

RESOLUTION NO. 73929.1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSE MAKING CERTAIN FINDINGS CONCERNING MITIGATION MEASURES, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, AND MAKING FINDINGS CONCERNING ALTERNATIVES IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970 FOR THE HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY PROJECT (FILE NO. PP06-100) FOR WHICH AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970

WHEREAS, approval of the relocation of the Household Hazardous Waste Drop-off Facility to 1608 Las Plumas Avenue would require the City of San Jose (“City”) to adopt a resolution making findings concerning the significant environmental effects of that action as described in the Final Environmental Impact Report for the San José Household Hazardous Waste Collection Facility (the “FEIR”), pursuant to the California Environmental Quality Act of 1970, together with related state and local implementation guidelines, all as amended from time to time (collectively, “CEQA”); and

WHEREAS, the project analyzed under the FEIR consisted of the following components: a relocation of the existing household hazardous waste drop-off facility from the City of San Jose Central Service Yard to a City-owned parcel located at 1608 Las Plumas Avenue, which Las Plumas Avenue site holds an existing Light Industrial (LI) zoning designation, to allow for the continued operation of household hazardous waste collection and transfer operations (the “Project”); and

WHEREAS, prior to the adoption of this Resolution, the Planning Commission of the City of San José certified that the FEIR was completed in accordance with the requirements of CEQA; and

WHEREAS, an appeal of the Planning Commission’s certification of the FEIR was timely filed with the City of San Jose and duly scheduled for a public hearing before this City Council, and at such public hearing the City Council provided an opportunity for all interested persons to provide oral or written comment on the matter of the appeal and certification of the FEIR; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed relocation Project; and

WHEREAS, CEQA requires that in connection with the approval of a project for which an environmental impact report has been prepared which identifies one or more significant environmental effects, the decision-making body must make certain findings regarding those significant effects on the environment as identified in that report; and

WHEREAS, this resolution has been prepared to satisfy that findings requirement under CEQA.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE:

THAT THE CITY COUNCIL hereby finds that it has independently reviewed and analyzed the FEIR and other information in the record and has considered the information contained therein, including the written and oral comments received at the public hearings on the FEIR and on the Project, prior to acting upon or approving the Project, finds that the FEIR represents the independent judgment and analysis of the City of San José as Lead Agency for the Project, and designates the Director of Planning, Building and Code Enforcement at his office at 200 East Santa Clara Street, San José, California 95113-1905, as the custodian of documents and records of proceedings on which this decision is based; and

THAT THE CITY COUNCIL does hereby make the following findings with respect to the significant effects on the environment of the Project as all of this is described in the FEIR, taken together with the oral and written testimony submitted to the City Council in connection with the FEIR and/or the Project:

I. FINDINGS CONCERNING SIGNIFICANT ENVIRONMENTAL EFFECTS

A. HYDROLOGY AND WATER QUALITY

1. Impact

The northern portion of the Project site is located in a zone with a one percent (1%) annual chance of shallow flooding, with average depths between one (1) and three (3) feet. The southern portion of the site is in an area of possible, but undetermined, flooding hazard. Flooding on the site during a 100-year storm event could interrupt operations during a collection event, but as the events are generally held only eight (8) partial days per month, the likelihood is that flooding would occur when employees and customers are not on the site.

The base flood elevation on the site is 84 feet, and the elevation of the site at the area planned for hazardous waste handling and storage ranges between 83 and 85 feet. Flooding on the site may contact these containers, but is unlikely to reach sufficient depths to cause significant damage or disturbance to the site or the chemical storage units. The containers are bolted to the ground for stability during earthquakes.

Mitigation

Since the facility operations are held outdoors, the Santa Clara Valley Water District recommends that all containers be elevated above the one percent (1%) water surface elevation.¹ Household hazardous waste collected on the site would be stored in self-contained double-hulled chemical storage containers designed for the purpose, which would contain smaller, individual storage drums and other containers. The larger storage containers are built at least one (1) foot above ground level, with the floor of each unit consisting of a grate with secondary containment (a sump) below the grate to collect spilled liquids and solids.

With implementation of this mitigation measure during Project development, flooding impacts at the Project site would be **less than significant**.

