

MITGATED NEGATIVE DECLARATION

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

NAME OF PROJECT: Star Concrete

PROJECT FILE NUMBER: CP12-014

PROJECT DESCRIPTION: Conditional Use Permit to legalize the expansion of an existing concrete batch plant with the addition of a concrete recycling plant and slurry plant, and allow material processing of up to 150 tons per day on a 7.93 gross acre site

PROJECT LOCATION & ASSESSORS PARCEL NO.: Southeast corner of E. Alma Avenue and S. 7th Street (1404 S. Seventh Street). APN 477-09-046

COUNCIL DISTRICT: 7

APPLICANT CONTACT INFORMATION: Sandman, Inc., DBA Star Concrete, 1404 S. Seventh Street, San Jose, CA 95112

FINDING:

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

- I. **AESTHETICS.** The project will not have a significant impact on aesthetics or visual resources, therefore no mitigation is required.
- II. **AGRICULTURE AND FOREST RESOURCES.** The project will not have a significant impact on agriculture or forest resources, therefore no mitigation is required.
- III. **AIR QUALITY.** The project includes the following practices that can reduce dust and air quality impacts to a less than significant level. The following practices shall be implemented during operations of the proposed project:

- Water all active 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;
- Sweep daily (or more often if necessary) to prevent visible dust from leaving the site all paved access roads, parking areas, and staging areas; 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.
- 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.

IV. BIOLOGICAL RESOURCES. The project will not have a significant impact on biological resources, therefore no mitigation is required.

V. CULTURAL RESOURCES. The project will not have a significant impact on cultural resources, therefore no mitigation is required.

VI. GEOLOGY AND SOILS. The project will not have a significant impact due to geology and soils, therefore no mitigation is required.

VII. GREENHOUSE GAS EMISSIONS. The project will not have a significant impact due to greenhouse gas emissions, therefore no mitigation is required.

VIII. HAZARDS AND HAZARDOUS MATERIALS. The project will not have a significant hazards and hazardous materials impact, therefore no mitigation is required.

IX. HYDROLOGY AND WATER QUALITY. The project will not have a significant hydrology and water quality impact, therefore no mitigation is required.

X. LAND USE AND PLANNING. The project will not have a significant land use impact, therefore no mitigation is required.

XI. MINERAL RESOURCES. The project will not have a significant impact on mineral resources, therefore no mitigation is required.

XII. NOISE. The project will not have a significant noise impact, therefore no mitigation is required.

XIII. POPULATION AND HOUSING. The project will not have a significant population and housing impact, therefore no mitigation is required.

- XIV. PUBLIC SERVICES.** The project will not have a significant impact on public services, therefore no mitigation is required.
- XV. RECREATION.** The project will not have a significant impact on recreation, therefore no mitigation is required.
- XVI. TRANSPORTATION / TRAFFIC.** The project will not have a significant traffic impact, therefore no mitigation is required.
- XVII. UTILITIES AND SERVICE SYSTEMS.** The project will not have a significant impact on utilities and service systems, therefore no mitigation is required.
- XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.** The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **June 21, 2012**, any person may:

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

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulation period, from June 1, 2012 to June 21, 2012.



Deputy

INITIAL STUDY

PROJECT FILE NO.: CP12-014

PROJECT DESCRIPTION: The project consists of a Conditional Use Permit to allow the collection, processing, transfer and manufacture of recyclable construction materials on an 8-acre site; to allow the use of an additional concrete batch plant and slurry plant on the site, which will be used exclusively to manufacture ready mix concrete from recyclable materials; and to allow the processing of up to 150 tons per day. The southern portion of the site contains an existing concrete batch plant, which is included in the Conditional Use Permit application.

A concrete batch plant was previously approved on the southern portion of the site (APN 477-09-020) with a Conditional Use Permit granted in 1988. At that time, a Negative Declaration was adopted by the City of San Jose for a batch plant use and the sale of building materials. A copy of the 1988 Negative Declaration is included in the Appendix to this Initial Study. The current proposal would provide batch plant material by recycling waste concrete. Currently, the batch plant material is provided by commercial suppliers and transported to the site by truck.

A Lot Line Adjustment was approved in November 2010 that combined the northern and southern portions of the site (APNs 477-09-020 & 021) into a single legal lot. Approval of the subject Special Use Permit application would legalize the concrete recycling operations on the northern portion of the site, which are not currently permitted.

At present, the site receives and stores waste concrete from construction demolition that has, in the past, been disposed of in landfills. The raw concrete material is brought to the site by truck (10-20 trips per day) and dumped onto large stockpiles that are kept damp (with an estimated 2-5 percent moisture content) to avoid dust emissions. The unprocessed material stays on the site for approximately one month. Approximately 100 tons of raw material are delivered to the site per day. The raw material is moved with a front end loader into the warehouse portion of an existing building on the site, where it is crushed. The equipment used in the recycling operation includes a rock breaker device, a primary crusher, a secondary crusher and a screen plant. Crushing of the concrete rubble is done within the building, and the finished material is stockpiled outside. The building has solar panels on its roof, which provide all of the power needed for the crushing operations and batch plants.

The finished material is kept damp to avoid dust emissions and used on-site in the manufacture of ready mix concrete and aggregate. All rebar and wire removed from the waste concrete during the recycling process is separately stored and removed from the site by a metal recycler. Processed material is kept on the site for approximately one week.

The project applicant was granted a BAAQMD permit to operate the conveyor, crushers and screen that limits the processing of materials to not more than 125 tons per hour, 1,000 tons per day, or 1,300,000 tons per year. The permit was granted on March 29, 2012.

The proposed slurry plant operation would occur on the southern portion of the site, where the existing batch plant is located. The operation consists of the mixing of dry cement and water in a mixer, and then pouring the wet concrete mixture (slurry) into cement trucks from the mixer.

PROJECT LOCATION AND ASSESSOR’S PARCEL NUMBER(s): Southeast corner of E. Alma Street and S. Seventh Street (1404 & 1510 S. Seventh Street). APN 477-09-046

EXISTING GENERAL PLAN DESIGNATION: Heavy Industrial

EXISTING ZONING: Heavy Industrial

EXISTING LAND USE: Concrete recycling facility and batch plant, warehouse, material storage.

SURROUNDING LAND USES / GENERAL PLAN / ZONING:

North: Spartan Stadium / Public/Quasi-Public / R-2 South: School bus yard / Heavy Industrial / HI
 East: Recycling facility, parking lot / Heavy Industrial / HI West: Warehouse / Heavy Industrial / HI

PROJECT APPLICANT’S NAME AND ADDRESS: Star Concrete, 1404 S. Seventh Street, San Jose, CA 95112

LEAD AGENCY CONTACT INFORMATION: Sylvia Do, Project Manager, Dept. of Planning, Building and Code Enforcement, City of San Jose, 200 E. Santa Clara Street, 3rd Floor Tower, San Jose, CA 95113; (408) 535-7818.

OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED:

DETERMINATION

On the basis of this initial study:

<input type="checkbox"/>	I find the proposed project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	I find the proposed project could have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT(EIR) is required.
<input type="checkbox"/>	I find the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated impact” 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 sheets/initial study. An EIR is required that analyzes only the effects that were not adequately addressed in a previous document.
<input type="checkbox"/>	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.

5/8/12

 Date

/s/

 Signature
 Name of Preparer: Mike Campbell, AICP

I. AESTHETICS - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,2
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,2
e) Increase the amount of shading on public open space (e.g. parks, plazas, and/or school yards) ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2

FINDINGS:

There are no scenic vistas or scenic resources in the vicinity of the project site. The proposed project would not significantly degrade the existing visual character of the site in that the site currently contains an existing concrete batch plant and associated equipment and vehicles. The project includes the stockpiling of concrete demolition waste material and sand, which adds large stockpiles that are visible from the surrounding area. The piles are estimated to be approximately 25 - 40 feet high. The existing office/warehouse building on the site, by comparison, is approximately 24 feet tall. This building provides partial screening of the stockpiles from East Alma and South Seventh Streets. Although the stockpiles are visually prominent despite partial screening from the building and perimeter fencing, the site is located in a heavy industrial area that includes scrap metal and cardboard recycling facilities that also have material stockpiles visible from off-site locations. The height of the stockpiles is consistent with material stockpiles at other concrete batch plant and recycling facilities in San Jose. Conformance with the City’s Industrial Design Guidelines would reduce potential impacts to a less than significant level.

Lighting

Outdoor lighting on the project site consists of wall-mounted lights on the south-facing (interior) side of the office/warehouse building, and electrolier-mounted lights along the perimeter of the site on East Alma Street and the western boundary of the site. Two of these are located on the East Alma Street frontage and three are on the western property line. There are no additional light fixtures proposed with the project. Exterior building and property lighting associated with the project would not adversely affect views in the area. The project would be required to conform to the lighting provisions of 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 lighting provisions of 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 AND FOREST RESOURCES - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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"/>	X	1,3,4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,3,4
c) Conflict with existing zoning for, or cause rezoning of, forest land [as defined in PRC Section 12220(g)], timberland, (as defined by PRC Section 4526), or timberland zoned Timberland Production [as defined by GC Section 51104(g)]?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,3,4
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,3,4
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"/>	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.

III. AIR QUALITY - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,14
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	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)?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,14
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	1,14
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,14

FINDINGS:

The City of San Jose currently uses the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines thresholds of significance for determining potential air quality impacts of new development projects. Because a Community Risk Reduction Plan is under development and not yet adopted, the City requires an analysis and determination of whether projects fall below, meet or exceed the BAAQMD thresholds for six categories: Criteria Air Pollutants; Greenhouse Gases; Toxic Air Contaminants and Particulate Matter; Carbon Monoxide; Odor; and

Construction. The BAAQMD CEQA Guidelines contain screening criteria that can be used to determine whether projects should be subject to further analysis for conformance with thresholds of significance for the six categories. Greenhouse Gas Emissions are discussed separately, under Section VII, below.

