch libraries. The libraries nearest the project site include the Edenvale Library, Pearl Avenue Library, and Santa Teresa Library. The main library branch is the Martin Luther King Jr. Library, located at 150 E. San Fernando Street in Downtown San José

³⁰ Only existing parks are included in the above acreage. Secured or potential parks, which total approximately 118 acres, are not included in the acreage total. Source: *Greenprint 2009 Update for Parks, Recreation Facilities and Trails*. December 2009.

4.14.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact Than “Approved Project”	Checklist Source(s)
Would the project						
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:						
- Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
- Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
- Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
- Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
- Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6

The project would result in the same impact to public services, Less Than Significant Impact, as described below.

4.14.2.1 *Fire and Police Service (Question a)*

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

As discussed in the General Plan EIRs, the build-out of the development analyzed would incrementally increase the need for fire and police protection services, which may create the need for additional staffing or resources, or a new fire station in the greater project area. The increase in demand for fire and police services is not necessarily an environmental impact. The environmental impact, if it does occur, would generally result from the impacts on the physical environment that result from the physical changes made in order to meet the demand. Future development of new fire facilities in the project area would require supplemental environmental review which could consist of an Addendum or Supplemental EIR to the 2000 Edenvale EIRs or General Plan EIRs.

The project site is already served by the SJFD and SJPD, it is not anticipated the development of the proposed project would result in significant impacts to police and fire services; nor would this project alone require the construction of additional fire or police facilities. Furthermore, the proposed project would not result in any new or more significant impacts to fire and police service than were described in the 2000 Edenvale EIRs and General Plan EIRs. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.14.2.2 *Schools, Parks, and Libraries (Question a)*

The proposed project would not generate substantial population growth in the project area or result in the use of public facilities in the City by new residents. Some employees at the project site may visit local parks, however, it is not anticipated that this use would create the need for any new facilities or adversely impact the physical condition of existing facilities. The project proposes a data center and office facility and would therefore not generate students or library users. Therefore, the proposed project will not impact school or library facilities in San José. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.14.3 Conclusion

The proposed project would not result in any new or more significant impacts to public services or facilities than those addressed in the certified Edenvale EIRs or General Plan EIRs. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.15 RECREATION

4.15.1 Setting

The existing park and recreational facilities in the project area have not changed since the certification of the 2000 Edenvale EIRs or General Plan EIRs. The City of San José manages a total of 3,435 acres of regional and neighborhood/community serving parkland.³¹ Other recreational facilities within the City include community centers, senior centers, youth centers, skate parks, and trails. Nearby parks include George Page Park, located approximately 0.6 miles west of the project site, and Los Paseos Park, located approximately 0.8 miles southeast of the project site.

4.15.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact Than "Approved Project"	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"/>	<input type="checkbox"/>	1-6
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"/>	<input type="checkbox"/>	1-6

4.15.2.1 *Impacts to Recreation*

The project proposes to construct a data center and office facility. The project would not add to the permanent population that could use existing neighborhood and regional parks and other recreational facilities. Some employees at the project site may visit local parks, however, it is not anticipated that this use would create the need for any new facilities or adversely impact the physical condition of existing facilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.15.3 Conclusion

Implementation of the proposed project would not result in any new or more significant recreational impacts than were previously identified in the 2000 Edenvale EIRs and General Plan EIRs. **[Same Impact as Approved Project (Less than Significant Impact)]**

³¹ Only existing parks are included in the above acreage. Secured or potential parks, which total approximately 118 acres, are not included in the acreage total. Source: *Greenprint 2009 Update for Parks, Recreation Facilities and Trails*. December 2009.

4.16 TRANSPORTATION/TRAFFIC

The following discussion is based on a Traffic Operations Study prepared by Hexagon Transportation Consultants, dated November 9, 2018. The report is included as Appendix D to this Initial Study/Addendum.

4.16.1 Setting

The transportation system in the project area, including regional and local roadways, bicycle and pedestrian facilities, and existing transit services (i.e., bus and light rail services) has not substantially changed since the certification of the 2000 Edenvale EIRs or the General Plan EIRs.

4.16.1.1 *Regulatory Framework*

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to transportation and are applicable to the proposed project.

Envision San José 2040 Relevant Transportation Policies

Policies	Description
Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
Policy TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
Policy TR-1.5	Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
Policy TR-5.3	The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas and specified exceptions identified in the General Plan including the Downtown Core Area. Mitigation measures for vehicular traffic should

Envision San José 2040 Relevant Transportation Policies

Policies	Description
	not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.
Policy TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
Policy TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

Edenvale Area Development Policy

The City of San José adopted the Edenvale Area Development Policy (EADP), last updated in 2014, to: 1) manage the traffic congestion associated with near-term development in the Edenvale Redevelopment Project Area; 2) promote General Plan goals for economic development; and 3) encourage a reverse commute to jobs at southerly locations in San José. The Edenvale Redevelopment Project Area encompasses a total of 451 acres on both sides of U.S. 101 in southeastern San José. The project is located in Sub-Area 2 of the EADP.

The EADP was adopted to provide for the timely approval of up to five million square feet of industrial/R&D development in the Edenvale Redevelopment Project Area, including the proposed project site, and acknowledge that significant congestion would occur at major gateway locations (i.e. US 101/Blossom Hill Road-Silver Creek Valley Road and US 101/Hellyer interchanges) until major roadway improvements are constructed in the future. The policy allows the level of service at the US 101/Blossom Hill Road-Silver Creek Valley Road and US 101/Hellyer interchanges to deteriorate to traffic levels below the existing acceptable levels identified in City Council Policy 5-3, Transportation Level of Service (LOS), as an interim condition until improvements to the impacted intersections are constructed to return to a LOS better than or equal to the background traffic conditions identified in the EADP once the planned improvements are constructed for the EADP area.

The project site is located in Sub-Area 2 of the of the EADP and project trips from development within Sub-Area 2, including the project site, were analyzed and accounted for in the 2000 Edenvale Redevelopment Project Supplemental EIR. Therefore a comprehensive traffic impact analysis (TIA) is not required, but a more limited traffic study focused on evaluating site access, vehicle queuing, sight distance, and site access was prepared to evaluate the project-specific effects of the project.