Finding

The implementation of the above FEIR mitigation measures will reduce this potentially significant impact to a **less than significant level**.

2. Impact

The Project proposes to add or replace up to 27,500 square feet of impervious surface, primarily for a new driveway entrance on Nipper Avenue. The majority of the site is already covered with impervious surface area, including asphalt and concrete, and less pervious compacted gravel surfaces. Stormwater runoff from the Project site would be expected to increase somewhat after completion of the Project. The Project would also add a 25-foot landscaping buffer along Nipper and Las Plumas Avenues.

Mitigation

Since the groundwater below the Project site has existing contamination, the Santa Clara Valley Water District does not recommend infiltration post-construction best management practices on the Project site.² Stormwater would therefore not be drained to or treated in landscaped areas, but would be retained in a bioretention or other mechanical facility for treating stormwater, as described in San José's Policy 6-29.

Finding

The implementation of the above FEIR mitigation measures will reduce the potentially significant impact to a **less than significant level**.

3. Impact

The proposed Project site would be prepared with minor amounts of removal and replacement of surface materials. These construction activities could increase

¹ Yung, Samuel, Santa Clara Valley Water District, letter to the City of San José re: City File PP06-100, September 15, 2006.

² Yung, Samuel, Santa Clara Valley Water District, letter to the City of San José re: City File PP06-100, September 15, 2006.

the potential for sedimentation and erosion, and impact the water quality of stormwater runoff.

Mitigation

In order to further minimize and avoid water quality impacts, Best Management Practices (BMPs) for construction will be implemented in accordance with the City of San José's NPDES permit and all other applicable local, state, and federal requirements, as described in *Section 2.0, Consistency with Relevant Plans and Policies*.

Construction BMPs will include the following:

- Restrict grading to the dry season or meet City requirements for grading during the rainy season.
- Use BMPs to retain sediment on the project site.
- Place burlap bags filled with drain rock around storm drains to route sediment and other debris away from the drains.
- Provide temporary cover of disturbed surfaces to help control erosion during construction.
- Provide permanent cover to stabilize the disturbed surfaces after construction.
- Stencil inlets with the message "No Dumping – Flows to Bay."
- Comply with the City's NPDES permit requirements, ordinances, and policies related to stormwater management, the SWRCB's General Permit for Discharges of Storm Water associated with Construction Activity, and all other applicable local, state, and federal requirements.

Prior to construction grading for disturbance of 10,000 square feet or more, the City will be required to file a "Notice of Intent" (NOI) to comply with the General Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the Project to minimize and control construction and post-construction runoff. Copies of the SWPPP shall be submitted to the City of San José Department of Public Works.

Finding

The implementation of the above FEIR mitigation measures will reduce the potentially significant impact to a **less than significant level**.

4. Impact

The proposed Project could result in stormwater runoff containing oil and grease from parked and queuing vehicles and sediment from the landscaped areas near

the public streets. In addition, household hazardous materials collection activities on the site, including transfer, accumulation, and storage could result in mishaps or spills where stormwater quality would be affected.

Mitigation

To minimize the risk of household hazardous materials at the proposed Project site reaching nearby waterways, Project operations would include a spill control containment system. During preparation of the site for a collection event, temporary berms lined with six millimeter thickness plastic sheeting would be set up in all areas where household hazardous waste materials would be transferred from the customer's original containers to specially designed containers for transportation off site. The use of berms and plastic sheeting for control of any potential spills and the use of specialized double-hulled containers for temporary on-site storage would minimize the potential for household hazardous materials to impact stormwater runoff.

Typically, over 90 percent of all household hazardous waste dropped off at the facility would be removed from the site on the same day it is collected from customers. The waste remaining on site would be kept in double-hulled hazardous waste storage containers until there is sufficient quantity for shipment. These storage containers include a monitoring system to detect spills, and would be visually inspected in accordance with applicable regulations. At the proposed Project, no household hazardous waste materials would be stored in the open where they could come into contact with rainfall and result in contaminated stormwater runoff flowing off the site.

Finding

The implementation of the above FEIR mitigation measures will reduce the potentially significant impact to a **less than significant level**.