Criteria Air Pollutants

The BAAQMD CEQA Guidelines screening level size criteria for General Heavy Industry is 281 acres. The project site is approximately 7.9 acres, therefore, the project would not be expected to exceed the threshold for Criteria Air Pollutants.

Toxic Air Contaminants (TACs) and Particulate Matter (PM_{2.5})

The City of San Jose is currently preparing a Community Risk Reduction Plan, which would require projects considered to be sensitive receptors located within 1,000 feet of sources of diesel PM (e.g. freeways, major roadways, rail lines and rail yards) to provide onsite mitigation measures to reduce the risk posed by TACs and PM_{2.5}. The project proposes no construction, and is an industrial use, which is not considered a sensitive receptor. There are no sensitive receptors in the vicinity of the site, with the majority of land uses being industrial in nature. Spartan Stadium, located across East Alma Street from the site, hosts athletic events attracting spectators several times throughout the year, however, the calculated operational-related emissions of PM_{2.5} for the project (.29 lbs./day) are well below the Guidelines threshold of 54 pounds per day, therefore there would be no impacts to the stadium. In addition, the operator of the site must comply with the conditions contained in the most recently-approved BAAQMD permit (March 29, 2012) to operate the conveyor, crushers and screen to reduce potential air pollution impacts. Fugitive dust emissions are also controlled by the conditions contained in the permit, which include abating the equipment and any unpaved roads with water sprays, and ensuring that stockpiles are watered down.

The following conditions are included in the BAAQMD permit. The permit designates Source Numbers for the four principal pieces of mechanical equipment described as general air pollution sources. S-5 refers to the conveyors, S-6 refers to the screen, S-7 refers to the jaw crusher, and S-8 refers to the cone crusher.

1. The owner/operator shall not process more than 125 tons per hour, 1,000 tons per day, or 1,300,000 tons per year (12 month rolling average) of material through the crushing and screening plant (permitted sources: S-5, S-6, S-7, S-8). The throughput for each source will vary by material processed (larger material more jaw crushing and more recycle through the crushing units). The material throughput through conveyors S-5, screens S-6 may exceed the 125 ton per hour limit as material is circulated through the plant for processing. (Basis: Cumulative Increase)
2. The owner/operator shall ensure that S-5, S-6, S-7, S-8 does not emit emissions in sufficient quantities as to cause a public nuisance under Regulation 1-301. (Basis: Regulation 1-301)
3. The owner/operator of S-5, S-6, S-7 and S-8 shall ensure that no air contaminants are discharged into the atmosphere for a period or periods aggregating more than 3 minutes in any one hour, which is dark or darker than Ringlemann 1.0 or equivalent to 20% capacity. (Basis: Reg. 6, Rule 1)
4. The owner/operator shall abate S-5, S-6, S-7, S-8 (including all transfer points) with water sprays (A-5) with/without chemical suppressant. (Basis: Cumulative Increase)
5. The owner/operator shall ensure that all stockpiles are watered down to ensure fugitive dust emissions are minimized. (Basis: Cumulative Increase)
6. The owner/operator shall abate unpaved roads as necessary with water sprays to maintain compliance with Parts 2 and 3 of this condition. (Basis: Cumulative Increase)
7. All control equipment shall be maintained and kept in good operating condition at all times. (Basis: Cumulative Increase)
8. The total throughput of material processed, by weight, in tons, shall be recorded by the owner/operator on a monthly basis in a District approved log. This record shall be retained by the owner/operator for a period of at least two years from the date of entry. The log shall be kept with the equipment and made available to District staff upon request.

Copies of the permit and conditions are included in the Appendix.

Carbon Monoxide

The Guidelines state that a proposed project would result in less than significant impacts to localized carbon monoxide concentrations if the following screening criteria are met:

9. Project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans.
10. The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
11. The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g. tunnel, parking garage, bridge underpass, natural or urban street canyon, below grade roadway).

The project would not generate additional traffic during the peak hours. The project would therefore meet the carbon monoxide screening criteria, and no impacts would result.

Odor

The Guidelines threshold is based on the number of confirmed complaints per year averaged over a three year period for land uses that are considered to be sources of odors. Concrete recycling facilities are not listed among the considered as sources of odors. There is no evidence of any confirmed odor complaints having been received, therefore there is no impact.

Construction

There is no new construction proposed with the project, therefore there are no construction-related impacts.

MITIGATION MEASURES:

- Water all active 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;
- Sweep daily (or more often if necessary) to prevent visible dust from leaving the site all paved access roads, parking areas, and staging areas; 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.
- 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.

IV. BIOLOGICAL RESOURCES - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,10
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"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2

FINDINGS:

There are several existing small landscape trees on the site, adjacent to the office/warehouse building. In addition, a row of screen trees has recently been planted along the property line on South Seventh Street. None of the existing trees would be considered suitable for nesting raptors, and no existing trees are proposed to be removed with the project. No rare, threatened, endangered or special status species of flora or fauna are known to inhabit the site.

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 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:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,7
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,8
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,8
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,8

FINDINGS:

While the project site is located in an area of sensitivity, the site is fully developed and paved, and the project proposes no new construction or grading. The prior use on the site was a cardboard recycling facility with asphalt concrete paving and container and pallet storage areas. Therefore, the project is not anticipated to impact archaeological resources. There are no historic resources on the site.

VI. GEOLOGY AND SOILS - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,5,24
2) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,5,24
3) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,5,24
4) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,5,24
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,5,24

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"/>	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. Conformance with standard Uniform Building Code Guidelines would minimize potential impacts to existing structures 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.

MITIGATION MEASURES: None required.

VII. GREENHOUSE GAS EMISSIONS - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,14,26
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"/>	X	<input type="checkbox"/>	1,14,26
(Note: Greenhouse gas(es) include, but are not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulphur hexafluoride)					

FINDINGS: The BAAQMD CEQA Guidelines do not contain a screening criterion for Greenhouse Gases for General Heavy Industry uses, therefore an estimate of the total annual emissions of CO₂ from the project was calculated using the Urbemis 2007 Version 9.2.4. model, to compare project emissions to the Guidelines threshold of 1,100 metric tons per year. The results of the model run indicated that the total of area source and operational emissions for the project is 1,803 pounds per day, or approximately 329 tons per year. The equivalent number of metric tons per year is 363, which is below the Guidelines threshold of 1,100 metric tons per year. The project would therefore not generate greenhouse gas emissions that would have a significant impact on the environment, nor conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. A copy of the model run results is included in the Appendix.

VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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"/>	X	<input type="checkbox"/>	1
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1

FINDINGS:

The proposed concrete recycling operations on the site do not involve the use or storage of hazardous materials. San Jose Fire Station 3, located at 98 Martha Street, is within one mile of the site, and would provide service in the event of an emergency. Emergency access to the site would be provided by the site entrance on South Seventh Street. All structures and stockpiles on the site would be accessible to emergency vehicles. The San Jose Fire Department has inspected the site and reported no problems with access. The site is not within two miles of a public airport or in the vicinity of a private airstrip.

MITIGATION MEASURES: None required.

IX. HYDROLOGY AND WATER QUALITY - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	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)?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,17
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1

g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,9
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1
j) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1

FINDINGS:

Based on the FEMA flood insurance maps for the City of San Jose, the project site is not located within a 100-year floodplain and would therefore have no impact on 100-year flows. The project would not expose people to flood hazards associated with the 100-year flood. The site is not subject to seiche or tsunami.

Post-Construction Water Quality

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. 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.

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 regulates municipal stormwater discharges for all of the city and county municipalities in San Mateo, Santa Clara, Alameda, Contra Costa and parts of Solano Counties. The MRP contains a Provision C.3, which requires all new and redevelopment projects that result in the addition or replacement of impervious surfaces totaling 10,000 sq ft or more to 1) include storm water 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 has developed a policy that implements Provision C.3, requiring new development projects to include specific construction and post-construction measures for improving the water quality of urban runoff to the maximum extent feasible. The City’s Post-Construction Urban Runoff Management Policy (6-29) established general guidelines and minimum Best Management Practices (BMPs) for specified land uses, and includes the requirement of regular maintenance to ensure their effectiveness. Later, the City adopted the 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.

There are existing stormwater runoff Best Management Practices (BMPs) in place at the project site that are consistent with the current Provision C.3 requirements to harvest and re-use runoff on-site. Runoff from impervious surfaces on the site is conveyed to a water clarifier device and pump system that cleans and redistributes the collected runoff for on-site uses such as watering of stockpiles and access roads. Runoff from the roof of the warehouse is directed to landscaping adjacent to the building through pop-up emitters connected to the roof drains. The capture and re-use of runoff on-site in this manner is consistent with the Low Impact Development requirements of Provision C.3.

X. LAND USE AND PLANNING - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 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:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,2,13,18,27
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1, 27
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1, 27
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1, 27
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?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1

FINDINGS:

Noise Standards

The City of San Jose Zoning Ordinance limits short-term noise to 70 dBA at industrial land use property lines. Projects that generate noise in excess of this limit require a Conditional Use Permit. The Noise Element of the General Plan utilizes the Day-Night Level (DNL) noise descriptor and specifies a limit of 80 dB DNL at the property line of industrial land uses. The DNL is a 24-hour time weighted average noise exposure descriptor.

