INITIAL STUDY

PROJECT FILE NO.: SP08-051

PROJECT DESCRIPTION: Special Use Permit to convert an existing warehouse to a metals recycling facility on a 1.8 gross acre site.

PROJECT LOCATION AND ASSESSOR'S PARCEL NUMBER(s): Northeast side of Rogers Ave., 370 feet southeast of E. Brokaw Rd. (1788 Rogers Avenue) APN: 237-09-133

EXISTING GENERAL PLAN DESIGNATION: Heavy Industrial

EXISTING ZONING: Heavy Industrial

EXISTING LAND USE: Warehouse

SURROUNDING LAND USES / GENERAL PLAN / ZONING:
North: Commercial/Heavy Industrial/Heavy Industrial
South: Industrial, manufacturing/Heavy Industrial/Heavy Industrial
East: Industrial, manufacturing/Heavy Industrial/Heavy Industrial
West: Industrial, warehouse/Heavy Industrial/Heavy Industrial

PROJECT APPLICANT'S NAME AND ADDRESS: Alco Iron & Metals, 1091 Doolittle Drive, San Leandro, CA 94577

DETERMINATION
On the basis of this initial study:

☐	I find the proposed project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the project proponent has agreed to revise the project to avoid any significant effect. A MITIGATED NEGATIVE DECLARATION will be prepared.
☐	I find the proposed project could have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT(EIR) is required.
☐	I find the proposed project could have a significant effect on the environment, but at least one effect has been (1) adequately analyzed in a previous document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the previous analysis as described in the attached initial study. An EIR is required that analyzes only the effects that were not adequately addressed in a previous document.
☐	I find that although the proposed project could have a significant effect on the environment, no further environmental analysis is required because all potentially significant effects have been (1) adequately analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are included in the project, and further analysis is not required.

7/26/10
Date

Signature

Name of Preparer: Mike Campbell, AICP

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

I. AESTHETICS - Would the project:

a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	X	1,2
b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway?	☐	☐	☐	X	1,2
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	X	1,2
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	X	☐	1,2
e) Increase the amount of shading on public open space (e.g. parks, plazas, and/or school yards) ?	☐	☐	☐	X	1,2

FINDINGS:

The proposed project would alter the existing visual character of the site and its surroundings through various means including the addition of landscaping to the front of the property, erection of fencing to screen materials storage, and construction of a materials cover at the rear of the property. The proposed project would not significantly degrade the existing visual character of the site in that it would actually add visual interest to the front of the property and the project has undergone architectural and site design review by Planning Staff to ensure compatibility with the surrounding neighborhood.

Exterior building and parking lot lighting associated with the new development would likely create a minor increase in the amount of nighttime lighting over the existing land use on the site, however it would not adversely affect views in the area. The project would be required to conform to the City's *Industrial Design Guidelines* and to the standards of the City's Outdoor Lighting Policy. Therefore, less than significant impacts would occur as a result of the project.

STANDARD MEASURES: The project shall implement the following standard measure(s):

- Design of the project shall conform to the City's *Industrial Design Guidelines*.
- Lighting on the site shall conform to the City's Outdoor Lighting Policy (4-3).

MITIGATION MEASURES: None required.

II. AGRICULTURE RESOURCES - Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	X	1,3,4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	X	1,3,4
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	X	1,3,4

FINDINGS:

The project site is not located in an area identified as prime farmland, nor is the site being used for or zoned for agricultural use. Therefore, the proposed project will not result in a significant impact on the City's or Region's agricultural resources.

MITIGATION MEASURES: None required.

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

III. AIR QUALITY - Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	X	1,14
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	X	☐	1,14
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	☐	☐	X	☐	1,14
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	X	☐	☐	1,14
e) Create objectionable odors affecting a substantial number of people?	☐	☐	X	☐	1,14

FINDINGS:

The City of San Jose uses the threshold of significance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts. Based on the BAAQMD threshold of significance, projects that generate fewer than 2,000 vehicle trips per day are not considered major air pollutant contributors and do not require a technical air quality study. As this project will generate approximately 136 vehicle trips per day, no air quality study is required. However, an air quality impact analysis letter was prepared by Illingworth & Rodkin, Inc., dated May 5, 2009.