B. HAZARDOUS MATERIALS

1. Impact

On-site storage and handling of household hazardous materials could have a significant impact on employees, customers, or the environment at the Project site.

Mitigation – Facility Set-up

- The collection facility will be operated on a paved surface of asphalt or concrete in good repair.
- The facility will be clearly marked for public access.
- The facility shall have signs posted warning that the receiving, handling, and storage areas contain hazardous waste and with the legend "Danger! Hazardous Waste Area – Unauthorized Personnel Keep Out."

- Additionally, signs shall be posted that prohibit food, beverages, and smoking in the receiving, handling, and storage areas. All signs shall be posted in English and any other language predominant in the area surrounding the facility; and legible from a distance of at least 25 feet.
- The facility must have canopy or other roof structure to prevent exposure to excessive heat or precipitation. The areas to be covered include sorting, bulking, and packaging areas.
- The facility must have a physical barrier such as cones, tape or tables to delineate the perimeter of the handling and storage areas.
- Locks will be placed on all building doors and the entire working area will be surrounded by a locked fence. A perimeter fence around the proposed facility will be constructed to provide adequate security for the facility and also function as a visual screen from the adjacent streets.
- Existing lights in the front parking lot will be activated in order to illuminate the front of the household hazardous waste drop-off facility.
- An electronic perimeter security system will be installed.
- Daily monitoring of the site and the posting of a 24-hour, 7-day per week hotline phone number will be instituted in order to deal with incidents of illegal dumping. The daily monitoring and the availability of the 24-hour illegal dumping hotline will help ensure that any incidents of illegal dumping will be responded to within one (1) day.
- The City will provide a full-time staff member on-site during normal business hours, and retain the services of a security company for off-hours security service.

Mitigation – Spill Prevention and Storage

- All waste handling areas (with the exception of traffic lanes) must be covered with contiguous plastic sheeting of at least six (6) millimeters thickness, and any punctured or torn plastic must be repaired and replaced immediately.
- All areas, including covered areas, where storage containers are positioned for waste packaging or bulking will be bermed in a manner that will contain any spill in the localized area where the spill occurred.
- The berm used will measure approximately four (4) feet wide by twelve (12) feet long by four (4) inches high, and will be formed with bags filled with absorbent materials and lined with six (6) millimeter thick plastic sheeting to create a barrier around the bulking containers. The berm will be set up on three (3) sides of the bulking operation with the open end facing the high side of the grade.
- Any spilled waste will be immediately cleaned up and disposed of properly.
- Waste containers must be in good condition and checked weekly. Waste stored in containers must be compatible. Containers must be kept closed except when adding or removing waste.

- Containers holding incompatible waste must be separated by area or berm.
- Waste must be consolidated in secure areas away from waste receiving areas.
- A written protocol for storage must be approved by the San José Fire Department.

Finding

The implementation of the above FEIR mitigation measures will reduce the potentially significant impact to a **less than significant level**.

2. Impact

On-site storage and handling of household hazardous waste could have a significant impact on adjacent land uses.

Mitigation

The Project will be required to obtain a Permit to Operate from the Certified Unified Program Agency (CUPA). This agency, housed in the Santa Clara County Department of Environmental Health, is the regulatory agency for all hazardous waste facilities in Santa Clara County. The operator of the facility, the Santa Clara County Department of Environmental Health, will be required by the State Department of Toxic Substances Control (DTSC) to prepare an Operations Plan that includes disaster planning in the event of an earthquake.

Finding

The implementation of the above FEIR mitigation measures will reduce the potentially significant impact to a **less than significant level**.

II. ALTERNATIVES TO THE PROPOSED PROJECT

A. NO PROJECT ALTERNATIVE

1. Description

Under the No Project Alternative, the site could remain vacant, it could be reused as a paved lot, or it could be redeveloped under the existing zoning and land use designations. If no new permits were required from the City for reuse of the paved lot, such reuse would not trigger upgrading of the pavement or installation of stormwater quality control systems.