Noise Impacts From the Project

The project’s current recycling operation includes receiving waste concrete materials from construction demolition, storage of these raw materials, breaking up of large pieces of concrete using a rock breaker, loading of raw materials into the recycling equipment housed in the existing warehouse building on the site, and moving the finished recycled material to storage at the south side of the site. The recycling equipment includes a crusher, a hopper and a vibrating screen that sorts the material. A front end loader carries the raw material into the building through a large roll-up door on the east side of the building.

In addition to the existing recycling operation, the project includes a proposed slurry plant operation on the site. The slurry plant operation will consist of a mixer structure that mixes water and dry cement to form a slurry, and the pouring of the slurry into cement trucks. The trucks will back under the mixer structure to receive the slurry, and rotate the truck mixers to keep the slurry at the proper consistency. It is estimated that the slurry operation will involve a maximum of eight trucks per hour during the course of an operational day.

Edward L. Pack Associates, Inc. prepared a Noise Assessment Study for the subject site, dated April 12, 2012. The purpose of the study was to quantify the noise levels and noise exposures generated by the recycling plant operations at the East Alma Avenue property line, and by the proposed slurry plant operations at the South Seventh Street and East Alma Avenue property lines.

The study concluded that the short-term noise levels generated by the recycling plant would exceed the Zoning Ordinance Noise limit of 70 dBA, thus requiring a Conditional Use Permit for the proposed project. Conformance

with the City’s Industrial Design Guidelines and other performance and design standards, enforced through conditions of approval of the Conditional Use Permit will reduce potential impacts to surrounding properties to less than significant levels. The noise exposures calculated using the DNL descriptor at the most impacted property line ranged from 77 to 78 db DNL, which is below the General Plan limit of 80 dB DNL.

The slurry plant analysis concluded that the short-term operational sound levels were within the 70 dBA limit of the Zoning Ordinance at the South Seventh Street and East Alma Avenue property lines. The noise exposures at these property lines were calculated to be 60 dB and 53 dB DNL, respectively, which is within the 80 dB DNL General Plan limit. A copy of the Noise Assessment Study is included in the Appendix.

MITIGATION MEASURES: Because there are no new significant impacts of the project related to noise, no mitigation is required.

XIII. POPULATION AND HOUSING - Would the project:

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

FINDINGS:

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

MITIGATION MEASURES: None required.

XIV. PUBLIC SERVICES

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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"/>	X	<input type="checkbox"/>	1,2
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,2
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 two fire stations within 4 minutes response time. No additional Fire or Police personnel or equipment are necessary to serve the proposed project.

MITIGATION MEASURES: None required.

XV. RECREATION

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.

MITIGATION MEASURES: None required.

XVI. TRANSPORTATION / TRAFFIC - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,2,19
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	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)?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,19
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,20
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,2,18

FINDINGS:

The Site’s BAAQMD permit, referenced in Section III. AIR QUALITY (above), limits the amount of material being processed by the crushing and screening plant to 1,000 tons per day. However, the crushing and screening plant typically operates well below the 1,000 ton per day limit. Based on company records, the amount of material processed by the plant ranges from approximately 73 to 145 tons per day. To reach the 1,000 ton per day limit, the plant would require 100 – 200 truck deliveries per day, based on 5 to 10 tons per truckload. The existing batch plant employs a maximum of 67 people (60 truck drivers and 7 facility employees) and the recycling facility (project) proposes to add 7 employees. Although the equipment has the capacity and BAAQMD permitting necessary to process 1,000 tons per day, the scope of the project is limited by the number of employees and existing level of service conditions of the intersections within the surrounding roadway network. Therefore this permit allows for processing of up to 150 tons per day. Any increase in tonnage, (ie traffic) will require further planning permit.

The existing batch plant currently generates 44 truck and 7 employee trips during the AM peak hour, and 1 truck and 31 employee trips during the PM peak hour. The proposed project, the recycling operations, would generate an average of 8 new truck trips and 7 new employee trips during the AM peak hour, defined by the City of San Jose as weekday 7:00 – 9:00 AM. During the PM peak hour (weekday 4:00 – 6:00 PM), the recycling operations would generate no new truck trips and 7 new employee trips.

An analysis conducted by the City’s Public Works Department of the existing traffic generated by the site concluded that the increase in the total number of trips generated as described above would not and would not cause a significant impact at the critical intersections in the vicinity of the site, therefore the proposed project conforms to the City’s Transportation Level of Service Policy (Council Policy 5-3),.

Adequate site access from South Seventh Street, and sufficient aisle width and maneuvering space for emergency vehicles is provided onsite.

MITIGATION MEASURES: None required.

XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,21
f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,21
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	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. Based on San Jose Water Company billing records, the project uses approximately 4,100 gallons of potable water per day. This water supply is supplemented by the harvest and on-site reuse of rain water, which is used for watering stockpiles and irrigating landscaping. No recycled water is available for use on the project site.

MITIGATION MEASURES: None required.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	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.	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,16
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"/>	X	<input type="checkbox"/>	1

FINDINGS:

As discussed in the previous sections, the impacts of the proposed project would be considered less than significant. Also, since the proposal does not include substantial changes to the prior 1988 approval that would require major revisions to the prior Negative Declaration due to new significant environmental effects or a substantial increase in the severity of any previously identified significant effect, and there is no new information involving significant effects since the prior Negative Declaration, an EIR is not required pursuant to CEQA Guideline section 15162(a).

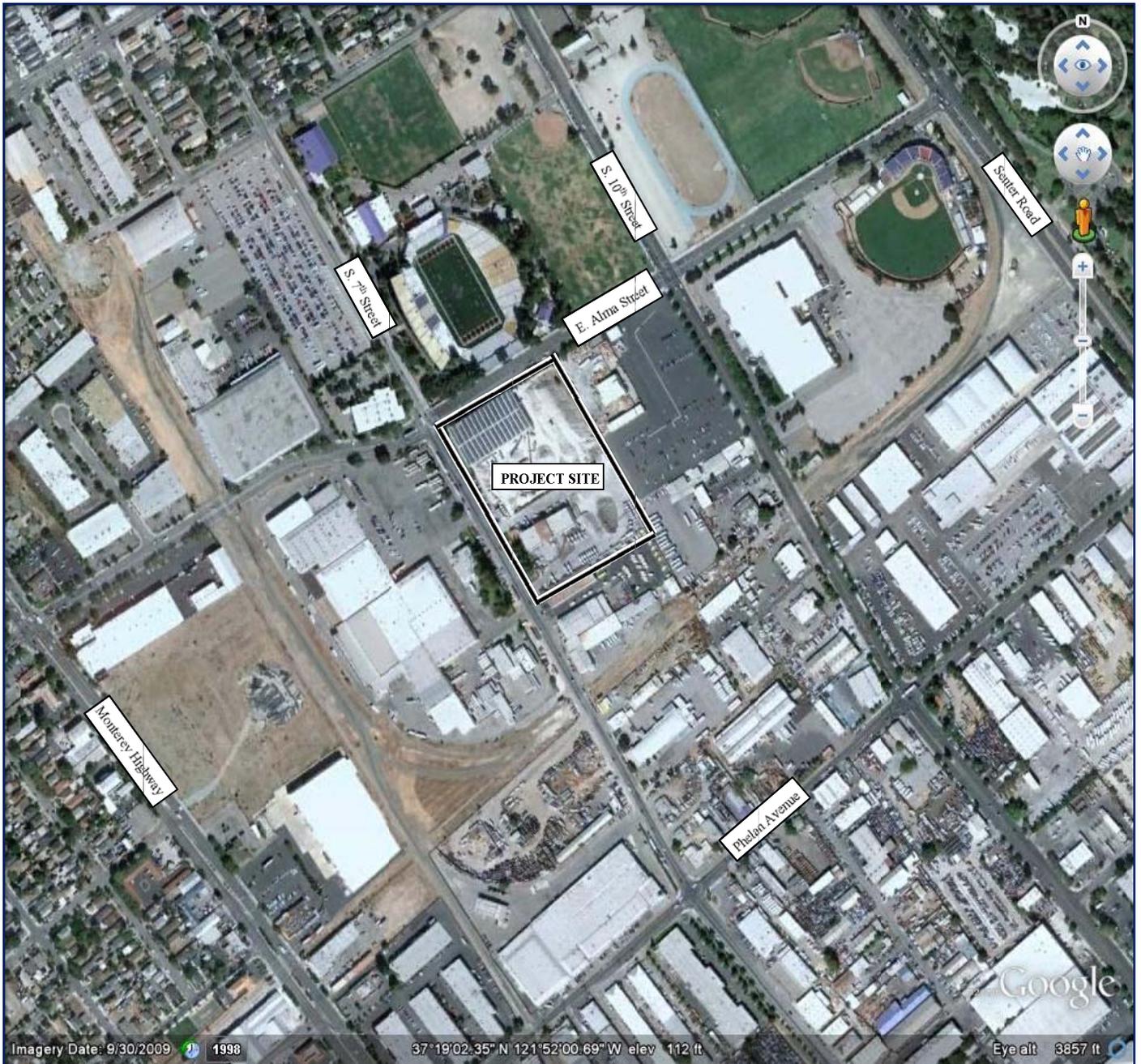
MITIGATION MEASURES: None required.