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1 “Transportation Analysis Policy” (2018), the City of San José currently uses vehicle miles traveled (VMT) as the metric to assess transportation impacts from new development. According to the policy, an employment (e.g. office, R&D) or residential project’s transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional per capita VMT. For industrial projects (e.g. warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional per capita VMT. The threshold for a retail project is whether it generates

net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel.

The City Council Transportation Analysis policy does not negate Area Development policies (ADPs) approved prior to adoption of Policy 5-1, including the EADP. For projects located within an existing ADP, Policy 5-1 allows the City to analyze the project's traffic impacts under the previously adopted EIR prepared for the ADP. As a result, the project's impacts are evaluated based on LOS, as described above.

4.16.1.2 *Existing Conditions*

Roadway Network

Regional Access

U.S. Highway 101 (US 101) is a north-south freeway that extends northward through San Francisco and southward through Gilroy. Within the study area, US 101 is an eight-lane facility that includes two high-occupancy vehicle (HOV) lanes. US 101 provides access to the project site via the Bernal Road interchange.

State Route 85 (SR 85) is a six-lane highway that is oriented in an east-west direction in the vicinity of the project site. It extends from Mountain View to south San José, terminating at US 101. SR 85 provides access to the project sites via the Bernal Road interchange.

Local Access

San Ignacio Avenue is a two-lane roadway with a two-way center left-turn lane and posted speed limit of 35 mph between Santa Teresa Boulevard and Great Oaks Boulevard. San Ignacio Avenue is a 4-lane divided roadway between Great Oaks Boulevard and Bernal Road with a posted speed limit of 40 mph. Direct access to the project site is provided via three full access driveways along San Ignacio Avenue.

Great Oaks Boulevard is a four-lane divided arterial with a posted speed limit of 40 mph. South of Santa Teresa Boulevard, this roadway is designated as Vineyard Drive. Great Oaks Boulevard provides access to the project site via San Ignacio Avenue and Via Del Oro.

Via Del Oro is a two-lane roadway with a two-way center left-turn lane. Via Del Oro has a posted speed limit of 35 mph. Via Del Oro intersects Bernal Road, Great Oaks Boulevard and San Ignacio Avenue. Via Del Oro provides access to the project site via San Ignacio Avenue.

Santa Teresa Boulevard is a six-lane divided arterial with a posted speed limit of 45 mph in the project vicinity. Santa Teresa Boulevard extends from SR 85 near Oakridge Shopping Mall to Morgan Hill, where it transitions into Hale Avenue. Santa Teresa Boulevard provides access to the project site via San Ignacio Avenue and Great Oaks Boulevard.

Bernal Road is a six-lane divided arterial that intersects US 101, SR 85, Monterey Road, San Ignacio Avenue, Via Del Oro, and Santa Teresa Boulevard. Bernal Road has a posted speed limit of 40 mph.

East of US 10, Bernal Road changes designation to Silicon Valley Boulevard. Bernal Road provides access to the project site via San Ignacio Avenue.

Pedestrian and Bicycle Facilities

Pedestrian facilities in the area consist of sidewalks and crosswalks. Sidewalks are found along both sides of all streets near the project site. Other pedestrian facilities in the project area include crosswalks and pedestrian push buttons at all signalized intersections. There is an existing mid-block crosswalk located along the project frontage connecting commercial developments on both sides of San Ignacio Avenue.

Bicycle facilities in the area are Class II, meaning striped bike lanes on roadways that are marked by signage and pavement markings. Within the vicinity of the project site, striped bike lanes are present on the following roadway segments:

- San Ignacio Avenue, between Bernal Road and Santa Teresa Boulevard
- Bernal Road, between Santa Teresa Boulevard and San Ignacio Avenue
- Santa Teresa Boulevard, along its entire length
- Great Oaks Boulevard, along its entire length
- Raleigh Road, along its entire length
- Monterey Road on the east side along its entire length

Transit Service

Transit service to the project area is provided by the Santa Clara Valley Transportation Agency (VTA) and Caltrain. The Santa Teresa LRT Station is located approximately 0.5 miles north of the project site, at the northern end of Via Del Oro. The project site is also located approximately 1.5 miles from the Blossom Hill Caltrain Station at Ford Road. The closest bus stop to the project site is located along San Ignacio Avenue near its intersections with Via Del Oro and Las Colinas Lane and is served by Routes 42 and 182.

Commuter rail service operated by Caltrain offers service from San Francisco in the north to Gilroy in the south. The Blossom Hill Caltrain station is located at the Monterey Road/Ford Road Intersection, approximately 1.5 miles north of the project site.

4.16.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact Than “Approved Project”	Checklist Source(s)
Would the project:						
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-6, 13

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact Than “Approved Project”	Checklist Source(s)
Would the project:						
b) For a land use project, conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-6, 13
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6, 13
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6, 13

The proposed project would have less transportation impacts than the approved project, Less Than Significant Impact, as described below

4.16.2.1 *Level of Service (Questions a, b)*

Project Trip Generation Estimates

Proposed Trip Generation

Trip generation rates for the project were based on the Institute of Transportation Engineers' (ITE) Trip Generation Manual, Tenth Edition's trip generation rates for data centers (land use code 160), which uses rates based on actual survey data. Based on ITE rates, the project is estimated to generate 848 daily trips, with 99 trips occurring during the AM peak hour and 95 trips occurring during the PM peak hour. Using the inbound/outbound splits typical for the proposed use, the project would produce 78 inbound and 21 outbound during the AM peak hour and 18 inbound and 77 outbound during the PM peak hour.

Existing Trip Generation

The traffic analysis completed for the EADP accounted for the existing development on the project site. Therefore, this trip generation evaluation assumes trip credit based on the former site uses using R&D trip rates. Based on the City of San Jose trip generation rates for R&D land uses, it is estimated that the current building uses generated 1,280 daily trips, with 205 trips (164 inbound and 41 outbound) occurring during the AM peak hour and 179 trips (18 inbound and 161 outbound) occurring during the PM peak hour.