The project will accept ferrous material (e.g., heavy steel and light tin) and non-ferrous material (e.g., copper, stainless steel, aluminum, brass, etc.). These materials would come from a combination of industrial facilities, smaller scrap metal dealers, and the general public. The scrap materials wiould be sorted and packaged on site. Materials would be brought to the proposed facility from customer drop offs or facility trucks. This analysis evaluates the air quality impacts of the proposed industrial project, resulting primarily from vehicle traffic. The project does not currently propose any stationary sources that would contribute to air quality emissions.

Temporary Air Quality impacts may result from demolition of the existing structure(s), excavation of soil, and other construction activities on the subject site. Implementation of the mitigation measures listed below will reduce the temporary construction impacts to a less than significant level.

MITIGATION MEASURES: The following construction practices shall be implemented during all phases of construction for the proposed project to prevent visible dust emissions from leaving the site.

- Water all active construction areas at least twice daily and more often during windy periods to prevent visible dust from leaving the site; active areas adjacent to windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
- Pave, apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (or more often if necessary) to prevent visible dust from leaving the site (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality; and
- Sweep streets daily, or more often if necessary (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);

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- Enclose, cover, water at least twice daily, or apply not-toxic soil binders to exposed stockpiles (dirt, sand, etc,) to prevent visible dust from leaving the site;
- Limit traffic speed on unpaved roads to 15 mph;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways; and
- Replant vegetation in disturbed areas as quickly as possible.

Measures to reduce diesel particulate matter exhaust from construction equipment:

1. Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. The project shall ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately.

2. The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. compressors).

3. Diesel equipment standing idle for more than two minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite.

4. Properly tune and maintain equipment for low emissions.

IV. BIOLOGICAL RESOURCES - Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	X	1,10
b) Have a substantial adverse effect on any aquatic, wetland, or riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	X	1,6,10
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	X	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, or impede the use of native wildlife nursery sites?	☐	☐	☐	X	1,10
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	X	1,11
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?	☐	☐	☐	X	1,2

FINDINGS: No rare, threatened, endangered or special status species of flora or fauna are known to inhabit the site. No trees will be removed as a part of this project

To promote the recovery of endangered species while accommodating planned development, infrastructure and maintenance activities, the Local Partners, consisting of the City of San Jose, Santa Clara Valley Transportation

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Authority, Santa Clara Valley Water District, Santa Clara County and the cities of Gilroy and Morgan Hill, are preparing a joint Habitat Conservation Plan/Natural Community Conservation Plan (Habitat Plan). The Santa Clara Valley Habitat Plan (Plan) is being developed in association with the U.S. Fish & Wildlife Service (USFWS), California Department of Fish & Game (CDFG), and the National Marine Fisheries Service (NMFS) and in consultation with stakeholder groups and the general public to protect and enhance ecological diversity and function within more than 500,000 acres of southern Santa Clara County.

The Santa Clara Habitat Plan Planning Agreement outlines the Interim Project Process to ensure coordination of projects approved or initiated in the Planning Area before completion of the Habitat Plan to help achieve the preliminary conservation objectives of the plan, and not preclude important conservation planning options or connectivity between areas of high habitat values. The Interim Project Process requires the local participating agencies to notify the wildlife agencies (DFG and USFWS) of projects that have the potential to adversely impact Covered Species, natural communities, or conflict with the preliminary conservation objectives of the Habitat Plan. The Wildlife Agencies comments on Interim Projects should recommend mitigation measures or project alternatives that would help achieve the preliminary conservation objectives of the Habitat Plan.

The subject site does not meet the threshold that requires an interim HCP project referral.

MITIGATION MEASURES: None required.