2. Comparison to Proposed Project

If the site is reused as a paved lot in which hazardous materials or waste are not handled, stored, or transported, the less-than-significant impacts to

or from hazardous materials anticipated from this Project would be less likely to occur. Possible impacts to stormwater quality could be worse. The use of hazardous materials is allowed by the existing zoning for the site, however, and redevelopment is likely to include businesses and activities similar to those already existing in the area, many of which use substantial quantities of hazardous materials.

If new alternative uses or activities on this site were to include hazardous materials use, either in its current condition as a paved lot or with a new structure, possible impacts from accidental release of the hazardous materials could be the same or greater as those from the proposed Project.

If the proposed Project site were left as a vacant lot, illegal dumping and vandalism could occur, possibly more often than at a developed site with security measures on site. In addition, if no convenient legal household hazardous waste disposal site is available to residents, illegal dumping of these materials is more likely to occur throughout the City, causing a greater risk to waterways, landfills, rural areas, and workers and residents who may inadvertently come in contact with these materials. The No Project Alternative would not accomplish any of the Project objectives.

c. Finding

The No Project Alternative may result in the same or more significant impacts as those described in the FEIR if the site is reused or redeveloped with an industrial use. Construction of a new building on the site may result in longer and more severe short-term construction impacts than the proposed Project. In addition, depending on the use of the new building, increased traffic, visual, energy, or utilities impacts could result. Since use of hazardous materials on site is compatible with the site's zoning and General Plan designation, analysis of this alternative must assume that the site would be developed or used in a fashion consistent with its zoning and General Plan designation, and therefore would not be environmentally superior to the proposed Project.

The No Project Alternative would not accomplish any of the Project objectives for establishing a household hazardous waste collection and storage facility on a City or County-owned property in central San José and is therefore found **infeasible**.

///

///

B. Reduced Scale Alternative – NO STORAGE

1. Description

The Reduced Scale Alternative to the Project as it is presently proposed assumes that the facility would not store household hazardous waste on site after collection events.

2. Comparison to Proposed Project

This Reduced Scale alternative would otherwise have environmental impacts similar to the proposed facility, including less-than-significant impacts to water quality during operations and construction, and possible impacts from mishaps occurring during transport and transfer of hazardous waste. Under this alternative, illegal dumping could also occur. Removing all materials from the site after collection events might incrementally reduce these less than significant potential impacts, but would also add substantially to the cost of operating the household hazardous waste facility.

The Reduced Scale Alternative would accomplish the Project objectives for establishing a household hazardous waste collection and storage facility on a City or County-owned property in central San José. This alternative would also increase the cost of implementing the program, possibly leading to reduction of household hazardous waste services elsewhere. The Reduced Scale Alternative would incrementally reduce the less-than-significant impacts from hazardous waste stored on site, including risk of upset from seismic events, floods, or trespass. Less-than-significant traffic impacts would increase incrementally because of more frequent collection. These impacts are all already reduced to less than significant by the proposed Project scale and design. All other Project impacts would remain essentially the same. This alternative would not fulfill the objectives of the Project due to the increased cost of operating the program.

3. Finding

The Reduced Scale Alternative would incrementally reduce the less-than-significant impacts of hazardous waste stored on site, including risk of upset from seismic events, floods, or trespass. These impacts are all already reduced to a less than significant level by the proposed Project scale and design. All other Project impacts would remain essentially the same (with a slight increase in truck traffic). This alternative would not fulfill the objectives of the Project due to the increased cost of shipping

all hazardous waste off site after an event and is therefore found **infeasible**.

C. ALTERNATIVE PROJECT LOCATION - REMILLARD COURT SITE (STORY ROAD LANDFILL)

1. Description

The Remillard Court alternative site evaluated in the FEIR is a portion of the former Story Road Landfill. The entire property is located east of downtown off Remillard Court, which is north of Story Road and east of Coyote Creek. The site is designated as *Public Park/Open Space* in the General Plan and is zoned as *R-1-8: Single-Family Residential*. The property is owned by the City of San José and has been considered by the City's PRNS Department for use as parkland or a similar use. Because the property was formerly a landfill, clean up and remediation efforts are continuing to remove contamination caused by this use. Because the site is near Coyote Creek, any development on site would need to consider the 100-foot riparian setback per San José's Riparian Corridor Policy guidelines.