Net Project Trips

It is estimated that the proposed project would generate 432 fewer daily trips, with 106 fewer trips (86 fewer inbound and 20 fewer outbound) occurring during the AM peak hour and 84 fewer trips (0 inbound and 84 fewer outbound) occurring during the PM peak hour than could be generated by the existing development on the project site.

Level of Service

The EADP was adopted to provide for the timely approval of up to five million square feet of industrial/R&D development in the Edenvale Redevelopment Project Area, including the project site, and acknowledges that significant congestion would occur at major gateway locations (i.e., US 101/Blossom Hill Road-Silver Creek Valley Road and US 101/Hellyer interchanges) until major roadway improvement are constructed in the future. Therefore, the LOS traffic impacts from redevelopment of the project site have already been analyzed and accounted for in the 2000 Edenvale EIR.

Because the project would result in a net reduction in vehicle trips associated with the site, it would not contribute to the overall LOS impact on local intersections and freeway segments in the EADP. These impacts were found to be significant and unavoidable and, as a result, the City of San José adopted a statement of overriding consideration for the Edenvale Redevelopment Project for transportation impacts in accordance with CEQA Guidelines Section 15093. Therefore, the project would result in less impacts than those identified in the 2000 Edenvale EIR. **[Less Impact Than Approved Project (Less Than Significant Impact)]**

4.16.2.2 *Site Access and Circulation (Questions c, d)*

The proposed project would be served by three full access driveways along San Ignacio Avenue. The central driveway would be relocated from its current location approximately 175 feet west of the mid-block crosswalk on San Ignacio Avenue to approximately 50 feet east of the mid-block crosswalk. The two outer driveways would be located in the same locations as the existing driveways serving the buildings on-site, and would provide access to a drive aisle that runs along the rear of the project site with security gates at both ends. The western and central driveways will provide access to the surface lot providing parking for employees and visitors.

The surface parking lot provides for continuous vehicular circulation. Vehicles will be able to enter one driveway, circulate freely throughout the parking lot, and exit at the other. The drive aisle that runs between driveways one and three and along the rear of the buildings is shown to be 24 feet wide, which is adequate for two-way travel.

Based on a review of the site plan the proposed project would provide adequate access and on-site vehicular circulation. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Sight Distance

The three driveways included in the proposed project would be clear of obstruction, thereby ensuring that exiting vehicles can see pedestrians on the sidewalk, as well as vehicles and bicycles traveling on San Ignacio Avenue.

According to the Caltrans Highway Design Manual, the minimum stopping sight distance is the distance required by the user, traveling at a given speed, to bring the vehicle to a stop after an object on the road becomes visible. Stopping sight distance for motorists is measured from the driver's eyes, which are assumed to be 3.5 feet above the pavement surface, to an object 0.5-feet high on the road.

Sight distance requirements vary depending on the roadway speeds. For driveways on San Ignacio Avenue, which has a posted speed limit of 35 miles per hour (mph), the Caltrans stopping sight distance is 250 feet (based on a design speed of 50 mph), therefore, a driver must be able to see 430 feet down Hellyer Avenue in order to stop and avoid a collision.

The central driveway would be relocated approximately 50 feet from the existing mid-block crosswalk on San Ignacio Avenue. Pedestrians within the crosswalk may not be immediately visible to drivers making left-turns from the driveway, since the drivers will be focused on locating gaps in traffic flow along San Ignacio Avenue. Drivers sight of pedestrians in the crosswalk will be further inhibited because the driveway will not be set perpendicular to San Ignacio Avenue. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.16.2.3 *Pedestrian, Transit, and Bicycle Facilities*

Pedestrian Facilities

Pedestrian facilities near the project site consist of sidewalks along all streets in the study area. Sidewalks are found along both sides of all streets near the project site including San Ignacio Avenue. Other pedestrian facilities in the project area include crosswalks and pedestrian push buttons at all signalized intersections.

Pedestrian generators in the project vicinity include a retail center along San Ignacio Avenue at Bernal Road and the Santa Teresa LRT Station approximately 0.5-mile to the north along Via Del Oro. Existing sidewalks along San Ignacio Avenue and Via Del Oro Avenue provide pedestrian connections between the project site and pedestrian destinations in the project vicinity.

Overall, the existing network of sidewalks and crosswalks provides good connectivity and provides pedestrians with safe routes to transit services and other points of interest in the area.

Bicycle Facilities

There are several bike facilities in the immediate vicinity of the project site. The bikeways within the vicinity of the project site would remain unchanged under project conditions. There are bike lanes provided along San Ignacio Avenue, including the segment along the project's frontage.

The General Plan identifies the bicycle commute mode split target as 15 percent or more by the year 2040. This calculates to approximately 15 bicycle trips during the peak hours. This level of bicycle mode share is a reasonable goal for the project.

Transit Services

Existing transit services in the study area are provided by the Santa Clara Valley Transportation Authority VTA and Caltrain. The Santa Teresa LRT Station is located approximately 0.5-mile north of the project site at the northern end of Via Del Oro. The project site also is located approximately 1.5-mile from the Blossom Hill Caltrain Station at Ford Road. Connections between local bus routes are provided at each of the stations. The transit trips generated by the project are not expected to create demand in excess of the transit service capacity that is currently provided. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.16.3 Conclusion

The proposed project would reduce vehicle trips associated with the site. Therefore, the project would result in less LOS impacts than those identified in the 2000 Edenvale EIRs and the General Plan EIRs.

The proposed project would not result in new or more significant impacts to the transportation system than those addressed in the 2000 Edenvale EIRs and the General Plan EIRs. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Environmental Setting

The water, sanitary sewer, storm drainage, solid waste, natural gas, and electricity services and facilities serving the project area have not substantially changed since the certification of the 2000 Edenvale EIRs or the General Plan EIRs.

4.17.1.1 *Regulatory Framework*

State and Regional

Urban Water Management Plan

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

Wastewater

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

Assembly Bill 939 and Senate Bill 1016

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

Assembly Bill 341

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

Senate Bill 1383

Senate Bill (SB) 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal

reduction targets and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025.