CHECKLIST REFERENCES

1. Environmental Clearance Application – File No. SP07-005
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, 2009
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
25. BAAQMD – Permit to Operate, March 29, 2012
26. Urbemis 2007 Version 9.2.4 Summary Report, April 14, 2011
27. Edward L. Pack Associates, Inc., Final Noise Assessment for the Star Concrete Recycling Facility, 1404 South Seventh Street, San Jose, April 12, 2012

EXHIBITS

- **Location Map**
- **Aerial Photo**
- **Site Photos**
- **Assessor's Parcel Map**
- **Zoning Map**
- **General Plan Map**
- **Project Site Plan**



Location Map



Aerial Photo



Viewing east from S. Seventh Street toward site entrance.



Viewing east from S. Seventh Street toward west property line trees.

Site Photos



Viewing south from E. Alma Street toward north property line.



Viewing south from E. Alma Street toward building roll-up doors.

Site Photos



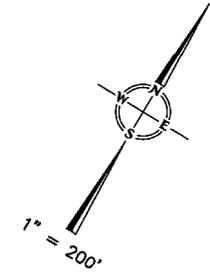
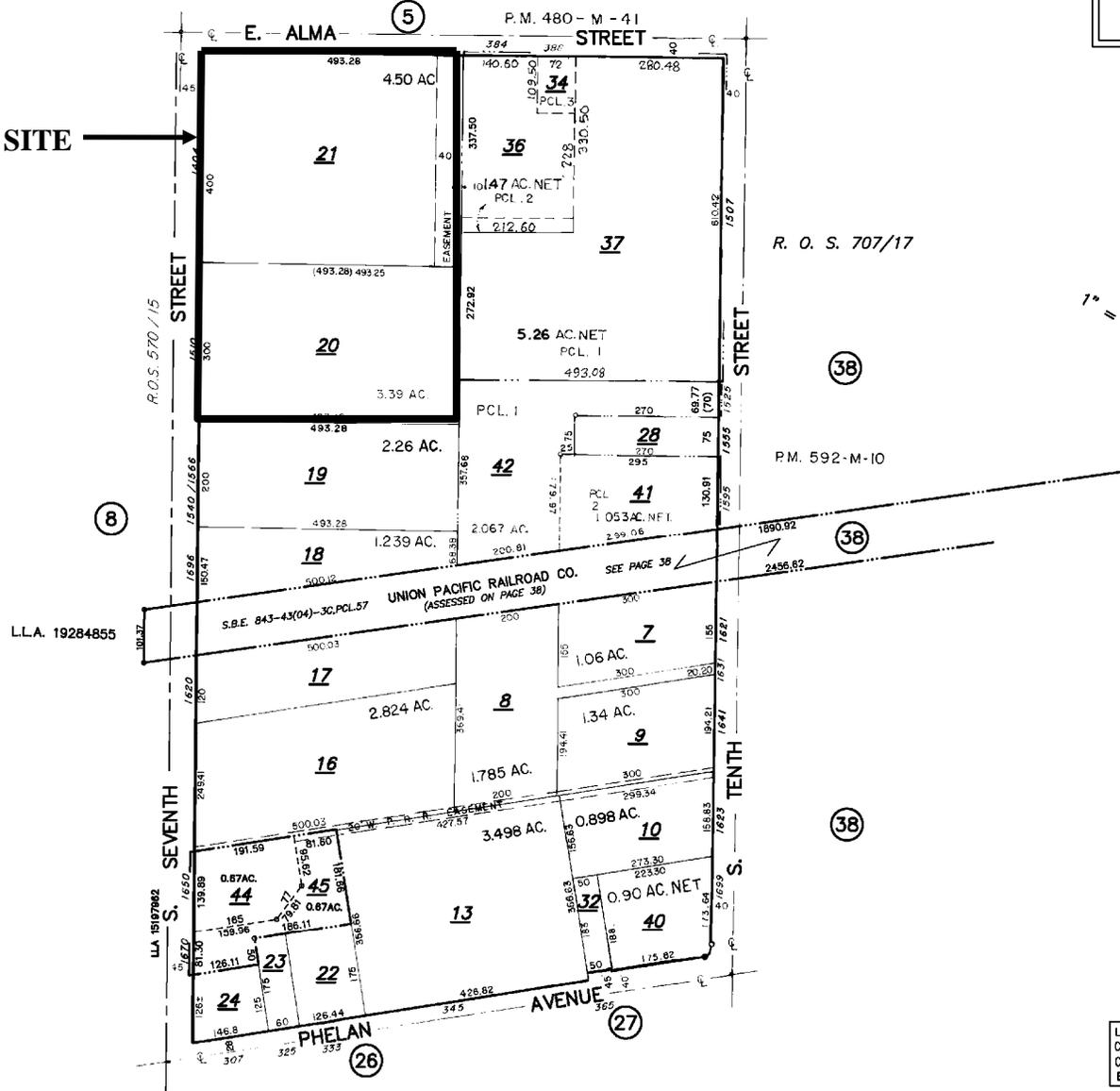
Viewing east from S. Seventh Street toward northwest corner of site.



Viewing east from S. Seventh Street toward existing warehouse building at west property line.

Site Photos

PROJECT SITE



TRA DET. MAP 115
 LAWRENCE E. STONE — ASSESSOR
 Cadastral map for assessment purposes only.
 Compiled under R. & T. Code, Sec. 327.
 Effective Roll Year 2010-2011

Assessor's Parcel Map

Zoning Districts

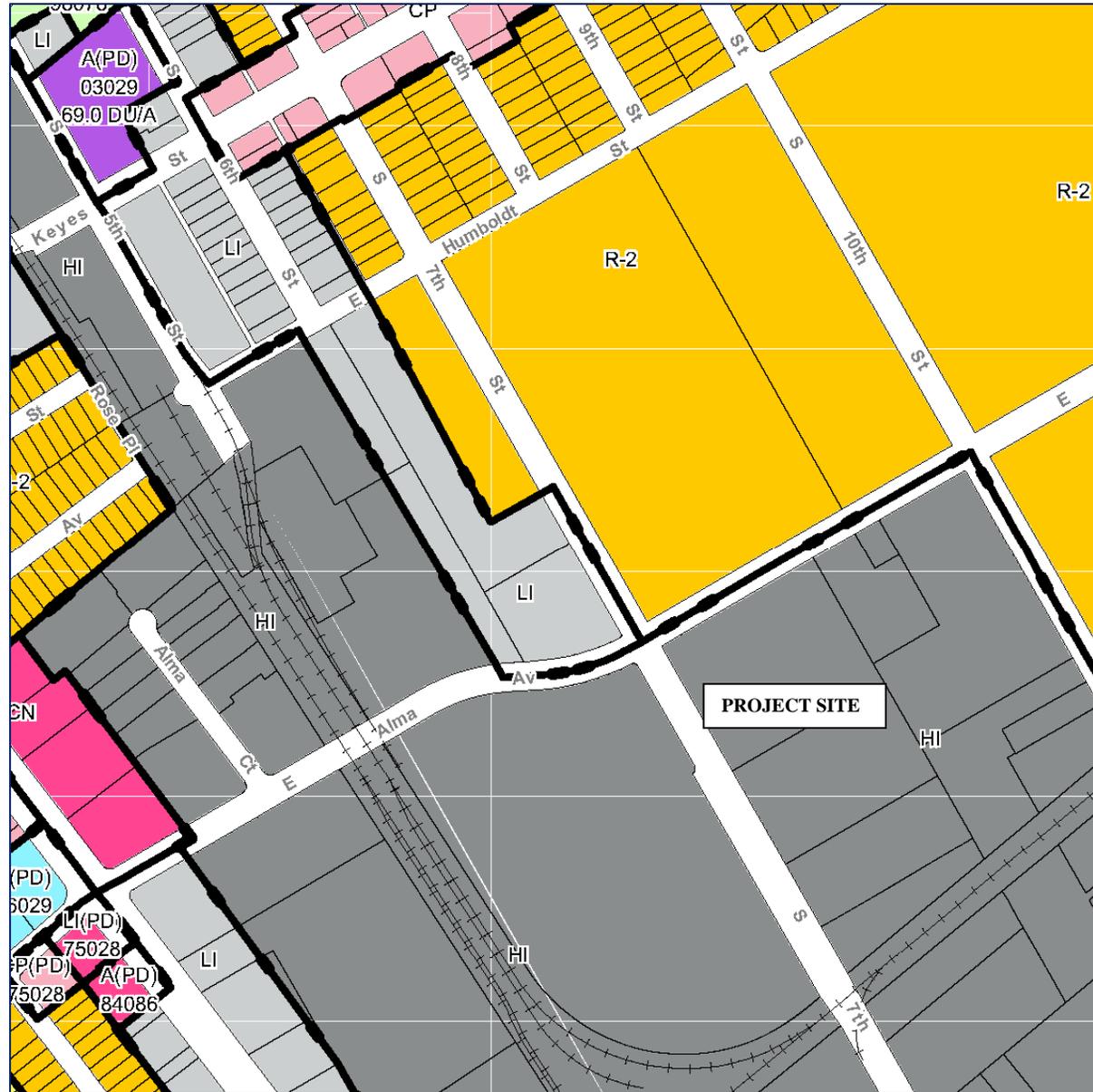
- OS.....Open Space
- A.....Agricultural
- R-1-8]
- R-1-5].....Single-Family Residential
- R-1-2]
- R-1-1]
- R-2.....Two-Family Residential
- R-M.....Multi-Family Residential
- R-1-RR.....Rural Residential
- R-MH.....Mobilehome Residential
- CO.....Commercial Office
- CP.....Commercial Pedestrian
- CN.....Commercial Neighborhood
- CG.....Commercial General
- DC.....Downtown Commercial
- DC-NT1.....Downtown Commercial
Neighborhood Transition 1
- CIC.....Combined Industrial/Commercial
- IP.....Industrial Park
- LI.....Light Industrial
- HI.....Heavy Industrial
- (PD).....Planned Development
(overlay district that is combined with one of
the conventional zoning districts listed above,
that allows any specifically approved use or uses)

Zoning Labels (Sample)

- A(PD).....Zoning District
- 93050.....Zone Change File Number
(e.g., PDC93-050)
- 34.0 DU/A.....Approved Residential Density
(dwelling units per acre)

Map Legend

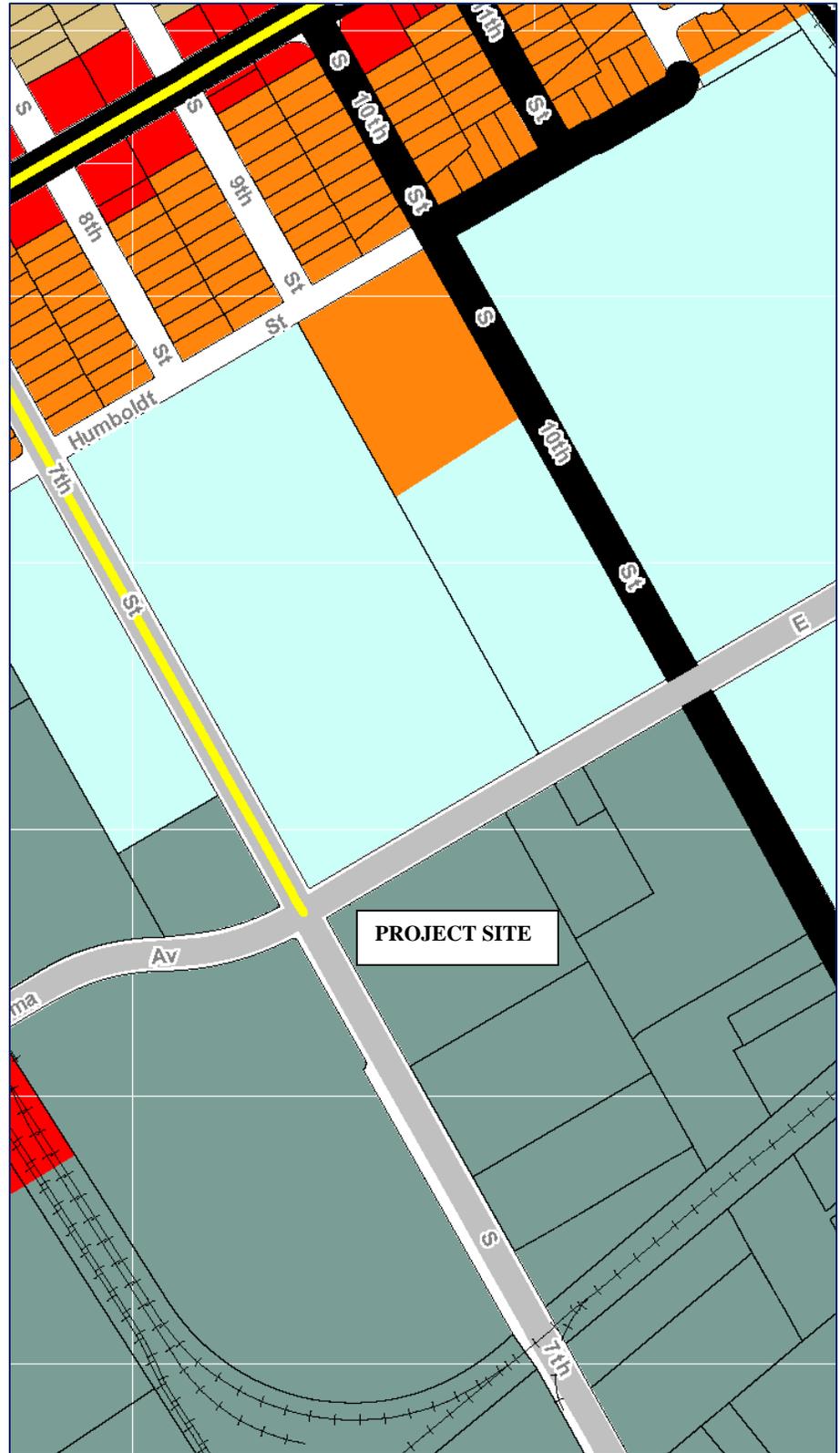
- Zoning District Boundary
- Historic District Boundary
(work requires Planning permit)
- ★ Historic City Landmark
(work requires Planning permit)



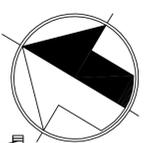
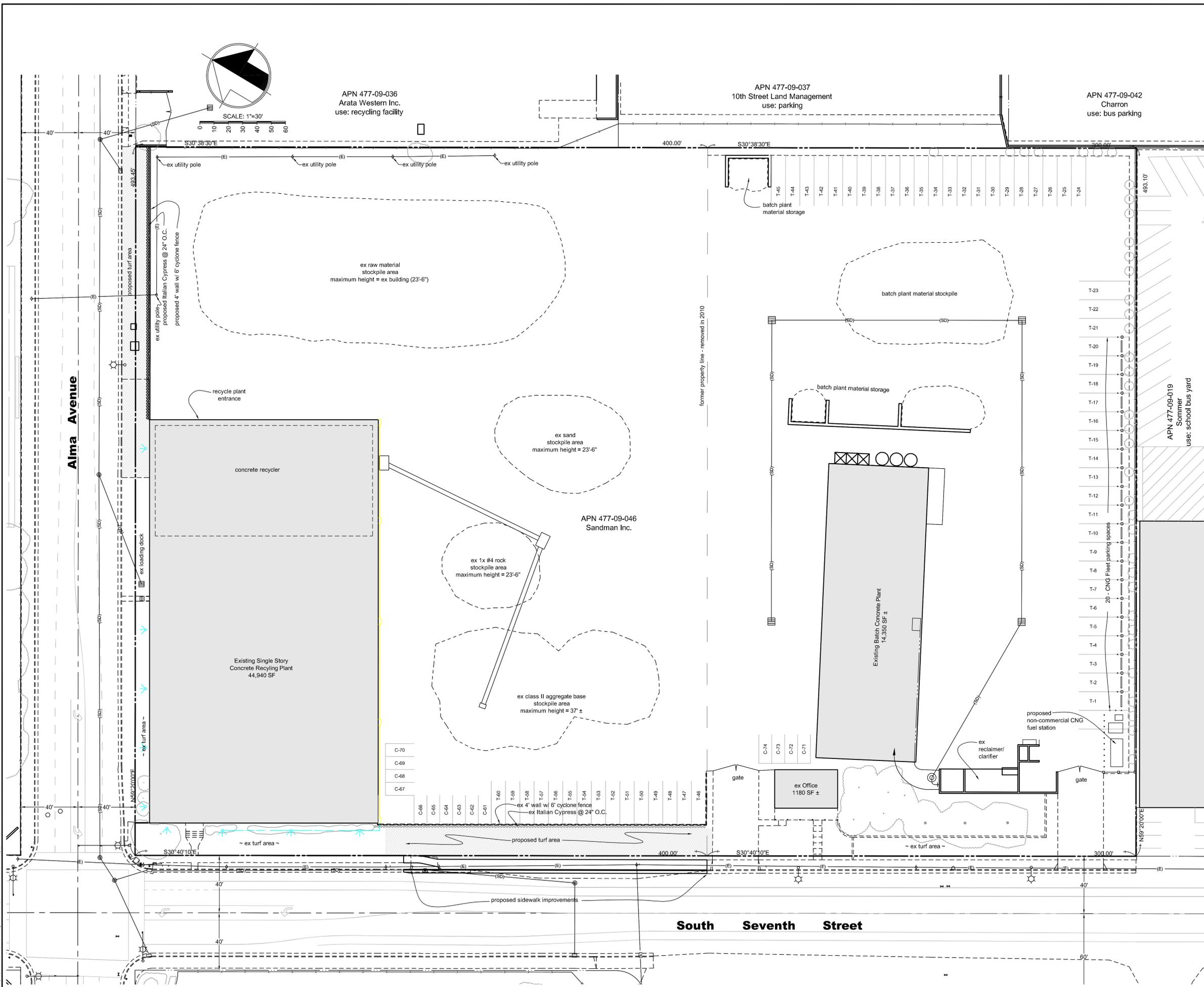
Zoning Map

Map Legend

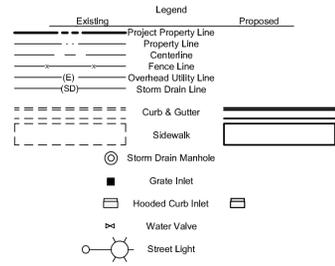
	Rural Residential (0.2 DU/AC)		Industrial Park
	Estate Residential (1.0 DU/AC)		Administrative Office/ Research & Development
	Very Low Density Residential (2.0 DU/AC)		Research/Development
	Low Density Residential (5.0 DU/AC)		Campus Industrial
	Medium Low Density Residential (8.0 DU/AC)		Light Industrial
	Medium Density Residential (8-16 DU/AC)		Heavy Industrial
	Medium High Density Residential (12-25 DU/AC)		Combined Industrial/ Commercial
	High Density Residential (25-50 DU/AC)		Industrial Core Area
	Transit Corridor Residential (30+ DU/AC)		Public/Quasi-Public
	Residential Support for the Core Area (30+ DU/AC)		Neighborhood Business District
	Transit/Employment Residential District: 55+ DU/AC		Transit-Oriented Development Corridor
	Office		Public Park and Open Space
	Neighborhood/Community Commercial		Private Open Space
	Regional Commercial		Private Recreation
	General Commercial		Non-Urban Hillside
	Core Area		Urban Hillside
	Transit Corridor Commercial		Agriculture
	Combined Residential/ Commercial		Urban Reserve
	Planned Community *		Coyote Greenbelt
	Airport Approach Zone		Mixed Use Overlay
	Solid Waste Disposal Site		Mixed Industrial Overlay
	Candidate Solid Waste Disposal Site		Floating Park
	Contingent Designation		Light Rail Station
	Urban Service Area Boundary		Transit Mall
	Urban Growth Boundary		Area of Historic Sensitivity
	Urban Service Area/ Urban Growth Boundary (Coterminous)		Pedestrian Corridor
	State Transportation Corridor		Arterial (115-130 ft.)
	Expressway		Arterial (80-106 ft.)
	Interchange		Major Collector (60-90 ft.)
	Separation		



General Plan Map



SCALE: 1"=30'



Abbreviations
 AB aggregate base
 AC asphaltic concrete
 APN assessor's parcel number
 EX existing
 PCC portland cement concrete
 NB north bound
 SB south bound

Assessor's Parcel Number: 477-09-046
 Total Project Acres: 7.93 acres
 Total # dwelling units: n/a
 Total Floor Space:

building	existing SF	proposed SF
Recycling Plant	44,940 SF	n/a
Batch Plant	14,350 SF	n/a
Office	1,180 SF	n/a

Off-street Parking Spaces:
 Maximum shift:
 7 employees at Recycling Plant
 7 employees at Batch Plant
 60 mixer/haul drivers maximum
 74 employees maximum
 Required Parking 1 space per employee
 Parking Provided:
 14 automobile spaces (C-61 thru C-74)
 60 mixer/haul spaces (T-1 thru T-60) note:
 drivers park personal vehicle in work vehicle stall

Percentage of Proposed Site Coverage:

area	SF	% of site
buildings	60,796 sf	17.6%
parking/loading	118,504 sf	34.4%
material storage	138,892 sf	40.2%
landscaping	27,100 sf	7.8%

Residential Density: n/a



APPENDIX

- **1988 Negative Declaration**
- **BAAQMD Permit to Operate**
- **Urbemis 2007 Version 9.2.4 Summary Report, April 14, 2011**
- **Edward L. Pack Associates, Inc., Final Noise Assessment for the Star Concrete Recycling Facility, 1404 South Seventh Street, San Jose, April 12, 2012**



NEGATIVE DECLARATION

CITY OF SAN JOSE, CALIFORNIA

5-16-88

FILE NO. CP 88-03-003

DISTRICT NO. 7

The Initial Study on which this Negative Declaration is based was prepared by the Director of Planning and is on file in the Office of the City Planning Department.

PROJECT LOCATION

East side of South Seventh Street, 500 feet southerly of Alma Street (1510 South Seventh Street).

County Assessor's Parcel Number: 477-09-020

PROJECT DESCRIPTION

This is a Conditional Use Permit to allow construction of a new concrete batch plant (approximately 7,000 square feet) for the production of ready-mix concrete and to allow the retail sales of building materials, located on approximately 3.4 acres.

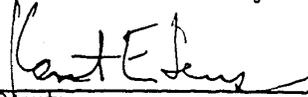
CERTIFICATION

The Director of Planning certifies that the above project will not have a significant effect on the environment. This finding is based on the following considerations:

1. The project is consistent with the environmental goals and policies, and with the Land Use/Transportation Diagram, of the City's General Plan.
2. Adequate municipal services are available to serve the project.
3. City General Plan noise standards will be met by this project.
4. No rare or endangered species of flora or fauna are known to inhabit the site. No significant trees are present on the property.
5. Street capacity is adequate to serve this proposal.
6. The proposal will not have any impact on known historical or cultural resources.
7. The proposed project will include the handling and storage of hazardous materials. The project will obtain a Hazardous Materials Storage and Handling Permit prior to construction which will mitigate any potential impacts to an acceptable level.

8. A Soils Contamination Study completed on the project site indicates no significant levels of hazardous materials are present. The project includes design and engineering techniques to insure that contamination that has occurred on an adjacent parcel does not result in the increased potential for groundwater contamination migration.

Gary J. Schoennauer
Director of Planning


Deputy

Granted on May 6, 1988

CP 88-03-003
LB:ei

PROTEST OF NEGATIVE DECLARATION

The Director's finding may be protested in writing by any person before the expiration of seven (7) days after the date of adoption of this Negative Declaration. Such protest shall be filed in the City Planning Department, City Hall Annex, 801 North First Street, Room 400, San Jose, upon payment of the \$50 filing fee and shall include a statement specifying those anticipated environmental effects which may be significant. A protest of a Negative Declaration will be heard by the Planning Commission at the earliest date.



**BAY AREA AIR QUALITY
MANAGEMENT DISTRICT**

939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
(415) 771-6000

A7409

**PERMIT
TO OPERATE**

Plant# 7409

Page: 1

Expires: MAY 1, 2013

This document does not permit the holder to violate any District regulation or other law.

Gerald Blatt
Star Concrete
1404 So 7th Street
San Jose, CA 95112

Location: 1510 So 7th Street
San Jose, CA 95112

S#	DESCRIPTION	[Schedule]	PAID
1	MINERL> Concrete batching, Concrete, 50 tons/hr max Batch Mixer Ross Rustler II - Silo Abated by: A1 Baghouse, Shaking A2 Baghouse, Shaking	[G2]	1707
2	MINERL> Conveying, Gravel/sand, 170 tons/hr max Aggregate Storage Bin/Beats (3) Abated by: A3 Water Spray System	[F]	274
3	MINERL> Mining/quarry, stockpiling, Gravel/sand Aggregate Storage Area	[F]	274
4	MINERL> Concrete batching, Concrete, 50 tons/hr max Batch Mixer Truck Load Out-Rustler II Abated by: A1 Baghouse, Shaking A4 Baghouse, Shaking	[G2]	1707
5	MINERL> Conveying, Concrete, 125 tons/hr max Concrete Recycling Conveyors Abated by: A5 Water Spray System	[F], 419 days]	315
6	MINERL> Screening, Concrete, 125 tons/hr max Screens Abated by: A5 Water Spray System	[F], 419 days]	315

The operating parameters described above are based on information supplied by permit holder and may differ from the limits set forth in the attached conditions of the Permit to Operate. The limits of operation in the permit conditions are not to be exceeded. Exceeding these limits is considered a violation of District regulations subject to enforcement action.



**BAY AREA AIR QUALITY
MANAGEMENT DISTRICT**

939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
(415) 771-6000

**PERMIT
TO OPERATE**

Plant# 7409

Page: 2

Expires: MAY 1, 2013

This document does not permit the holder to violate any District regulation or other law.

S#	DESCRIPTION	[Schedule]	PAID
7	MINERL> Mining/quarry, crushing, Concrete, 125 tons/hr max Jaw Crusher Abated by: A5 Water Spray System	[G1], 419 days	1360
8	MINERL> Mining/quarry, crushing, Concrete, 125 tons/hr max Cone Crusher Abated by: A5 Water Spray System	[G1], 419 days	1360

8 Permit Sources, 0 Exempt Sources

*** See attached Permit Conditions ***

The operating parameters described above are based on information supplied by permit holder and may differ from the limits set forth in the attached conditions of the Permit to Operate. The limits of operation in the permit conditions are not to be exceeded. Exceeding these limits is considered a violation of District regulations subject to enforcement action.



**BAY AREA AIR QUALITY
MANAGEMENT DISTRICT**

939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
(415) 771-6000

**PERMIT
TO OPERATE**

Plant# 7409

Page: 3

Expires: MAY 1, 2013

This document does not permit the holder to violate any District regulation or other law.

*** PERMIT CONDITIONS ***

=====

Source# 1	subject to Condition	ID# 7035
Source# 2	" " "	ID# 7035 and 24882
Source# 3	subject to Condition	ID# 7035 and 24882
Source# 4	subject to Condition	ID# 7035 and 24882
Source# 5	" " "	ID# 24882
Source# 6	" " "	ID# 24882
Source# 7	" " "	ID# 24882
Source# 8	" " "	ID# 24882


**BAY AREA AIR QUALITY
MANAGEMENT DISTRICT**

 939 ELLIS STREET
 SAN FRANCISCO, CALIFORNIA 94109
 (415) 771-6000

**PERMIT
TO OPERATE**

Plant# 7409

Page: 4

Expires: MAY 1, 2013

This document does not permit the holder to violate any District regulation or other law.

 *** PERMIT CONDITIONS ***

=====

 COND# 7035 *applies to S#'s 1, 2, 3, 4*

Plant 7409, S1, S2, S3, S4:

1. The maximum gross throughput of concrete at this facility shall be no greater than 900,000 cubic yards or 1,800,000 tons/yr.
2. Visible particulate emissions from these sources shall not exceed Ringelmann 0.5 or result in fallout on adjacent property in such quantities as to cause a public nuisance per Regulation 1-301.
3. All particulate emissions due to pneumatic conveying shall be routed to the silo (Model V200) baghouse on the batch mixers. The outlet grain loading at this baghouse shall not exceed 0.039 grains per standard cubic foot of air.
4. All particulate emissions due to truck loading shall be routed to the cement batcher (Model CA20) baghouse. The outlet grain loading at this baghouse shall not exceed 0.052 grains per standard cubic foot of air.
5. The aggregate shall have a moisture content of 4% or greater.
6. Operator shall keep monthly records of type and amount of all materials used at this sources.

All records shall be retained for a period of two years from the date of entry, and be made available to District Staff on request.

 COND# 24882 *applies to S#'s 2, 3, 4, 5, 6, 7, 8*

Plant No. 7409

Application No. 23042

Plant Name: Sandman Inc., dba Star Concrete

1. The owner/operator shall not process more than 125 tons per hour, 1000 tons per day, or 1,300,000 tons per year (12 month rolling average) of material through the crushing and



BAY AREA AIR QUALITY MANAGEMENT DISTRICT

939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
(415) 771-6000

PERMIT TO OPERATE

Plant# 7409

Page: 5

Expires: MAY 1, 2013

This document does not permit the holder to violate any District regulation or other law.

*** PERMIT CONDITIONS ***

=====
screening plant (permitted sources: S-5, S-6, S-7, S-8). The throughput for each source will vary by material processed (larger material more jaw crushing and more recycle through the crushing units). The material throughput through conveyors S-5, screens S-6 may exceed the 125 ton/hour limit as material is circulated through the plant for processing.

(Basis: Cumulative Increase)

2. The owner/operator shall ensure that S-5, S-6, S-7, S-8 does not emit emissions in sufficient quantities as to cause a public nuisance under Regulation 1-301.

(Basis: Reg 1-301)

3. The owner/operator of S-5, S-6, S-7 and S-8 shall ensure that no air contaminants are discharged into the atmosphere for a period or periods aggregating more than 3 minutes in any one hour, which is dark or darker than Ringlemann 1.0 or equivalent to 20% opacity.

(Basis: Reg. 6, Rule 1)

4. The owner/operator shall abate S-5, S-6, S-7, S-8 (including all transfer points) with water sprays (A-5) with/without chemical suppressant.

(Basis: Cumulative Increase)

5. The owner/operator shall ensure that all stockpiles are watered down to ensure fugitive dust emissions are minimized.

(Basis: Cumulative Increase)

6. The owner/operator shall abate unpaved roads as necessary with water sprays to maintain compliance with Parts 2 and 3 of this condition.

(Basis: Cumulative Increase)

7. All control equipment shall be maintained and kept in good operating condition at all times.

(Basis: Cumulative Increase)

8. The total throughput of material processed, by



**BAY AREA AIR QUALITY
MANAGEMENT DISTRICT**

939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
(415) 771-6000

**PERMIT
TO OPERATE**

Plant# 7409

Page: 6

Expires: MAY 1, 2013

This document does not permit the holder to violate any District regulation or other law.

*** PERMIT CONDITIONS ***

=====

weight, in tons, shall be recorded by the owner/operator on a monthly basis in a District approved log. This record shall be retained by the owner/operator for a period of at least two years from date of entry. The log shall be kept with the equipment and made available to District staff upon request.