Currently, there is no direct paved access road to the site, so the City would need to acquire additional rights to an access road or easement before the site could be used for the proposed Project. A traffic study would also likely be needed to study the circulation, access, and queuing of Project traffic, and the impact of increased traffic on roadways in the vicinity.

The site is several acres in size, and is considered sufficiently large to accommodate the proposed facility outside the riparian setback. The site is designated as *Public Park/Open Space* in the General Plan and is zoned as *R-1-8: Single-Family Residential*. The properties east of the site on Remillard Court are designated as Industrial Park on the General Plan and zoning maps. The site is approximately 500 feet east of the nearest residential uses across Coyote Creek. Because the site is a former landfill, soil stability is a development issue and would need to be studied and mitigated. The site is currently unpaved, and would require paving and an associated increase in impervious surface before it could be used as a household hazardous waste facility. The site is located in FEMA flood Zone D: "undetermined but possible flood hazards."

///

///

1. Comparison to Proposed Project

The proposed Project would not be consistent with the General Plan and zoning for that alternative Project site, but there would likely be sufficient space for the proposed facility. This alternative site does not have adequate access. The site's proximity to the Coyote Creek riparian corridor could result in greater impacts to biological resources. The site would also create more new impervious surface than the proposed site on Las Plumas Avenue, and therefore result in greater impacts to water quality and increased volume of stormwater runoff. The site is not likely to experience flooding. Use of the site may require substantial mitigation to stabilize the soil and prepare the site for use, and the site may be less stable during seismic events than the Las Plumas site.

3. **Findings.** This alternative could result in greater biological, water quality, geology and possibly traffic impacts than the proposed site on Las Plumas Avenue. Hazardous materials impacts would be approximately the same as the proposed site, as the site is adjacent to existing and proposed sensitive park and trail uses and is a similar distance from residential uses. Flooding impacts may be less than on the proposed site. The site is **infeasible** for the proposed project due to costs associated with required access rights and improvements and for appropriate geologic mitigations. The property also is not available due to its proposed use for other City facilities.

This alternative site does not meet the following Project objectives and criteria:

- have safe ingress for trucks and customer vehicles,
- be compatible with adjacent land uses,
- require minimal site preparation, and
- be consistent with the General Plan and zoning designations.

Based on the foregoing, this site alternative is found **infeasible**.

D. Union Pacific Railroad Site

1. Description

The Union Pacific Railroad site is located on the west side of Senter Road, north of the City's Central Service Yard and south of San José Municipal Stadium. This triangle-shaped site borders the existing Union Pacific Railroad tracks west and north. This site is at least one (1) acre in size, and is currently vacant, with a surface of gravel and compacted soil. The site is across Senter Road from the City of San José's Kelley Regional

Park, which contains the Happy Hollow Zoo, History Park, and Japanese Friendship Garden, and is south of San José Municipal Stadium and the Logitech Ice Skating Rink. The site is zoned and designated in the General Plan as *Heavy Industrial*. The site is located in FEMA flood Zone D: “undetermined but possible flood hazards.”

2. Comparison to Proposed Project

Since the site is not currently owned by the City of San José or the County of Santa Clara, funds for lease or purchase of the site would have to be identified and budgeted. The site is centrally located. Although this location would be near the site of the former household hazardous waste facility, it is not on the same street and users would still require detailed directions to find it. The site is a triangle, has access from Senter Road, and, despite the awkward shape of the property, there probably is sufficient space for storage containers and vehicle queues.

The location would be consistent with the General Plan designation and zoning required for the Project and would likely have sufficient space and access for the proposed facility. If vehicles did become backed up onto Senter Road, however, this would cause greater impacts to local traffic than would be caused by congestion on Las Plumas and Nipper Avenues because Senter Road is a major north/south arterial and an important access to major public facilities in the area. Along Senter Road, the UPRR parcel is in close proximity to Muni Stadium, Kelley Park / History Park and Happy Hollow Zoo. Traffic ingress and egress from the parcel can be accommodated only by southbound lanes, which would impact the traffic conditions considerably in this major arterial road. For northbound traffic attempting to enter the parcel, vehicles would be required to make a U-turn at Alma Avenue, which is severely congested during sporting events at Muni Stadium. According to the Department of Transportation’s Average Daily Traffic Volumes study in 2005, approximately 30,000 vehicles utilize Senter Road between Story Road and Phelan Avenue. 35,000 vehicles utilize Senter Road from Phelan Avenue to Tully Road.