Local

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to utilities and service systems and are applicable to the proposed project.

Envision San José 2040 Relevant Utilities and Service System Policies	
Policy	Description
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State’s Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
Policy MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City’s potable water supply as building codes permit.
Policy MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
Policy IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
Policy IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than “D”, or development which would be served by downstream lines already operating at a LOS lower than “D”, to provide mitigation measures to improve the LOS to “D” or better, either acting independently or jointly with other developments in the same area or in coordination with the City’s Sanitary Sewer Capital Improvement Program.
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
Policy IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City’s National Pollutant Discharge Elimination System (NPDES) permit.

San José Zero Waste Strategic Plan/Green Vision

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

growth, environmental sustainability and an enhanced quality of life for San José residents and businesses.

Private Sector Green Building Policy

The City of San José's Green Building Policy for private sector new construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in building design process. This policy establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It is also intended to enhance the public health, safety and welfare of San José residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water and other resources in the City of San José. The proposed commercial/industrial project is greater than 25,000 square feet, and the proposed project will achieve LEED Silver certification, at minimum.³²

4.17.1.2 *Existing Conditions*

Water Service

Water service to the project sites are supplied by the Great Oaks Water Company, which serves over 20,000 customers over an approximately 14 square mile area. Water service at the project site is provide by a 12-inch water main in San Ignacio Avenue.

Wastewater/Sanitary Sewer System

Wastewater treatment service for the project area is provided by the City of San José through the San José-Santa Clara Regional Wastewater Facility (RWF). The RWF is located in Alviso and serves over 1,500,000 people in San José, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga, and Monte Sereno. Sanitary sewer lines in the project area are owned and maintained by the City of San José. The project site is served by an eight-inch sewer main along the San Ignacio Avenue project frontage.

Storm Drainage

As discussed in *Section 4.9 Hydrology and Water Quality*, the project site is located within the Guadalupe Watershed. Stormwater runoff from the project area drains into Canoas Creek and flows in a northerly direction to the San Francisco Bay. The site is served by a 27- to 30-inch storm drain main along the San Ignacio Avenue project frontage.

Solid Waste

Commercial solid waste and recycling (including green waste) collection service are provided by Republic Services of Santa Clara County. The City of San José has an existing contract with Newby Island Sanitary Landfill through December 13, 2020, with the option to extend the contract as long as the landfill is open. The City has an annual disposal allocation for 395,000 tons per year.

³² City of San José. *Private Sector Green Building*. Accessed June 13, 2016. Available at: <<https://www.sanjoseca.gov/index.aspx?NID=3284?>

4.17.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact Than "Approved Project"	Checklist Source(s)
Would the project:						
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
d) Generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
e) Negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
f) Be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6

The project would result in the same impact to utilities and service systems as the approved project, Less Than Significant Impact, as described below.

4.17.2.1 *Wastewater/Sanitary Sewer System (Questions a, c)*

The project is estimated to generate approximately 27,904 gpd of wastewater sewage. Given the City's existing remaining treatment capacity at the RWF (38.8 mgd), there is sufficient capacity at the RWF to accommodate project flows. Moreover, the General Plan FEIR concludes that sewage generated by the buildout of the General Plan would not exceed the City's allocated capacity at the RWF.

The project would require a connection to the existing sewer line in San Ignacio Avenue. Existing sanitary facilities within the project vicinity would have sufficient capacity to accommodate projected flows from the project. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.2.2 *Water Service and Supply (Questions a, b)*

According to the General Plan FEIR, under buildout conditions, water demand within the Great Oaks Water Company service area could exceed water supply during dry and multiple dry years after 2025. The certified General Plan FEIR concluded, however, that with the implementation of existing regulations and General Plan policies, water demand would not exceed water supply.

The project proposes to construct a data center and office building consistent with the sites' General Plan land use designations and planned growth under the General Plan. In addition, the project shall comply with CalGreen and the City's Private Sector Green Building Policy. Consistent with the City's Private Sector Green Building Policy, the proposed data center will achieve LEED Silver certification, at minimum, by incorporating a variety of design features, including water conservation measures like planting drought tolerant landscaping.

It is estimated that the data center would have a water demand of approximately 184,612 gallons per day (gpd). While the project would require a connection to the existing water main in San Ignacio Avenue, the project would not require new or expanded water facilities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.2.3 *Storm Drainage (Question a)*

As discussed in *Section 4.9 Hydrology and Water Quality*, construction of the proposed project would decrease the amount of impervious surface in the project area. The project would be required to comply with the City's Grading Policy, the City's Urban Runoff Policy 6-29, and RWQCB's MRP NPDES Permit/C.3 requirements for the treatment of stormwater. In addition, the project includes bioswales. For these reasons, implementation of the proposed project will have a less than significant impact on the City's storm drainage system. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.2.4 *Solid Waste (Questions d, e, f)*

The General Plan FEIR concluded the increase in waste generated from buildout of the General Plan would not exceed the capacity of existing landfills that serve the City. Further increases in solid waste generation from development allowed under the General Plan would be minimized with ongoing implementation of the City's Zero Waste Strategic Plan. This Plan, in combination with existing regulations and programs, would ensure that the buildout of the General Plan would not result in significant impacts from the provision of landfill capacity to accommodate the City's increased service population.

Additionally, Santa Clara County's IWMP was approved by the California Integrated Waste Management Board in 1996 and reviewed in 2004, 2007, 2011, and 2016. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the

County has adequate disposal capacity beyond 2030.³³ The project would be required to conform to City plans and policies to reduce solid waste generation, and would be served by a landfill with adequate capacity.

For these reasons, the project would have a less than significant impact on solid waste disposal and landfill facilities. **(Less Than Significant Impact)**

4.17.3 Conclusion

The proposed project would not result in any new or more significant utilities impacts than were previously identified in the 2000 Edenvale EIRs and General Plan EIRs. **[Same Impact as Approved Project (Less than Significant Impact)]**

³³ Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 2016.