(Basis: Recordkeeping)

~~~~~ END OF CONDITIONS ~~~~~

| S#          | Source Description                    | Annual Average lbs/day |     |     |     |    |
|-------------|---------------------------------------|------------------------|-----|-----|-----|----|
|             |                                       | PART                   | ORG | NOx | SO2 | CO |
| 1           | Batch Mixer Ross Rustler II - Silo    | .09                    | -   | -   | -   | -  |
| 2           | Aggregate Storage Bin/Beats (3)       | .97                    | -   | -   | -   | -  |
| 3           | Aggregate Storage Area                | 3.26                   | -   | -   | -   | -  |
| 4           | Batch Mixer Truck Load Out-Rustler II | .69                    | -   | -   | -   | -  |
| 5           | Concrete Recycling Conveyors          | -                      | -   | -   | -   | -  |
| 6           | Screens                               | -                      | -   | -   | -   | -  |
| 7           | Jaw Crusher                           | -                      | -   | -   | -   | -  |
| 8           | Cone Crusher                          | -                      | -   | -   | -   | -  |
| T O T A L S |                                       | 5.02                   |     |     |     |    |

Urbemis 2007 Version 9.2.4

Summary Report for Summer Emissions (Pounds/Day)

File Name:  
 Project Name: Warehouse, storage, and concrete recycling and batch plant operations on a 4.5-acre site  
 Project Location: California State-wide  
 On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006  
 Off-Road Vehicle Emissions Based on: OFFROAD2007

CONSTRUCTION EMISSION ESTIMATES

|                                   | <u>ROG</u> | <u>NOx</u> | <u>CO</u> | <u>SO2</u> | <u>PM10 Dust</u> | <u>PM10 Exhaust</u> | <u>PM10</u> | <u>PM2.5 Dust</u> | <u>PM2.5 Exhaust</u> | <u>PM2.5</u> | <u>CO2</u> |
|-----------------------------------|------------|------------|-----------|------------|------------------|---------------------|-------------|-------------------|----------------------|--------------|------------|
| 2007 TOTALS (lbs/day unmitigated) | 6.11       | 44.21      | 25.23     | 0.00       | 6.82             | 2.72                | 9.53        | 1.43              | 2.50                 | 3.92         | 3,544.33   |
| 2008 TOTALS (lbs/day unmitigated) | 62.42      | 57.87      | 39.31     | 0.02       | 6.87             | 3.47                | 10.34       | 1.44              | 3.19                 | 4.63         | 5,755.46   |

AREA SOURCE EMISSION ESTIMATES

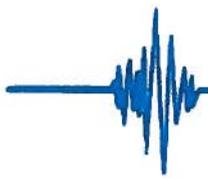
|                               | <u>ROG</u> | <u>NOx</u> | <u>CO</u> | <u>SO2</u> | <u>PM10</u> | <u>PM2.5</u> | <u>CO2</u> |
|-------------------------------|------------|------------|-----------|------------|-------------|--------------|------------|
| TOTALS (lbs/day, unmitigated) | 0.53       | 0.83       | 2.23      | 0.00       | 0.01        | 0.01         | 969.25     |

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

|                               | <u>ROG</u> | <u>NOx</u> | <u>CO</u> | <u>SO2</u> | <u>PM10</u> | <u>PM2.5</u> | <u>CO2</u> |
|-------------------------------|------------|------------|-----------|------------|-------------|--------------|------------|
| TOTALS (lbs/day, unmitigated) | 1.16       | 0.92       | 8.68      | 0.01       | 1.42        | 0.28         | 833.95     |

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

|                               | <u>ROG</u> | <u>NOx</u> | <u>CO</u> | <u>SO2</u> | <u>PM10</u> | <u>PM2.5</u> | <u>CO2</u> |
|-------------------------------|------------|------------|-----------|------------|-------------|--------------|------------|
| TOTALS (lbs/day, unmitigated) | 1.69       | 1.75       | 10.91     | 0.01       | 1.43        | 0.29         | 1,803.20   |



# EDWARD L. PACK ASSOCIATES, INC.

1975 HAMILTON AVENUE  
SUITE 26  
SAN JOSE, CA 95125

*Acoustical Consultants*

TEL: 408-371-1195  
FAX: 408-371-1196  
www.packassociates.com

April 12, 2012  
Project No. 39-035-6A

Mr. Jerry Blatt  
Star Concrete  
1510 South Seventh Street  
San Jose, CA 95112

Subject: Final Noise Assessment for the Star Concrete Recycling Facility,  
1404 South Seventh Street, San Jose

Dear Mr. Blatt:

This report will provide you with a final noise assessment study for the concrete recycling operations at the Star Concrete facility along South Seventh Street in San Jose. Included in this report is an analysis and evaluation of the proposed "slurry plant". The purpose of this study was to quantify the noise levels and noise exposures generated by the recycling plant operations at the Star Concrete property line contiguous with East Alma Avenue and the noise levels and noise exposures generated by the slurry plant at the South Seventh Street property line and at the East Alma Avenue property line.

The project-generated (short-term) noise levels were evaluated against the standards of the City of San Jose Zoning Ordinance, Ref. (a). The project-generated noise exposures (24-hour average) were evaluated against the standards of the City of San Jose Noise Element, Ref. (b).

The results of this study indicate that the noise levels produced by the recycling plant exceed the limits of the Zoning Ordinance. The noise exposures generated by the recycling plant will be within the limits of the Noise Element.

Noise from the slurry plant will be within the respective standards of the Zoning Ordinance and Noise Element at both the South Seventh Street property line and at the East Alma Avenue property line.

Appendix A, attached to this report, contains the list of references.

## **NOISE STANDARDS**

The City of San Jose Zoning Ordinance limits short term noise to 70 A-weighted decibels (dBA) at industrial land use property lines.

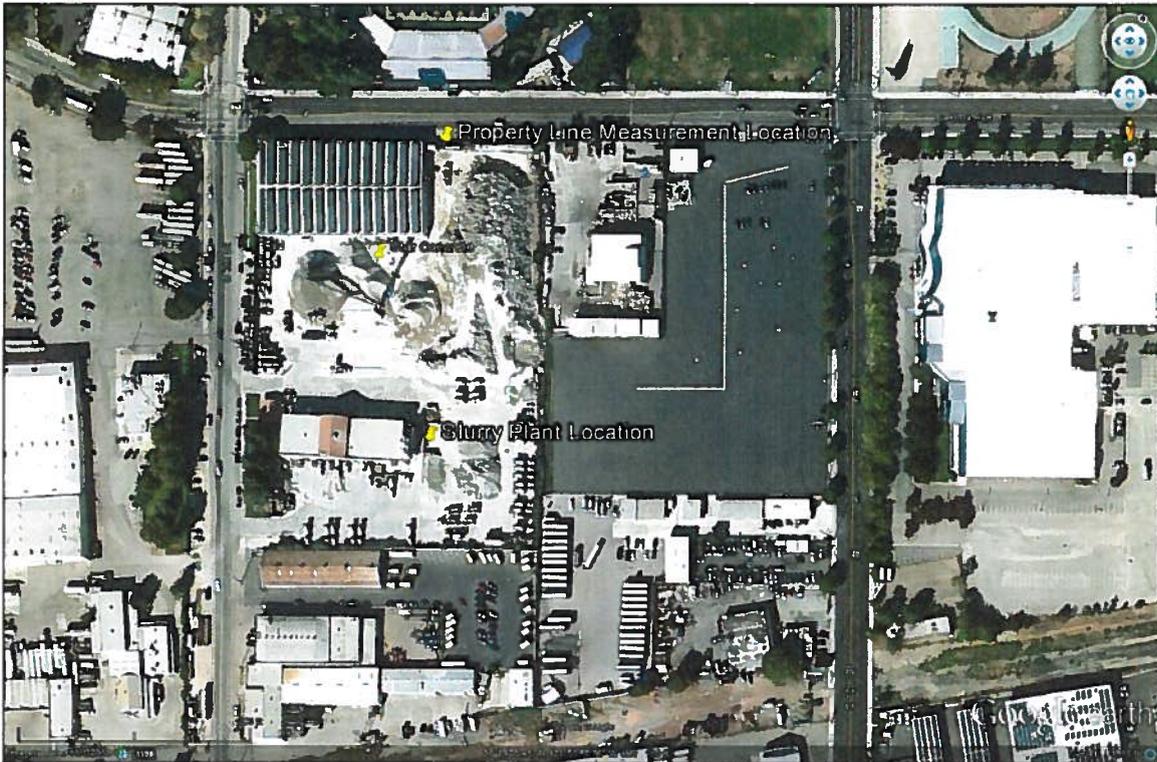
The City of San Jose Noise Element of the General Plan utilizes the Day-Night Level (DNL) noise descriptor and specifies a limit of 80 dB DNL at industrial land use property lines. The DNL is a 24-hour time weighted average noise exposure descriptor.

## **SITE DESCRIPTION**

The Star Concrete Recycling facility is located at 1404 South Seventh Street in San Jose. The site is an 8 acre parcel at the northeast corner of the South Seventh Street and East Alma Avenue intersection. Surrounding land uses include the Newark Group paper recycling facility adjacent to the east, the Star Concrete main plant adjacent to the south, the Piedmont Moving Systems facility across South Seventh Street to the west and Spartan Stadium is across East Alma Avenue to the north. The area is primarily industrial with the exception of Spartan Stadium. There are no noise sensitive uses in the vicinity of the proposed project.

The primary sources of noise in the vicinity include heavy trucking activity associated with the surrounding uses, traffic on East Alma Avenue and South Seventh Street and recycling operations at the Newark Group. Spartan Stadium activity noise is a significant source of noise during athletic events, which typically occur on weekends and do not coincide with the other land uses. The nearest residences are along East Humboldt Street on the north side of Spartan Stadium 1,300 ft. (1/4 mi.) from the recycling plant roll up door.

The satellite image on the following page shows the recycling plant, the proposed slurry plant location and the locations of the noise measurements made at the property line for the recycling plant analysis. The slurry plant is not on the site currently.



## RECYCLING PLANT NOISE ANALYSIS

To determine the project-generated noise levels and noise exposure at the Star Concrete property line, a site visit was made on Saturday February 4, 2012 at 8:30 a.m. at a time when there was little traffic on East Alma Avenue to effect the noise measurements.

The operation of the plant (indoor crushing and sorting operations) was started. Loading of used concrete material from the stockpile was performed and noise measurements were at the most impacted Star Concrete property line using a Larson-Davis LDL 812 Precision Integrating Sound Level Meter. The measurement location was between the trailer body and the transformer where there is a line-of-sight to the plant roll up door and is closest to the loading operation and roll up door. The measurement location is shown in the aerial photograph above and in the photograph on page 4.



The loading operation consists of scooping recycle raw material from the stockpile using a Caterpillar (CAT) front-end loader, backing around and driving into the recycle building via the roll up door, dumping the material into the crusher hopper, backing out of the building, and turning around to face the stockpile to repeat the operation. Photos of the operations are shown on the following page.



Recycling plant and material loading operations typically occur 1-3 days per week. Saturday operations occasionally take place. However, plant activities are scheduled so as not to conflict with activities at Spartan Stadium. Two types of material are processed. Base rock and a mix of rock and sand. More base rock is produced. Star Concrete reports that 15 base rock operations take place during any given hour while 10 rock and sand operations typically take place during any given hour. The operational noise levels are the same. The noise exposures are different because one operation occurs more often than the other. The results of this study are shown in Table I, below.

| <b>TABLE I</b>                         |                        |                    |                          |                                |                                               |                             |
|----------------------------------------|------------------------|--------------------|--------------------------|--------------------------------|-----------------------------------------------|-----------------------------|
| <b>Star Concrete Noise Levels, dBA</b> |                        |                    |                          |                                |                                               |                             |
| Source                                 | Meas. Sound Level @ PL | Operation Duration | # of Operations Per Hour | Operational Minutes Per Hour   | Hourly Avg. Noise Level (L <sub>eq(h)</sub> ) | DNL (7:00 a.m. – 3:00 p.m.) |
| Plant                                  | 77.8                   | Constant           |                          | 60                             | 77.8                                          | 73                          |
| CAT loader                             | Base Rock              | 3 min.             | 15                       | 45                             | 81.7                                          | 77                          |
|                                        | Rock & Sand            | 3 min.             | 10                       | 30                             | 79.9                                          | 75                          |
| Plant + CAT                            | 84.1                   |                    | <b>TOTAL DNL</b>         | <b>Base Rock + Plant</b>       |                                               | <b>78</b>                   |
|                                        |                        |                    |                          | <b>Rock &amp; Sand + Plant</b> |                                               | <b>77</b>                   |

As shown in the Table, the noise levels at the most impacted property line along East Alma Avenue ranged to 77.8 dBA to 84.1 dBA. The noise exposures were calculated to be 77 dB DNL on less noisy days and up to 78 dB DNL on the noisiest days. Under either scenario, the project-generated noise exposures are within the 80 dB DNL limit of the City of San Jose General Plan Noise Element standards. Mitigation measures will not be required. The short-term noise levels exceed the limits of the Zoning Ordinance. These excesses will be resolved via a Conditional Use Permit.

## SLURRY PLANT ANALYSIS

To determine the levels of noise generated by a slurry plant, on-site noise level measurements of a similar slurry plant were made at the Star Concrete facility in Gilroy on March 21, 2012. Noise level and frequency measurements were made using a Larson Davis 2900 Real Time Analyzer. The measurements were made at a distance of 20 ft. from the edge of the truck loading apron and 38 ft. from directly below the center of the slurry mixer.

The slurry plant operation consists of a cement truck backing under the mixer, the mixer operating which mixes water and dry cement to form a slurry (wet concrete mix). The slurry is then loaded (poured) into the cement truck. The truck is revved slightly to rotate the truck mixer. The mixer creates a “whoosh” sound. The overall operation takes slightly under six minutes to complete. The total noise level was measured to be 88 dBA at 20 ft. Note that the truck was the most significant of the noise sources associated with the slurry plant operation.

The 70 dBA noise contour would be 90 ft. from the edge of the truck apron.

The short-term operational sound levels of the slurry plant were calculated to be 57 dBA at the South Seventh Street property line and 50 dBA at the East Alma Avenue property line. Thus, the noise levels will be within the 70 dBA limit of the City of San Jose Zoning Ordinance.

To determine the noise exposure, we are assuming a busy operational day of eight trucks being loaded per hour (48 minutes out of 60 of slurry plant noise) over the course of the 6:00 a.m. to 4:00 p.m. operational day. The hours of operation of the plant were provided by the project sponsor, Ref. (c).

Eight trucks generating a sound level of 88 dBA at 20 ft. for six minutes yields an hourly noise level of 87 dBA  $L_{eq(h)}$ . Assuming continuous operation from 6:00 a.m. to 4:00 p.m., the noise exposure was calculated to be 86 dB DNL at 20 ft.

The slurry plant is proposed to be located approximately 300 ft. from the South Seventh Street property line, but behind the existing concrete building. The nearest line-of-sight from the South Seventh Street property line to the plant is 385 ft. The DNL at the South Seventh Street property line was calculated to be 60 dB. This noise exposure is within the 80 dB DNL limit of the City of San Jose Noise Element standard.

The slurry plant is also proposed to be located 515 ft. from the East Alma Avenue property line. The DNL at this property line was calculated to be 53 dB, with a -28 dB factor for distance and a -5 dB factor for acoustic shielding provided by the recycling building and material stockpile. This noise exposure is more than 10 decibels below the existing noise exposure at the property line. Thus, the slurry plant will not add to the existing noise environment and will be within the 80 dB DNL limit of the City of San Jose Noise Element standard. Noise mitigation measures for the slurry plant will not be required.

If you have any questions or would like an elaboration on this report, please call me.

Sincerely,



Jeffrey K. Pack  
President

cc: Mike Campbell, HMH Engineers

## APPENDIX A

### References

- (a) City of San Jose Municipal Code, Title 20, "The Zoning Ordinance", Part 7, Performance Standards, November 29, 2001
- (b) San Jose 2020 General Plan, Focus on the Future, City of San Jose, Department of City Planning and Building, August 16, 1994
- (c) Information on Slurry Plant Operations Provided by Mr. Jerry Blatt, Star Concrete, by Telephone to Edward L. Pack Associates, Inc., March 27, 2012