V. CULTURAL RESOURCES - Would the project:

a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?	☐	☐	☐	X	1,7
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	☐	X	☐	☐	1,8
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	X	☐	☐	1,8
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	X	☐	☐	1,8

FINDINGS: According to the City's Archaeological Sensitivity Map, the project site has a moderate potential for the discovery of archaeological resources and may be considered archaeologically sensitive. The project proposes limited grading such as: 1) disturbance of less than 2 feet deep for most of the site; 2) approximately 3 foot excavation for stormwater treatment equipment; and 3) borings of 6 to 7 feet deep for the proposed front gate. The limited grading included in the project is not anticipated to impact archaeological resources. However, due to the sensitivity of the site, the applicant has agreed to have an archaeologist supervise all grading activities.

MITIGATION MEASURES: There shall be monitoring of site excavation activities to the extent determined by a qualified professional archaeologist to be necessary to insure accurate evaluation of potential impacts to prehistoric resources.

1) If no resources are discovered, the archaeologist shall submit a report to the City's Environmental Principal Planner verifying that the required monitoring occurred and that no further mitigation is necessary.

2) If evidence of any archaeological, cultural, and/or historical deposits are found, hand excavation and/or mechanical excavation will proceed to evaluate the deposits for determination of significance as defined by CEQA guidelines. The archaeologist shall submit reports, to the satisfaction of the City's Environmental Principal Planner, describing the testing program and subsequent results. These reports shall identify any program mitigation that the Developer shall complete in order to mitigate archaeological impacts (including

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resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources.)

3) In the event that human remains and/or cultural materials are found, all project-related construction shall cease within a 50-foot radius in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:

a) 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 Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

b) A final report shall be submitted to the City's Environmental Principal Planner prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Environmental Principal Planner.

VI. GEOLOGY AND SOILS - Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☐	X	1,5,24
2) Strong seismic ground shaking?	☐	☐	X	☐	1,5,24
3) Seismic-related ground failure, including liquefaction?	☐	☐	X	☐	1,5,24
4) Landslides?	☐	☐	☐	X	1,5,24
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	X	1,5,24
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	X	☐	1,5,24
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	X	☐	1,5,24

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
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?	☐	☐	☐	X	1,5,24

FINDINGS:

Due to its location within a seismically active region, the project site would likely be subject to at least one moderate to major earthquake that could affect the project after construction. The site would be subject to strong ground shaking in the event of a major earthquake on one of the region's active faults. Because the potential for liquefaction on the site is considered high, liquefaction and differential settlement could occur on the site during an earthquake. The proposed structures on the site would be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site. Conformance with standard Uniform Building Code Guidelines would minimize potential impacts from seismic shaking on the site. Therefore, this impact is considered less than significant. The site is not subject to landslides because it is generally flat.

Prior to issuance of a Public Works Clearance, the developer must obtain a grading permit before commencement of excavation and construction. Implementation of standard grading and best management practices would prevent substantial erosion and siltation during development of the site.

The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. A recommended depth of 50 feet should be explored and evaluated in the investigation.

STANDARD MEASURES:

- The proposed structures on the site would be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site.

- A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report).

VII. GREENHOUSE GAS EMISSIONS - Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	X	☐	1,14
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?		☐	☐	X	1,14
(Note: Greenhouse gas(es) include, but are not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulphur hexafluoride)					

FINDINGS:

Carbon dioxide is the primary greenhouse gas emitted from land use and industrial projects. An Air Quality Impact Analysis prepared for the project by Illingworth & Rodkin, Inc., dated May 5, 2009, determined that the proposed project would emit carbon dioxide primarily from on-site equipment usage and vehicle-related traffic. Project-related

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emissions were estimated at 932 metric tons per year. Although there were no CEQA thresholds of significance for greenhouse gas emissions in place at the time of the analysis, the report concluded that there would be no impact, based on the relatively small quantity of emissions generated by the project compared with the adopted significance thresholds of the South Coast Air Quality Management District.

Subsequent to the date of the Illingworth & Rodkin analysis, on June 2, 2010, the Bay Area Air Quality Management District did adopt CEQA thresholds of significance for greenhouse gas emissions. The adopted project-level thresholds are 1,100 metric tons per year for *Projects other than Stationary Sources*, and 10,000 metric tons per year for *Stationary Sources.* The estimated 932 tons per year generated by the subject project (stationary and vehicle-related) would therefore not be considered significant.