4.18 ENERGY

4.18.1 Environmental Setting

Energy consumption and the availability of energy resources in the project area and citywide have not substantially changed since the certification of the 2000 Edenvale EIRs or the General Plan EIRs.

4.18.1.1 *Regulatory Framework*

Federal

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

State

Renewables Portfolio Standard Program

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

Pacific Gas and Electric Company (PG&E) is currently planned by the applicant to be the electricity provider to the project site. PG&E's 2017 electricity mix was 33 percent renewable and as of 2019 is at least 75 percent carbon-free; thus, it has already met the requirements of Executive Order S-14-08.³⁴ San José Clean Energy, which, as of 2019 can also provide electricity service to the site as the default option, will utilize an energy mix that is a minimum of 45 percent renewable and as of 2019 is 80 percent carbon-free, exceeding the requirements of Executive Order S-14-08.³⁵ San Jose Clean Energy also offers an energy mix that is from 100 percent renewable sources.

Building Codes

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years, and the 2016 Title 24 updates went into effect on January 1, 2017.³⁶ Compliance

³⁴ PG&E. "Exploring Clean Energy Solutions". Accessed March 11, 2019
https://www.pge.com/en/about/newsroom/newsdetails/index.page?title=20180220_pge_clean_energy_deliveries_already_meet_future_goals

³⁵ <https://www.sanjosecleanenergy.org/your-choices>

³⁶ California Building Standards Commission. "Welcome to the California Building Standards Commission". Accessed February 6, 2018. <http://www.bsc.ca.gov/>.

with Title 24 is mandatory at the time new building permits are issued by city and county governments.³⁷

The California Green Building Standards Code (CALGreen) establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. The most recent update to CALGreen went in to effect on January 1, 2017, and covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

Regional

The Bay Area Air Quality Management District (BAAQMD)'s 2017 Clean Air Plan includes decarbonization of our energy system as one of the four key priorities. For buildings and energy, the key elements in the control strategy are to:

- Expand the production of low-carbon, renewable energy by promoting on-site technologies such as rooftop solar, wind, and ground-source heat pumps;
- Support the expansion of community choice energy programs throughout the Bay Area;
- Promote energy and water efficiency in both new and existing buildings; and
- Promote the switch from natural gas to electricity for space and water heating Bay Area buildings.

Local

Climate Smart San José

Approved by the City Council in February 2018, Climate Smart San José utilizes a people-focused approach, encouraging the entire San José community to join an ambitious campaign to reduce greenhouse gas emissions, save water and improve quality of life. The adoption of Climate Smart San José made San José one of the first U.S. cities to chart a path to achieving the greenhouse gas emissions reductions contained in the international Paris Agreement on climate change. Climate Smart San José focuses on three areas: energy, mobility and water. Climate Smart San José encompasses nine overarching strategies:

- Transition to a renewable energy future
- Embrace our California climate
- Density our city to accommodate our future neighbors
- Make homes efficient and affordable for families
- Create clean, personalized mobility choices
- Develop integrated, accessible public transport infrastructure

³⁷ California Energy Commission (CEC). "2016 Building Energy Efficiency Standards". Accessed February 6, 2018. <http://www.energy.ca.gov/title24/2016standards/index.html>.

- Create local jobs in our city to reduce vehicle miles traveled
- Improve our commercial building stock
- Make commercial goods movement clean and efficient

Sustainable City Strategy

The Sustainable City Strategy is a statement of the City's commitment to becoming an environmentally and economically sustainable city by ensuring that development is designed and built in a manner consistent with the efficient use of resources and environmental protection. Programs promoted under this strategy include recycling, waste disposal, water conservation, transportation demand management and energy efficiency.

Municipal Code

The City's Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include a Green Building Ordinance (Chapter 17.84) to foster practices to minimize the use and waste of energy, water and other resources in the City of San José, Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10), requirements for Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105), a Construction and Demolition Diversion Deposit Program that fosters recycling of construction and demolition materials (Chapter 9.10), and an Energy and Water Building Performance Ordinance (Section 17.85.100 of Chapter 17) that provides criteria for energy and water efficiency measures and a process for benchmarking and auditing.

Private Sector Green Building Policy

The City of San José's Green Building Policy for private sector new construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in building design process. This policy establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It is also intended to enhance the public health, safety and welfare of San José residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water and other resources in the City of San José. The proposed commercial/industrial project is greater than 25,000 square feet, and the proposed project will achieve LEED Silver certification, at minimum.³⁸

Envision San José 2040 General Plan

The 2040 General Plan includes the following policies for the purpose of reducing or avoiding impacts related to energy.

³⁸ City of San José. *Private Sector Green Building*. Accessed June 13, 2016. Available at: <<https://www.sanjoseca.gov/index.aspx?NID=3284?>

Policies	Description
MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
MS-2.3	Utilize solar orientation, (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption
MS-2.8	Develop policies which promote energy reduction for energy-intensive industries. For facilities such as data centers, which have high energy demand and indirect greenhouse gas emissions, require evaluation of operational energy efficiency and inclusion of operational design measures as part of development review consistent with benchmarks such as those in EPA's EnergyStar Program for new data centers. Also require consideration of distributed power production for these facilities to reduce energy losses from electricity transmission over long distances and energy production methods such as waste-heat reclamation or the purchase of renewable energy to reduce greenhouse gas emissions.
MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
MS-4.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

4.18.1.2 *Existing Conditions*

Total energy usage in California was approximately 7,830 trillion Btu in the year 2016, the most recent year for which this data was available. Out of the 50 states, California is ranked 2nd in total energy consumption and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,384 trillion Btu) for residential uses, 19 percent (1,477 trillion Btu) for commercial uses, 24 percent (1,853 trillion Btu) for industrial uses, and 40 percent (3,116 trillion Btu) for transportation.³⁹ This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity in Santa Clara County in 2016 was consumed primarily by the commercial sector (77 percent), followed by the residential sector consuming 23 percent. In 2016, a total of approximately 16,800 GWh of electricity was consumed in Santa Clara County.⁴⁰

In 2017, approximately 10 percent of California's natural gas supply came from in-state production, while 90 percent was imported from other western states and Canada.⁴¹ In 2016, residential and commercial customers in California used 29 percent, power plants used 32 percent, and the industrial sector used 37 percent. Transportation accounted for one percent of natural gas use in California. In

³⁹ United States Energy Information Administration. *State Profile and Energy Estimates, 2016*. Accessed September 6, 2018. <https://www.eia.gov/state/?sid=CA#tabs-2>.

⁴⁰ CEC. Energy Consumption Data Management System. "Electricity Consumption by County". Accessed July 13, 2016. <http://ecdms.energy.ca.gov/elecbycounty.aspx>.

⁴¹ California Gas and Electric Utilities. 2017 California Gas Report. Accessed August 27, 2018. https://www.socalgas.com/regulatory/documents/cgr/2017_California_Gas_Report_Supplement_63017.pdf

2016, Santa Clara County used approximately three percent of the state's total consumption of natural gas.⁴²

In 2017, 15 billion gallons of gasoline were sold in California.⁴³ The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 13.1 miles-per-gallon (mpg) in the mid-1970's to 22 mpg in 2016.⁴⁴ Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks Model Years 2011 through 2020.^{45,46} In 2012, the federal government raised the fuel economy standard to 54.5 miles per gallon for cars and light-duty trucks by Model Year 2025.⁴⁷

4.18.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-6

The project would result in the same energy impact as the approved project, Less Than Significant Impact, as described below.

⁴² CEC. "Natural Gas Consumption by County". Accessed March 1, 2018.

<http://ecdms.energy.ca.gov/gasbycounty.aspx>.

⁴³ California Department of Tax and Fee Administration. Net Taxable Gasoline Gallons. Accessed February 16, 2018. http://www.cdtfa.ca.gov/taxes-and-fees/MVF_10_Year_Report.pdf.

⁴⁴ U.S. EPA. Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles. Accessed August 28, 2018. <https://www.bts.gov/content/average-fuel-efficiency-us-light-duty-vehicles>.

⁴⁵ U.S. Department of Energy. Energy Independence & Security Act of 2007. Accessed February 8, 2018. <http://www.afdc.energy.gov/laws/eisa>.

⁴⁶ Public Law 110-140—December 19, 2007. Energy Independence & Security Act of 2007. Accessed February 8, 2018. <http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf>.

⁴⁷ National Highway Traffic Safety Administration. *Obama Administration Finalizes Historic 54.5 mpg Fuel Efficiency Standards*. August 28, 2012. Accessed February 8, 2018. <http://www.nhtsa.gov/About+NHTSA/Press+Releases/2012/Obama+Administration+Finalizes+Historic+54.5+mpg+Fuel+Efficiency+Standards>.

4.18.2.1 *Overview of Project Energy Consumption*

Energy would be consumed during both the construction and operational phases of the proposed project. Energy requirements throughout the construction phase include energy for the manufacturing and transportation of building materials, preparation of the site, and operation of construction equipment. The operation of the data center and office building would consume electricity for building equipment power, lighting, air conditioning, and cooling.

Data centers are an energy-intensive land use, and electricity will be the primary form of energy used at the data center building proposed by the project. A minimal amount of natural gas may be used for heating the office component of the building; however, the amount of natural gas used would not be substantial. Fuel would also be consumed by vehicles traveling to and from the data center site.

4.18.2.2 *Proposed Energy Demand and Efficiency Measures (Question a, b)*

Energy Demand

The projected maximum load for information technology (IT) equipment in the data center component of the project would be 20 MW. An additional 5.5 MW of electricity would be required for mechanical cooling equipment and other building functions, for a total demand of 25.5 MW for the data center component. Based on standard energy demand estimates for office buildings, the office component of the project would have a demand of roughly 1.1 MW, resulting in a total project demand of 26.6 MW.

Energy and Water Efficiency Measures

The predominant source of energy demand for the project is the proposed data center. Due to heat generated by the data center IT equipment, cooling systems are one of the primary uses of energy in the buildings. In order to reduce greenhouse gas emissions and reduce the use of energy related to building operations, the project proposes to implement a number of efficiency measures related to selection and operation of electrical and mechanical equipment for building cooling. Table 4.18-1 lists the proposed efficiency measures related to mechanical and electrical systems in the buildings. Table 4.18-2 lists additional energy efficiency measures associated with tenant improvements and water use reduction that are proposed.

Table 4.18-1: Efficiency Features – Project Mechanical and Electrical Systems	
Optimize Energy Performance	<ul style="list-style-type: none">a. Standards CA Title 24 energy requirements will be exceeded. ASHRAE TC9-9 extended thermal envelope values will be utilized to allow economizer operation during greater periods of the year with A/C compressors operating only during peak load periods.b. Measurement & Verification Metering will be provided to validate conservation measuresc. Efficient Equipment High efficiency (96%+) UPS, indirect evaporative cooling (IDEC) & variable refrigerant flow (VRF) cooling

Table 4.18-1: Efficiency Features – Project Mechanical and Electrical Systems

	<p>systems.</p> <p>d. Enhanced Commissioning Independent commissioning agent reviews system design and verifies the performance of the installed systems (CAPCOA Best Management Practice; Measure BE-3).</p> <p>e. Cool Roof: Reduce Heat Island effect, the roofing materials meet Solar Reflectance Index value (SRI) of at least 78 for low sloped roofs, as well as meeting the following regulations:</p> <ol style="list-style-type: none"> 1. EnergyStar/Title 24 Requirements for Cool Roofing 2. LEED/Green Globe Requirements for Cool Roofing
Heating, Ventilation & Air Conditioning (HVAC)	<p>a. High-Efficiency Systems Indirect Evaporative Cooling (IDEC) systems for data halls and Variable Refrigerant Flow (VRF) systems for office/support areas. Systems designed using ASHRAE TC9-9 extended thermal envelope values (max. 26.5 deg.C/79 deg. F) to allow economizer operation during greater periods of the year with A/C compressors operating only during peak load periods. Scalable cooling systems with only those units required to serve the actual load in operation to improve efficiency.</p> <p>b. Waste Heat from data Center to Heat Office A portion of 95-98F air from the data center will be utilized to satisfy all of the office area heating requirements.</p> <p>c. Airflow Management Hot aisle containment, separated ceiling plenum to provide physical separation of hot and cool air in data halls. Use of blanking panels and other measures to avoid bypass of cold air.</p>
Lighting	<p>a. LED Lighting High-efficiency, low mercury content LED lamping used throughout</p> <p>b. Lighting Controls Automatic-off and occupancy based lighting control. Dimming control for all spaces with lighting loads >0.5 watts/sf. Automatic demand-limiting control of lighting per Title 24 requirements.</p>
Electrical	<p>a. High-efficiency (96%+) UPS systems.</p> <p>b. Separate metering of building mechanical and lighting loads to validate compliance and conservation measures.</p>