In addition to the close proximity to the regional park across Senter Road, during the 2007 San Jose Giants baseball season, Muni Stadium would host 30 home games on Wednesdays, Fridays and Saturdays. Several of such games during the summer season are during the day, which will coincide with the operating hours of the HHW collection facility. For evening games, there are multiple activities and occupancies at Muni Stadium during the daytime hours to prepare for the night events. The exterior food preparation and cooking area is adjacent to the railroad tracks. During home game event days, the amount of pedestrian foot traffic along Senter Road can amount to several hundred (including

women and children), as patrons find alternate parking locations separate from the Muni Stadium parking lot. Patrons utilizing VTA lines and residents from nearby multi-family dwellings south of Phelan Avenue and other nearby streets also utilize Senter Road to arrive at Muni Stadium.

Environmental investigations of portions along the same and other UP corridors and / or adjacent properties were observed to have soil contamination related to the historical railroad uses. Typically, the observed contaminants are heavy metals (e.g. lead, arsenic), petroleum and solvents.

The South Campus District Plan (joint master plan between the City and SJSU) is current in assessment, with the planning and environmental documents anticipated to be available by November 2008. The South Campus District Plan will evaluate potential land uses and shared opportunities to create a dynamic, multi-purpose recreation district in the South Campus / Municipal Stadium / Kelley Park / Logitech Ice / Story Road Landfill area. The South Campus District Plan intends to provide improved recreation amenities for area residents and a regional amenity for sports events and tournaments, while continuing to meet SJSU campus academic, intramural, club sports, faculty / staff and intercollegiate needs. The South Campus District Plan also intends to improve parking capacity and pedestrian accessibility throughout the area. The UPRR parcel is within the master plan boundaries and is currently being considered as a potential location for a regional soccer facility.

For the purposes of constructing an HHW facility, the site would likely require approximately twice as much cost as the proposed Las Plumas Avenue site (since it is currently unpaved), and therefore would result in somewhat greater impacts to water quality and increased volume of stormwater runoff. The risk of flooding would likely be less than the proposed Project site.

Although located in an existing industrial area, hazardous materials impacts may be greater, as the site is near the sensitive receptors in the regional park east of the site, that also contains the biologically-rich Coyote Creek riparian corridor, and is also near the Municipal Stadium and other sports facilities in the area.

Since it is not owned by the City or County, purchase of the site, determining the degree of on-site contamination present (if any), and site preparation would require more time than would be necessary to have the facility up and running at the proposed location. The cost of acquisition, testing, and site preparation will also be greater than the cost of implementing the Project on the proposed site, which is City-owned and

has already been tested for contamination. Use of this alternative site would therefore be less consistent with Project objectives requiring minimal site preparation.

The portion of the UPRR parcel south of the Municipal Firing Range could not accommodate a household hazardous waste collection facility due to size constraints, traffic impacts and anticipated future use of the area. According to the Department of Transportation's Average Daily Traffic Volumes study in 2005, approximately 19,000 vehicles utilize 10th Street. Queuing lanes were already difficult with the previous household hazardous waste collection facility location at 1600 10th Street, as 10th Street has only two (2) northbound lanes with no shoulder, and in which access to the eastern most lane was restricted during collection days to accommodate one (1) lane for traffic queuing. Similarly, vehicles entering the UPRR parcel will also need to be queued on the eastern most lane of 10th Street. Southbound traffic on 10th Street would need to cross the northbound lanes to enter the UPRR parcel, with no traffic safety (signs or light) equipment in place. In fact, traffic could not enter the parcel directly from the southbound lanes, as vehicles also would be queued in the entrance, restricting access into the parcel. Only vehicles traveling northbound could enter the queuing lane.