The project is consistent with the goals of the City of San Jose's Green Vision plan.

MITIGATION MEASURES:

- None required.

VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	X	1
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	X	1
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	X	1
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	X	1,12
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	X	☐	1,2
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	X	1
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	X	1,2
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	X	1

FINDINGS: A Phase I Report was prepared for the site by PTS, Inc. A copy of the report, entitled Phase I Environmental Site Assessment Report, dated June 13, 2008, is included in the technical appendix of the Initial Study. The following discussion presents a summary of the findings and conclusions of the report.

The project is not currently included on the State DTSC's Hazardous Waste and Substances Site List (Cortese List), the project site is not listed on other federal, state or local databases. (See the following websites: DTSC: http://www.envirostor.dtsc.ca.gov/public/SCCDEH:http://lustop.sccgov.org/RWQCB:http://www.geotracker.swrcb.ca.gov/).

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Historical uses of the site include warehouse uses. No current Underground Storage Tanks (USTs) were observed on the property at the time of the site reconnaissance, however there were historic USTs reported on the EDR Radius Map and Santa Clara Valley Water District Map for the property. The site is listed under the Leaking Underground Storage Tank (LUST) database for a previous spill incident in January 1987. The case was closed as of 7/22/96. No Further Action was granted by the Santa Clara Valley Water District (SCVWD). The remaining USTs, piping and conduits were removed from the site under the direction of the SCVWD's Wells and Water Production Unit. The report concludes that subsurface investigation of the property is not warranted.

The Municipal Environmental Compliance Officer reviewed the Phase I environmental site assessment report and stated that he has no objections or requirements for the proposed development.

STANDARD MEASURES:

- In conformance with State and Local laws, a visual inspection/pre-demolition survey, and possible sampling, will be conducted prior to the demolition of the building to determine the presence of asbestos-containing materials and/or lead-based paint.

  All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.

  During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employees training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

MITIGATION MEASURES: None required.

IX. HYDROLOGY AND WATER QUALITY - Would the project:

a) Violate any water quality standards or waste discharge requirements?	☐	☐	X	☐	1,15
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	X	1
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	☐	☐	☐	X	1
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site?	☐	☐	☐	X	1
e) 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?	☐	☐	X	☐	1,17

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
f) Otherwise substantially degrade water quality?	☐	☐	X	☐	1
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	X	1,9
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	X	☐	1,9
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	X	1
j) Be subject to inundation by seiche, tsunami, or mudflow?	☐	☐	☐	X	1

FINDINGS:

Flooding/Drainage

A portion of the subject site is located within the 100-year flood hazard area. It is located in Flood Zone AO. The project would not expose people or structures to flooding because it must (1) elevate the lowest floor above the flood level, (2) obtain an Elevation Certificate (FEMA Form 81-31) for each proposed structure, based on construction drawings, prior to issuance of a building permit. Consequently, an Elevation Certificate based on finished construction is required for each built structure prior to issuance of an occupancy permit. Building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities must be elevated above the base flood elevation or otherwise protected from flood damage.

Water Quality – Construction and Post-Construction

The discharge of stormwater from the City's municipal storm sewer system is regulated primarily under the federal Clean Water Act (CWA) and California's Porter-Cologne Water Quality Control Act. The San Francisco Bay Regional Water Quality Control Board (RWQCB) implements these regulations at the regional level through the adoption of discharge permits.

Under the CWA, the RWQCB has regulatory authority over actions in waters of the United States, through the issuance of water quality certifications. Under Section 401 of the CWA, permits are issued in combination with permits issued by the Army Corps of Engineers (ACOE), under Section 404 of the CWA. When the Water Board issues Section 401 certifications, it simultaneously issues general Water Discharge Requirements for the project, under the Porter-Cologne Water Quality Control Act. Activities in areas that are outside of the jurisdiction of the ACOE (e.g., isolated wetlands, vernal pools, or stream banks above the ordinary high water mark) are regulated by the Water Board, under the authority of the Porter-Cologne Water Quality Control Act. Activities that lie outside of ACOE jurisdiction may require the issuance of either individual or general waste discharge requirements (WDRs) from the Water Board.