Table 4.18-2: Efficiency Measures for Tenants and Water Use Reduction

Recycling Program	<p>a. Implementation of LEED guidelines for the storage and collection of recyclables (LEED CS 2009 - Materials and Resources/ Prerequisite 1), intended to facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills. Additionally, the building Owner has implemented the following Exemplary Policies:</p> <ol style="list-style-type: none"> 1. 30% Recycled Content (LEED CS 2009 – Innovation and Design Process/ Credit 1.4), a 10% increase over LEED CS 2009 - Materials and Resources Credits 4.2. 2. 95% Waste Recycling (LEED CS 2009 – Innovation and Design Process/ Credit 1.5), a 20% increase over LEED CS 2009 - Materials and Resources Credit 2.2.
Operation Practices	<p>a. The building Owner has implemented the LEED policy for Green cleaning (LEED CS 2009 - Innovation & Design Process/ Credit 1.1), intended to reduce the exposure of building occupants and maintenance personnel to potentially hazardous chemical, biological and particulate contaminants, which adversely affect air quality, human health, building finishes, building systems and the environment.</p>
IT Equipment	<p>a. Install Energy Star equipment will be installed where applicable.</p>
Electrical and Lighting	<ol style="list-style-type: none"> a. High-efficiency (96%+) UPS systems. b. Separate metering of building mechanical and lighting loads to validate compliance and conservation measures. c. High-efficiency, low mercury content LED lamping used throughout d. Automatic-off and occupancy based lighting control e. Dimming control for all spaces with lighting loads >0.5 watts/sf. f. Automatic demand-limiting control of lighting per Title 24 requirements.
Heating, Ventilation & Air Conditioning (HVAC)	<ol style="list-style-type: none"> a. Indirect Evaporative Cooling (IDEC) systems for data halls b. Systems designed using ASHRAE TC9-9 extended thermal envelope values (max. 26.5 deg.C/79 deg. F) to allow economizer operation during greater periods of the year with A/C compressors operating only during peak load periods. c. Scalable cooling systems with only those units required to serve the actual load in operation to improve efficiency. d. Utilization of data center waste heat to satisfy 100% of the office area ~ 57,000 SF e. Hot aisle containment, separated ceiling plenum to provide physical separation of hot and cool air in data halls. Use of blanking panels and other measures to avoid bypass of cold air into hot aisles.
Materials	<p>a. LEED guidelines for the storage and collection of recyclables have been implemented (LEED CS 2009 - Materials and Resources/ Prerequisite 1), facilitating the reduction of waste generated by building occupants that is hauled to and disposed</p>

Table 4.18-2: Efficiency Measures for Tenants and Water Use Reduction

	<p>of in landfills. Additionally, the building Owner has implemented the following Exemplary Policies:</p> <ol style="list-style-type: none"> 1. 30% Recycled Content (LEED CS 2009 – Innovation and Design Process/ Credit 1.4), a 10% increase over LEED CS 2009 - Materials and Resources Credits 4.2. 2. 95% Waste Recycling (LEED CS 2009 – Innovation and Design Process/ Credit 1.5), a 20% increase over LEED CS 2009 - Materials and Resources Credit 2.2. <p>b. The building Owner has implemented the following LEED policies regarding Materials and Resources:</p> <ol style="list-style-type: none"> 1. Regional Materials, 20% (LEED CS 2009 - Materials and Resources/ Credits 5.1 and 5.2), ensuring that all building materials or products have been extracted, harvested or recovered, as well as manufactured within a 500 mile (800 kilometer) radius of the project site. 2. Certified Wood (LEED CS 2009 - Materials and Resources/ Credit 6), ensuring that a minimum of 50% (based on cost) of wood-based materials and products that are certified in accordance with the Forest Stewardship Council’s principles and criteria, for wood building components.
Indoor Environmental Quality	<p>a. The building Owner has implemented the following LEED policies regarding Indoor Environmental Quality:</p> <ol style="list-style-type: none"> 1. Outdoor Air Delivery Monitoring (LEED CS 2009 - Indoor Environmental Quality/ Credit 1), ensuring that CO2 concentrations are monitored within all densely occupied spaces. 2. Construction IAQ Management Plan (LEED CS 2009 - Indoor Environmental Quality/ Credit 3), implementing the following strategies: <ul style="list-style-type: none"> ▪ During construction, meet or exceed the recommended control measures of the Sheet Metal and Air Conditioning National Contractors Association (SMACNA) IAQ Guidelines For Occupied Buildings Under Construction, 2nd Edition 2007, ANSI/SMACNA 008- 2008 (Chapter 3). ▪ Protect stored on-site and installed absorptive materials from moisture damage. ▪ Providing filtration media at the return air grille of air handlers utilizing filtration media with a Minimum Efficiency Reporting Value (MERV) of 8 as determined by ASHRAE Standard 52.2-1999. 3. Low Emitting Materials:

Table 4.18-2: Efficiency Measures for Tenants and Water Use Reduction

	<ul style="list-style-type: none"> ▪ Adhesives and Sealants (LEED CS 2009 - Indoor Environmental Quality/ Credit 4.1), ensuring that all adhesives and sealants used within the building's weatherproofing system meet the minimum VOC content as prescribed by LEED. ▪ Paints and Coatings (LEED CS 2009 - Indoor Environmental Quality/ Credit 4.2), ensuring that all paints and coatings used inside the building's moisture barrier meet the minimum VOC content as prescribed by LEED. ▪ Flooring Systems (LEED CS 2009 - Indoor Environmental Quality/ Credit 4.3), ensuring that the flooring systems meet the following criteria: <ul style="list-style-type: none"> ○ Carpet: Must meet the testing and product requirements of the CRI Green Label Plus program. ○ Cushion: Must meet the testing and product requirements of the CRI Green Label program. ○ Adhesive: Must meet the requirements of EQc4.1. ○ Hard surface flooring must be certified as compliant with the FloorScore standard. ○ Concrete, wood, bamboo and cork floor finishes such as sealer, stain and finish must meet the requirements of South Coast Air Quality ○ Management District (SCAQMD) Rule 1113, Architectural Coatings, rules in effect on January 1, 2004. ○ Tile setting adhesives and grout must meet South Coast Air Quality Management District (SCAQMD) Rule 1168. VOC limits correspond to an effective date of July 1, 2005 and rule amendment date of January 7, 2005. ▪ Composite Wood & Agrifiber Products (LEED CS 2009 - Indoor Environmental Quality/ Credit 4.4), ensuring that all composite wood and agrifiber products contain no add ureaformaldehyde. Additionally, all laminating adhesives used to fabricate on-site and shop applied composite wood and agrifiber assemblies must not contain added urea-formaldehyde. <p>5. Indoor Chemical and Pollutant Source Control (LEED CS 2009 - Indoor Environmental Quality/ Credit 5),</p>
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Table 4.18-2: Efficiency Measures for Tenants and Water Use Reduction	
	<p>ensuring that MERV filtration ratings of at least 13 are provided.</p> <p>6. Thermal Comfort (LEED CS 2009 - Indoor Environmental Quality/ Credit 7), ensuring the heating, ventilating and air conditioning (HVAC) systems and the building envelope meet ASHRAE Standard 55-2004.</p>
Water Use Reduction	<p>a. Ultra low flow toilets and faucets will be used throughout</p> <p>b. Increasing the evaporative cooling water cycles of concentration to 12</p>

Power Usage Effectiveness During Operation

Power Usage Effectiveness (PUE) is a metric used to compare the operating efficiency of data center facilities. PUE is defined as the ratio of total power use of a facility to the power used strictly by the information technology (IT) equipment (e.g. $PUE = \text{Total Facility Power} / \text{IT Equipment Power}$). For example, with a PUE of 2.0 a data center would use (2) watts of total power for every (1) watt of power used by the IT equipment.

As described above, the project includes a variety of measures to minimize total power usage of the data center buildings. It is projected that these measures will result in a facility PUE of approximately 1.27 on an average annualized.

Conclusion Regarding Energy Efficiency

Although the proposed data center buildings would use a substantial amount of energy, the project would comply with the CALGreen Building Code, Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy, San José Municipal Code, and Private Sector Green Building Policy, as well as implement measures that exceed these requirements in some areas (refer to Table 4.18-1). For these reasons, the project would not consume energy in a manner that is wasteful, inefficient, or unnecessary, nor would it conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.18.3 Conclusion

Implementation of the proposed project would not result in the wasteful or inefficient use of energy or conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.19 WILDFIRE

4.19.1 Environmental Setting

4.19.1.1 *Existing Conditions*

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones.

4.19.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:						
1) Impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-6
2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-6
3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-6
4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-6

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **[Less Impact than Approved Project (No Impact)]**

4.20

MANDATORY FINDINGS OF SIGNIFICANCE

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-13
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-13
c) 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-13

4.20.1 Project Impacts (Questions a, b, c)

The certified 2000 Edenvale EIRs analyzed the modification to the EADP for the Edenvale Redevelopment Project, to 1) increase the development allowed in New Edenvale by 200,000 square feet, from 4.8 million square feet, to 5.0 million square feet, and 2) allow the buildout of the full 5.0 million square feet in New Edenvale to proceed ahead of funded transportation improvements.

The project proposes to construct a data center and office facility anticipated to accommodate approximately 200 employees. The full development of Edenvale, particularly development of industrial uses, was analyzed in the 2000 Edenvale EIRs. The proposed project is consistent with intensity of uses, type of uses, and is within the capacity of the full Edenvale Redevelopment Project Area, and is consistent with the EADP. Therefore, the project would not result in any new significant impacts, nor would it would not require major revisions to the previous EIRs prepared. As a result, an Addendum has been prepared for the proposed project [CEQA Guidelines Sections 15162 and 15164], rather than a supplemental or subsequent EIR.

With implementation of the standard permit conditions and mitigation measures identified in this Initial Study/Addendum, the proposed project would not 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. Additionally, the project would not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

The proposed development would contribute to significant cumulative air quality impacts resulting from full build out of Edenvale Redevelopment Project under the EADP. Consistent with the 2000 Edenvale EIRs, the project would implement identified conditions identified throughout the Initial Study/Addendum to reduce potential impacts and ensure the project compliance with the City's General Plan. However, no feasible mitigation measures have been identified to reduce these cumulative impacts to a less than significant level. Even so, the proposed project will not result in any new or more substantial significant impacts than were previously identified in the 2000 Edenvale EIRs or General Plan EIRs, and measures included in the 2000 Edenvale EIRs and included in the General Plan EIRs have been incorporated to reduce impacts where feasible. **[Same Impact as Approved Project]**

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7. California Department of Conservation. Santa Clara County Important Farmlands Map 2017.
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9. Illingworth & Rodkin, Inc. Air Quality and GHG Emissions Assessment. November 2018.
10. Holman & Associates. Archeological Literature Search. November 2018.
11. ATC. Phase I Environmental Site Assessment. January 2019.
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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

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Department of Planning, Building and Code Enforcement

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David Keyon, Supervising Environmental Planner

Sanhita Ghosal, Planner III

6.2 CONSULTANTS

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