3. Findings

Although located near some existing industrial uses, hazardous materials impacts at this alternative site could be the same as or greater than those of the proposed Project since this alternative site is near much greater numbers of sensitive receptors in the regional park east of the site and is near the Municipal Stadium and other sports facilities in the area. The site could have more significant traffic impacts than the proposed site and would be similar in other impact areas. Because of the impacts to traffic, and the very close proximity to a major regional park and other sensitive uses, this alternative would not be environmentally superior to the proposed Project.

E. Municipal Firing Range Site

1. Description

The Municipal Firing Range site is located north of the Union Pacific Railroad tracks at 1580 South 10th Street. This location is immediately north of the household hazardous waste facility's former location, at 1600 South 10th Street, and would be familiar to residents who visited the previous household hazardous waste facility. The property is designated as *Public/Quasi-Public* on the General Plan and is zoned *R2: Two-Family*

Residential and would require a General Plan Amendment before it could be used for a household hazardous waste facility. San José Municipal Stadium and Logitech Ice Arena are located north of the Firing Range on the same City-owned parcel. The site is slightly less than one-half (1/2) acre in size and contains a small, one-story building that was likely constructed in the 1950's. The City has a long-standing lease agreement with the Santa Clara Valley Rifle Club for use of the property.

2. Comparison to Proposed Project

As the site has been used for many years as a shooting range, lead contamination from bullets may be present, and this potential hazardous waste would need to be characterized and remediated before reuse of the property. The site also contains several mature trees and is partially paved. The site is located in FEMA flood Zone D: "undetermined but possible flood hazards." The site is of a minimum acceptable size for the household hazardous waste facility and does not have any room for expansion, as it is bounded by the railroad tracks, stadium parking lots, and South 10th Street.

The site contains a building that is thought to be more than 50 years old that could be a historic resource. If the building is demolished for a new development on site, hazardous materials impacts to construction workers and nearby uses due to lead contamination from bullets, asbestos-containing materials, and lead-based paint may occur. Because of the size and awkward shape of the property, any traffic back-ups would impact South 10th Street, which is a major north/south arterial. This alternative site would likely cause greater traffic and hazardous materials impacts than the proposed site, and could have significant cultural resource impacts, but other impacts, including hydrology and water quality, would be approximately the same, and flooding impacts would be less.

The site is not available for use as a household hazardous waste facility due to existing lease arrangements and would first require a General Plan Amendment. Most of the possible impacts, including hazardous materials impacts, could be avoided or mitigated by available mitigation measures. If the building on this site is an historic resource, its loss could be significant. This alternative is not environmentally superior to the proposed Project.

3. Findings

The Municipal Firing Range site would likely have greater hazardous materials, traffic, and cultural resources impacts than the proposed site.

Based on its size and current unavailability for lease, the site would not meet the Project objectives. This site is **not a feasible alternative**.

F. 885 Singleton Road Landfill Site

1. Description

The property is currently owned by the City's Parks and Recreation Department and has been designated for a future sports complex. Residences border the site to the east and south and Andrew Hill High School is located less than three hundred (300) feet to the west. The Singleton Landfill site is located south of Capitol Expressway, and west of Coyote Creek, between Senter Road and U.S. Highway 101. The landfill site consists of 80 acres in five (5) parcels adjacent to the west side Coyote Creek. The site has the General Plan designation of *Public Park/Open Space* and is zoned as *R-1-1: Single Family Residential*. The proposed use is therefore not consistent with either the General Plan or zoning for the site. Residences border the site to the east and south, and Andrew Hill High School is located less than three hundred (300) feet to the west.

The site is almost entirely unpaved, and portions of the site are mounded above ground level. The site does not have adequate utilities to serve the Project. Aside from a narrow area close to Coyote Creek, the majority of the site is located in FEMA flood Zone D: "undetermined but possible flood hazards."

The site is accessible directly from Singleton Road, which is a relatively narrow two-lane local street bordered by single-family residential uses, the high school, and churches between Senter Road and the landfill. Other access may be possible from the south by residential streets off Yerba Buena Road. The site does not contain mature trees or historic structures. The landfill is not located centrally to users in north or east San José and may not be in an area familiar to many residents.