- **Construction.** The State Water Resources Control Board (SWRCB) adopted a new statewide General Permit for Discharges Associated with Construction Activities (Construction General Permit) in October 2009. The CGP, which becomes effective on July 1, 2010, requires that all construction or demolition activity that results in a land disturbance of one acre or more obtain coverage under the Permit. Coverage is obtained by filing a Notice of Intent (NOI) with the SWRCB and preparing and filing a copy of a Storm Water Pollution Prevention Plan (SWPPP) with the SWRCB. The SWPPP contains all of the proposed erosion and sediment control measures, as well as any other Best Management Practices (BMPs) to be implemented during the construction phases of the project. The CGP specifies minimum BMP requirements, and represents a risk-based permitting approach that also requires more stringent effluent monitoring and reporting requirements.

- **Post-Construction.** New and redevelopment projects in San Jose are subject to the conditions of the Municipal Regional Permit (MRP), which was adopted by the RWQCB in October 2009. The MRP replaced the previous countywide municipal separate storm sewer system permits covering dischargers in the south and

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

east Bay Area regions. Provision C.3 of the MRP requires all new and redevelopment projects that result in the addition or replacement of impervious surfaces totaling 10,000 square feet or more to 1) include permanent landscape- or Low Impact Development-based stormwater treatment measures; 2) ensure that the treatment measures be designed to treat an optimal volume or flow of storm water runoff from the project site; and 3) ensure that storm water treatment measures are properly installed, operated and maintained.

The City's Post-Construction Urban Runoff Management Policy (6-29) implements Provision C.3 of the MRP. It establishes general guidelines and minimum Best Management Practices (BMPs) for specified land uses, and includes the requirement of regular maintenance to ensure their effectiveness. The City also has an adopted Post-Construction Hydromodification Management Policy (8-14) to manage development related increases in peak runoff flow, volume and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to local rivers, streams and creeks. Implementation of these Policies will reduce potential water quality impacts to less than significant levels.

The proposed project is 1.8 acres in size. The site is 100% covered with impervious surface materials. The proposed project will not add any impervious surface area to the site. The project shall comply with the City of San Jose's Grading Ordinance, including erosion and dust controls during site preparation, and with the City of San Jose's Zoning Ordinance requirement of keeping adjacent streets free of dirt and mud during construction.

STANDARD MEASURES: Implementation of the following measures, consistent with NPDES Permit and City Policy requirements, will reduce potential construction impacts to surface water quality to less than significant levels:

Construction Measures

- Prior to the commencement of any clearing, grading or excavation, the project shall comply with the SWRCB's GCP, to the satisfaction of the Director of Public Works, as follows:

  1. The applicant shall develop, implement and maintain a SWPPP to control the discharge of stormwater pollutants including sediments associated with construction activities;
  2. The applicant shall file a NOI with the SWRCB.

- The project shall incorporate BMPs into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay*, and include inlet protection, straw wattles, stabilized construction entrances, and covered material piles. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, 200 E. Santa Clara Street, San Jose, California 95113. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities. For additional information about the Erosion Control Plan, the NPDES Permit requirements or the documents mentioned above, please call the Department of Public Works at (408) 535-8300.

- The project applicant shall comply with the City of San Jose Grading Ordinance, including erosion and dust control during site preparation and with the City of San Jose Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:

  1. Restriction of grading to the dry season (April 15 through October 15) or meet City requirements for grading during the rainy season.
  2. Utilize on-site sediment control BMPs to retain sediment on the project site;
  3. Utilize stabilized construction entrances and/or wash racks;
  4. Implement damp street sweeping;

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

5. Provide temporary cover of disturbed surfaces to help control erosion during construction;
6. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

Post-Construction

- Prior to the issuance of a Planned Development Permit, the applicant must provide details of specific Best Management Practices (BMPs), including, but not limited to, bioswales, disconnected downspouts, landscaping to reduce impervious surface area, and inlets stenciled "No Dumping – Flows to Bay" to the satisfaction of the Director of Planning, Building and Code Enforcement.

- The project shall comply with Provision C.3 of the MRP (NPDES Permit No. CAS612008), which provides enhanced performance standards for the management of stormwater of new development.

- The project shall comply with applicable provisions of the following City Policies – 1) Post-Construction Urban Runoff Management Policy (6-29) which establishes guidelines and minimum BMPs for all projects and 2) Post-Construction Hydromodification Management Policy (8-14) which provides for numerically sized (or hydraulically sized) TCMs.

X. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?	☐	☐	☐	X	1,2
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	X	1,2
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	X	1,2

FINDINGS: Projects that have the potential to physically divide an established community include new freeways and highways, major arterials streets, and railroad lines. The proposed project will not physically divide an established community, and the project is consistent with the site's General Plan Land Use designation.

MITIGATION MEASURES: None required.

XI. MINERAL RESOURCES - Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	X	1,2,23
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?	☐	☐	☐	X	1,2,23

FINDINGS:

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Santa Clara County has also supplied a significant portion of the nation's mercury over the past century. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated: the Communications Hill Area (Sector EE), bounded generally by the Southern

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as containing mineral deposits which are of regional significance as a source of construction aggregate materials.

Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation. Therefore, other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA.

The project site is outside of the Communications Hill area, and will therefore not result in a significant impact from the loss of availability of a known mineral resource.

MITIGATION MEASURES: None required.

XII. NOISE - Would the project result in:

a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	X	☐	1,2,13,18
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	X	☐	1
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	X	☐	1
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	X	☐	1
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	X	1
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	X	1

FINDINGS:

The San Jose 2020 General Plan states that the City's acceptable exterior noise level is 55 DNL long term, and 60 DNL short term. The acceptable interior noise level is 45 DNL. The plan recognizes that the noise levels may not be achieved in the Downtown, and in the vicinity of major roadways and the Mineta San Jose International Airport.

Noise Standards

The City of San Jose's Noise and Land Use Compatibility Guidelines stipulate that for new industrial uses, noise environments of up to 70 db DNL are satisfactory. The Zoning Ordinance states that noise levels should not exceed 70 dB along project property lines.

Existing Noise Levels

Charles M. Salter Associates, Inc. prepared an Environmental Noise and Vibration Study for the subject site, dated May 21, 2009, and an addendum dated December 7, 2009. The noise study and addendum are contained in the technical appendix. Based on measurements of existing noise levels, the exterior noise level at the site varies from 55 to 70 dB DNL.

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

Noise Impacts from the Project

As described in the Transportation section, the proposed project would generate approximately 52 net new average daily trips. As traffic would normally have to double to create a significant impact, traffic generated by this project is not expected to substantially increase noise levels in the project area.

Noise generated by the project would come primarily from equipment and metal recycling activities on the site. Acoustical measurements were taken of the excavator crane and forklift operations proposed for the project, at the applicant's other facility in San Leandro. Based on these measurements and assumptions regarding the employee vehicle and truck trips, perimeter wall dimensions, and sizes of material piles, the report concluded that the project would generate noise levels of up to 69 dB at the project property line. This would be in conformance with the Zoning Ordinance limit of 70 dB.

The report determined that the offloading of empty containers and the release of scrap metal onto the concrete yard during project operations could generate perceptible vibration, however, the potential impact could be mitigated administratively by requiring site operators to place debris and containers on the ground, rather than dropping them.

MITIGATION MEASURES: The project applicant shall require that site operators place debris and containers on the ground without dropping them, in order to reduce potential groundborne vibration.

XIII. POPULATION AND HOUSING - Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	X	1,2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	X	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	X	1

FINDINGS:

The proposed project would not induce substantial population growth because it is an industrial use which is consistent with the General Plan Land Use/Transportation Diagram designation of Heavy Industrial.

MITIGATION MEASURES: None required.

XIV. PUBLIC SERVICES

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?	☐	☐	☐	X	1,2
Police Protection?	☐	☐	☐	X	1,2
Schools?	☐	☐	☐	X	1,2
Parks?	☐	☐	☐	X	1,2

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
Other Public Facilities?	☐	☐	☐	X	1,2

FINDINGS:

The project site is located in an urbanized area of San Jose, and well served by existing Fire, Police, School, Park and other Public Facilities. The site is served by 1 fire station within 4 minutes response time. No additional Fire or Police personnel or equipment are necessary to serve the proposed project.

MITIGATION MEASURES: None required.

XIV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	X	1,2
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	X	1,2

FINDINGS:

The proposed project will not increase the number of residents on the site, and therefore is not expected to impact the use of existing parks or recreation centers such that deterioration would occur or be accelerated.

STANDARD MEASURES: None required.

XV. TRANSPORTATION / TRAFFIC - Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	☐	☐	☐	X	1,2,19
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	X	1,2,19
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	X	1,19
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☐	X	1,19
e) Result in inadequate emergency access?	☐	☐	☐	X	1,20
f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	X	1,2,18

FINDINGS:

A Traffic Evaluation was prepared for the project by Kimley-Horn and Associates, Inc. The report, dated April 14, 2009, assessed the expected project trip generation, and discussed on-site circulation and parking for the proposed facility. A copy of the evaluation is included in the technical appendix of this Initial Study.

The evaluation determined that the project would add 52 daily trips (136 total). It also concluded that the proposed on-site circulation allows sufficient room for queued vehicles and would not create any ingress or egress deficiencies. The evaluation concluded that, based on its findings and recommendations, a traffic study is not necessary.

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

MITIGATION MEASURES: None required.

XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	X	1,15
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	X	1,2,21
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	X	1,17
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	X	1,22
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	X	1,21
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	X	1,21
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	X	1,21

FINDINGS:

The proposed project would not require construction of new facilities for wastewater treatment, storm drainage, water, or waste disposal because the subject site is located within the City of San Jose Urban Service Area where such facilities exist, and have the capacity to serve the proposed project.

MITIGATION MEASURES: None required.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal, or (6) eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	X	1,10
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.	☐	☐	☐	X	1,16
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	X	1

FINDINGS:

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

As discussed in the previous sections, the proposed project could potentially have significant environmental effects with respect to Noise. With the above noted mitigation, however, the impacts of the proposed project would be reduced to a less than significant level.

MITIGATION MEASURES: The project applicant shall require that site operators place debris and containers on the ground without dropping them, in order to reduce potential groundborne vibration.

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

CHECKLIST REFERENCES

1. Environmental Clearance Application – File No. SP08-051
2. San Jose 2020 General Plan
3. USDA, Soil Conservation Service, Soil Survey of SC County, August 1968
4. USDA, Soil Conservation Service, Important Farmlands of SC County map, June 1979
5. State of California's Geo-Hazard maps / Alquist Priolo Fault maps
6. Riparian Corridor Policy Study 1994
7. San Jose Historic Resources Inventory
8. City of San Jose Archeological Sensitivity Maps
9. FEMA Flood Insurance Rate Map, Santa Clara County, 1986
10. California Department of Fish & Game, California Natural Diversity Database, 2001
11. City of San Jose Heritage Tree Survey Report
12. California Environmental Protection Agency Hazardous Waste and Substances Sites List, 1998
13. City of San Jose Noise Exposure Map for the 2020 General Plan
14. BAAQMD CEQA Guidelines, Bay Area Air Quality Management District. April 1996, revised 1999.
15. San Francisco Bay Regional Water Quality Control Board 1995 Basin Plan
16. Final Environmental Impact Report, City of San Jose, SJ 2020 General Plan
17. Santa Clara Valley Water District
18. City of San Jose Title 20 Zoning Ordinance
19. San Jose Department of Public Works
20. San Jose Fire Department
21. San Jose Environmental Services Department
22. San Jose Water Company, Great Oaks Water Company
23. California Division of Mines and Geology
24. Cooper Clark, San Jose Geotechnical Information Maps, July 1974

Revised 10.02.09 SBW