The landfill was operated from 1964 to 1980, and regular groundwater and air quality monitoring reports are required by the Regional Water Quality Control Board and the Bay Area Air Quality Management District. The site is currently owned by the City's Parks and Recreation Department and has been designated for a future sports complex.

2. Comparison to Proposed Project

Unless adequate alternative access could be developed, possibly from Capitol Expressway, the Singleton Road site would have greater traffic

impacts than the proposed site. This alternative site would also have greater hydrology and water quality impacts than the proposed site, as it is currently unpaved and would result in a substantial increase in impervious surface. The likelihood of flooding may be less than on the proposed Project site. The site is likely to have greater hazardous materials impacts, due to much of the site's proximity to residential and park uses. The site is likely to contain unconsolidated sediment and fill, and the site may have to be leveled to accommodate the proposed facility. The site's proximity to Coyote Creek and an historic landfill indicate a strong likelihood for site instability or weakness.

3. Findings

Development of the Singleton Road site would have greater hydrology and water quality impacts than the proposed facility and a greater potential for hazardous materials to impact adjacent uses. The site would require grading or site preparation and has limited access. The site would also not meet the objectives of the Project since it has been designated for another City use and is not consistent with the General Plan and zoning designations. The site is **not a feasible alternative** and would not be environmentally superior to the proposed Project.

III. MITIGATION MONITORING AND REPORTING PROGRAM

Attached to and adopted with this Resolution, and incorporated herein by this reference, is the Mitigation Monitoring and Reporting Program for the Project. The Program identifies impacts of the Project, corresponding mitigation, designation of responsibility for mitigation implementation and the agency responsible for the monitoring action.

IV. STATEMENT OF IMPACTS AND BENEFICIAL CONSIDERATIONS

The City Council of the City of San José adopts and makes the following Findings regarding the significant impacts of the Project and the anticipated benefits of the Project.

A. SIGNIFICANT IMPACTS

With respect to the foregoing findings and in recognition of those facts that are included in the record, the City has determined that although the Project could result in significant impacts as disclosed in the FEIR prepared for this Project, the

potential impacts would be reduced to a **less than significant level** by implementation of feasible changes or alterations to the Project.

B. BENEFICIAL CONSIDERATIONS

After review of the entire administrative record, including but not limited to the FEIR, the staff report, applicant submittals, and the oral and written testimony and evidence presented at public hearings, the City Council finds that specific economic, legal, social, technological and other anticipated benefits of the Project further justify the approval of this Project. The City Council specifically adopts and makes this Finding that this Project has eliminated or substantially lessened all significant effects on the environment. The Project will result in the following substantial benefits, which constitute specific economic, legal, social, technological and other considerations that further justify the approval of the Project:

C. BENEFITS OF THE PROJECT

1. The Project will provide the residents of San Jose with a convenient, safe, and legal location to disposal of unwanted household products that cannot be placed in the garbage or the recycling.
2. The Project will significantly contribute to the reduction of unwanted toxics from San Jose homes.
3. The Project will significantly contribute to the reduction of mercury, lead, and other heavy metals the the City's watershed; thus, contributing to the compliance with National Pollution Discharge Elimination Permits for sanitary and storm sewer systems.
4. The Project will contribute to the City's compliance with the California Integrated Waste Management Act of 1989 through the diversion of waste from the solid waste stream.
5. The Project will make productive a currently unused City asset that has become a neighborhood blight thereby adding viability and vitality to the surrounding region.
6. The Project will enhance the safety of workers in the solid waste and recycling industries by providing residents with a convenient and centralized alternative to placing household toxics in their garbage or recycling containers.
7. The Project's central location will contribute to improving Household Hazardous Waste Program participation in Central San Jose neighborhoods.

Household Hazardous Waste Program data identifies these neighborhoods as having the lowest participation rates.

ADOPTED this 26th day of June, 2007 by the following vote:

AYES: CHIRCO, CHU, CONSTANT, CORTESE, LICCARDO,
NGUYEN, OLIVERIO, WILLIAMS; REED

NOES: CAMPOS, PYLE

ABSENT: NONE

DISQUALIFIED: NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk