Rezoning of Airport Parcels and GPA

Draft
Environmental Impact Report
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Project Overview

The project is a General Plan Amendment (GPA) and Planned Development rezoning on approximately 11.4 acres of seven City-owned parcels located in the Guadalupe Gardens, a 120-acre area located immediately south of the San José Mineta International Airport (SJC). On each of the seven parcels, the existing *Envision San José 2040 General Plan* Land Use Designation of Open Space Parks Habitat (OSPH) would be changed to Combined Industrial Commercial (CIC) and each parcel would be rezoned to the OS (PD) Planned Development Zoning District. With the new General Plan land use designation and rezoning in place, the City intends to market the seven parcels for development that is consistent with the underlying purpose of the parcels for aviation-related objectives. The City would retain ownership of the land and would lease the sites to developers. Revenues from the leasing of the parcels would be used to support aviation services at SJC. The project also includes the removal of the seven parcels from the Guadalupe Gardens Master Plan.

Summary of Significant Impacts

The following table summarizes the significant effects and mitigation measures addressed within this Environmental Impact Report (EIR). The project description and full discussion of impacts and mitigation measures can be found in *Section 2.0 Project Information and Description* and *Section 3.0 Environmental Setting, Impacts, & Mitigation*.

Significant Impacts	Mitigation and Avoidance Measures
Biological Resources	
Impact BIO-1: Construction activities on the subject parcels could impact burrowing owls by trampling or compacting underground burrows.	**MM BIO-1.1:** Prior to the issuance of any grading, building, or demolition permits for development projects on the subject parcels, a qualified biologist shall conduct preconstruction surveys in all potentially suitable burrowing owl habitat on and within 250 feet of the area in which ground disturbance is proposed. To maximize the likelihood of detecting owls, the preconstruction survey shall last a minimum of three hours. The survey shall begin one hour before sunrise and continue until two hours after sunrise (three hours total) or begin two hours before sunset and continue until one hour after sunset. A minimum of two surveys shall be conducted (if owls are detected on the first survey, a second survey is not needed). Owls observed shall be counted and their location shall be mapped.

	Surveys shall conclude no more than two calendar days prior to the initiation of ground disturbing activities; thus, surveys shall begin no less than four days prior to the initiation of ground disturbing activities (two days of surveying plus up to two days between surveys and ground disturbing activities). To avoid last-minute changes in schedule that may occur if burrowing owls are found, a preliminary survey may be conducted up to 14 days before construction. This preliminary survey may count as the first of the two required surveys, as long as the second survey concludes no more than two calendar days in advance of construction. The results of the preconstruction surveys shall be submitted to the City of San José Director of Planning, Building and Code Enforcement or Director's designee no more than 14 days prior to ground disturbing activities or the issuance of any tree removal, grading, demolition, or building permits. If the preconstruction survey does not identify the presence of burrowing owls on or within 250 feet of the area in which ground disturbance is proposed, no further measures are necessary. However, should the preconstruction survey determine the presence of burrowing owls on or within 250 feet the area in which ground disturbance is proposed, then the applicant shall implement the following avoidance measures. • <u>Avoidance during the Breeding Season.</u> If evidence of burrowing owls is found during the breeding season (February 1 to August 31), all nesting or roosting sites that could be disturbed by project construction activities shall be avoided during the remainder of the breeding season (if owls remain throughout the breeding season) or while the nest (i.e., a burrow occupied during the period

	February 1 to August 31) is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging). Although burrowing owls are unlikely to nest on the subject parcels, there is a remote possibility that nesting may occur. Wintering owls in Santa Clara County often remain past February 1, at which time they cannot be distinguished from breeding birds. As a result, any owl present between February 1 and August 31 will be considered a potential breeder unless and until it leaves the site. Avoidance shall include establishment of a 250-foot non-disturbance buffer zone around nests. Construction activities may occur outside of the 250-foot non-disturbance buffer zone. Construction activities may occur inside of the 250-foot non-disturbance buffer during the breeding season only if the nest is not disturbed, and a qualified biologist develops an avoidance, minimization, and monitoring plan that is reviewed and approved by the California Department of Fish and Wildlife prior to project construction and meets all of the following criteria: 1. A qualified biologist monitors the owls for at least three days prior to construction to determine baseline nesting and foraging behavior (i.e., behavior without construction). 2. The same qualified biologist monitors the owls during construction and finds no change in owl nesting and foraging behavior in response to construction activities.

	3. If there is any change in owl nesting and foraging behavior as a result of construction activities, all disturbance activities shall cease within the 250-foot buffer. Construction shall not resume within the 250-foot buffer until the adults and juveniles from the occupied burrows have moved out of the project area and 250-foot buffer. 4. If monitoring indicates that the nest is abandoned prior to the end of the nesting season (as would occur if a wintering owl lingered past February 1 and then eventually migrated to its breeding areas outside the region), and the burrow is no longer in use by owls, the non-disturbance buffer zone may be removed. The qualified biologist will excavate the burrow to ensure that no owls are present and to prevent reoccupation after receiving approval from California Department of Fish and Wildlife. • <u>Avoidance during the Non-Breeding Season.</u> During the non-breeding season (September 1 through January 31), a 250-foot non-disturbance buffer shall be established around occupied burrows as determined by a qualified biologist. Construction activities outside of this 250-foot buffer are allowed. Construction activities within the 250-foot buffer are allowed if all of the following criteria are met in order to prevent owls from abandoning important overwintering sites: 1. A qualified biologist monitors the owls for at least three days

	prior to construction to determine baseline foraging behavior (i.e., behavior without construction). 2. The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities. 3. If there is any change in owl nesting and foraging behavior as a result of construction activities, all disturbance activities shall cease within the 250-foot buffer. 4. If the owls are gone for at least one week, the project applicant may request approval from the CDFW that a qualified biologist excavate usable burrows to prevent owls from re-occupying the site. After all usable burrows are excavated, the buffer zone will be removed and construction may continue. Monitoring must continue as described above for the non-breeding season as long as the burrow remains active. • <u>Construction Monitoring.</u> Based on the avoidance, minimization, and monitoring plan developed during construction, a non-disturbance buffer zones shall be established and maintained. A qualified biologist shall monitor the site consistent with the requirements described above to ensure that buffers are enforced and owls are not disturbed. The biological monitor shall also conduct training of construction personnel on the avoidance procedures, buffer zones, and protocols in the event that a

	burrowing owl flies into an active construction zone or within 250 feet of such zone. • <u>Passive Relocation.</u> Passive relocation shall only be allowed, with the approval of California Department of Fish and Wildlife, during the non-breeding season (September 1 through January 31), and may only occur if the burrow needs to be removed or could collapse from construction activities. If passive relocation is allowed by CDFW, a qualified biologist shall passively exclude birds from their burrows during non-breeding season only by installing one-way doors in burrow entrances. These doors shall be in place for at least 48 hours to ensure owls have left the burrow, and then the qualified biologist shall excavate the burrow to prevent reoccupation. Burrows shall be excavated using hand tools. During excavation, an escape route shall be maintained at all times. This may include inserting an artificial structure into the burrow to avoid having the overburden collapse into the burrow and trap owls inside.
Impact BIO-2: Development of the proposed project would result in impacts to nesting birds, if present on the site at the time of construction.	**MM BIO-2.1:** The project developer shall avoid construction activities during the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).
	MM BIO-2.2: If construction activities cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds will be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey must be completed no more than 14 days prior to the

	initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive). During this survey, the qualified ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.
	MM BIO-2.3: If, during the survey described in MM BIO-2.2, the qualified ornithologist finds an active nest sufficiently close to work areas to be disturbed by construction, the qualified ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.
	MM BIO-2.4: Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Director of Planning, Building and Code Enforcement or the Director's designee.
Impact BIO-3: Development of the proposed project could result in an increase in nitrogen deposition that could result in adverse effects on habitat for the Bay checkerspot butterfly and rare serpentine-associated plants located off-site.	**MM BIO-3.1:** Although the parcels are controlled by the Airport and operated by the City of San José, a Local Partner in the Habitat Plan, and the parcels are not located in a Habitat Plan fee area and lands controlled by the Airport are excluded as covered activities under the Habitat Plan. Irrespective of this fact, the City as CEQA Lead Agency acknowledges the nitrogen deposition impacts of the project and is committing to pay the nitrogen deposition fee that applies to covered activities, based on new daily vehicle trips. The fee will be paid at the time the grading permit is issued for the development of each parcel.

	According to the Santa Clara Valley Habitat Agency, the fees collected from covered activities do not fully cover the costs related to mitigating nitrogen deposition impacts due to new development. Therefore, the Habitat Agency accepts fees from non-covered activities and states that "nitrogen deposition voluntary fee payments will be applied toward land acquisition, management, and monitoring for Bay checkerspot butterfly and serpentine covered plant species."
Cultural Resources	
Impact CUL-1: On-site construction activities could impact buried prehistoric or historic archaeological materials.	**MM CUL-1.1:** Cultural Sensitivity Training: Prior to issuance of any grading permit, the Permittee shall be required to conduct a Cultural Awareness Training for construction personnel. The training shall be facilitated by a qualified project archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. Documentation verifying that Cultural Awareness Training has been conducted shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee.
	MM CUL-1.2: Monitoring Plan: Prior to issuance of any demolition, grading, or building permits (whichever occurs first), a qualified archeologist, in consultation with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall prepare a monitoring plan for all earthmoving activities. The Plan shall be submitted to the Director of the Planning, Building, and Code Enforcement or the Director's designee for review. The plan shall include, but is not limited to, the following: plan could include a combination of some of the following measures:

	• Monitoring Schedules • Contact information • Recommendation for monitoring methods • Timing of reporting finds
	MM CUL-1.3: Monitoring Plan. Sub-Surface Monitoring: A qualified archeologist in collaboration with a Native American monitor, registered with the Native American Heritage Commission for the City of San José and who is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall also be present during applicable earthmoving activities in accordance with the Monitoring Plan in MM CR-1.2. These could include but not are not limited to, trenching, initial or full grading, lifting of foundation, boring on site, or major landscaping.
	MM CUL-1.4: Evaluation: The Permittee shall notify the Director of the City of San José Department of Planning, Building, and Code Enforcement or Director's designee of any finds during the grading or other construction activities. Any historic or prehistoric material identified in the project area during the during excavation activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. All documentation and recordation shall be submitted to the Northwest Information Center and Native American Heritage Commission (NAHC) Sacred Land Files, and/or equivalent prior to the issuance of an

	occupancy permit. A copy of the evaluation shall be submitted to the Director of Planning, Building, and Code Enforcement or the Director's designee.
Greenhouse Gases	
Impact GHG-1: Development on the subject parcels could result in GHG emissions considered significant if the electric vehicle and natural gas requirements of BAAQMD Threshold A are not met.	**MM GHG-1.1:** Development on the subject parcels shall be required to be compliant with the off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2. Plans demonstrating compliance shall be submitted to the Director of Planning Building and Code Enforcement, or the Director's designee, for review and approval prior to issuance of building permits.
	MM GHG-1.2: Development on the subject parcels shall not have natural gas appliances or natural gas plumbing. Plans demonstrating compliance shall be submitted to the Director of Planning Building and Code Enforcement, or the Director's designee, for review and approval prior to issuance of building permits.
Hazardous Materials	
Impact HAZ-1: Former historical Underground Storage Tanks (USTs) and associated pipelines could be located on Parcel 6, which has the potential to expose workers and members of the public to hazardous materials during construction activities and pose potential public health risks to future site visitors.	**MM HAZ-1.1:** Prior to the issuance of any grading, demolition, or building permits, the project applicant for Parcel 6 shall complete a Geophysical Survey of the parcel to determine if all historical USTs and their associated pipelines have been removed. If USTs or associated pipelines are discovered, then the applicant shall complete, submit, and pay the required fees for 1) an Underground Storage Tanks System Closure Permit Application with the County of Santa Clara Hazardous Materials Compliance Division and 2) required closure documents with the San José Fire Department's Hazardous Materials Division. Closure of the USTs shall consist of removing the tanks and associated piping from the ground and performing soil sampling to evaluate if there is residual contamination from the former operation of the tank. Tank removal and soil sampling activities must be witnessed

	by a representative from both HMCD and San José Fire Department. The tanks and associated piping are to be managed as hazardous waste once removed unless they are cleaned onsite and certified as non-hazardous After tank removal, a representative of the County of Santa Clara Hazardous Materials Compliance Division will require soil sampling beneath the tanks. Samples will be submitted to a State certified laboratory for analysis. The County of Santa Clara Hazardous Materials Compliance Division will review the soil analytical results to determine if the tank has leaked. If the tanks or piping are determined to have leaked, the County of Santa Clara Hazardous Materials Compliance Division will refer the site to the County of Santa Clara Local Oversight Program. The applicant will work with HMCD to determine next steps to investigate the contamination. The County of Santa Clara Hazardous Materials Compliance Division may require additional testing to fully delineate the extent of contamination. Once the extent of contamination is defined, some form of remediation such as excavation, offsite disposal, capping in place, etc. may be required to reduce potential exposure impacts to future construction/maintenance workers, residents, and the general public. All contaminated soils shall be disposed of offsite at a licensed hazardous materials disposal site. A report documenting that remediation has been completed to the County of Santa Clara Hazardous Materials Compliance Division and the San José Fire Department's satisfaction shall be submitted to the Director of the Planning, Building and Code Enforcement prior to issuance of the grading permit.
Impact HAZ-2: Potential soil, soil gas and groundwater contamination located on the subject property due to its former agriculture and fuel service station history, and off-site sources of contamination could expose construction workers and members of the public to hazardous materials during	**MM HAZ-2.1:** Prior to the issuance of any grading permits, a qualified environmental specialist shall collect soil, groundwater, and soil vapor samples from the project site where soil disturbance is anticipated and have the samples analyzed to determine if potential contamination is located onsite with

construction activities and pose potential public health risks to future site visitors.	concentrations above established construction worker and commercial/industrial environmental screening levels. The samples shall be tested for organochlorine pesticides and pesticide-based metals, arsenic, and lead, petroleum hydrocarbons, and VOCs. Once the soil sampling analysis is complete, a report of the findings will be provided to the City of San José's Director of Planning, Building and Code Enforcement, or the Director's designee, and the Department and the Municipal Compliance Officer of the City of San José Environmental Services Department for review. If contaminated soil, groundwater, or soil vapor is found in concentrations above established regulatory environmental screening levels that requires the oversight of regulatory agencies, the project applicant must obtain regulatory oversight from the RWQCB, Department of Toxic Substances Control, or the Santa Clara County Department of Environmental Health under their Site Cleanup Program. A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document shall be prepared by a qualified environmental consultant under regulatory oversight and approval that identifies remedial measures and/or soil management practices to ensure construction worker safety and the health of future site occupants. All measures identified in the plan(s) shall be implemented during all phases of construction, as applicable. Evidence of regulatory oversight and approved plan(s) shall be submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee, and the Department and the Municipal Compliance Officer of the City of San José Environmental Services Department for approval prior to the issuance of any grading permits.
Noise	
Impact NOI-1: Construction activities could expose nearby commercial receptors within 200 feet of the subject parcels to noise levels that exceed the exterior threshold of 85 dBA	**MM NOI-1.1:** Pursuant to General Plan Policy EC-1.7, prior to issuance of a grading permit, a construction noise logistics plan shall be prepared that specifies hours of construction,

L_{eq}, resulting in a significant impact according to Policy EC-1.7 of the City's General Plan.	noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on nearby uses. Project construction operations shall use best available noise suppression devices and techniques including, but not limited to the following: • Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of PBCE that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses. • Construct solid plywood fences or similar around ground level construction sites adjacent to operational businesses. A temporary 10-foot noise barrier shall be constructed along the property lines of the project sites to shield adjacent commercial uses from ground-level construction equipment and activities. The noise barrier shall be solid over the face and at the base of the barrier in order to provide a 10 dBA noise reduction. • Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

	• Prohibit unnecessary idling of internal combustion engines. • Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. • Utilize "quiet" air compressors and other stationary noise sources where technology exists. • Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site. • Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences. • Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
Impact NOI-2: Noise levels produced by operations allowed under the project could exceed 55 dBA DNL at the nearest residential receptors or 60 dBA at the nearest commercial uses, thereby causing a significant impact.	**MM NOI-2.1:** Prior to issuance of a grading permit, a qualified acoustical consultant shall review the final design plans to address any potential conflicts with the General Plan or Municipal Code for any development of the subject parcels that consist of the following land uses:

	• Animal boarding • Any use without a permanent fully enclosed building on-site • Car wash • Detailing • Recreation • Commercial outdoor • Winery, brewery, or distillery An acoustical study shall be prepared during final building design to evaluate the potential noise generated by building mechanical equipment and demonstrate the necessary noise control to meet the City's 55 dBA DNL goal for residences and 60 dBA LDN goal at commercial uses as per the Municipal Code Performance Standards. Noise control features such as sound attenuators, baffles, and barriers shall be identified and evaluated to demonstrate that mechanical equipment noise would not exceed the respective appropriate thresholds at noise-sensitive locations around the project site. The noise control features identified by the study shall be incorporated into the project prior to issuance of a building permit.
Impact NOI-3: Construction activities on the project site could cause significant ground borne vibration impacts to adjacent structures.	**MM NOI-3.1:** The following measures shall be implemented at project parcels that are within 30 feet of existing structures where construction vibration levels could exceed 0.2 in/sec PPV for buildings of conventional construction: • A list of all heavy construction equipment to be used for the development known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams, clam shovel drop, and vibratory roller, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to

	define the level of effort for reducing vibration levels below the thresholds. • Place operating equipment on the construction site as far as possible from vibration-sensitive receptors. • Smaller equipment to minimize vibration levels to below 0.2 in/sec PPV shall be used at the property lines. For example, a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, could be used when compacting materials within 30 feet of adjacent conventional buildings. • Avoid using vibratory rollers and clam shovel drops near sensitive areas. • Select demolition methods not involving impact tools. • Modify/design or identify alternative construction methods to reduce vibration levels below the limits. • Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 30 feet of adjacent conventional buildings. • Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such a person shall be clearly posted on the construction site. The above measures will be included in a vibration mitigation plan, which will be submitted to the Director of Planning, Building, and Code Enforcement, or the Director's designee prior to the issuance of a grading permit.
Impact NOI-4: Without noise insulating features, development of the subject parcels could be incompatible with the CLUP's noise policies, thereby exposing people to excessive noise levels.	**MM NOI-4.1:** Prior to issuance of an occupancy permit, a detailed analysis of noise reduction requirements shall be completed for any development on the subject parcels. Based on the analysis, all noise insulation features determined appropriate shall be incorporated into the development design to ensure that the 2023 Cal Green Code standards are met and an

	interior noise level of 50 dBA L_{eq}(1-hr) or lower during daytime hours is achieved. This mitigation measure complies with CLUP Policies N-2 and N-6 to mitigate aircraft noise impacts.
Transportation	
Impact TRANS-1: Development of the proposed project would result in an increase in VMT above the City's impact threshold of 12.21 VMT per employee for retail uses.	**MM TRANS-1.1:** Expand the Reach of Bicycle Access with Investment in Infrastructure. Prior to the issuance of the first Building Occupancy Permit, the project developer shall provide a fair-share contribution to the construction of Class IV protected bike lanes using raised vertical delineators on Hedding Street eastbound between Coleman Avenue and Ruff Drive, as well as on Hedding Street westbound between Walnut Street and Ruff Drive. This multi-modal infrastructure improvement shall be part of a Public Improvement Plan that describes how the bike lanes will be implemented. The Public Improvement Plan shall be reviewed and approved by the City's Director of Public Works or designee. The implementation of the Public Improvement Plan shall be verified by the Director of Public Works or designee prior to approval of Planned Development permits for development on the seven subject parcels.
	MM TRANS-1.2: Traffic Calming Measures. As part of the implementation of the Class IV protected bike lanes required in MM TRANS-1.1, the removal of an eastbound travel lane on Hedding Street, between Walnut Street and Ruff Drive, will be required prior to approval of Planned Development permits for development on the seven subject parcels. The lane reduction along Hedding Street will create a more bicycle-friendly environment and enhance cyclist safety.
	MM TRANS-1.3: Commute Trip Reduction Marketing and Education. Transportation Demand Management (TDM) Plan(s) will be prepared for development on the seven subject parcels. The number of Plans will

	depend on the number, scope, and timing of development applications received by the City. Prior to the issuance of Planned Development permits on each subject parcel, the TDM Plan(s) shall be approved by the City's Director of Public Works or designee and the Director of Planning, Buildings, and Code Enforcement or designee. The TDM Plan(s) shall consist of implementation of the following measure. • The project developer for each parcel shall implement marketing/educational campaigns that promote the use of transit, shared rides, and travel through active modes. Strategies may include the incorporation of alternative commute options into new employee orientations, event promotions, and publications. The TDM Plan(s) shall include a trip cap for VMT monitoring purposes. The trip cap shall be determined by a traffic engineer using the methodology employed in Appendix F of this EIR, such that the number of trips will not translate into an increase in VMT over No Project conditions. Annual monitoring will occur to determine if vehicle trips generated by the project are within ten percent of the trip cap determined by the traffic engineer. The annual trip monitoring reports shall be submitted to the City's Director of Public Works. If the annual trip monitoring report finds that the project is exceeding the established trip cap, a follow-up report shall be prepared and submitted to the City's Director of Public Works that demonstrates compliance with the trip cap requirements within a period not to exceed six months.

Summary of Alternatives

CEQA requires that an EIR identify alternatives to the project as proposed. The CEQA Guidelines specify that an EIR identify alternatives which "would feasibly attain the most basic objectives of the project but avoid or substantially lessen many of the significant environmental effects of the project," or would further reduce impacts that are considered less than significant with the incorporation of

identified mitigation. A summary of project alternatives follows. A full analysis of project alternatives is provided in *Section 7.0 Alternatives*.

No Project Alternative #1: No Changes from Existing Conditions

The No Project Alternative #1 is defined as no changes from existing conditions. This alternative would retain the existing land uses on the subject parcels, which except for a small City of San José parks maintenance facility on a portion of Parcel 5, are all currently vacant and undeveloped. If the subject parcels were to remain undeveloped, the impacts associated with construction and operation of the proposed project would not occur, and the baseline conditions described throughout this EIR would remain.

While the No Project Alternative #1 would meet the project objective of maintaining airport approach protection and aircraft noise abatement, it would not meet the objective of complying with FAA policies and grant restrictions, including the provision for generating revenue on Airport-owned lands to support aviation services at SJC.

No Project Alternative #2: Develop per Existing Land Use and Zoning Designations

The No Project Alternative #2 is defined as development of the parcels per the existing General Plan land use designation of Open Space Parks Habitat and in accordance with the Guadalupe Gardens Master Plan (GGMP) within which the parcels are located. The subject parcels could be developed in the future with passive recreational uses consistent with the GGMP, which envisions pathways and landscaping on Parcels 1, 2, and 5, community gardens on Parcels 3 and 4, and no development on Parcels 6 and 7. Development of these uses on the subject parcels would be less intensive than the proposed project, thereby reducing or avoiding the environmental impacts associated with construction and operation of the proposed project, such impacts that include traffic, noise, air quality, biology, hazardous materials, and GHG emissions.

While the No Project Alternative #2 would meet the project objective of maintaining airport approach protection and aircraft noise abatement, it would not meet the objective of complying with FAA policies and grant restrictions, including the provision for generating revenue on Airport-owned lands to support aviation services at SJC.

Reduced Scale Alternative

The Reduced Scale Alternative is defined as a smaller/less intense version of the proposed project. Under the assumption that smaller projects typically have lesser environmental effects, the purpose of evaluating reduced scale alternative(s) is to determine if the significant impacts of the project can be avoided while at the same time achieving the project objectives.

Under the proposed project, the scale of the proposed development on the subject parcels is already substantially limited by restrictions associated with the grant agreements between the FAA and the City when the parcels were purchased, as well as the policies of the California Airports Land Use Handbook and the Airport Land Use Commission's (ALUC) Comprehensive Land Use Plan (CLUP) for

SJC. Furthermore, all of the significant environmental effects of the project will be mitigated by measures included in the project.

Reducing the overall number of parcels to be developed could result in reduced impacts, especially where impacts are specific to a certain parcel. Additionally, certain subject parcels could remain undeveloped to preserve open space as part of this alternative, however each subject parcel is adjacent to or surrounded by development and does not represent valuable open space land. An overall reduction in development associated with the project would also reduce construction and operational impacts in general.

While the Reduced Scale Alternative would be consistent with the project objectives, it would do so to a lesser degree than the proposed project. Further, neither the Reduced Scale Alternative nor the proposed project would result in any significant unavoidable impacts.

Municipal Land Use Alternative

The project itself encompasses the full range of permitted commercial and industrial land uses, therefore, alternative land uses would be limited to municipal land uses such as City-operated storage or maintenance facilities. These facilities would likely require construction activities similar in scale and nature to the proposed project and, therefore, would not substantially reduce or avoid construction-related impacts. Operational impacts would also be similar in nature to the proposed project, with the possible exception of noise impacts if the municipal facilities are not substantial noise generators.

While the Municipal Land Use Alternative would meet the project objective of maintaining airport approach protection and aircraft noise abatement, it would not meet the objectives of complying with FAA policies and grant restrictions pertaining to the generation of revenue on Airport lands to support aviation services at SJC.

Areas of Known Controversy

Section 15123 of the State CEQA Guidelines requires the summary section of a Draft EIR to identify areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

The comment letters received in response to the Notice of Preparation are included in Appendix A of this document. The following concerns were raised by District 6 Neighborhood Leaders Group, the Guadalupe River Park Conservancy, the Santa Clara Valley Audubon Society, and individuals of the public:

- Commercialization/loss of open space, parkland, and natural habitat
- Climate change
- Bird safety/loss of burrowing owl habitat
- Potential impacts of noise, light, and glare on biological resources in the riparian buffer of the Guadalupe River

- Potential increase in heat island impacts
- Potential for re-encampment of homeless
- Interface between the project and the remaining areas of the Guadalupe Gardens
- Potential conflicts with a future people mover project in the Guadalupe Gardens

Section 1.0 Introduction and Purpose

1.1 Purpose of the Environmental Impact Report

The City of San José, as the Lead Agency, has prepared this Draft Environmental Impact Report (EIR) for a project to change the *Envision San José 2040 General Plan* land use designation and zoning on seven Airport-owned parcels (the "project") in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

As described in CEQA Guidelines Section 15121(a), an EIR is an informational document that assesses potential environmental impacts of a proposed project, as well as identifies mitigation measures and alternatives to the proposed project that could reduce or avoid adverse environmental impacts (CEQA Guidelines 15121(a)). As the CEQA Lead Agency for this project, the City of San José is required to consider the information in the EIR along with any other available information in deciding whether to approve the project. The basic requirements for an EIR include discussions of the environmental setting, significant environmental impacts including growth-inducing impacts, cumulative impacts, mitigation measures, and alternatives. It is not the intent of an EIR to recommend either approval or denial of a project.

1.2 EIR Process

1.2.1 Notice of Preparation and Scoping

In accordance with Section 15082 of the CEQA Guidelines, the City of San José prepared a Notice of Preparation (NOP) for this EIR. The NOP was circulated to local, state, and federal agencies on August 21, 2023. The standard 30-day comment period concluded on September 19, 2023. The NOP provided a general description of the proposed project and identified possible environmental impacts that could result from implementation of the project. The City of San José also held a virtual public scoping meeting via Zoom on September 7, 2023, to discuss the project and solicit public input as to the scope and contents of this EIR. Appendix A of this EIR includes the NOP and comments received on the NOP.

1.2.2 Draft EIR Public Review and Comment Period

Publication of this Draft EIR will mark the beginning of a 45-day public review period. During this period, the Draft EIR will be available to the public and local, state, and federal agencies for review and comment. Notice of the availability and completion of this Draft EIR will be sent directly to every agency, person, and organization that commented on the NOP, as well as the Office of Planning and Research. Written comments concerning the environmental review contained in this Draft EIR during the 45-day public review period should be sent to:

Nhu Nguyen
Environmental Project Manager
San José Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, T3
San José, California 951131-1905
Nhu.nguyen@sanjoseca.gov

1.3 Final EIR/Responses to Comments

Following the conclusion of the 45-day public review period, the City of San José will prepare a Final EIR in conformance with CEQA Guidelines Section 15132. The Final EIR will consist of:

- Revisions to the Draft EIR text, as necessary;
- List of individuals and agencies commenting on the Draft EIR;
- Responses to comments received on the Draft EIR, in accordance with CEQA Guidelines (Section 15088);
- Copies of letters received on the Draft EIR.

Section 15091(a) of the CEQA Guidelines stipulates that no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings. If the lead agency approves a project despite it resulting in significant adverse environmental impacts that cannot be mitigated to a less than significant level, the agency must state the reasons for its action in writing. This Statement of Overriding Considerations must be included in the record of project approval.

1.3.1 Notice of Determination

If the project is approved, the City of San José will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the Santa Clara County Clerk's Office and available for public inspection for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15094(g)).

Section 2.0 Project Information and Description

2.1 Project Location, General Plan Land Use Designation, and Zoning

As shown on Figures 2.1-1 through 2.1-3, the project site comprises seven parcels (Parcels 1-7) and is located within the Guadalupe Gardens, a 120-acre area located immediately south of the San José Mineta International Airport (SJC). The project site also includes two street vacations (University Avenue and Emory Street between Coleman and Walnut Street) that are divided between Parcel 1 and 2 and Parcel 1 and 5, respectively. Bounded by I-880, the Guadalupe River, and Coleman Avenue, and once known as the "Coleman Loop" neighborhood, the Guadalupe Gardens is under the primary flight path for SJC. The seven parcels that make up the project site are designated as Open Space Parks Habitat in *Envision San José 2040 General Plan.*

Parcel 5 is zoned as Two-Family Residential (Up to eight to 16 Dwelling Units per Acre) (R-2) on the northeastern portion of the parcel and zoned as Light Industrial (LI) on the southwestern portion of the parcel. The remainder of the parcels (Parcels 1, 2, 3, 4, 6, and 7) are zoned as Open Space (OS).

2.2 Project Overview

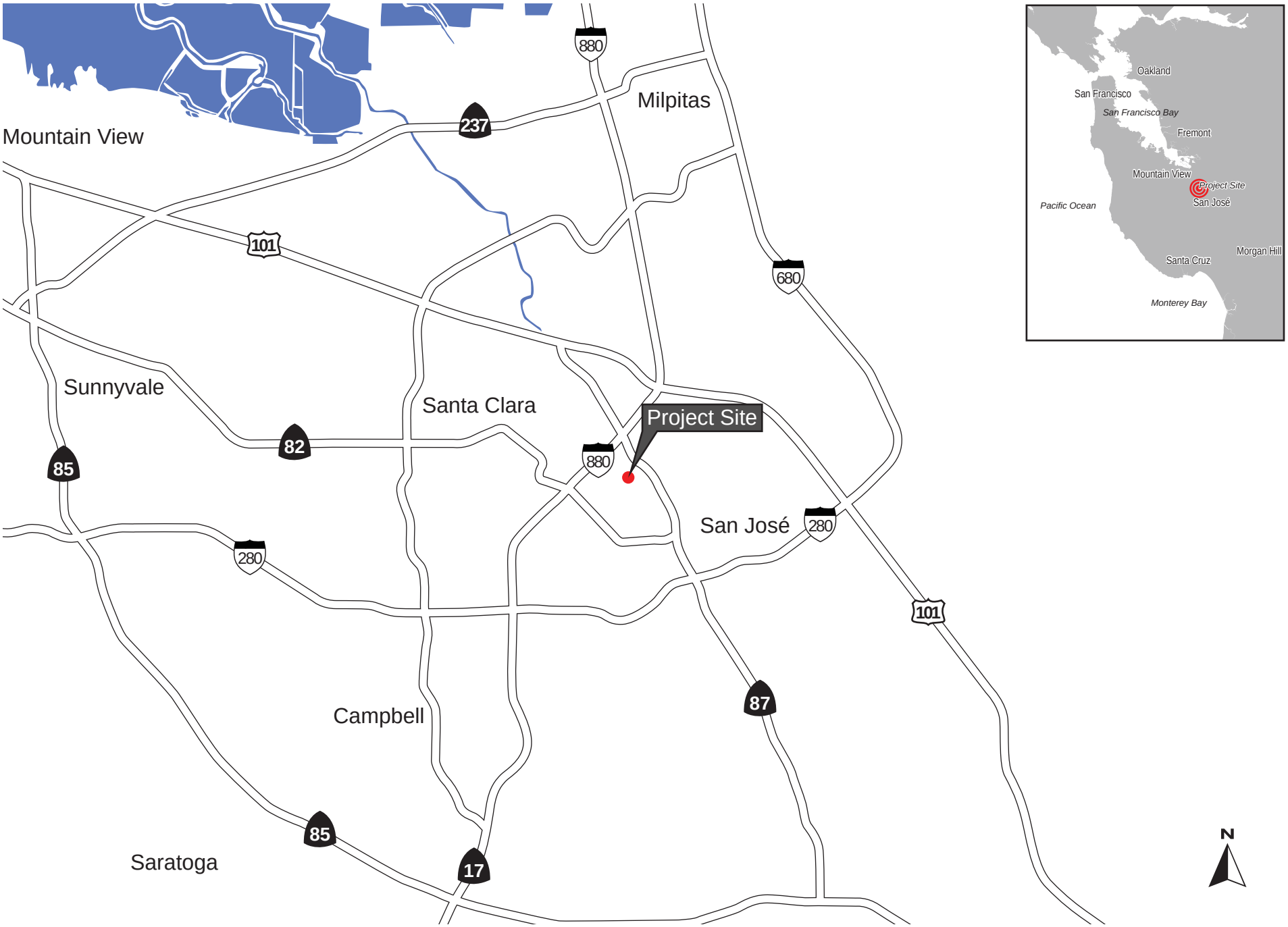
The project comprises changing the *Envision San José 2040 General Plan* land use designation on approximately 11.4 acres on seven City-owned parcels in the Guadalupe Gardens from Open Space Parks Habitat to Combined Industrial Commercial. The project would also rezone the seven parcels to the OS(PD) Planned Development Zoning District. With the new General Plan land use designation and rezoning in place, the City intends to market the seven parcels for development that is consistent with the underlying purpose of the parcels for aviation-related objectives. The City would retain ownership of the land and would lease the sites to developers. Revenues from the leasing of the parcels would be used to support aviation services at SJC.

2.3 Background and Land Use Restrictions on the Project Site

The Guadalupe Gardens, of which the seven subject parcels are a part of, was once a predominately residential neighborhood comprising more than 600 parcels and 800 dwelling units. However, the City purchased and cleared the neighborhood at a cost of approximately $80 million between the late 1960s and early 1990s in response to noise and safety impacts related to aircraft operations. Federal Aviation Administration (FAA) airport noise compatibility and approach protection grant funds and Airport revenues were utilized in this effort. According to the 1974 Environmental Impact Statement (EIS) prepared by the FAA and the City for that land acquisition project, the objectives were as follows:

"The primary purpose of this project is to provide a clear and safe approach area to the south of SJC and to establish a land use within the approach area that is compatible with normal airport operations, including the takeoff and landing of aircraft. This land acquisition project, when completed, will increase the safety and efficiency of aircraft operations and establish compatible land use adjacent to SJC. The planned airport compatible land use within this approach area includes agriculture or open space.

The importance of having an obstruction-free approach area with airport compatible land use has been heavily stressed by the FAA. During landing operations, aircraft operating over the approach area are trimmed for traveling at relatively slow speeds. Therefore, the maneuvering ability of the aircraft is limited, resulting in the critical need for an obstruction-free area. In addition, the impact of noise, especially from heavy commercial jet aircraft, has made it necessary to reduce noise sensitive land use adjacent to major public airports."

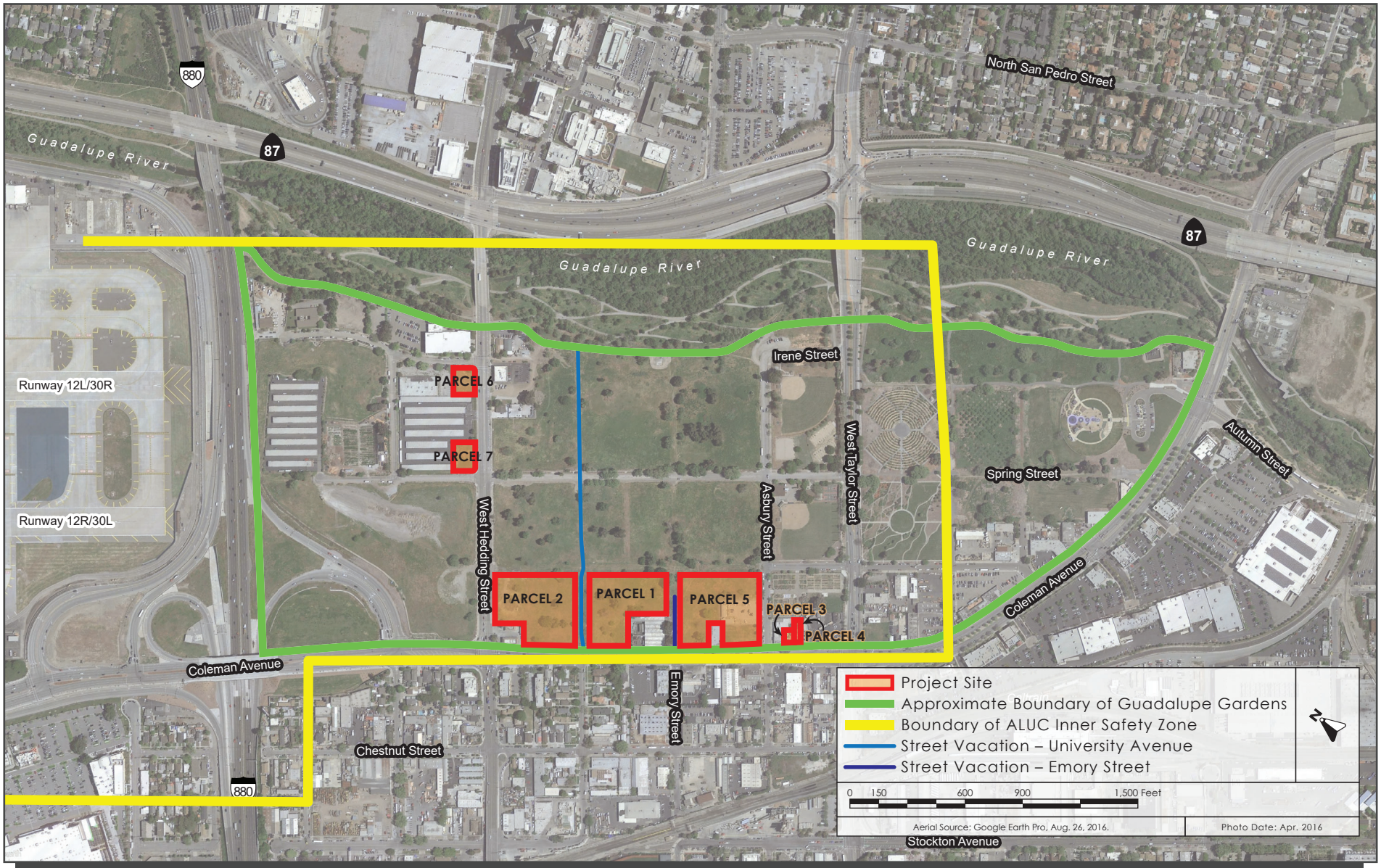


REGIONAL MAP

FIGURE 2.1-1

VICINITY MAP

FIGURE 2.1-2



AERIAL OF PROJECT AREA | FIGURE 2.1-3

In the mid-1980's, as the Land Acquisition Program was in progress, the San José City Council directed the commencement of studies to create low-density public and aesthetic open space re-uses of the vacated property within the Coleman Loop. [Note: The eastern portion of the area became part of the Guadalupe River Flood Control and Park Project completed by the U.S. Army Corps of Engineers, Santa Clara Valley Water District, and the City of San José.] In 1989, acting on the recommendation of a citizen task force involved in the re-use planning underway at the time, the City Council approved the designation of the Airport Approach Zone as the "Guadalupe Gardens" to reflect the evolving community interest in establishing re-uses that represent the agricultural/horticultural heritage of the Santa Clara Valley. Preparation of a formal master plan for the Guadalupe Gardens was initiated in 1992 and the final Guadalupe Gardens Master Plan (GGMP) was adopted in 2002 by the City and approved by the FAA. The GGMP identifies a set of low intensity, aesthetically pleasing, open space land uses (e.g., meadows, walking pathways, community/varietal gardens, history/agricultural exhibits, agricultural leaseholds, etc.) that are consistent with the primary function of the area as a safe approach zone for SJC.

The aviation-related restrictions on the City-owned lands within the Guadalupe Gardens are specified in the grant agreements between the FAA and the City, as well as the *California Airport Land Use Planning Handbook* and the Santa Clara County Airport Land Use Commission's *Comprehensive Land Use Plan for SJC*. The restrictions are summarized in the following sections.

2.3.1 FAA Grant Restrictions

As a condition of accepting the federal grant monies that were utilized for the purchase of the seven subject parcels, the City agreed 1) to clear the parcels of existing structures and 2) to not allow or permit the erection of any new structures therein unless except those required for aids to air navigation or those which may be specifically approved by the FAA. The City also agreed that any new structures will comply with the standards listed in Part 77 of the Federal Aviation Regulations, *Objects Affecting Navigable Airspace*. These grant restrictions were incorporated into the 2002 approved GGMP.

2.3.2 California Airport Land Use Planning Handbook and Comprehensive Land Use Plan for SJC Restrictions

The *California Airport Land Use Planning Handbook* (the "Land Use Handbook") was prepared by the California Department of Transportation, Division of Aeronautics, which administers the State Aeronautics Act (Public Utilities Code [PUC] §21001 et seq.). The State Aeronautics Act sets forth the policies of the State of California to "further and protect the public interest in aeronautics and aeronautical progress." (PUC §21002). The purpose of the Land Use Handbook, the current version of which was published in 2011, is to provide guidance for undertaking airport land use compatibility planning as required by PUC §21670 – §21679.5. These sections of the PUC outline the statutory requirements for Airport Land Use Commissions including the preparation of an Airport Land Use Compatibility Plan.

The Santa Clara County Airport Land Use Commission (ALUC) prepared the *Comprehensive Land Use Plan (CLUP) for SJC*, which is described below, following the guidance contained in the Land Use Handbook.

As described in the Land Use Handbook, land use compatibility near airports typically focuses on two broad categories: noise and safety. Regarding noise associated with aircraft overflights, the goal of airport compatibility planning is to reduce annoyance and to minimize the number of people exposed to excessive levels of aircraft-generated noise. The subject of safety is more complex because it involves multiple issues that affect the safety of both aircraft (including aircraft occupants) and persons on the ground. These issues include 1) land use type and density, 2) heights of buildings and structures, and 3) light and glare.

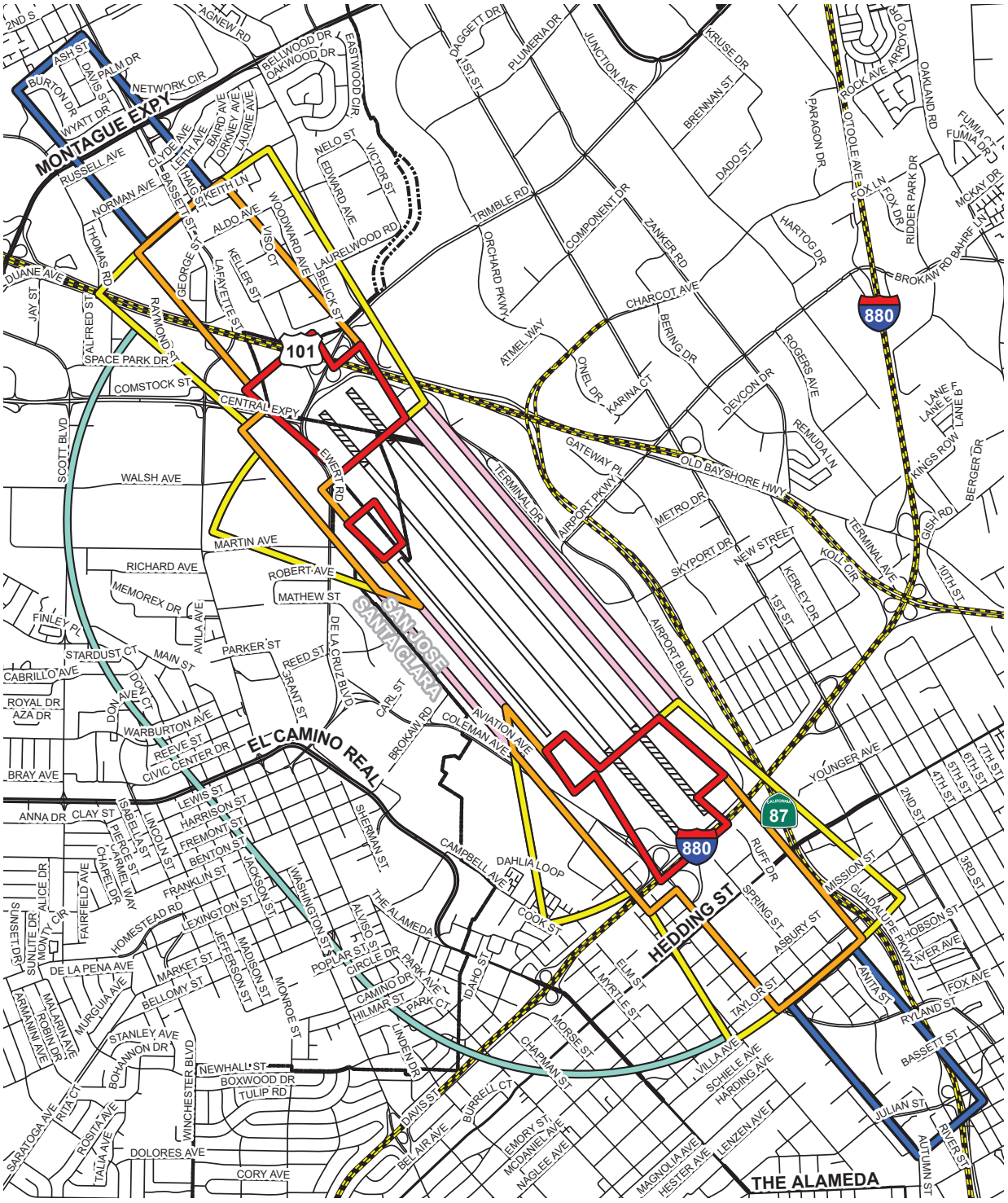
Inherent in the development of land use policies designed to enhance safety near airports is the desire to minimize risk by identifying those locations where accidents occur. Based on data from the National Transportation Safety Board (NTSB), it is known that most aviation accidents occur on or near airports along the extended centerlines of runways. Given this fact, the Land Use Handbook includes guidelines for the establishment of safety zones near airports. The goal is to minimize danger to both aircraft occupants and persons on the ground by providing open areas with minimal or no obstructions and low numbers of persons, particularly along flight paths. Thus, if an aircraft has an emergency and needs to land short of a runway on arrival or beyond a runway on departure, the safety zone provides an opportunity to do so in a manner that minimizes risk.

The Santa Clara County ALUC adopted the CLUP for SJC in May 2011. As described in the previous section, the CLUP was prepared pursuant to the requirements of the State Aeronautics Act utilizing the guidelines published in the Land Use Handbook. As stated in Section 1.1 of the CLUP, its purpose is "to protect the public from the adverse effects of aircraft noise, to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities adversely affect navigable airspace. The implementation of this CLUP is intended to prevent future incompatible development from encroaching on the Airport and allow for its development in accordance with the current airport master plan."

The CLUP includes a defined Airport Influence Area (AIA), which is a composite of the areas surrounding SJC that are affected by noise, height, and safety considerations. The ALUC reviews all proposed projects within the AIA that include amendments to General Plans, Specific Plans, and/or zoning for consistency with the CLUP. If the ALUC determines that a project is not consistent with the CLUP, it cannot go forward unless the local governing body (e.g., San José City Council) overrules the ALUC by a two-thirds vote of its members and makes specific findings that the project is consistent with the purposes of the State Aeronautics Act as stated in PUC §21670.

2.3.2.1 *Safety Policies Regarding Land Use and Density*

As published in the adopted CLUP, and as shown on Figure 2.3-1, there are six safety zones surrounding SJC:



Source: Santa Clara County ALUC's CLUP for SJC, 2011.

EXISTING SJC SAFETY ZONES | FIGURE 2.3-1

- Runway Protection Zone
- Inner Safety Zone
- Outer Safety Zone
- Turning Safety Zone
- Sideline Safety Zone
- Traffic Pattern Zone

The project site is located entirely within the designated Inner Safety Zone at the south end of SJC (see Figures 2.1-2 and 2.1-3). According to the CLUP, the Inner Safety Zone represents the approach and departure corridors that have the second highest level of exposure to potential aircraft accidents. Only the Runway Protection Zone has a greater risk of accidents. The Land Use Handbook classifies the risk level as "high" in the Inner Safety Zone. The Inner Safety Zone is centered on the runway centerline and extends from the outer edge of the Runway Protection Zone.

Table 4.2 of the CLUP sets forth the following compatibility policies for the Inner Safety Zone:

- Land Use: No residential. Nonresidential uses should be activities that attract relatively few people. No shopping centers, restaurants, theaters, meeting halls, stadiums, multi-story office buildings, labor-intensive manufacturing plants, educational facilities, day care facilities, hospitals, nursing homes or similar activities. No hazardous material facilities (gasoline stations, etc.).
- Maximum Population Density: Nonresidential, maximum 120 people per acre (includes open area and parking area required for the building's occupants and one-half of the adjacent street area).
- Open Space Requirements: 30 percent of gross area open. No structures or concentrations of people between or within 100 feet of the extended runway centerlines.

The above-listed policies are supplemented by the following safety policies listed in the CLUP:

- Policy S-2: Schools, hospitals, nursing homes, and other uses in which the majority of occupants are children, elderly, and/or disabled shall be prohibited within the Inner Safety Zones.
- Policy S-3: Amphitheaters, sports stadiums and other very high concentrations of people shall be prohibited within the Inner Safety Zones.
- Policy S-4: Above ground storage of fuel or other hazardous materials shall be prohibited in the Inner Safety Zones.
- Policy S-5: In addition to the requirements of Table 4-2, open space requirements, for sites which can accommodate an open space component, shall be established at the general plan level for each safety zone where feasible as determined by the local jurisdiction, as individual parcels may be too small to accommodate the minimum-size open space requirement. To qualify as open space, an area must be free of buildings and have minimum dimensions of at least 75 feet wide by 300 feet long along the normal direction of flight. Streets and parks may function as such open spaces without limitations on vegetation or right of way improvements.

The alignment of streets to runways, clustering of development and provision of contiguous landscaping and parking areas will be encouraged to increase the size of open space areas.

2.3.2.2 *Safety Policies Regarding Heights of Structures*

The CLUP contains the following policy regarding limitations on heights of structures, the objective of which is to avoid development of land uses, which, by posing hazards to flight, can increase the risk of an accident occurring:

- Policy H-1: Any structure or object that penetrates the Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace, (FAR Part 77) surfaces is presumed to be a hazard to air navigation and will be considered an incompatible land use, except in the following circumstance. If the structure or object is above the FAR Part 77 surface, the proponent may submit the project data to the FAA for evaluation and air navigation hazard determination, in which case the FAA's determination shall prevail.

[Note: Given the project's location within an Inner Safety Zone for SJC, the City has indicated that it would not approve any project where a structure penetrates the FAR Part 77 surface, regardless of any FAA air navigation hazard determination.]

2.3.2.3 *Safety Policies Regarding Light and Glare*

The CLUP contains the following policies regarding the potential light and glare emissions of projects, such policies which are designed to avoid interference with aircraft operations in the vicinity of SJC:

- Policy G-6: Any proposed uses that may cause a hazard to aircraft in flight are not permitted within the Airport Influence Area. Such uses include electrical interference, high intensity lighting, attraction of birds (certain agricultural uses, sanitary landfills), and activities that may produce smoke, dust, or glare.
- Policy G-7: All new exterior lighting within the Airport Influence Area shall be designed so as to create no interference with aircraft operations. Such lighting shall be constructed and located so that only the intended area is illuminated, and off-site glare is fully controlled. The lighting shall be arrayed in such a manner that it cannot be mistaken for airport approach or runway lights by pilots.
- Policy S-7: The following uses shall be prohibited in all Airport Safety Zones:
    - Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
    - Any use that would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.

2.3.2.4 *Noise Compatibility Policies*

The CLUP sets forth noise compatibility criteria using the Community Noise Equivalent Level (CNEL) descriptor for various land uses. These criteria are shown in Table 2.3-1.

CLUP noise policies that are relevant to the proposed project are as follows:

- Policy N-1: The Community Noise Equivalent Level (CNEL) method of representing noise levels shall be used to determine if a specific land use is consistent with the CLUP.
- Policy N-2: In addition to the other policies herein, the Noise Compatibility Policies presented in Table 1 shall be used to determine if a specific land use is consistent with this CLUP.
- Policy N-3: Noise impacts shall be evaluated according to the Aircraft Noise Contours presented on Figure 5 of the CLUP.[1]
- Policy N-6: Noise level compatibility standards for other types of land uses shall be applied in the same manner as the above residential noise level criteria. Table 1 presents acceptable noise levels for other land uses in the vicinity of the Airport.
- Policy N-7: Single-event noise levels (SENL) from single aircraft overflights are also to be considered when evaluating the compatibility of highly noise-sensitive land uses such as schools, libraries, outdoor theaters, and mobile homes. Single-event noise levels are especially important in the areas regularly overflown by aircraft, but which may not produce significant CNEL contours, such as the down-wind segment of the traffic pattern, and airport entry and departure flight corridors.

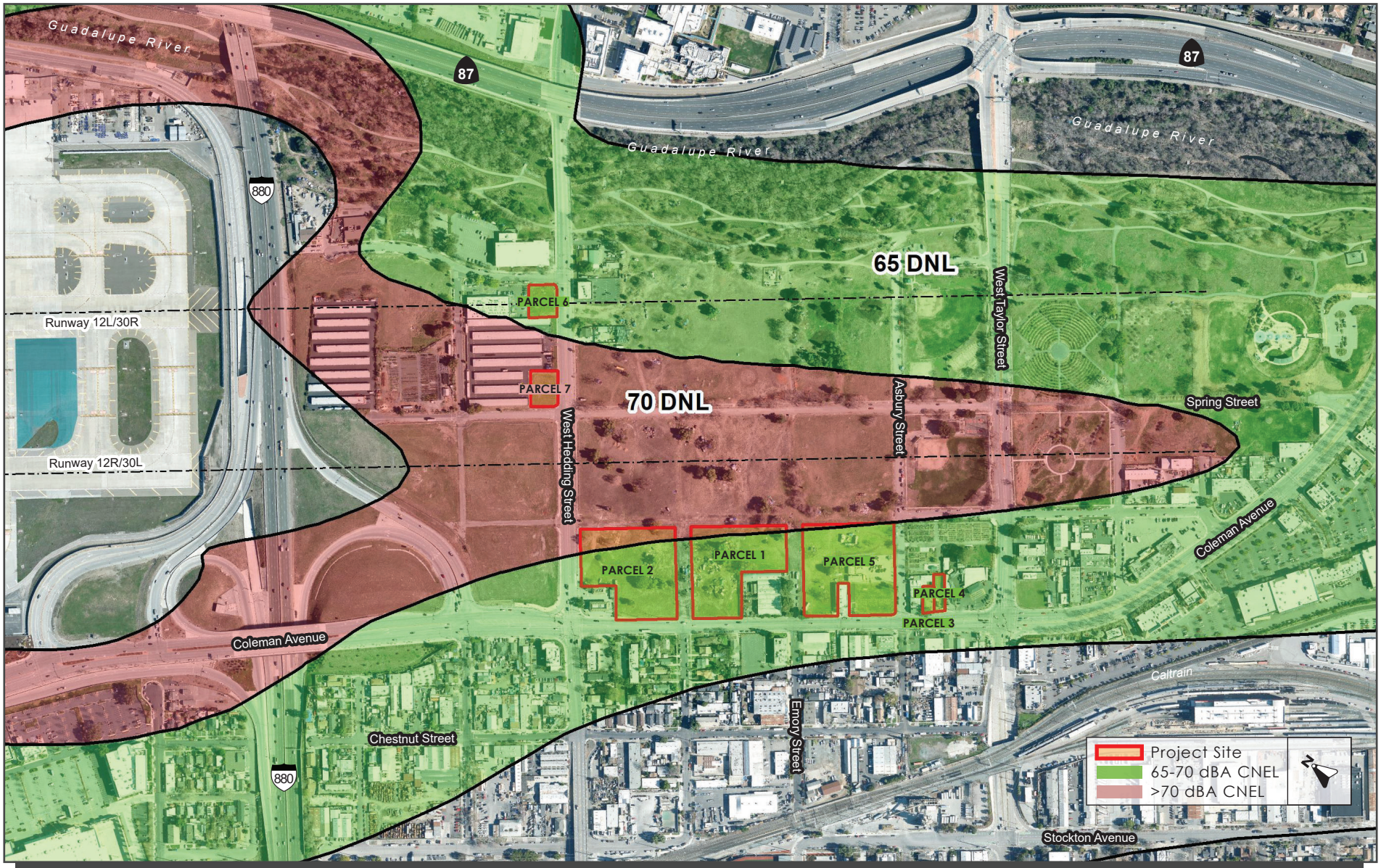
Table 2.3-1: Noise Compatibility Policies of the CLUP for SJC

	Community Noise Equivalent Level (CNEL)					
LAND USE CATEGORY	**55-60 dBA**	**60-65 dBA**	**65-70 dBA**	**70-75 dBA**	**75-80 dBA**	**80-85 dBA**
Residential – low density single-family, duplex, mobile homes	*	**	***	****	****	****
Residential – multi-family, condominiums, townhouses	*	**	***	****	****	****
Transient lodging – motels, hotels	*	*	**	****	****	****
Schools, libraries, indoor religious assembles, hospitals, nursing homes	*	***	****	****	****	****
Auditoriums, concert halls, amphitheaters	*	***	***	****	****	****

[1] Figure 5 of the CLUP, which depicts the year 2022 noise contours, is outdated. It has been superseded by the year 2037 noise contours, which are depicted on Figure 2.3-2 of this document.

	Community Noise Equivalent Level (CNEL)					
LAND USE CATEGORY	**55-60 dBA**	**60-65 dBA**	**65-70 dBA**	**70-75 dBA**	**75-80 dBA**	**80-85 dBA**
Sports arena, outdoor spectator sports, parking	*	*	*	**	***	****
Playgrounds, neighborhood parks	*	*	***	****	****	****
Golf courses, riding stables, water recreation, cemeteries	*	*	*	**	***	****
Office buildings, business commercial and professional, retail	*	*	**	***	****	****
Industrial, Manufacturing, utilities, agriculture	*	*	*	***	***	****
* Generally Acceptable	Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements. Mobile homes may not be acceptable in these areas. Some outdoor activities might be adversely affected.					
** Conditionally Acceptable	New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Outdoor activities may be adversely affected. Residential: Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.					
*** Generally Unacceptable	New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design. Outdoor activities are likely to be adversely affected.					
**** Unacceptable	New construction or development shall not be undertaken.					

Source: Table 4-1 of the ALUC's Comprehensive Land Use Plan for SJC



YEAR 2037 CNEL CONTOURS | FIGURE 2.3-2

2.4 Detailed Project Description

2.4.1 Proposed Land Uses

The project is a General Plan Amendment (GPA) and Planned Development rezoning on approximately 11.4 acres on seven City-owned parcels located in the Guadalupe Gardens. The subject parcels are listed in Table 2.4-1 and are shown on Figures 2.1-2 and 2.1-3. On each of the seven parcels, the existing *Envision San José 2040 General Plan* Land Use Designation of Open Space Parks Habitat (OSPH) would be changed to Combined Industrial Commercial (CIC) and each parcel would be rezoned to the OS (PD) Planned Development Zoning District.

With the new General Plan Land Use Designation and PD Zoning District in place, the City intends to market the seven parcels for development. The City would retain ownership of the land and would lease the sites to developers. The City's role as landlord would help ensure compliance with restrictions related to land use, density, etc., all of which are described below. Revenues generated from the leasing of the parcels would be used to support aviation services at SJC.

The project also includes the removal of the seven parcels from the Guadalupe Gardens Master Plan.

The CIC General Plan land use designation allows for a floor-area-ratio (FAR) density of up to 12.0 with building heights of 1 to 24 stories.[2] The General Plan describes the CIC designation as follows:

> "This category allows a significant amount of flexibility for the development of a varied mixture of compatible commercial and industrial uses, including hospitals and private community gathering facilities. Properties with this designation are intended for commercial, office, or industrial developments or a compatible mix of these uses. This designation occurs in areas where the existing development pattern exhibits a mix of commercial and industrial land uses or in areas on the boundary between commercial and industrial uses. Development intensity can vary significantly in this designation based on the nature of specific uses likely to occur in a particular area. In order to maintain an industrial character, small, suburban strip centers are discouraged in this designation, although larger big-box type developments may be allowed because they mix elements of retail commercial and warehouse forms and uses.
>
> While this designation potentially accommodates a wide variety of uses and building forms, more specific guidance should be provided through the application of the Zoning Ordinance in order to establish use and form standards that will promote the development of a cohesive employment area across multiple adjoining properties that share this designation."

[2] **Floor Area Ratio (FAR)** is a number that represents the total floor area of buildings in relation to the size of the lot/parcel on which the buildings are located. FAR is calculated by dividing the total floor area in buildings by the size lot/parcel size. As examples, a FAR of 1.0 means that floor area may equal lot area; FAR of 5.0 means that the floor area may be up to five times as large as the lot area; and FAR of 0.5 means that the floor area may be no more than half the lot area. [Source: American Planning Association, https://www.planning.org/pas/reports/report111.htm]

Table 2.4-1: Proposed Changes to General Plan Land Use Designations & Zoning

Map ID	Assessor Parcel Number	Parcel Size[1] (acres)	Developable Portion of Parcel[2] (acres)	Parcel Location	Existing Land Use	General Plan Land Use Designation		Zoning	
						Existing	Proposed	Existing	Proposed
1	259-02-130	3.17	2.90	SE corner Coleman Avenue/ University Avenue	Vacant	Open Space, Parkland & Habitat (OSPH)	Combined Industrial Commercial (CIC)	Residential (R-2)	Planned Development OS(PD)
2	259-02-131	3.51	3.19	NE corner Coleman Avenue/ University Avenue	Vacant	Open Space, Parkland & Habitat (OSPH)	Combined Industrial Commercial (CIC)	Open Space (OS)	Planned Development OS(PD)
3	259-08-072	0.13	0.07	East side of Coleman Avenue, south of Asbury St.	Vacant	Open Space, Parkland & Habitat (OSPH)	Combined Industrial Commercial (CIC)	Open Space (OS)	Planned Development OS(PD)
4	259-08-101 (westerly Portion only)	0.24	0.18	East side of Coleman Avenue, south of Asbury St.	Vacant	Open Space, Parkland & Habitat (OSPH)	Combined Industrial Commercial (CIC)	Open Space (OS)	Planned Development OS(PD)
5	259-08-102	3.59	3.19	SE corner Emory Street/ Coleman Avenue	Vacant	Open Space, Parkland & Habitat (OSPH)[3]	Combined Industrial Commercial (CIC)	Light Industrial (LI)	Planned Development OS(PD)
6	230-38-076	0.36	0.36	NW corner Ruff Drive/ Hedding Street	Vacant	Open Space, Parkland & Habitat (OSPH)	Combined Industrial Commercial (CIC)	Open Space (OS)	Planned Development OS(PD)
7	230-38-092	0.37	0.37	NE corner Spring Street/ Hedding Street	Vacant	Open Space, Parkland & Habitat (OSPH)	Combined Industrial Commercial (CIC)	Commercial Pedestrian (CP)	Planned Development OS(PD)

[1]Acreage reflects the portion of the parcel that would be subject to the GPA and rezoning, taking into account the City's planned relinquishment of right-of-way from portions of University Avenue and Emory Street.

[2]For each of the five parcels located along Coleman Avenue, the acreage shown takes into account the City's planned widening of Coleman Avenue to six lanes, which will require a strip of additional right-of-way along the east side of Coleman Avenue approximately 50 feet in width.

[3]Due to a previous mapping error, two small portions of this parcel are shown with a Light Industrial (LI) General Plan Land Use Designation. The project proposes to change this designation to CIC.

As noted above in Table 2.4-1, the developable acreage on Parcels 1 through 5 accounts for the City's planned widening of Coleman Avenue to six lanes, which will require a strip of additional right-of-way along the east side of Coleman Avenue approximately 50 feet in width. The schedule for the widening of Coleman Avenue has not yet been determined. Therefore, in the interim, the City may install temporary landscaping and/or surface parking in the 50-foot strip of land reserved for the Coleman widening.

A wide range of uses would be consistent with the CIC General Plan land use designation. However, as stated previously, the primary purpose of the subject parcels is airport approach protection and aircraft noise abatement. As such, any uses of these lands must comply with the grant agreements between the FAA and the City when the parcels were purchased, as well as the policies of the Land Use Handbook and the ALUC's CLUP for SJC. These restrictions, which are described above in Section 2.3.2, limit the type, density, and height of land uses. Therefore, the land uses that would be allowed under the proposed PD zoning are a subset of those allowed under the CIC General Plan land use designation. That subset of proposed uses is listed in Table 2.4-2, each of which is contingent on complying with the restrictions that are set forth in the following paragraphs.

Table 2.4-2: Listing of Potential Land Uses on the Project Sites

Land Use
Animal boarding
Animal grooming
Any use without a permanent fully enclosed building on-site
Auto dealer, wholesale, no on-site storage
Business support use
Car wash, detailing
Caterer
Certified farmers' market - small
Commercial kitchen
Drive-through in conjunction with any use
Dry cleaner
Financial institution
Health club, gymnasium
Instructional art studios
Laundromat
Mini-warehouse/mini-storage
Neighborhood agriculture
Nursery, plant
Office, general business
Off-street parking establishment
Outdoor dining, incidental to a public eating establishment
Outdoor vending - fresh fruits and vegetables
Personal services
Public eating establishments
Recreation, commercial/outdoor
Retail art studio
Retail bakery
Retail sales, goods, and merchandise
Veterinary clinic
Winery, brewery, and distillery
Note: Based on the requirement to comply with ALUC, FAA, and City policies related to density, size, safety, noise compatibility, etc., not all of these potential land uses would be viable on each of the seven project sites. As an example, because the noise level on Project Site #7 exceeds 70 dB CNEL, outdoor dining would not be viable at that location.

2.4.2 Restrictions on Building Sizes and Heights

As stated above, the CIC land use designation allows for a floor area ratio (FAR) up to 12 with building heights of 1 to 24 stories. However, all seven parcels are located within the Inner Safety Zone for SJC, wherein multi-story buildings are not allowed and 30% of each site should remain open. Therefore, the proposed OS(PD) Zoning District will specify that all new buildings on each site will be limited to 1 story and the FAR will not exceed 0.60. This would result in buildings not exceeding the sizes listed in Table 2.4-3.

Table 2.4-3: Proposed Densities and Structure Heights

Map ID	Assessor's Parcel Number	Developable Portion of Parcel (acres)	Approximate Maximum Size of Buildings [b]	Maximum Height of Structures [a]	
				Above Mean Sea Level (MSL) [c]	Above Ground Level (AGL) [c]
1	259-02-130	2.90	75,750 ft^2	101 feet to 109 feet	31 feet to 39 feet
2	259-02-131	3.19	83,250 ft^2	91 feet to 100 feet	21 feet to 30 feet
3	259-08-072	0.07	1,860 ft^2	121 feet to 122 feet	50 feet to 51 feet
4	259-08-101 (west portion only)	0.18	4,800 ft^2	122 feet to 123 feet	51 feet to 52 feet
5	259-08-102	3.19	83,400 ft^2	111 feet to 119 feet	41 feet to 49 feet
6	230-38-076	0.36	n/a	87 feet to 90 feet	22 feet to 25 feet
7	230-38-092	0.37	9,660 ft^2	87 feet to 89 feet	22 feet to 24 feet
		Total:	**258,720 ft^2**		

[a] Calculated per Federal Aviation Regulations Part 77. "Structures" includes buildings, rooftop equipment, light poles, antenna, etc.

[b] Assumes a floor area ratio of 0.60, which complies with the CLUP's 30% open area requirement.

[c] A range in heights is shown to account for the fact that Part 77 surfaces slope upwards as you depart the Airport. The heights are shown with the most restrictive heights at the northern end of the site and least restrictive heights at the southern end of the site.

Note that Table 2.4-3 shows no buildings on APN 230-38-076 since that parcel is directly under the extended centerline of Runway 12L/30R and the adopted CLUP prohibits new structures in the Inner Safety Zone within 100 feet of an extended runway centerline.

Structures for the proposed land uses located within the Inner Safety Zone will not exceed the heights calculated under Part 77 of the Federal Aviation Regulations, *Objects Affecting Navigable Airspace*. Such heights are designed to prevent structures or objects (e.g., light poles, antennas, trees, etc.) from being a hazard to air navigation, which would be considered an incompatible land use. Table 2.4-3 lists the maximum heights of structures that would be allowed on the subject parcels under the proposed PD Zoning.

2.4.3 Restrictions Based on Noise Compatibility

The OS(PD) Zoning District will specify that land uses proposed on any of the seven subject parcels will be required to comply with the noise compatibility policies listed in Section 2.3.2.4.

2.4.4 Restrictions on Density

The OS(PD) Zoning District will specify that land uses proposed on any of the seven subject parcels will be required to comply with the population density and open space restrictions listed in Section 2.3.2.1. Specifically, the maximum population density specified in the CLUP for land uses in the Inner Safety Zone is as follows: "maximum 120 people per acre (includes open area and parking area required for the building's occupants and one-half of the adjacent street area)." Applying that criterion to the seven subject parcels, the maximum number of people allowed on each site would be as shown in Table 2.4-4.

Table 2.4-4: Maximum Population on the Project Sites

Map ID	Developable Portion of Site Acreage	Site Acreage Including ½ of Adjacent Street Area	Maximum Population Per Acre [a]	Maximum Population On the Site
1	2.90	3.17	120	380
2	3.19	3.57	120	428
3	0.07	0.11	120	13
4	0.18	0.22	120	26
5	3.19	3.52	120	423
6	0.36	0.49	120	59
7	0.37	0.51	120	61

[a] For land uses within the Inner Safety Zone of the CLUP.

2.4.5 Other Safety-Related Restrictions

The project will comply with the above-listed ALUC policies regarding the above-ground storage of hazardous materials (i.e., Policy S-4) and the avoidance of light and glare impacts (i.e., Policies G-6, G-7, and S-7).

2.5 Project Objectives

The objectives of the project are as follows:

- Comply with FAA regulations and grant restrictions that pertain to the subject parcels.
- Generate revenue on Airport lands to support aviation services at SJC.
- Allow land uses on the subject parcels that would be compatible with the primary function of the land, which is airport approach protection and aircraft noise abatement.

2.6 Uses of the EIR

The information contained in this EIR will be used by the following agencies in their respective roles to review or approve applicable portions of the project:

- The City of San José is the CEQA Lead Agency for the proposed project. The City assumes the responsibility of complying with CEQA and has the authority to approve the project. Actions to be taken by the City will include changing the *Envision San José 2040 General Plan* land use designation and zoning on the seven parcels that comprise the project. The City will also amend the Guadalupe Gardens Master Plan (GGMP) to remove the seven parcels from within the GGMP.
- The Santa Clara County Airports Land Use Commission (ALUC) will review the proposed project for consistency with its adopted *Comprehensive Land Use Plan (CLUP) for the Norman Y. Mineta San José International Airport*.
- City approval of entitlements for development on the subject parcels.
- City Department approvals of actions to support development on the subject parcels, including but not limited to right-of-way vacation, leasing agreements, encroachment permits, and other Department of Public Works clearances.

Section 3.0 Environmental Setting, Impacts, and Mitigation

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

3.1	Aesthetics	3.11	Land Use and Planning
3.2	Agriculture and Forestry Resources	3.12	Mineral Resources
3.3	Air Quality	3.13	Noise
3.4	Biological Resources	3.14	Population and Housing
3.5	Cultural Resources	3.15	Public Services
3.6	Energy	3.16	Recreation
3.7	Geology and Soils	3.17	Transportation
3.8	Greenhouse Gas Emissions	3.18	Tribal Cultural Resources
3.9	Hazards and Hazardous Materials	3.19	Utilities and Service Systems
3.10	Hydrology and Water Quality	3.20	Wildfire

The discussion for each environmental subject includes the following subsections:

Environmental Setting – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.

Impact Discussion – This subsection includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts.

- **Project Impacts** – This subsection discusses the project's impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.3 refers to the third mitigation measure for the first impact in the Biological Resources section.
- **Cumulative Impacts** – This subsection discusses the project's cumulative impact on the environmental subject. Cumulative impacts, as defined by CEQA, refer to two or more individual effects, which when combined, compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant effects taking place over a period of time. CEQA Guideline Section 15130 states that an EIR should discuss cumulative impacts "when the project's incremental effect is cumulatively

considerable." The discussion does not need to be in as great detail as is necessary for project impacts but is to be "guided by the standards of practicality and reasonableness." The purpose of the cumulative analysis is to allow decision makers to better understand the impacts that might result from approval of past, present, and reasonably foreseeable future projects, in conjunction with the proposed project addressed in this EIR.

The CEQA Guidelines advise that a discussion of cumulative impacts should reflect both their severity and the likelihood of their occurrence (CEQA Guidelines Section 15130(b)). To accomplish these two objectives, the analysis should include either a list of past, present, and probable future projects or a summary of projections from an adopted general plan or similar document (CEQA Guidelines Section 15130(b)(1)). As described in the cumulative impact discussion under each environmental subject area, this EIR uses both the list of projects approach and the summary approach.

The analysis must determine whether the project's contribution to any cumulatively significant impact is cumulatively considerable, as defined by CEQA Guideline Section 15065(a)(3). The cumulative impacts discussion for each environmental issue accordingly addresses the following issues: 1) would the effects of all of past, present, and probable future (pending) development result in a significant cumulative impact on the resource in question; and, if that cumulative impact is likely to be significant, 2) would the contribution from the proposed project to that significant cumulative impact be cumulatively considerable?

For each resource area, cumulative impacts may occur over different geographic areas. For example, the project effects on air quality would combine with the effects of projects in the entire air basin, whereas noise impacts would primarily be localized to the surrounding area. The geographic area that could be affected by the proposed project varies depending upon the type of environmental issue being considered. Section 15130(b)(3) of the CEQA Guidelines states that lead agencies should define the geographic scope of the area affected by the cumulative effect. Table 3.0-1 provides a summary of the different geographic areas used to evaluate cumulative impacts.

Table 3.0-1: Geographic Considerations in Cumulative Analysis

Resource Area	Geographic Area
Aesthetics	Project site and adjacent parcels
Agriculture and Forestry Resources	Countywide
Air Quality	San Francisco Bay Area Air Basin
Biological Resources	Project site and adjacent parcels
Cultural Resources	Project site and adjacent parcels
Energy	Energy provider's territory
Geology and Soils	Project site and adjacent parcels
GHGs	Planet-wide
Hazards and Hazardous Materials	Project site and adjacent parcels

Table 3.0-1: Geographic Considerations in Cumulative Analysis

Resource Area	Geographic Area
Hydrology and Water Quality	Guadalupe River watershed
Land Use and Planning/Population and Housing	Airport Influence Area
Minerals	Identified mineral recovery or resource area
Noise and Vibration	Project site and adjacent parcels
Public Services and Recreation	Citywide
Transportation/Traffic	Citywide
Tribal Cultural Resources	Project site and adjacent parcels
Utilities and Service Systems	Citywide
Wildfire	Within or adjacent to the wildfire hazard zone

3.1 Aesthetics

3.1.1 Environmental Setting

3.1.1.1 *Regulatory Framework*

State

Senate Bill 743

Under Senate Bill (SB) 743, which was adopted in 2013, a project's aesthetic impacts will no longer be considered significant impacts on the environment if:

- The project is a residential or mixed-use residential project, or employment center project and
- The project is located on an infill site within a transit priority area.[3]

SB 743 also clarifies that local governments retain their ability to regulate a project's aesthetics impacts outside of the CEQA process.

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment.[4]

In Santa Clara County, the one state-designated scenic highway is State Route (SR) 9 from the Santa Cruz County line to the Los Gatos Town Limit. Eligible State Scenic Highways (not officially designated)

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[3] An "***infill site***" is defined as "a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses." A "***transit priority area***" is defined as "an area within 0.5 mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan." A "***major transit stop***" means "a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." Source: California Legislative Information. "Chapter 2.7. Modernization of Transportation Analysis for Transit-Oriented Infill Projects [21099-21099.]." Accessed December 17, 2023. https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&division=13.&part=&chapter=2.7.&article=.

[4] California Department of Transportation. "Scenic Highways." Accessed August 10, 2022. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

in Santa Clara County include SR 17 from the Santa Cruz County line to SR 9, SR 35 from the Santa Cruz County line to SR 9, Interstate 280 from the San Mateo County line to SR 17, and the entire length of SR 152 within the County.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes policies that address aesthetics during the planning horizon of the General Plan. The following goals, policies, and actions are applicable to the proposed project:

Policies	Description
CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
CD-1.8	Create an attractive street presence with pedestrian-scaled buildings and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City.
CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement through the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
CD-1.13	Use development review to encourage creative, high-quality innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.
CD-1.22	Include adequate, drought-tolerant landscaped areas in development and require provisions for ongoing landscape maintenance.
CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
CD-1.27	When approving new construction, require the undergrounding of distribution utility lines serving the development. Encourage programs for undergrounding existing overhead distribution lines. Overhead lines providing electrical power to light rail transit vehicles and high tension electrical transmission lines are exempt from this policy.
CD-4.1	Maintain and update design guidelines adopted by the City and abide by them in the development of projects.

CD-4.9 For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

CD-8.1 Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance and applied through the zoning designation for properties throughout the City. Land use designations in the Land Use/Transportation Diagram provide an indication of the typical number of stories expected for new development, however specific height limitations for buildings and structures in San José are not identified in the *Envision General Plan*.

CD-10.2 Require that new public and private development adjacent to Gateways, freeways (including U.S.101, I-880, I-680, I-280, SR17, SR85, SR237, and SR87), and Grand Boulevards consist of high-quality architecture, use high-quality materials, and contribute to a positive image of San José.

CD-10.3 Require that development visible from freeways (including U.S.101, I-880, I-680, I-280, SR17, SR85, SR237, and SR87) be designed to preserve and enhance attractive natural and man-made vistas.

3.1.1.2 *Existing Conditions*

As shown on Figures 2.1-1 through 2.1-3, the seven parcels comprising the project site are located within the Guadalupe Gardens, a 120-acre area located immediately south of SJC and bounded by I-880, the Guadalupe River, and Coleman Avenue. Parcel 1 through Parcel 5 are located on the east side of Coleman Avenue between Taylor Street and Hedding Street, and Parcels 6 and 7 are located on the north side of Hedding Street between Spring Street and Ruff Drive. The topography of the subject parcels is relatively flat, with elevations between 62-67 above mean sea level (msl) on Parcel 1 through Parcel 5, and between 56-58 feet msl on Parcels 6 and 7.[5]

The subject parcels largely consist of undeveloped land. The exceptions are a small, unhoused encampment currently located on Parcel 7 and two modular office buildings, several metal shipping/storage containers, and a paved parking lot on Parcel 5. Parcel 5 is currently used as a corporation yard for the City of San José Parks, Recreation, and Neighborhood Services Department.

The Biological Resource Report completed for the project in October 2023 determined that California annual grassland (9.11 acres) is the dominant land cover type within the project footprint (see Appendix C). The California annual grassland is located throughout the project site adjacent to Coleman Avenue and Hedding Street. Although most of this land cover type consists of open grassland, 67 trees are scattered throughout the subject parcels. During the time of the Reconnaissance Survey completed as part of the Biological Resources Report, the vegetation in the California annual grassland onsite was relatively dense, with very little evidence of bare ground. However, the land cover has been regularly mowed for decades, and therefore the density of the

[5] Google Earth Pro. Accessed December 17, 2023.

vegetation fluctuates. A small portion of the project footprint consists of existing paved and developed land use (see Figure 3.4-1). These areas include paved development such as asphalt parking lots, sidewalks, and roadways, and associated landscaping. Landscaped areas are barren except for some hardy, low-lying non-native plant species.

Surrounding Area

The subject parcels are located within an urban area. Commercial and industrial land uses are located adjacent to Parcels 1 through 5 to the southwest. Commercial uses are located north, east, and south of Parcels 6 and 7. The Airport is located between 1,500 feet and 3,300 feet northwest of the subject parcels and the Guadalupe River is located between 600 feet and 1,900 feet east of the subject parcels. Other than these features, the subject parcels are largely surrounded by roadways and undeveloped grassland. Interstate 880 is located between the subject parcels and SJC and State Route 87 is located directly east of the Guadalupe River.

3.1.2 Impact Discussion

For the purpose of determining the significance of the project's impact on aesthetics, except as provided in Public Resources Code Section 21099, would the project:

1) Have a substantial adverse effect on a scenic vista?
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
3) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?[6] If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

[6] Public views are those that are experienced from publicly accessible vantage points.

3.1.2.1 *Project Impacts*

a) Would the project have a substantial adverse effect on a scenic vista?

The seven parcels that make up the project site are located in a developed urban environment that includes nearby commercial, industrial, and residential uses, as well as several major highways. Adjacent and nearby buildings along Hedding Street and Coleman Avenue are generally single- and two-story structures. The area does not possess features such as hillsides, ridges, rock outcroppings, water bodies, and/or significant vegetation that would normally characterize the qualities of a scenic vista. Furthermore, the seven parcels are flat and not elevated above the surrounding land and, therefore, are not visible from nearby locations.

All development on the seven parcels will be limited to single-story structures.

The riparian corridor of the nearby Guadalupe River is an important natural and scenic resource in San José. Development on Parcels 1-5 will not affect this resource as the parcels are located more than 1,200 feet to the west. Similarly, development on Parcel 7 would be located approximately 750 feet west from the riparian corridor. Finally, since no structures/buildings will be permitted on Parcel 6, coupled with the fact that an existing commercial building blocks views toward the Guadalupe River from Parcel 6, the General Plan designation change and OS(PD) rezoning would not create an aesthetic impact on the riparian corridor.

For these reasons, the project would not have a substantial adverse effect on a scenic vista. **(Less than Significant Impact)**

b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The project site is not located on or near a State Designated Scenic Highway. The nearest State Designated Scenic Highway to the project site is SR 9, approximately nine miles southwest of the site. The site is not visible from SR 9. Since the project site is not located within a state scenic highway, any future development allowed by the implementation of the project would not damage scenic resources within a State Designated Scenic Highway. **(No Impact)**

c) In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The current site and any future development under the proposed project would be visible to nearby residences and employees and visitors of surrounding commercial and industrial land uses. Future development would also be visible from Coleman Avenue, Spring Street, Hedding Street, Ruff Drive,

Walnut Street, and Asbury Street. While the development may block skyline views for a limited number of off-site facilities, private views are not protected scenic resources under CEQA. Further, blockage of views, if any, would not be substantial as any development under the proposed GPA and rezoning will be limited to single-story structures. It is not a significant environmental impact for a structure to be visible in an existing urban setting.

The subject parcels are located in an urbanized area and are currently designated as Open Space Parks Habitat in the *Envision San José 2040 General Plan*. The project would involve changing the land use designation of the parcels to Combined Industrial Commercial (CIC) and rezoning each parcel to the OS(PD) Planned Development Zoning District. The CIC land use designation allows for a floor area ratio of up to 12 with building heights of 1 to 24 stories. However, all seven parcels are located within the Inner Safety Zone for SJC, wherein multi-story buildings are not allowed and 30 percent of each site must remain open. Therefore, the proposed (OS)PD Zoning District will specify that all new buildings on each site will be limited to one story and the floor area ratio will not exceed 0.60. This would result in buildings not exceeding the sizes listed in Table 2.4-3. While the project would change the existing visual character of the project area by allowing the development of single-story buildings on-site, future developments would not conflict with the development standards of either the CIC General Plan land use designation or the OS(PD) Zoning District. Additionally, future development allowed under the proposed GPA and rezoning would be subject to a design review process, including the Citywide Design Guidelines, conducted as part of the development permit review process to ensure that it conforms with all adopted design guidelines and other relevant policies and ordinances. For these reasons, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality. **(Less than Significant Impact)**

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The project site is located in an urban area surrounded by existing industrial and commercial development and vehicular traffic. The project site is largely undeveloped, with little to no light emanating from the parcels themselves. The surrounding uses produce light and glare from building-mounted security lights, streetlights, and vehicle headlights. Any development as result of the project could include security lights and could incrementally increase the amount of nighttime lighting in the project area. San José City Council Policy 4-3 (Outdoor Lighting on Private Developments) requires private developments to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. All lighting installed by future developments would be full cutoff lighting designed in conformance with City Council Policy 4-3. Future developments would be constructed with building materials that are subject to the City's Design Guidelines and regulations to ensure future light and glare impacts are minimized. Design and construction of future developments in conformance with General Plan design and lighting policies would not create a substantial new source of nighttime light. Further, as stated in Section 2.4.5, any future development on the seven parcels will comply with the ALUC policies that will avoid adverse light and glare impacts on pilots.

Based on these facts, the project would not create new sources of light or glare that would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

3.1.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a significant cumulative aesthetics impact?

The geographic area for cumulative aesthetic impacts is the immediate project vicinity. Within this immediate project vicinity, there is one recent project, the SJC Airport Master Plan, which would contribute to the cumulative aesthetics impacts, along with the proposed project.

Scenic Vista, Scenic Highway, and Applicable Zoning and Other Regulations

As discussed under Impact AES-a through AES-c, the project would have a less than significant impact on a scenic vista, state scenic highway, or applicable zoning and other regulations governing scenic quality. Therefore, the project would not contribute to cumulative impacts on those resources. **(Less than Significant Cumulative Impact)**

Light and Glare

The cumulative projects would add to the existing ambient illumination levels. Future developments allowed under the project are required to comply with the aforementioned General Plan policies, the Citywide Standards and Guidelines, the City's Industrial Design Guidelines, ALUC light and glare policies, and City Council Lighting Policy 4-3.[7] As a result, the proposed GPA and rezoning would not result in a significant cumulative source of substantial light and glare which would adversely affect day or nighttime views in the area. **(Less than Significant Cumulative Impact)**

[7] Policy 4-3 regulates outdoor lighting on private development projects. The policy provides regulations pertaining to how lights are directed, shielding of lights, and time of use for display lighting.

3.2 Agriculture and Forestry Resources

3.2.1 Environmental Setting

3.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is identified as Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.[8]

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.[9]

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.[10] Programs such as CAL FIRE's Fire and Resource Assessment Program and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.[11]

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[8] California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed December 7, 2023. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.

[9] California Department of Conservation. "Williamson Act." http://www.conservation.ca.gov/dlrp/lca.

[10] Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

[11] California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed December 7, 2023. http://frap.fire.ca.gov/.

3.2.1.2 *Existing Conditions*

According to the *Santa Clara County Important Farmland 2020 Map,* the seven parcels that make up the project site are designated as *Urban and Built-Up Land* and *Other Lands*.[12] The subject parcels and surrounding properties are designated for, and developed with, urban uses. There are no areas within the project sites nor surrounding properties that are designated as *Prime Farmland*, *Farmland of Statewide Importance*, *Unique Farmland*, or *Farmland of Local Importance.* There is no forest land or land subject to a Williamson Act contract located on, or in the vicinity of, the subject parcels.[13]

3.2.2 Impact Discussion

For the purpose of determining the significance of the project's impact on agriculture and forestry resources, would the project:

1) 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?
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?
4) Result in a loss of forest land or conversion of forest land to non-forest use?
5) 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?

3.2.2.1 *Project Impacts*

a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

The subject parcels are designated as Urban and Built-Up Land, as discussed in Section 3.2.1.2, *Existing Conditions*, and are not designated as farmland of any type. There is no farmland in the vicinity of the subject parcels. For these reasons, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. **(No Impact)**

[12] California Department of Conservation. *Santa Clara County Important Farmland 2020*. April 2023.
[13] County of Santa Clara Department of Planning and Development. "Williamson Act and Open Space Easement." Accessed December 7, 2023. https://www.sccgov.org/sites/dpd/Programs/WA/Pages/WA.aspx.

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

The subject parcels are not zoned for agricultural use. The subject parcels are not under a Williamson Act contract. The project, therefore, would not conflict with existing zoning for agricultural use or a Williamson Act contract. **(No Impact)**

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?

The subject parcels and surrounding properties are not zoned for forestland or timberland. The project, therefore, would not conflict with existing zoning for, or cause the rezoning of, forest land, timberland, or timberland zoned Timberland Production. **(No Impact)**

d) Would the project result in a loss of forest land or conversion of forest land to non-forest use?

The subject parcels and surrounding properties do not contain forest land. The project, therefore, would not result in a loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

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

As previously discussed, the subject parcels and surrounding properties are not designated, zoned, or used for agricultural or forest land uses. Therefore, the project would not involve changes in the existing environment which could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. **(No Impact)**

3.2.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant agricultural and forestry resources impact?

As discussed under checklist questions “a” through “e,” the project would not impact agricultural or forestry resources. For this reason, the project would not have a cumulative agricultural and forestry resources impact. **(No Cumulative Impact)**

3.3 Air Quality

The information in this section is based in part on an Air Quality Assessment prepared by Illingworth and Rodkin, Inc. in July 2024. This report is available in Appendix B of this document.

3.3.1 Environmental Setting

3.3.1.1 *Background Information*

Criteria Pollutants

Criteria air pollutants are pollutants that have established federal or state standards for outdoor concentrations to protect public health. Pursuant with the federal and state Clean Air Acts, the United States Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established and enforce the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS), respectively. The NAAQS and CAAQS address the following criteria air pollutants: ozone (O_3), nitrogen dioxide (NO_2), carbon monoxide (CO), particulate matter with a diameter of 10 microns or less (PM_{10}), particulate matter with a diameter of 2.5 micros or less ($PM_{2.5}$), sulfur dioxide (SO_2), and lead. The CAAQS also includes visibility reducing particles, sulfates, hydrogen sulfide, and vinyl chloride.

Toxic Air Contaminants

Toxic air contaminants (TACs) include airborne chemicals that are known to have short- and long-term adverse health effects. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway). Unlike criteria air pollutants, which have a regional impact, TACs are highly localized and regulated at the individual emissions source level.

DPM is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (i.e., areas most susceptible to injury).[14] Chemicals in diesel exhaust, such as benzene and formaldehyde, are also TACs identified by the CARB.

An overview of the sources of criteria pollutants and TACs, as well as their associated health effects, is provided in Table 3.3-1.

[14] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed December 22, 2023. https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health.

Table 3.3-1: Sources and Health Effects of Criteria Air Pollutants and Toxic Air Contaminants

Pollutants	Description and Sources	Primary Effects
Ozone (O_3)	O_3 is a secondary criteria air pollutant that is the result of a photochemical (sunlight) reaction between reactive organic gases (ROG) and nitrogen oxides (NO_x). Pollutants emitted by motor vehicles, power plants, industrial boilers, refineries, and chemical plants are the common source for this reaction. High O_3 levels are caused by the cumulative emissions of ROG and NO_x. These precursor pollutants react under certain meteorological conditions to form high O_3 levels. Commons sources of ROG and NO_x are vehicles, industrial plants, and consumer products.	• Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO_2)	NO_2 is a reactive gas that combines with nitric oxide (NO) to form NO_x. NO_2 the byproduct of fuel combustion with common sources of NO_2 being emissions from cars, trucks, buses, power plants, and off-road equipment. Sources of NO_2 include motor vehicle exhaust, high temperature stationary combustion, and atmospheric reactions.	• Aggravation of respiratory illness • Reduced visibility
Carbon Monoxide (CO)	CO is a colorless, odorless, and toxic gas that is the product of incomplete combustion of carbon-containing substances (e.g., when something is burned). Common outdoor sources of CO include mobile vehicles (passenger cars and trucks) and machinery that burn fossil fuels.	• Interferes with oxygen delivery to the body's organ due to binding with the hemoglobin in the blood • Fatigue, headaches, confusion, and dizziness
Fine Particulate Matter ($PM_{2.5}$) and Coarse Particulate Matter (PM_{10})	Particulate Matter (PM) is any material that is emitted as liquid or solid particles or a gaseous material, such as dust, soot, aerosols, and fumes. PM_{10} and $PM_{2.5}$ are both small enough particulates to be inhaled into the human lungs, and $PM_{2.5}$ is small enough to deposit into the lungs, which poses an increased health risk compared to PM_{10}. Typical sources of PM include stationary combustion of solid fuels, construction activities, vehicles, industrial processes, and atmospheric chemical reactions.	• Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
Sulfur Dioxide (SO_2)	SO_2 is a pungent and colorless gaseous pollutant the is part of the sulfur oxides (SO_x) group and is the pollutant of greatest concern in the SO_x group. SO_x can react with other compounds in the atmosphere to form small particles. These particles contribute to particulate matter pollution. SO_2 is primarily formed from fossil fuel combustion at power plants and other industrial facilities. Sources of SO_2 include motor vehicles, locomotives, ships, and off-road diesel equipment that are operated with fuels that contain high levels of sulfur. Industrial processes, such as natural gas and petroleum extraction, oil refining, and metal processing.	• Aggravation of respiratory illness • Respiratory irritation such as wheezing, shortness of breath and chest tightness • Increased incidence of pulmonary symptoms and disease, decreased pulmonary function

Pollutants	Description and Sources	Primary Effects
Lead	Lead is a naturally occurring element that can be found in all parts of the environment including the air, soil, and water. As an air pollutant, lead is present in small particles. The most common historic source of lead exposure was the past use of leaded gasoline in motor vehicles. The exhaust resulting from use of leaded gasoline would release lead emissions into the air. Now, major sources of lead in the air are from ore and metals processing plants and piston-engine aircraft operating on leaded aviation fuel. Other sources are waste incinerators, utilities, and lead-acid battery manufacturers. The highest air concentrations of lead are usually found near lead smelters.	• Adversely affect the nervous system, kidney function, immune system, reproductive and developmental systems and the cardiovascular system
Toxic Air Contaminants (TACs)	TACs include certain air pollutants known to increase the risk of cancer and/or other serious health effects that range from eye irritation, respiratory issues, and neurological damage. Sources of TAC include, but are not limited to, cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; and building materials and products.	• Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following groups who are most likely to be affected by air pollution: children under 16, the elderly over 65, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools. The nearest sensitive receptors to the subject parcels are residences located on the west side of Coleman Avenue between Hedding Street and Emory Street.

3.3.1.2 *Regulatory Framework*

Federal and State

Federal and California Clean Air Acts

At the federal level, the EPA is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants (discussed previously): PM, O_3, CO, SO_2, NO_2, and lead.[15]

[15] NO_x is the group of nitrogen compounds (NO_2 and nitric oxide [NO]) that typically represents NO_2 emissions because NO_2 emissions contribute the majority of NO_x exhaust emissions emitted from fuel combustion.

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Diesel Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles*. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, this plan involves application of emission control strategies to existing diesel vehicles and equipment to reduce DPM (in additional to other pollutants). Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment (including off-road equipment), will significantly reduce emissions of DPM and NO_X.

Regional

Bay Area 2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area, which includes the project area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how federal and state air quality standards will be met. BAAQMD's most recently adopted plan is the *Bay Area 2017 Clean Air Plan*. The 2017 Clean Air Plan focuses on the following two related BAAQMD goals and how to achieve them:

- Protect air quality and health at the regional and local scale by attaining all state and national air quality standards and eliminating disparities among Bay Area communities in cancer health risk from TAC; and
- Protect the climate by reducing Bay Area GHG emissions 40 percent below 1990 levels by 2040 and 80 percent below 1990 levels by 2050.[16]

CEQA Air Quality Guidelines

The *BAAQMD CEQA Air Quality Guidelines* are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include

[16] Bay Area Air Quality Management District. *Final 2017 Clean Air Plan.* April 19, 2017. Page 12.

information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures. The latest CEQA Air Quality Guidelines are the 2022 CEQA Air Quality Guidelines adopted on April 20, 2023, by BAAQMD's Board of Directors.

Community Air Risk Evaluation Program

Under the Community Air Risk Evaluation (CARE) program, BAAQMD has identified areas with high TAC emissions, and sensitive populations that could be affected by them and uses this information to establish policies and programs to reduce TAC emissions and exposures. Impacted communities identified to date are located in parts of Concord, Richmond/San Pablo, San José, eastern San Francisco, western Alameda County, Vallejo, San Rafael, and Pittsburg/Antioch. The main objectives of the program are to:

- Evaluate health risks associated with exposure to TACs from stationary and mobile sources;
- Assess potential exposures to sensitive receptors and identify impacted communities;
- Prioritize TAC reduction measures for significant sources in impacted communities; and
- Develop and implement mitigation measures to improve air quality in impacted communities.

Local

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to air quality and are applicable to the proposed project.

Policy	Description
MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures.
MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
MS-11.3	Review projects generating significant heavy duty truck traffic to designate truck routes that minimize exposure of sensitive receptors to TACs and particulate matter.
MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.

MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

3.3.1.3 *Existing Conditions*

The San Francisco Bay Area (Bay Area) Air Basin is designated a nonattainment area for the federal O_3 and $PM_{2.5}$ standards and for the state O_3, PM_{10}, and $PM_{2.5}$ standards.[17,18] The Bay Area is designated as an attainment area for both the NAAQS and CAAQS for CO, SO_2, and NO_2. As the regional air district, BAAQMD is responsible for attaining the NAAQS and CAAQS for these pollutants. As part of an effort to attain and maintain ambient air quality standards for O_3, PM_{10}, and $PM_{2.5}$, BAAQMD has established thresholds of significance for these air pollutants and their precursors that apply to both construction period and operational period impacts. Controlling the emissions of these precursor pollutants is the focus of BAAQMD's attempts to reduce O_3 levels. The highest O_3 levels in the Bay Area occur in the eastern and southern inland valleys where temperatures are higher, there is less wind circulation, and sources of the precursor pollutants (i.e., ROG and NO_x) are prominent. In the Bay Area, most particulate matter is generated from the following activities: combustion, factories, construction, grading, demolition, agriculture, and motor vehicles. Motor vehicles are currently responsible for about half of particulates in the Bay Area. Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide emissions and localized emissions.

3.3.2 Impact Discussion

For the purpose of determining the significance of the project's impact on air quality, would the project:

1) Conflict with or obstruct implementation of the applicable air quality plan?
2) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
3) Expose sensitive receptors to substantial pollutant concentrations?
4) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

[17] Bay Area Air Quality Management District. "Air Quality Standards and Attainment Status." Accessed December 8. 2023.

[18] The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of SO2 or lead. These criteria pollutants are not discussed further.

Significance Thresholds

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José has considered the air quality thresholds in the *BAAQMD 2022 CEQA Guidelines* and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$.

The BAAQMD CEQA Air Quality thresholds for criteria air pollutants and fugitive dust used in this analysis are identified in Table 3.3-2. Table 3.3-3 below lists the BAAQMD health risk and hazards thresholds for single-source and cumulative-sources.

Table 3.3-2: BAAQMD Air Quality Significance Thresholds

Criteria Air Pollutant	Construction Thresholds*	Operation Thresholds	Operation Thresholds
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Annual Average Emissions (tons/year)
ROG and NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable	

Notes: ROG = reactive organic gases; NO_X = oxides of nitrogen; PM_{10} = respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less; $PM_{2.5}$= fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; CO = carbon monoxide

* The Air District recommends for construction projects that require less than 1 year to complete, lead agencies should annualize impacts over the scope of actual days that peak impacts would occur rather than over the full year. Additionally, for phased projects that results in concurrent construction and operational emissions. Construction-related exhaust emissions should be combined with operational emissions for all phases where construction and operations overlap

Source: Bay Area Air Quality Management District. *2022 California Environmental Quality Act Air Quality Guidelines*. April 2023. Pages 3-5 and 3-6.

Table 3.3-3: BAAQMD Health Risks and Hazards Thresholds

Health Risk	Single Source	Combined Cumulative Sources
Cancer Risk	10 per one million	100 per one million
Non-Cancer Hazard Index	1.0	10.0
Annual $PM_{2.5}$ Concentration	0.3 µg/m^3	0.8 µg/m^3 (average)

Notes: µg/m^3 = micrograms per cubic meter; $PM_{2.5}$= fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less

Thresholds are applicable to construction and operational activities.

Source: Bay Area Air Quality Management District. *2022 California Environmental Quality Act Air Quality Guidelines*. April 2023. Pages 3-5 and 3-6.

3.3.2.1 *Project Impacts*

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

Bay Area 2017 Clean Air Plan

As described in Section 3.3.1.2, the most current air quality plan from BAAQMD is the *Bay Area 2017 Clean Air Plan*. The goals of the 2017 Clean Air Plan include protecting public health (as it relates to air quality) and protecting the climate. The BAAQMD Air Quality Guidelines states that a determination of consistency with the 2017 Clean Air Plan should demonstrate that the project supports the primary goals of the 2017 Clean Air Plan, includes applicable control measures from the 2017 CAP, and does not disrupt or hinder implementation of any 2017 Clean Air Plan control measures. The project's consistency with the *Bay Area 2017 Clean Air Plan* is summarized below in Table 3.3-4.

Table 3.3-4: Applicable Control Measures

Control Measure	Project Consistency with Measure Intent
Transportation Measures	
TR9 - Bicycle and Pedestrian Access and Facilities: Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	Future development on the subject parcels would be required to provide bicycle parking consistent with City standards. Additionally, as described in Section 3.17, *Transportation*, prior to the issuance of the first Building Occupancy Permit, all developments allowed under the project shall provide Class IV protected bike lanes using raised vertical delineators on Hedding Street eastbound between Coleman Avenue and Ruff Drive as well as on Hedding Street westbound between Walnut Street and Ruff Drive. These project features would help encourage

Control Measure	Project Consistency with Measure Intent
	people to travel via bicycle. Therefore, the project would be consistent with this measure.
TR13 - Parking Policies: Encourage parking policies and programs in local plans, e.g., reduce minimum parking requirements; limit the supply of off-street parking in transit-oriented areas; unbundle the price of parking spaces; support implementation of demand-based pricing in high-traffic areas.	Effective as of April 10, 2023, the City of San José has no minimum parking requirement for new development proposals. As a result, future development on the subject parcels would be consistent with this measure.
Energy Measures	
EN2 - Decrease Electricity Demand: Work with local governments to adopt additional energy-efficiency policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times.	Future development on the subject parcels would be required to comply with the most recent CALGreen requirements, which includes energy efficiency standards to reduce wasteful energy use. For this reason, the project would be consistent with this measure.
Building Measures	
BL1 - Green Buildings: Collaborate with partners such as KyotoUSA to identify energy-related improvements and opportunities for onsite renewable energy systems in school districts; investigate funding strategies to implement upgrades. Identify barriers to effective local implementation of the California Green Building Standards Code (CALGreen; Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Work with ABAG's BayREN program to make additional funding available for energy-related projects in the buildings sector. Engage with additional partners to target reducing emissions from specific types of buildings.	As discussed above, future development on the subject parcels would be required to comply with the most recent CALGreen requirements. Future development on the subject parcels would also procure electricity from San José Clean Energy (SJCE), which provides electricity sourced from a specific percentage of renewable energy sources (either 60 percent at the GreenSource level or 100 percent at the TotalGreen level). For these reasons, the project is consistent with this measure.
BL2 - Decarbonize Buildings: Explore potential Air District rulemaking options regarding the sale of fossil fuel-based space and water heating systems for both residential and commercial use. Explore incentives for property owners to replace their furnace, water heater or natural-gas powered appliances with zero-carbon alternatives. Update Air District guidance documents to recommend that commercial and multi-family developments install ground source heat pumps and solar hot water heaters.	The project will not use natural gas, as required by Mitigation Measure GHG-1.2
Natural and Working Lands Measures	
NW2 - Urban Tree Planting: Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations,	Any tree removal resulting from future development on the subject parcels would be subject to the City's standard permit conditions, which require planting of replacement trees at appropriate ratios. Compliance

Control Measure	Project Consistency with Measure Intent
BAAQMD's technical guidance, best management practices for local plans, and CEQA review.	with the City's standard permit condition would ensure the project would be consistent with this measure.
Waste Management Measures	
WA4 - Recycling and Waste Reduction: Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.	The City adopted the *Zero Waste Strategic Plan* which outlines policies to help the City foster a healthier community and achieve its Green Vision goals, including 75 percent diversion by 2013 and zero waste by 2022. In addition, all future development on the subject parcels would comply with the City's Construction and Demolition Diversion Program during construction which ensures that at least 75 percent of construction waste generated by the project is recovered and diverted from landfills. Therefore, the project is consistent with this control measure.
Water Measures	
WR2 - Support Water Conservation: Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	Future development on the subject parcels would be required to include water efficient landscaping and irrigation systems consistent with City requirements. For this reason, the project would be consistent with this measure.

As shown in Table 3.3-4, the proposed project would support the primary goals of the *Bay Area 2017 Clean Air Plan* of protecting public health and protecting the climate and would be consistent with control measures that focus on reducing emissions in the transportation, building, and energy sectors.

Additionally, as described in further detail below, buildout of the project under the proposed GPA and rezoning would not exceed the BAAQMD significance thresholds for criteria air pollutant emissions (refer to Tables 3.3-5 and 3.3-6). Therefore, the project would not conflict with 2017 Clean Air Plan's goal of attaining compliance with the NAAQS and CAAQS. As a result, the project would not conflict with or obstruct the implementation of an applicable air quality plan and the project would have a less than significant impact. **(Less than Significant Impact)**

Construction Criteria Air Pollutant Emissions

Buildout of the project would consist of numerous construction projects that would occur at various times over many years. Since there are no specific developments proposed on the project site at this stage, the details of individual construction projects are not available to make precise estimates of construction emissions. Instead, emissions associated with future development on the subject parcels were predicted for a reasonable maximum build-out scenario wherein Parcels 1, 2, and 5 (representing the largest parcels with the most development capacity) are constructed simultaneously with a total building square footage of 250,200. In addition, the analysis accounted for emissions from temporary surface parking that may be constructed in the 50-foot buffer along

the east side of Coleman Avenue that is reserved for the planned widening of Coleman Avenue; see Section 2.4.1. The modeling was conducted using the California Emissions Estimator Model (CalEEMod) Version 2022.1.0. The CalEEMod model output along with default construction inputs are included in Appendix B.

Average daily emissions were calculated for construction by dividing the annual construction emissions by the number of active construction workdays that year. Table 3.3-5 shows the average daily construction emissions of ROG, NO_X, PM_{10} exhaust, and $PM_{2.5}$ exhaust.

Table 3.3-5: Maximum Build-Out Construction Period Emissions - Unmitigated

Annual Emissions (tons)	**ROG**	**NO_x**	**PM_{10} Exhaust**	**$PM_{2.5}$ Exhaust**
2026	0.51	4.69	0.17	0.16
2027	1.34	0.27	0.01	0.01
Total Construction Emissions	1.85	4.96	0.18	0.17
Average Daily Emissions (pounds per day)	**ROG**	**NO_x**	**PM_{10} Exhaust**	**$PM_{2.5}$ Exhaust**
2026-27 (304 construction workdays)	12.15	32.63	1.21	1.12
Significance Threshold (pounds per day)	54	54	82	54
Significant?	*No*	*No*	*No*	*No*

The construction years used in this table are based on the City's preliminary timetable for implementation of the project.

Note: Average daily emissions calculated by dividing the construction emissions by the number of construction workdays.

Source: Illingworth & Rodkin, Inc. *General Plan Amendment and Rezoning on Seven Airport Parcels Air Quality & Greenhouse Gas Assessment*. July 2024.

As shown in
Table 3.3-5, even under a conservative scenario with simultaneous construction on the three largest parcels, the predicted average daily project construction emissions would not exceed the BAAQMD significance thresholds during any year of construction. Therefore, future construction under the proposed GPA and rezoning would have a less than significant criteria pollutant emissions impact and would not conflict with or obstruct implementation of the 2017 Clean Air Plan. **(Less than Significant Impact)**

Operational Criteria Air Pollutant Emissions

Air pollutant emissions from future development on the subject parcels would be generated primarily from autos driven by potential future employees, customers, and vendors, as well as evaporative emissions from architectural coatings and maintenance products (classified as consumer products). CalEEMod was used to estimate emissions from operation of the proposed project assuming full buildout, as shown in Table 3.3-6.

Table 3.3-6: Operational Criteria Pollutant Emissions

Annual Emissions (tons per day)	**ROG**	**NO_x**	**PM_{10} Exhaust**	**$PM_{2.5}$ Exhaust**
Full buildout	4.20	0.97	0.39	0.10
Significance Threshold (tons per year)	10	10	15	10
Average Daily Emissions (pounds per day)	**ROG**	**NO_x**	**PM_{10} Exhaust**	**$PM_{2.5}$ Exhaust**
Full buildout	23.03	5.33	2.11	0.56
Significance Threshold (pounds per day)	54	54	82	54
Significant?	*No*	*No*	*No*	*No*

Note: Assumes 365-day per year operation.

Source: Illingworth & Rodkin, Inc. *General Plan Amendment and Rezoning on Seven Airport Parcels Air Quality & Greenhouse Gas Assessment*. July 2024.

As shown in Table 3.3-6, above, operational emissions from future development on the subject parcels would result in emissions below relevant thresholds.

As described above, the project is consistent with the *Bay Area 2017 Clean Air Plan* control measures and project criteria air pollutant emissions (including both construction and operation emissions) and would not exceed BAAQMD significance thresholds. Therefore, the project would not conflict with or obstruct implementation of the 2017 Clean Air Plan. **(Less than Significant Impact)**

b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

The Bay Area is designated a nonattainment area for the federal O_3 and $PM_{2.5}$ standards and for the State O_3, PM_{10}, and $PM_{2.5}$ standards. Future development under the proposed project would increase emissions of criteria pollutants in the Bay Area, contributing to existing violations of O_3 and particulate matter standards. As described in the *2022 BAAQMD CEQA Air Quality Guidelines*, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. As discussed above in the discussion under checklist question a), the project would not result in any air pollutant emissions exceeding BAAQMD's significance thresholds. As a result, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment. **(Less than Significant Impact)**

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

Criteria Air Pollutants

In a 2018 decision (*Sierra Club v. County of Fresno*), the California Supreme Court determined CEQA requires that when a project's criteria air pollutant emissions exceed applicable thresholds and contribute a cumulatively considerable contribution to a significant cumulative regional criteria pollutant impact, the potential for the project's emissions to affect human health in the air basin must be disclosed. State and federal ambient air quality standards are health-based standards, and exceedances of those standards result in continued unhealthy levels of air pollutants. As described in the *2022 BAAQMD CEQA Air Quality Guidelines*, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project has a less than significant impact for criteria pollutants, it is assumed to have no adverse health effect. **(Less than Significant Impact)**

Fugitive Dust

Construction activities associated with the project, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site as well as trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less than significant if best management practices are implemented to reduce the emissions. Future development on the subject parcels would be required to comply with the City's Standard Permit Conditions that incorporate the BAAQMD best management practices, thereby reducing fugitive dust related impacts to a less than significant level.

Standard Permit Conditions:

Air Quality. The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:

a. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.

b. Cover all haul trucks transporting soil, sand, or other loose material off-site.

c. Remove all visible mud or dirt track out onto adjacent public roads at least once per day using wet power vacuum street sweepers. The use of dry power sweeping is prohibited.

d. Limit all vehicle speeds on unpaved roads to 15 mph.

e. Pave all new roadways, driveways, and sidewalks as soon as possible.

f. Lay building pads as soon as possible after grading unless seeding or soil binders are used.

g. Suspend all excavation, grading, and/or demolition activities when average wind speeds exceed 20 mph.

h. Wash off all trucks and equipment, including their tires, prior to leaving the site.

i. Treat unpaved roads providing access to sites located 100 feet or further from a paved road with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.

j. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 2 minutes (A 5-minute limit is required by the state airborne toxics control measure [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at all access points to the site.

k. Maintain and properly tune all construction equipment in accordance with the manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.

l. Post a publicly visible sign with the name and phone number of an on-site construction coordinator to contact regarding dust complaints. The on-site construction coordinator shall respond and take corrective action within 48 hours. The sign shall also provide the City's Code Enforcement Complaints email and number and the Air District's General Air Pollution Complaints number to ensure compliance with applicable regulations.

With implementation of the above Standard Permit Conditions, future development under the project would have a less than significant impact related to fugitive dust emissions. The project would, therefore, not expose sensitive receptors to substantial pollutant concentrations associated with fugitive dust. **(Less than Significant Impact)**

Toxic Air Contaminants

Construction

As described previously, construction equipment and associated heavy-duty truck traffic emit DPM, which is a known TAC. Construction exhaust emissions pose health risks for sensitive receptors. The primary community risk impacts associated with construction emissions are cancer risk and exposure to DPM and $PM_{2.5}$.

Operation

Operation of the project would have long-term emissions from mobile sources (i.e., traffic, potential truck activity) and stationary sources (i.e., potential diesel generators). While these emissions would not be as intensive at or near the site as construction activity, they would contribute to long-term effects to sensitive receptors.

Diesel powered vehicles are the primary concern with local traffic-generated TAC impacts. Full operation under the proposed project would generate 9,575 daily trips with most of the trips being from light-duty gasoline-powered vehicles (i.e., passenger cars).[19] Since specific land uses are not known yet for the subject parcels, the potential exists for land uses that could generate truck trips during operation. As a result, it is assumed that the project would potentially generate 120 daily truck trips. These trucks are assumed to be heavy heavy-duty trucks (HHDT) and are a source of long-term DPM emissions. These trucks would travel to and from the site and could idle at loading docks for five minutes for each trip.

Although specific land uses on the subject parcels are not known at this time, it was assumed that the project would potentially include one emergency generator at each of the largest subject parcels (i.e., Parcels 1, 2, and 5), for a total of three generators. Each generator was estimated to be 500 kilowatts (kW) powered by a 670 horsepower (hp) diesel-fired engine. Operation of the diesel generators would be a source of TAC emissions. The generators would be tested periodically and power the system in the event of a power failure. For modeling purposes, it was assumed that the generators would be operated for testing and maintenance purposes. CARB and BAAQMD requirements limit these engine operations to 50 hours each per year for testing and maintenance. Since a specific location for each generator is not known at this time, the generators were placed near the centroid of each parcel for modeling purposes.

Summary of Project TAC Health Risks and Hazards

A health risk assessment (HRA) was completed for the project, which evaluated the potential health effects upon nearby sensitive receptors (e.g., residences). The HRA accounted for emissions of TACs during both the construction and operational phases of the project. The HRA identified a maximally exposed individual (MEI), defined as the sensitive receptor that is most impacted by the project's future construction and operation TAC sources. The MEI for this project is located at a residence on the west side of Coleman Avenue, south of University Avenue.[20] The location of the TAC sources in relation to the MEI are shown in Figure 3.3-1, below. The health risk impacts related to the project's TAC sources are summarized in Table 3.3-7.

[19] The actual number of vehicle trips will be less than 9,575 as the project will implement a TDM program that will include a trip cap such that there will be no increase in VMT. See Section 3.17 (Transportation) for details.

[20] The MEI represents the areas with the highest exposures to TACs generated from construction and subsequent operation of the proposed project. A property identified as the MEI (red dot) does not mean the individuals at that location have an imminent probability or chance of contracting cancer or experiencing acute/chronic health risks. The health risks computed are conservative calculations that are not reflective of an actual cancer or hazard risks likely to be experienced by a singular individual.

Source: Illingworth & Rodkin, Inc., November 2023.

PROJECT TAC SOURCES AND LOCATION OF THE MEI | FIGURE 3.3-1

Table 3.3-7: Project Health Risk Impacts at the Off-Site MEI

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index
Project Impact – Off-Site MEI			
Project Construction (Years 0–2)	4.92 (infant)	0.03	0.01
Project Emergency Generator (Years 2 – 30)	0.38	<0.01	<0.01
Project Operational Truck Trips (Years 2 – 30)	1.65	<0.01	<0.01
Project Operational Vehicle Trips (Years 2 – 30)	1.29	0.10	<0.01
Total/Maximum Project Impact (Years 0-30)	8.24	0.10	0.01
BAAQMD Single-Source Threshold	10	0.3	1.0
Significant?	*No*	*No*	*No*

Source: Illingworth & Rodkin, Inc. *General Plan Amendment and Rezoning on Seven Airport Parcels Air Quality & Greenhouse Gas Assessment*. July 2024.

As shown in Table 3.3-7 above, the health risk impacts associated with future construction of proposed development options would not exceed the BAAQMD single-source thresholds for cancer risk, $PM_{2.5}$ concentrations, or the hazard index at the location of the residential MEI receptor. **(Less than Significant Impact)**

d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Future development of the project site under the proposed GPA and rezoning would utilize heavy-duty construction equipment and vehicles during construction. Heavy-duty construction equipment and vehicles would emit odors, such as diesel exhaust, during use and while idling. These odors would be intermittent, and the odors disperse with distance. All construction-related odors would cease upon completion of construction.

None of the land uses allowed under the GPA and rezoning would generate objectionable odors during operations such as those associated with landfills, green waste and resource recovery facilities, wastewater treatment facilities, asphalt batch plants, and refineries. None of these odor-generating uses are included in the list of potential land uses in Table 2.4-2. Therefore, the project would not include any sources of significant odors. Odor impacts from future construction and operational activities would be less than significant. **(Less than Significant Impact)**

3.3.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a significant cumulative air quality impact?

The geographic area for cumulative air quality impacts is the San Francisco Bay Area Air Basin. Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact.

In developing thresholds of significance for air pollution, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's air quality conditions.

Implementation of the 2017 CAP

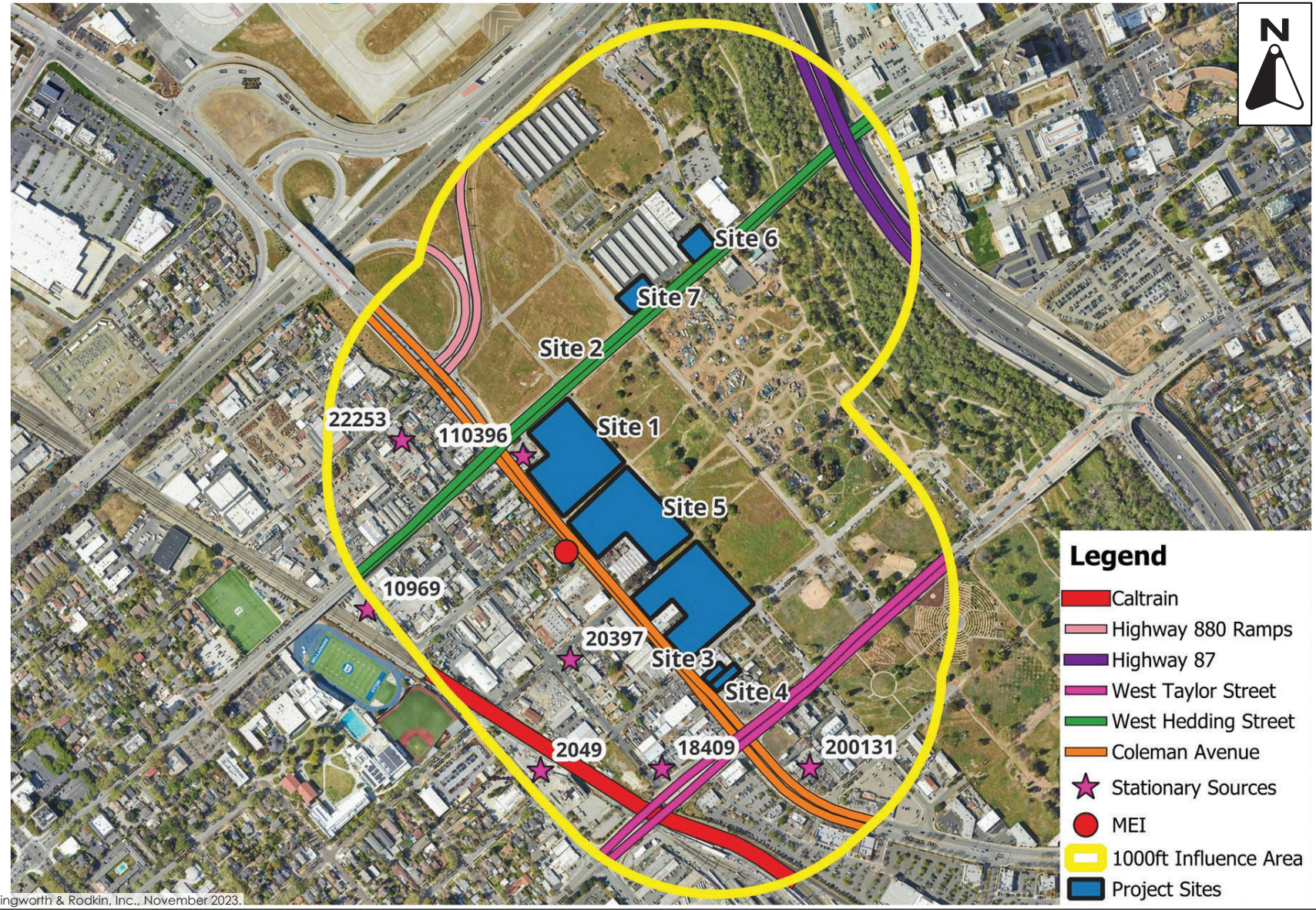
As described above under checklist question "a," the project would be consistent with the Bay Area 2017 Clean Air Plan. The project, therefore, would not result in a cumulatively considerable impact to the implementation of the 2017 CAP. **(Less than Significant Cumulative Impact)**

Increase in Criteria Pollutants

In developing thresholds of significance for air pollutants, BAAQMD considered the emissions levels for which a project's individual emissions would be cumulatively considerable. That is, if a project exceeds BAAQMD's significance thresholds, its emissions are considered cumulatively considerable. As discussed under checklist question "a" and "b," the construction and operational emissions generated by the project would not exceed the BAAQMD thresholds for criteria air pollutant (ROG, NO_x, PM_{10}, and $PM_{2.5}$) emissions. The project, therefore, would not result in a cumulatively considerable contribution to criteria pollutant emissions. **(Less than Significant Cumulative Impact)**

Exposure Sensitive Receptors to Substantial Pollutant Concentrations

The geographic area for cumulative impacts to sensitive receptors is 1,000 feet from the subject parcels. A cumulative community health risk assessment was completed that considered all substantial sources of TACs (such as permitted stationary sources and/or roadways with average daily trips exceeding 10,000 vehicles) that could affect sensitive receptors located within 1,000 feet of the subject parcels. Cumulative community risk sources within 1,000 feet of the subject parcels include traffic on State Route 87, Interstate 880, Coleman Avenue, Hedding Street, and Taylor Street. Additionally, railroad tracks used by Caltrain and six BAAQMD-permitted stationary sources are located within 1,000 feet of the subject parcels. Figure 3.3-2 shows the locations of the cumulative TAC sources in relation to the project MEI.



Source: Illingworth & Rodkin, Inc., November 2023.

CUMULATIVE TAC SOURCES AND MAXIMUM TAC IMPACTS AT THE PROJECT MEI | FIGURE 3.3-2

Nearby, the SJC is a source of air pollutant and TAC emissions in the greater project area. While the subject parcels are near the Airport, the MEI is located over 2,000 feet from the closest runways and over 3,000 feet from the closest terminal operations. The MEI is not downwind of these areas as winds generally blow from the west-northwest and northwest and almost never from the north or northeast, which would put the MEI in a downwind location. The only quantification of Airport impacts is the *SJC Airport Master Plan Amendment Integrated Final EIR*, certified by the City of San José in 2020. That study found cumulative construction plus operation health risks from implementation of the SJC Airport Master Plan could result an increase in cancer risk of 5.7 chances per million and increased $PM_{2.5}$ concentrations of 0.15µg/m^3 at the location of the Airport's MEI, which is not located near the MEI identified for this proposed project. Airport-related impacts to the MEI for this proposed project would be much lower than those disclosed in the SJC Final EIR given the large distance from most sources of Airport emissions and the dispersion patterns. Given the large distance, wind patterns and relatively low risks predicted in the SJC Final EIR, this source was not considered in the cumulative analysis for this proposed project.

Table 3.3-8 reports both the project and cumulative community risk impacts at the project MEI.

Table 3.3-8: Cumulative Health Risk Impacts at the Project MEI

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ (µg/m^3)	Hazard Index
Project Impact	8.24	0.10	0.01
State Route 87	0.02	<0.01	<0.01
Interstate 880 Ramps	0.02	<0.01	<0.01
Coleman Avenue	5.06	0.36	<0.01
W. Hedding Street	0.46	0.03	<0.01
W. Taylor Street	0.36	0.02	<0.01
Caltrain Railway	42.85	0.05	0.01
Progressive Collision Repair (Facility ID #20397)	--	--	<0.01
7-Eleven Inc. – Gas Dispensing Facility (Facility ID #110396)	0.45	--	0.12
Central Concrete Supply Company Inc. (Facility ID #2049)	--	--	--
Michael J's Body Shop (Facility ID #18409)	--	--	--
Andrew G's Bodyshop Inc (Facility ID #22253)	--	--	--
JMS Auto Body (Facility ID #200131)	--	--	--
Cumulative Total	57.3	0.58	0.11
BAAQMD Cumulative Source Threshold	100	0.8	10.0
Significant? (Unmitigated)	*No*	*No*	*No*

Source: Illingworth & Rodkin, Inc. Illingworth & Rodkin, Inc. *General Plan Amendment and Rezoning on Seven Airport Parcels Air Quality & Greenhouse Gas Assessment*. July 2024.

As shown in Table 3.3-8, the project's community risk impact would not exceed the cumulative thresholds for increased cancer risk, $PM_{2.5}$ concentration, or HI values. Therefore, future development allowed under the project would not expose sensitive receptors to substantial pollutant concentrations from cumulative sources of TACs. **(Less than Significant Cumulative Impact)**

Odors

On its own, future construction and operation under the proposed project would not result in other emissions, such as odors, that would adversely affect a substantial number of people. There are no major sources of odor in the project vicinity. Odors may be generated by nearby transportation uses such as the Airport, Caltrain, and major roadways; however, these uses are not considered significant sources of odor under CEQA. Further, the project would not involve the construction of odor-producing land uses such as landfills, refineries, wastewater treatment facilities, etc. As a result, the project would not make a considerable contribution to a significant cumulative odor impact. **(Less than Significant Cumulative Impact)**

3.4 Biological Resources

The following discussion is based in part on a Biological Resources Report completed by H.T. Harvey in October 2023. A copy of the report is attached as Appendix C.

3.4.1 Environmental Setting

3.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

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

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

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. This includes direct and indirect acts, except for harassment and habitat modification, which are not included unless they result in direct loss of birds, nests, or eggs. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitat Regulations

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation by the United States Army Corps of Engineers (USACE), Regional Water Quality Control

Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

Fish and Game Code Section 1602

Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW.

Regional and Local

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) covers approximately 520,000 acres, or approximately 62 percent of Santa Clara County. It was developed and adopted through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (Valley Water), Santa Clara Valley Transportation Authority (VTA), USFWS, and CDFW. The Habitat Plan is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the plan.

While the proposed project occurs within the general Permit Area identified in the Habitat Plan, the project is not a "covered project" because it is part of lands controlled by the Airport, which is excluded from the Habitat Plan.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes policies that address biological resources during the planning horizon of the General Plan. The following goals, policies, and actions are applicable to the proposed project:

Policies	Description
ER-4.1	Preserve and restore habitat areas that support special-status species. Avoid development in such habitats unless no feasible alternatives exist and mitigation is provided of equivalent value.
ER-4.3	Prohibit planting of invasive non-native plant species in natural habitats that support special-status species.
ER-4.4	Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.
ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

Policies	Description
ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
ER-6.3	Employ low-glaring lighting in areas developed adjacent to natural areas, including riparian woodlands. Any high-intensity lighting used near natural areas will be placed as close to the ground as possible and directed downward or away from natural areas.
ER-6.5	Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.
ER-6.7	Include barriers to animal movement within new development and, when possible, within existing development, to prevent movement of animals (e.g., pets and wildlife) between developed areas and natural habitat areas where such barriers will help to protect sensitive species.
PR-6.5	Design and maintain park and recreation facilities to minimize water, energy and chemical (e.g., pesticides and fertilizer) use. Incorporate native and/or drought-resistant vegetation and ground cover where appropriate.
MS-21.3	Ensure that San José's Community Forest is comprised of species that have low water requirements and are well adapted to its Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest.
MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
MS-21.9	Where urban development occurs adjacent to natural plant communities (e.g., oak woodland, riparian forest), landscape plantings shall incorporate tree species native to the area and propagated from local sources (generally from within 5-10 miles and preferably from within the same watershed).

San José Tree Removal Ordinance

The City of San José Tree Removal Controls (San José Municipal Code, Sections 13.31.010 to 13.32.100) serve to protect all trees having a trunk that measures 38 inches or more in circumference (12.1 inches in diameter) at the height of 54 inches (4.5 feet) above the natural grade of slope. The ordinance protects both native and non-native tree species. A tree removal permit is required from the City of San José for the removal of ordinance-sized trees. On private property, tree removal

permits are issued by the Department of Planning, Building and Code Enforcement. Removal of or modifications to all trees on public property (e.g., street trees within a parking strip or the area between the curb and sidewalk) are handled by the City Arborist.

In addition, any tree found by the City Council to have special significance can be designated as a Heritage Tree, regardless of tree size or species. It is unlawful to vandalize, mutilate, remove, or destroy such Heritage Trees. Under the City's Tree Removal Ordinance, specific criteria or findings must be made before a permit for removal of a live or dead Heritage Tree can be granted.

3.4.1.2 *Existing Conditions*

Existing Biological Communities

H.T. Harvey & Associates undertook reconnaissance-level surveys on the seven parcels that comprise the project site on May 22 and August 8, 2023, and identified two land cover types: California Annual Grassland and Urban-Suburban. These communities are described below and are shown on Figure 3.4-1.[21]

California Annual Grassland - Vegetation

California annual grassland (9.11 acres) is the dominant land cover type within the project footprint, covering the entirety of the subject parcels other than a small portion of Parcel 5. This land cover type is dominated by nonnative grasses such as wild oat, ripgut brome, smilo grass, foxtail barley, and Italian rye grass as well as weedy forbs such as cheeseweed, fennel, black mustard, Italian thistle, and yellow star thistle.

Although the majority of this land cover type consists of open grassland, scattered trees are present within these areas. According to a tree survey undertaken in 2023, a total of 67 trees are located across the project parcels. These consist of non-native or ornamental tree species such as tree-of-heaven, Mexican fan palm, privet, London plane tree, and Peruvian pepper tree, as well as California black walnut, which is native to California but not thought to be native to the San José area. Of the 67 trees, 56 are of ordinance size (38 inches or more in circumference measured at 54 inches above ground). The remaining 11 trees have circumferences ranging from nine to 35 inches. A few wetland species such as bristly ox-tongue, English plantain, oval leaf knotweed, and fiddle dock were observed in very low numbers, scattered sparsely throughout the project site, but no evidence of wetlands was observed on any parcels. The land cover has been regularly mown for decades. During the reconnaissance survey, vegetation in the California annual grassland was relatively dense and 15–40 inches tall, with very little evidence of bare ground. The grassland contained several species ranked by the California Invasive Plant Council (Cal-IPC) as being limited or moderately invasive.

[21] Plant and animal species described in this section are referred to using their common name. Latin names for these species are contained in Appendix C.

California Annual Grassland – Wildlife

Wildlife use of grasslands within the project footprint is limited by human disturbance (e.g., mowing and unhoused encampments), the limited extent of the grassland area, and the isolation of this habitat from more extensive grasslands in the region (i.e., in the Diablo Range to the east). As a result, some of the wildlife species associated with extensive grasslands in the South Bay, such as the grasshopper sparrow, are absent from the grasslands within the project footprint. Many of the wildlife species that occur in this grassland area occur primarily in adjacent developed or riparian areas and use the grasslands within the project footprint for foraging. Such species include the house finch, bushtit, and lesser goldfinch, which forage on seeds in grassland areas, and the black phoebe, cliff swallow, and Mexican free-tailed bat, which forage aerially over grassland habitats for insects.

Burrows of California ground squirrels were observed in small numbers within the project footprint during the May and August 2023 site visits. This species is an important component of grassland communities, providing a prey base for diurnal raptors and terrestrial predators and providing burrows that can be used by burrowing owls. Other rodent species that can potentially occur in the grassland habitat within the project footprint include the Botta's pocket gopher, California vole, and deer mouse. Diurnal raptors such as red-tailed hawks and red-shouldered hawks forage for these small mammals over grasslands during the day, and at night nocturnal raptors, such as barn owls, will forage for nocturnal rodents, such as deer mice.

Several reptile species regularly occur in grassland habitats, including the western fence lizard, gopher snake, and southern alligator lizard. Burrows of California ground squirrels provide refuges for these reptile species, as well as for common amphibians that may occur in adjacent riparian habitat such as the western toad and Pacific tree frog. Mammals such as the native striped skunk, raccoon, and black-tailed jackrabbit, as well as the nonnative Virginia opossum and feral cat use the grassland habitats within the project footprint for foraging.

Urban-Suburban – Vegetation

A portion of Parcel 5 consists of existing paved and developed areas, which are considered the urban-suburban land cover type (see Figure 3.4-1). These areas include paved areas such as asphalt parking lots, sidewalks, and roadways, and associated landscaping. Landscaped areas are barren except for some hardy, low-lying non-native species such as greenstem filaree or pineappleweed.

Urban-Suburban – Wildlife

The urban-suburban areas of the project footprint serve as wildlife habitat only in a very limited capacity, and most wildlife species that occur in these areas are tolerant of frequent human disturbances. Species that use these areas include the nonnative European starling, rock pigeon, house mouse, and Norway rat, as well as the native raccoon and striped skunk. Western fence lizards commonly occur in urban-suburban areas and may bask on road or parking lot surfaces to raise their body temperature. Bird species including the American crow, California scrub-jay, Anna's hummingbird, California towhee, bushtit, and dark-eyed junco will nest and forage in landscape vegetation. Large trees adjacent to the project footprint provide potential nesting sites for raptors,

such as red-tailed hawks and Cooper's hawks. During the site visit, an active red-tailed hawk nest was observed in a eucalyptus tree across the street from Parcel 5 on Asbury Street.

Source: H.T. Harvey & Associates, October 2023.

LAND COVER MAP | FIGURE 3.4-1

Special Status Species and Sensitive Habitats

Information concerning threatened, endangered, and other special status species that potentially occur on the project site was collected by H.T. Harvey & Associates. The results of this research are summarized below, as well as depicted in Figure 3.4-2, which shows a map of where special status species are known to occur or have occurred historically in the project area.

Special Status Plant Species

A review of potentially occurring special-status plants, based on background information and assessment of habitat on the project site, determined that no special-status plants have any potential to occur in the project footprint for the following reasons: (1) absence of suitable habitat types; (2) lack of specific microhabitat or edaphic requirements, such as serpentine soils; (3) the elevation range of the species is outside of the range of the project site; and/or (4) the species is presumed extirpated from the project region. Therefore, special-status plants are absent from the project site.

Special Status Animal Species

Several special-status animal species have potential to occur in the project vicinity, as shown in Figure 3.4-2. However, the majority of these species were determined to be absent from the subject parcels. Species considered for occurrence but rejected, as well as the reasons for their rejection, are described in Section 5.2 of Appendix C. Species considered to have potential to occur on the subject parcels are described below.

Burrows of California ground squirrels on several of the parcels provide ostensibly suitable roosting habitat for burrowing owls, a California species of special concern. However, most of these burrows are located under or near trees, which provide perches for predatory raptors (e.g., eagles, falcons, hawks, and owls) that prey upon burrowing owls, and the adjacent grassland habitat provides limited foraging habitat due to high levels of disturbance. As a result, the subject parcels provide only very low-quality habitat for this species. Burrowing owls occur more widely in the South Bay during the nonbreeding season, but they are not known to nest or occur on the subject parcels. Burrowing owls do have a long history of breeding in grasslands along taxiways and at the end of runways at nearby SJC; however, the number of owls observed during the breeding season has declined greatly in recent years, from 37 adults observed during the 2013 breeding season to only three adults observed during the 2022 breeding season. No burrowing owls or signs of recent burrowing owl use of the subject parcels (e.g., pellets, fecal material, or feathers) were observed during the May 22 or August 8, 2023 site visits. As a result, burrowing owls are highly unlikely to occur on the subject parcels, especially as breeders, but it is possible that occasional non-breeding (i.e., migrant or wintering) burrowing owls could be present.

The golden eagle and white-tailed kite, both state fully protected species, occur in open grasslands in the South Bay. However, the grasslands on the subject parcels and in the immediate vicinity are not sufficiently extensive to support a nesting pair of either species, and both golden eagles and white-tailed kites are not known to nest in the project vicinity. Occasional individuals may occur on the subject parcels or in adjacent open space areas as non-breeding foragers.

The monarch butterfly, a candidate species for listing under the Federal Endangered Species Act, may occur on the subject parcels as a nonbreeder, especially during spring and fall migration. However, no milkweeds, which provide this species' larval hostplant, were detected on the subject parcels during reconnaissance surveys, so monarchs are not expected to breed on the subject parcels. Further, the monarch butterfly is not known to form winter aggregations in Santa Clara County, so no such clusters of monarchs would occur on the subject parcels. As a result, monarchs would occur only as an occasional nonbreeding visitor, in low numbers.

The Crotch's bumble bee, a candidate species for listing under the California Endangered Species Act, occurs in a number of locations in Santa Clara County, though all evidence suggests that it occurs in low numbers and sparsely, especially in urban areas. Several ground squirrel burrows and burrows of smaller rodents were found on the subject parcels, which could provide appropriate habitat for a nest. However, the combination of mowing on the subject parcels that greatly reduces the availability of flowers for foraging, as well as the general lack of flowering plants in the project vicinity, make it highly unlikely that this species breeds on the subject parcels. As a result, the Crotch's bumble bee is expected to occur on the subject parcels only as a scarce, occasional forager, if it occurs at all.

In summary, the only special-status animal species that can potentially occur on the subject parcels are the burrowing owl, which could occur as a breeder or non-breeding forager on the subject parcels, and the golden eagle, white-tailed kite, monarch butterfly, and Crotch's bumble bee, which may occasionally occur on the subject parcels or in adjacent open space areas as non-breeding foragers.

Sensitive Natural Communities, Vegetation Alliances, and Habitats

Sensitive Natural Communities: The CDFW determines the level of rarity and imperilment of vegetation types and tracks sensitive communities in its Rarefind database. A query of sensitive habitats in the California Natural Diversity Database (CNDDB) identified three sensitive natural communities as occurring within the nine 7.5-minute USGS quadrangles containing or surrounding the subject parcels: (1) north central coast drainage Sacramento sucker/roach river (Rank GNR/SNR), (2) northern coastal salt marsh (Rank G3/S3.2), and (3) serpentine bunchgrass (Rank G2/S2.2). However, no streams or rivers, wetlands, or serpentine bunchgrass habitat occurs within the subject parcels. Facultative wetland vegetation species are not present in sufficient density to qualify for the wetland vegetation indicator, nor were there any hydrology indicators such as soil surface cracking. Serpentine bunchgrass is absent, as no native bunchgrass species were present on the subject parcels, soils were primarily Hangerone clay loam, and the subject parcels are approximately four miles away from the nearest serpentine fee zone according to the Santa Clara Valley Habitat Agency Geobrowser.

Vegetation Alliances: The CDFW also ranks vegetation alliances, defined by repeating patterns of plants across a landscape that reflect climate, soil, water, disturbance, and other environmental factors. The majority of the project footprint is dominated by wild oats and Bromus sp. And would be considered "Wild oats and annual brome grasslands (Avena spp. – Bromus spp.) alliance. This alliance

does not have a global or state ranking, and because it is defined by dominance of nonnative species, is not considered sensitive. Therefore, no sensitive alliances occur within the subject parcels.

Source: H.T. Harvey & Associates, October 2023.

CNDDB MAPPED RECORDS OF SPECIAL STATUS ANIMALS AND PLANTS

FIGURE 3.4-2

Nonnative and Invasive Species

Several nonnative, invasive plant species occur within the subject parcels. Of these, the following have a rating of "limited" invasiveness (i.e., considered invasive but their ecological impacts are minor on a statewide level and their reproductive biology and other attributes result in low to moderate rates of invasiveness) according to the Cal-IPC: Peruvian pepper tree, bristly ox-tongue, wild radish, variable burclover, and English plantain. The following species have a "moderate" rating, indicating that they have substantial and apparent-but generally not severe-ecological impacts on physical processes, plant and animal communities, and vegetation structure, and that their reproductive biology and other attributes are conducive to moderate to high rates of dispersal, though establishment would be generally dependent upon ecological disturbance: fennel, Italian thistle, yellow star thistle, stinkwort, black mustard, rose clover, tree of heaven, Mexican fan palm, wild oats, ripgut brome, Italian rye grass, and foxtail barley.

Wildlife Movement

Movement corridors are segments of habitat that provide linkage for wildlife through the mosaic of suitable and unsuitable habitat types found within a landscape while also providing cover. On a broader level, corridors also function as paths along which wide-ranging animals can travel, populations can move in response to environmental changes and natural disasters, and genetic interchange can occur. In California, environmental corridors often consist of riparian areas along streams, rivers, or other natural features.

Due to the density of development in the project region and the lack of continuous, well-vegetated pathways through the City, there are currently no well-defined movement corridors for mammals or reptiles within or through the subject parcels. Wildlife species may move through the area using cover and refugia as they find them available. However, most dispersal by wildlife species in the region likely occurs along higher-quality habitats, such as the Guadalupe River corridor located 0.08 miles to the east, and along the edge of the San Francisco Bay to the northwest. Development of the subject parcels would not affect any wildlife use of the Guadalupe River movement corridor.

3.4.2 Impact Discussion

For the purpose of determining the significance of the project's impact on biological resources, would the project:

1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS?

3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
4) 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?
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

3.4.2.1 *Project Impacts*

a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?

Impacts to California Annual Grassland and Associated Common Plant and Wildlife Species

Future construction allowed under the proposed project would result in permanent impacts on 9.11 acres of California annual grassland within the project footprint, reducing the extent of vegetation within the subject parcels. As a result, a reduction in common plant and wildlife species, such as birds and bats, would occur on the subject parcels. However, the California annual grassland lies within an area that has been disturbed and fragmented in the past and is embedded within a highly developed urban area. Therefore, the general area does not provide regionally rare or especially high-value habitat for native vegetation or wildlife, or special-status species aside from the burrowing owl, as discussed in further detail below. California annual grassland is abundant and widespread regionally and is not particularly sensitive. The California annual grassland within the project footprint is not considered valuable habitat, other than to burrowing owls. However, as discussed later in this section, these grasslands have a limited numbers of burrows present. Therefore, impacts on this habitat are considered less than significant. Further, because the number of individuals of any common plant or animal species within this habitat is very small, the project's impacts would not substantially reduce regional populations of these species. Therefore, the project would have a less than significant impact on California Annual Grassland and their associated plant and wildlife species. **(Less than Significant Impact)**

Impacts to Water Quality and Special-Status Aquatic Species

The closest waterway to the project site is the Guadalupe River, which flows approximately 4,225 feet east of the closest subject parcel. Future development allowed under the proposed project would not directly or indirectly impact the bed and banks of the Guadalupe River, water quality within the channel, or fish species inhabiting the river.

As described in Section 3.10, the project would comply with state requirements to control the discharge of storm water pollutants under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities. A project-specific Storm Water Pollution Prevention Plan will be required for future development on each parcel, which will include BMPs to protect water quality until the site is stabilized. Future development under the project would also comply with the RWQCB Municipal Regional Stormwater NPDES Permit by implementing BMPs and incorporating Low Impact Development practices to prevent stormwater runoff pollution and promote infiltration. Therefore, the project would have a less than significant impact on water quality and special-status aquatic species. **(Less than Significant Impact)**

Impacts to Nonbreeding Special-Status Animal Species

Monarch butterfly, Crotch's bumble bee, golden eagle, and white-tailed kite may occur within the subject parcels as nonbreeding migrants, transients, or foragers, but they are not known or expected to breed or occur in large numbers within or near the project impact area.

The monarch butterfly may forage in the project vicinity, especially during spring and fall migration, but is not expected to breed or overwinter within the subject parcels due to a lack of suitable habitat. The Crotch's bumble bee may forage in the project vicinity but is not expected to breed within the subject parcels due to a lack of suitable foraging habitat. The golden eagle and white-tailed kite are not expected to breed on the subject parcels due to a lack of suitable nesting habitat, though individuals of these species may occasionally forage on the subject parcels in small numbers.

Future construction development under the proposed project would have some potential to impact foraging habitats and/or disturb individuals of these species. Construction activities could result in a temporary direct impact through the alteration of foraging patterns (e.g., species avoidance of work sites because of increased noise and activity levels during maintenance activities) but would not result in the loss of individuals, as individuals of these species would fly away from any construction areas or equipment before they could be injured or killed. Further, the subject parcels do not provide important foraging habitat used regularly or by large numbers of individuals of any of these species. As a result, future development allowed under the project would have little impact on these species' foraging habitat and no substantive impact on regional populations of these species. Therefore, impacts to nonbreeding special-status animal species would be less than significant. **(Less than Significant Impact)**

Impacts to the Burrowing Owl

As discussed in Section 3.4.1.2, burrowing owl habitat surveys completed on the subject parcels in 2023 did not detect burrowing owls or signs of their presence in the project footprint. However, future potential development under the project would result in the permanent loss of 9.11 acres of ostensibly suitable, though likely unoccupied, nesting, roosting, and foraging habitat for burrowing owls. Currently, the grasslands on the subject parcels provide potential foraging habitat for owls, as

well as suitable nesting and roosting habitat where burrows of California ground squirrels are present. However, these grasslands likely have limited value to burrowing owls due to the limited numbers of burrows present (zero burrows observed during the May 2023 survey and three burrows observed during the August 2023 survey). The Habitat Agency considers any areas having suitable habitat within 0.5 mile of burrowing owl nests occupied within the prior three years to represent occupied burrowing owl habitat. The project parcels are located one mile or more from the nearest nesting site used by owls in 2020 – 2022. Therefore, there is not expectation that burrowing owls rely on the grasslands on these parcels.

Although the project is not covered by the VHP, the Santa Clara Valley Habitat Agency determines whether a project applicant needs to pay burrowing owl impact fees based on whether grasslands on a project site provide important habitat for breeding burrowing owls. The Habitat Agency considers any areas having suitable habitat within 0.5 mile of burrowing owl nests occupied within the prior 3 years to represent occupied burrowing owl habitat (i.e., to provide foraging habitat for nesting owls). The project parcels are located more than one mile from the nearest nesting site used by owls in 2020-2022; therefore, there is no expectation that burrowing owls rely on the grasslands on these parcels. The loss of potential burrowing owl habitat as a result of future development allowed under the project is a less than significant impact, and the project applicant would not be required to pay burrowing owl impact fees.

Some of the burrowing owls that may occur in the project vicinity during the nonbreeding season likely represent migrants or wintering owls from nesting populations outside the San Francisco Bay area. The project would result in a reduction of available habitat for these birds. However, migrant or wintering burrowing owls are known to occur more widely in the South San Francisco Bay region. Given the vast extent of grassland and ruderal habitat within the foothills of the Diablo Range and Santa Cruz Mountains that provide suitable wintering habitat for owls, the loss of habitat within the project footprint is not expected to have a substantial impact on populations of burrowing owls that winter in the South Bay but nest outside the region.

It is possible that individual burrowing owls may occasionally disperse onto the subject parcels, due to the fact that a few pairs of burrowing owls still nest at nearby SJC and additional owls arrive in the region in winter. If owls are present when construction occurs, individual burrowing owls may be affected by construction activities. Because they roost underground, burrowing owls may be killed or injured during development activities from trampling or compaction of burrows by construction personnel or equipment if appropriate protective measures are not implemented. Construction activities that occur in close proximity to active burrows may disturb owls to the point of abandoning their burrows. Injury or mortality of burrowing owls resulting from construction activities would represent a significant impact. Therefore, the following mitigation measures, based on Condition 15 of the VHP, shall be implemented prior to groundbreaking activities on each subject parcel to ensure that individual burrowing owls are not injured or killed as a result of project activities.

Impact BIO-1: Construction activities on the subject parcels could impact burrowing owls by trampling or compacting underground burrows.

Mitigation Measure: The following mitigation measure, which is included in the project, would reduce and/or avoid impacts to individual burrowing owls (if present on or adjacent to the site) to a less than significant level.

MM BIO-1.1: Prior to the issuance of any grading, building, or demolition permits for development projects on the subject parcels, a qualified biologist shall conduct preconstruction surveys in all potentially suitable burrowing owl habitat on and within 250 feet of the area in which ground disturbance is proposed. To maximize the likelihood of detecting owls, the preconstruction survey shall last a minimum of three hours. The survey shall begin one hour before sunrise and continue until two hours after sunrise (three hours total) or begin two hours before sunset and continue until one hour after sunset. A minimum of two surveys shall be conducted (if owls are detected on the first survey, a second survey is not needed). Owls observed shall be counted and their location shall be mapped.

Surveys shall conclude no more than two calendar days prior to the initiation of ground disturbing activities; thus, surveys shall begin no less than four days prior to the initiation of ground disturbing activities (two days of surveying plus up to two days between surveys and ground disturbing activities). To avoid last-minute changes in schedule that may occur if burrowing owls are found, a preliminary survey may be conducted up to 14 days before construction. This preliminary survey may count as the first of the two required surveys, as long as the second survey concludes no more than two calendar days in advance of construction. The results of the preconstruction surveys shall be submitted to the City of San José Director of Planning, Building and Code Enforcement or Director's designee no more than 14 days prior to ground disturbing activities or the issuance of any tree removal, grading, demolition, or building permits.

If the preconstruction survey does not identify the presence of burrowing owls on or within 250 feet of the area in which ground disturbance is proposed, no further measures are necessary. However, should the preconstruction survey determine the presence of burrowing owls on or within 250 feet the area in which ground disturbance is proposed, then the applicant shall implement the following avoidance measures.

- Avoidance during the Breeding Season. If evidence of burrowing owls is found during the breeding season (February 1 to August 31), all nesting or roosting sites that could be disturbed by project construction activities shall be avoided during the remainder of the breeding season (if owls

remain throughout the breeding season) or while the nest (i.e., a burrow occupied during the period February 1 to August 31) is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging). Although burrowing owls are unlikely to nest on the subject parcels, there is a remote possibility that nesting may occur. Wintering owls in Santa Clara County often remain past February 1, at which time they cannot be distinguished from breeding birds. As a result, any owl present between February 1 and August 31 will be considered a potential breeder unless and until it leaves the site.

Avoidance shall include establishment of a 250-foot non-disturbance buffer zone around nests. Construction activities may occur outside of the 250-foot non-disturbance buffer zone. Construction activities may occur inside of the 250-foot non-disturbance buffer during the breeding season only if the nest is not disturbed, and a qualified biologist develops an avoidance, minimization, and monitoring plan that is reviewed and approved by the California Department of Fish and Wildlife prior to project construction and meets all of the following criteria:

- A qualified biologist monitors the owls for at least three days prior to construction to determine baseline nesting and foraging behavior (i.e., behavior without construction).
- The same qualified biologist monitors the owls during construction and finds no change in owl nesting and foraging behavior in response to construction activities.
- If there is any change in owl nesting and foraging behavior as a result of construction activities, all disturbance activities shall cease within the 250-foot buffer. Construction shall not resume within the 250-foot buffer until the adults and juveniles from the occupied burrows have moved out of the project area and 250-foot buffer.
- If monitoring indicates that the nest is abandoned prior to the end of the nesting season (as would occur if a wintering owl lingered past February 1 and then eventually migrated to its breeding areas outside the region), and the burrow is no longer in use by owls, the non-disturbance buffer zone may be removed. The qualified biologist will excavate the burrow to ensure that no owls are present and to prevent reoccupation after receiving approval from California Department of Fish and Wildlife.

- Avoidance during the Non-Breeding Season. During the non-breeding season (September 1 through January 31), a 250-foot non-disturbance buffer shall be established around occupied burrows as determined by a qualified biologist. Construction activities outside of this 250-foot buffer

are allowed. Construction activities within the 250-foot buffer are allowed if all of the following criteria are met in order to prevent owls from abandoning important overwintering sites:

  - A qualified biologist monitors the owls for at least three days prior to construction to determine baseline foraging behavior (i.e., behavior without construction).
  - The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities.
  - If there is any change in owl nesting and foraging behavior as a result of construction activities, all disturbance activities shall cease within the 250-foot buffer.
  - If the owls are gone for at least one week, the project applicant may request approval from the CDFW that a qualified biologist excavate usable burrows to prevent owls from re-occupying the site. After all usable burrows are excavated, the buffer zone will be removed and construction may continue. Monitoring must continue as described above for the non-breeding season as long as the burrow remains active.

- Construction Monitoring. Based on the avoidance, minimization, and monitoring plan developed during construction, a non-disturbance buffer zones shall be established and maintained. A qualified biologist shall monitor the site consistent with the requirements described above to ensure that buffers are enforced and owls are not disturbed. The biological monitor shall also conduct training of construction personnel on the avoidance procedures, buffer zones, and protocols in the event that a burrowing owl flies into an active construction zone or within 250 feet of such zone.

- Passive Relocation. Passive relocation shall only be allowed, with the approval of California Department of Fish and Wildlife, during the non-breeding season (September 1 through January 31), and may only occur if the burrow needs to be removed or could collapse from construction activities. If passive relocation is allowed by CDFW, a qualified biologist shall passively exclude birds from their burrows during non-breeding season only by installing one-way doors in burrow entrances. These doors shall be in place for at least 48 hours to ensure owls have left the burrow, and then the qualified biologist shall excavate the burrow to prevent reoccupation. Burrows shall be excavated using hand tools. During excavation, an escape route shall be maintained at all times. This may

include inserting an artificial structure into the burrow to avoid having the overburden collapse into the burrow and trap owls inside.

With implementation of MM BIO-1.1, the project would have a less than significant impact on burrowing owls. **(Less than Significant Impact with Mitigation Incorporated)**

Impacts to Nesting Birds

Development of the project would result in the removal of trees that may provide nesting habitat for birds, including migratory birds. As discussed previously, nesting birds are protected under provisions of the MBTA and CDFW code. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or removal and construction activities that disturb a nesting bird on-site or immediately adjacent to the construction zone would constitute a significant impact.

Impact BIO-2: Development of the proposed project would result in impacts to nesting birds, if present on the site at the time of construction.

Mitigation Measures: The following mitigation measures, which are included in the project, would reduce and/or avoid impacts to nesting birds (if present on or adjacent to the site) to a less than significant level.

MM BIO-2.1: The project developer shall avoid construction activities during the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).

MM BIO-2.2: If construction activities cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds will be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey must be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive). During this survey, the qualified ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

MM BIO-2.3: If, during the survey described in MM BIO-2.2, the qualified ornithologist finds an active nest sufficiently close to work areas to be disturbed by construction, the qualified ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

MM BIO-2.4: Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Director of Planning, Building and Code Enforcement or the Director's designee.

With implementation of MM BIO-2.1 through MM BIO-2.4, the project's impacts to nesting birds would be less than significant. **(Less than Significant Impact with Mitigation Incorporated)**

Impacts due to Nitrogen Deposition

[***Introductory Note***: According to the VHP, indirect impacts of increased nitrogen deposition on natural communities and covered species are anticipated to result from urban development and rural development. Specifically, development results in increased air pollutant emissions from passenger and commercial vehicles and other industrial and nonindustrial sources. Emissions from these sources are known to increase airborne nitrogen, of which a certain amount is converted into forms that can fall to earth as depositional nitrogen. It has been shown that increased nitrogen in serpentine soils can favor the growth of nonnative annual grasses over native serpentine species. These nonnative species, if left unmanaged, can overtake the native serpentine species, including dwarf plantain, the host plant for larval Bay checkerspot butterfly. Nonnative plants may also compete with native plants for water, nutrients, light, and sites for germination, crowding out covered plants (e.g., Metcalf Canyon jewelflower, most beautiful jewelflower, and fragrant fritillary). California grasslands are believed to be among the most sensitive to nitrogen deposition.]

Several special-status plant and animal species that are absent from the project site and its vicinity occur on serpentine substrates in hills on either side of the Santa Clara Valley. These species include the Bay checkerspot butterfly and a number of rare plants, including the VHP-covered Tiburon Indian paintbrush, coyote ceanothus, Mount Hamilton thistle, Santa Clara Valley dudleya, fragrant fritillary, Loma Prieta hoita, smooth lessingia, Metcalf Canyon jewelflower, and most beautiful jewelflower.

The USFWS has identified critical habitat for the federally threatened Bay checkerspot butterfly south of U.S. 101 and Metcalf Road in San José, approximately 12 miles southeast of the project footprint. The conservation of critical habitat is considered essential for the conservation of the Bay checkerspot butterfly, and this serpentine habitat also supports serpentine-associated rare plant species (including the VHP-covered species listed above). Nonnative grasses have been reported to increase in these habitats, crowding out native rare plants as well the native larval host plants needed by the Bay checkerspot butterfly, due to increased nitrogen deposition from human sources throughout San José and the greater Bay Area.

Nitrogen deposition contribution estimates in Santa Clara County were made as a part of the development of the VHP. About 46 percent of nitrogen deposition on habitat areas of concern for the base years (2005–2007) was estimated to come from existing development and traffic generated locally within the VHP study area, which includes all of San José. The remainder of Santa Clara County was estimated to contribute a substantially smaller amount (17 percent of the nitrogen deposition)

while the other eight Bay Area counties account for about 11 percent. Nitrogen deposition modeling completed for future years (2035 and 2060) as a part of the VHP process assumed that urban and rural development in the County and broader San Francisco Bay Area is expected to increase air pollutant emissions due to an increase in passenger and commercial vehicle trips and other new industrial and nonindustrial sources. While the project would implement Mitigation Measure TRN-1.1 (Section 3.17) to ensure the project would not result in an increase in vehicle miles travelled (VMT) over existing conditions via offsets, the project would technically result in an increase of trips. Therefore, the following mitigation measure would be implemented.

Impact BIO-3: Development of the proposed project could result in an increase in nitrogen deposition that could result in adverse effects on habitat for the Bay checkerspot butterfly and rare serpentine-associated plants located off-site.

Mitigation Measures: The following mitigation measure would reduce and/or avoid nitrogen deposition impacts to a less than significant level.

MM BIO-3.1: Although the parcels are controlled by the Airport and operated by the City of San José, a Local Partner in the Habitat Plan, and the parcels are not located in a Habitat Plan fee area and lands controlled by the Airport are excluded as covered activities under the Habitat Plan. Irrespective of this fact, the City as CEQA Lead Agency acknowledges the nitrogen deposition impacts of the project and is committing to pay the nitrogen deposition fee that applies to covered activities, based on new daily vehicle trips. The fee will be paid at the time the grading permit is issued for the development of each parcel. According to the Santa Clara Valley Habitat Agency, the fees collected from covered activities do not fully cover the costs related to mitigating nitrogen deposition impacts due to new development. Therefore, the Habitat Agency accepts fees from non-covered activities and states that "nitrogen deposition voluntary fee payments will be applied toward land acquisition, management, and monitoring for Bay checkerspot butterfly and serpentine covered plant species."[22]

Implementation of MM BIO-3.1 would reduce impacts related to nitrogen deposition to a less than significant level. Additionally, as described in Section 3.17, *Transportation*, development on the subject parcels would be required to implement Mitigation Measure TRN-1.1 which would ensure the project would not result in an increase in vehicle miles travelled (VMT) over existing conditions. Therefore, the proposed project would not contribute to cumulative increases in nitrogen emissions that could result in adverse effects on habitat for the Bay checkerspot butterfly and rare serpentine-associated plants located off-site. **(Less than Significant Impact with Mitigation)**

[22] Source: Santa Clara Valley Habitat Agency, *Voluntary Fee Payments Policy*, November 2014.

b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?

Reconnaissance-level field surveys of the subject parcels did not identify any sensitive natural communities, vegetation alliances/associations, or other sensitive communities identified in local or regional plans, policies, and regulations on or adjacent to any of these parcels. Therefore, the proposed project would not have an adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. **(No Impact)**

c) Would the project have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means?

Reconnaissance-level field surveys of the seven project parcels did not identify any wetlands or other waters of the U.S. or state on or near the subject parcels. Therefore, the project would not have an adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. **(No Impact)**

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

For many species, the landscape is a mosaic of suitable and unsuitable habitat types. Environmental corridors are segments of land that provide a link between these different habitats while also providing cover. Development that fragments natural habitats (i.e., breaks them into smaller, disjunct pieces) can have a twofold impact on wildlife: first, as habitat patches become smaller, they are unable to support as many individuals (patch size); and second, the area between habitat patches may be unsuitable for wildlife species to traverse (connectivity).

The Guadalupe River and the associated riparian corridor provide an important movement pathway for both aquatic and terrestrial wildlife species, connecting the associated wetlands to the San Francisco Bay. Songbirds that migrate along the Pacific Flyway disperse and forage along the Guadalupe River in relatively large numbers. Common, urban-adapted species such as raccoons and striped skunks may use the vegetation along the river to move north and south through the San José area. Small mammals, such as mice and shrews, will also use this vegetation to move between habitats. Common species of reptiles and amphibians, such as Pacific treefrogs, and alligator lizards, amongst other species, are also expected to move along this corridor adjacent to the subject parcels.

Future development of the subject parcels would not result in any loss of aquatic, wetland, or riparian habitat along the Guadalupe River or in any substantial reduction in the value of the Guadalupe River

corridor for wildlife movement. Future implementation of the project could indirectly increase the number of human users of the Guadalupe River trail, potentially subjecting animals within the riparian corridor to increased human disturbance. However, this trail is already heavily used by pedestrians and cyclists. The use of the riparian habitat along the river by the homeless population also introduces human disturbance within the riparian habitat. The increase in users of the Guadalupe River trail as a result of this project is not expected to contribute substantially to human disturbance of animals using the Guadalupe River corridor. Therefore, aquatic and terrestrial species would continue to be able to move north to south along the Guadalupe River following project development. The project would not 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, and therefore the project impact would be less than significant. **(Less than Significant Impact)**

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

Future implementation of the proposed project could result in the removal of ordinance-sized trees that are present within the project footprint. Each future development shall be required to submit permit applications for tree removal once the developer has determined exactly which, and how many, trees will be removed as part of the development review process. In accordance with the provisions of the San José Municipal Code, the Standard Permit Conditions listed below would be required of future development projects.

Standard Permit Conditions: The following best management practices shall be implemented to protect trees:

- Trees impacted by development of the project site shall be replaced in accordance with the tree replacement ratios outlined in Table 3.4-1. The species of trees to be planted shall be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement. For trees to be planted on the subject parcels, species selection will be restricted to those where tree heights at maturity will not exceed limits established by the FAA and ALUC and those that do not typically attract large numbers of birds.

- Where construction will occur within the dripline of a tree not being removed, the development shall develop a Tree Protection Plan and include measures to implement during project construction to avoid impacts to trees to remain. The measures will include marking trees to remain in place in project plans, as well as the establishment of protection zones around the canopy drip line zone for the purpose of avoiding serious injury or loss.

Table 3.4-1: City of San José Standard Tree Replacement Ratios

Diameter of Trees to be Removed	Native Tree Removal Replacement Ratio[1]	Nonnative Tree Removal Replacement Ratio[1]	Orchard Tree Removal Replacement Ratio[1]	Minimum Size of Each Replacement Tree
18 inches or greater	5:1	4:1	3:1	24-inch box
12-18 inches	3:1	2:1	None	24-inch box
Less than 12 inches	1:1	1:1	None	15-gallon container

[1] x:x = tree replacement to tree loss ratio; trees greater than 18 inches in diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

In the event the subject parcels do not have sufficient area to accommodate the required tree replacement, one or more of the following measures would be implemented during the final design phase of the project, to the satisfaction of the City Arborist and the Director of Planning, Building and Code Enforcement:

- During the final design phase, the size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted within the subject parcels.
- Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of Public Works grading permit(s), in accordance with the City Council approved Fee Resolution. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

With the incorporation of the above measures to ensure compliance with the City of San José tree ordinance, any potential impacts related to conflict with local policies or ordinances protecting trees would be less than significant. **(Less than Significant Impact)**

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

As discussed previously, the current project is not a "covered project," as the subject parcels are part of lands controlled by San José International Airport, which is excluded from the VHP. Therefore, the project is not subject to compliance with VHP conditions, avoidance, minimization, or compensatory mitigation measures. No other adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan is applicable to the project. Therefore, implementation of the project would not conflict with any such plans. **(No Impact)**

3.4.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a significant cumulative biological resources impact?

The geographic area for cumulative biological resources impacts includes the project site and the adjacent parcels. Future development activities in the City of San José could result in impacts on the same habitat types and species that would be affected by development allowed under the proposed project. The proposed GPA and rezoning, in combination with other projects in the area, such as the SJC Airport Master Plan, as well as recreational activities in the nearby Guadalupe River Park that impact the species that are affected under the project, could contribute to cumulative effects on special-status species. Other projects in the area include both development and maintenance projects that could adversely affect these species and restoration projects that would benefit these species.

Other projects in the City are also required to undergo site-specific analyses for their potential to adversely affect sensitive natural communities and habitats and special-status plant and animal species; if potential impacts are identified, mitigation measures would be incorporated into individual projects to reduce impacts to a less than significant level. Cumulatively, other projects would also be required to adhere to the City of San José Tree Removal Controls (San José City Code, Sections 13.31.010 to 13.32.100) and applicable Habitat Plan conditions. The San José General Plan contains conservation measures that would benefit biological resources, as well as measures to avoid, minimize, and mitigate impacts on these resources, and the VHP includes numerous conservation measures to offset adverse effects on covered activities. Many projects in the region that impact resources similar to those impacted by the proposed project would be covered activities under the VHP and would mitigate impacts through the program, which would require payment of fees for habitat restoration. Further, the project would implement avoidance and minimization measures to reduce impacts on both common and special-status species, as described above.

The project site and surrounding parcels are in an urbanized location where there are numerous ongoing and proposed projects, the majority of which result in various biological impacts such as tree removal. However, standard permit requirements imposed on all projects (i.e., tree replacement) avoids a significant cumulative impact because the end result is no net loss of trees. Similarly, local policies strongly discourage impacts to sensitive habitats (e.g., riparian corridors and wetlands) and where such impacts cannot be avoided, the creation of replacement habitat is mandated by various permitting agencies, thus avoiding a net loss of the resource. In addition, the Habitat Plan is a mechanism that allows projects to contribute their fair share to regional mitigation, thereby addressing cumulative effects. With implementation of all the mitigation measures described in this section, the project's contribution to a biological impact would not be cumulatively considerable.

As noted above, development on the subject parcels would be required to implement Mitigation Measure TRN-1.1 which would ensure the project would not result in an increase in VMT over existing

conditions. The project, therefore, would not contribute to cumulative impacts associated with regional nitrogen deposition on sensitive serpentine communities.

For the reasons described above, the project would not contribute to substantial cumulative effects on biological resources. **(Less than Significant Cumulative Impact)**

3.5 Cultural Resources

The following discussion is based upon a Cultural Resources Assessment Report completed by Basin Research Associates in March 2023. A copy of the Cultural Resources Assessment Report, which is a confidential report, is on file at the City of San José and is available upon request with appropriate credentials.

3.5.1 Environmental Setting

3.5.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act of 1966 (NHPA) and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the *National Register of Historic Places (NRHP)*. Section 106 of the NHPA and related regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA.

California Register of Historical Resources

The *California Register of Historical Resources (CRHR)* is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.[23]

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as "the authenticity of a historical resource's physical identity evidenced by the survival of characteristics

[23] California Office of Historic Preservation. "CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6." Accessed December 21, 2023. http://www.ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf.

that existed during the resource's period of significance." The processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity that are used to evaluate a resource's eligibility for listing. These seven characteristics are 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

Senate Bill 18

The intent of SB 18 is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult with California Native American tribes on projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The act requires that upon discovery of human remains, construction or excavation activity must cease and the county coroner be notified.

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes policies that address cultural resources during the planning horizon of the General Plan. The following goals, policies, and actions are applicable to the proposed project:

Policies	Description
LU-13.15	Implement City, state, and federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.
ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, requiring investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into project design.
ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources to ensure that adequate protection of historic and pre-historic resources.

3.5.1.2 *Existing Conditions*

Archaeological Sensitivity

Native Americans occupied Santa Clara Valley and the greater Bay Area for more than 5,000 years. The exact time period of the Ohlone (originally referred to as Costanoan) migration into the Bay Area is debated by scholars. Dates of the migration range between 3,000 B.C. and 500 A.D. Regardless of the actual time frame of their initial occupation of the Bay Area and, in particular Santa Clara Valley, it is known that the Ohlone had a well-established population of approximately 7,000 to 11,000 people with a territory that ranged from the San Francisco Peninsula and the East Bay, south through the Santa Clara Valley and down to Monterey and San Juan Bautista. The Ohlone people were hunter/gatherers focused on hunting, fishing, and collecting seasonal plant and animal resources, including tidal and marine resources from San Francisco Bay. The customary way of living, or lifeway, of the Costanoan/Ohlone people disappeared by about 1810 due to disruption by introduced diseases, a declining birth rate, and the impact of the California mission system established by the Spanish in the area beginning in 1777.

In general, the project site and surrounding area appear to have been favorably situated for Aboriginal occupation, as the subject parcels are adjacent to flowing or seasonal waters. The general area would have provided a favorable environment during the prehistoric period with riverine, riparian, and inland resources readily available and the Bayshore in relatively close proximity. Archaeological sites in the general area appear to have been selected for relative accessibility, protection from seasonal flooding, and proximity to a diversified resource base.

Basin Research Associates undertook three field surveys that have included the subject parcels, all with negative results, as there was an absence of prehistoric cultural materials or significant historic era or contemporary features.

A records search of the California Historical Resources Information System at the Northwest Information Center (NWIC) was completed in March 2023. The records search identified 16 previous studies undertaken within or adjacent to the subject parcels. Four reports had positive findings for one cultural resource on Hedding Street. An additional 72 studies have been completed within 1,000 feet of the project area. No prehistoric or combined prehistoric/historic archaeological sites have been recorded or reported in or adjacent to the project sites. No resources identified by contemporary Native Americans are known to exist within or adjacent to the subject parcels. The archival research and previous field studies determined the project site has a low archaeological sensitivity for prehistoric and historic archaeological resources based on the assessment of the available cultural resources data.

Historic-Era Resources

Parcel 5 contains a small modular office structure that is part of a corporation yard for the City of San José Parks, Recreation, and Neighborhood Services Department. The structure has no historical relationship to the development of the area. No structures are located on any of the other subject parcels. Further, no listed local, state, or federal historically or architecturally significant structures, landmarks, or points of interest have been identified on the subject parcels.

There are three recorded historic resources that are located adjacent to the subject parcels, as described below.

P-43-000966 – The Hedding Street Bridge Site is located along West Hedding Street, from the west side of the Guadalupe River to a section between Ruff Drive and Spring Street and is mapped within and adjacent to Parcel 6. The underground resource was exposed in 1996 during grading and trenching for the replacement of the Hedding Street Bridge over the Guadalupe River. The archaeological resource consisted of a historic trash collection and a total of 199 artifacts were collected and attributed to the 1880s – 1930s. The site is an example of trash dumping from non-specific sources, which are frequently exposed at various points along the Guadalupe River. The site was evaluated as not eligible for listing on the NRHP under any criteria by the Bureau of Reclamation as part of the evaluation effort completed for the South Bay Water Recycling Program Phase IC Project (Airport Segment).

P-43-002765 – The built resource known as the Master Metal Products Company is located adjacent to Parcel 1 at 495 Emory Street and consists of eight connected Quonset hut-style structures that were constructed in 1947 – 1948 and expanded in 1958. The building has been previously evaluated as not eligible for NRHP a, b, or c and CRHR criteria 1 and 2. However, it appears to be significant under CRHR criterion 3 and appears to qualify for listing on the City of San José Historic Resources Inventory as a Candidate City Landmark.

P-43-002766 – The built resource known as the Brown Building/Sign San José building is located adjacent to Parcel 3 at 748 Coleman Avenue. The building was constructed in 1941, has been previously evaluated, and does not appear to be eligible for the NRHP under criteria a, b, or c and

CRHR under criteria 1, 2, or 3, nor does it appear to qualify for listing on the City of San José Historic Resources Inventory.

3.5.2 Impact Discussion

For the purpose of determining the significance of the project's impact on cultural resources, would the project:

1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?
2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?
3) Disturb any human remains, including those interred outside of dedicated cemeteries?

3.5.2.1 *Project Impacts*

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?

As described in Section 3.5.1.2, *Existing Conditions*, the parcels that comprise the project site are vacant except for a small modular office structure on Parcel 5. The site does not contain any permanent buildings that have any historical relationship to its development. Therefore, there are no historical resources under CEQA.

There is a historical resource adjacent to Parcel 1, the Master Metal Products building at 495 Emory Street. This historic resource is not located on the project site and will not be directly or indirectly affected by the project. Pursuant to CEQA Guidelines Section 15064.5 (b)(1), a "substantial adverse change" in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired. The project does not include any work on the Master Metal Products building and would not cause a substantial adverse change in the significance of this adjacent resource.

For the reasons stated above, the proposed project would not cause a substantial adverse change in the significance of a historical resource. **(No Impact)**

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

As described in Section 3.5.1.2, *Existing Conditions*, no prehistoric or archaeological sites have been recorded or identified in or adjacent to the project sites. Research conducted for the proposed project indicates a very low potential for exposing unique prehistoric or historic archaeological resources

with integrity. However, as discussed in Section 3.18, *Tribal Cultural Resources*, outreach to Native American Tribes and individuals with knowledge of tribal cultural resources in the project vicinity determined a moderate possibility of potential adverse impacts to unreported ancestral heritage burials, features, and artifacts. Further, the nearby Hedding Street Bridge site was determined to be ineligible for listing on the NRHP under any criteria.

Therefore, no known archaeological resources are present within the project site and the project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA.

While the project site is not known to contain an archaeological site or buried deposits, construction operations of any development on the subject parcels could result in the inadvertent exposure of buried prehistoric or historic archaeological materials that could be eligible for inclusion on the CRHR and/or meet the definition of a unique archaeological resource as defined in Section 21083.2 of the Public Resources Code. Therefore, mitigation measures and standard conditions of approval are required to implement the project as outlined below.

Impact CUL-1: On-site construction activities could impact buried prehistoric or historic archaeological materials.

Mitigation Measures:

MM CUL-1.1: **Cultural Sensitivity Training:** Prior to issuance of any grading permit, the Permittee shall be required to conduct a Cultural Awareness Training for construction personnel. The training shall be facilitated by a qualified project archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. Documentation verifying that Cultural Awareness Training has been conducted shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee.

MM CUL-1.2: **Monitoring Plan:** Prior to issuance of any demolition, grading, or building permits (whichever occurs first), a qualified archeologist, in consultation with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall prepare a monitoring plan for all earthmoving activities. The Plan shall be submitted to the Director of the Planning, Building, and Code Enforcement or the Director's designee for review. The plan shall include, but is not limited to, the following: plan could include a combination of some of the following measures:

- Monitoring Schedules
- Contact information
- Recommendation for monitoring methods
- Timing of reporting finds

MM CUL-1.3: **Monitoring Plan.** Sub-Surface Monitoring: A qualified archeologist in collaboration with a Native American monitor, registered with the Native American Heritage Commission for the City of San José and who is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall also be present during applicable earthmoving activities in accordance with the Monitoring Plan in MM CR-1.2. These could include but not are not limited to, trenching, initial or full grading, lifting of foundation, boring on site, or major landscaping.

MM CUL-1.4: **Evaluation:** The Permittee shall notify the Director of the City of San José Department of Planning, Building, and Code Enforcement or Director's designee of any finds during the grading or other construction activities. Any historic or prehistoric material identified in the project area during the during excavation activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. All documentation and recordation shall be submitted to the Northwest Information Center and Native American Heritage Commission Sacred Land Files, and/or equivalent prior to the issuance of an occupancy permit. A copy of the evaluation shall be submitted to the Director of Planning, Building, and Code Enforcement or the Director's designee.

Through implementation of MM CUL-1.1 through MM CUL-1.4, the proposed project would protect any archaeological resources discovered during construction and would result in a less than significant impact. **(Less than Significant Impact with Mitigation Incorporated)**

c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

As described in Section 3.5.1.2, *Existing Conditions*, no prehistoric or archaeological sites have been recorded or reported in or adjacent to the project sites. However, as discussed in Section 3.18, *Tribal Cultural Resources*, outreach to Native American Tribes and individuals with knowledge of tribal cultural resources in the project vicinity determined a moderate possibility of potential adverse impacts to unreported ancestral heritage burials, features, and artifacts. While the project site is not

known to contain an archaeological site or buried deposits, construction operations of any development on the subject parcels could disturb previously unknown Native American human remains.

Consistent with General Plan policy ER-10.2, the proposed project would be required to comply with the following conditions to ensure human remains would not be disturbed.

Standard Permit Conditions:

If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Permittee shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the NAHC within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
- The MLD identified fails to make a recommendation; or
- The landowner or their authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

Compliance with the standard permit condition above, the proposed project would result in less than significant impacts to human remains which may be present on site. **(Less than Significant Impact)**

3.5.2.2 *Cumulative Impacts*

a) Would the project result in a cumulatively considerable contribution to a significant cumulative cultural resources impact?

The geographic area for cultural resources is the project site and adjacent parcels, as cultural resource impacts are typically localized and generally limited to the immediate area in which a given cultural resources is located. There are no pending projects within 3,000 feet of the subject parcels. The SJC

Airport Master Plan is the closest approved project to the subject parcels but is located 1,500 feet from the closest subject parcel.

Future projects in the general area may require excavation and grading or other activities that may affect unknown prehistoric cultural resources and/or historic resources. Other projects in the City of San José may also have cultural resources, irrespective of their designation as such on local, state, or federal registers. Any excavation or grading activities could affect these known and unknown cultural resources. Therefore, the City has adopted standard conditions that will be implemented by all projects to reduce potential impacts to cultural resources. Project-level analyses will determine the necessity of additional mitigation measures to reduce localized and site-specific impacts to these resources.

Any undiscovered cultural resources on the subject parcels would not be significantly impacted with incorporation of MM CUL-1.1 and the Standard Permit Conditions described above. For this reason, the project would not contribute to a cumulatively significant cultural resources impact. **(Less than Significant Cumulative Impact)**

3.6 Energy

3.6.1 Environmental Setting

3.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

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

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. Governor Schwarzenegger issued Executive Order (EO) S-3-05, requiring statewide emissions reductions to 80 percent below 1990 levels by 2050. In 2008, EO S-14-08 was signed into law, requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

Executive Order B-55-18 To Achieve Carbon Neutrality

In September 2018, Governor Brown issued an executive order, EO-B-55-18 To Achieve Carbon Neutrality, setting a statewide goal "to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter." The executive order requires the California Air Resources Board (CARB) to "ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal." EO-B-55-18 supplements EO S-3-05 by requiring not only emissions reductions, but also that, by no later than 2045, the remaining emissions be offset by equivalent net removals of CO_2 from the atmosphere through sequestration.

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years. Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.

California Green Building Standards Code

CALGreen establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars II program in 2022 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2026 through 2035. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[24]

Regional and Local

Climate Smart San José

Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community. The City approved goals and milestones in February 2018 to ensure the City can substantially reduce GHG emissions through reaching the following goals and milestones:

- All new residential buildings will be Zero Net Carbon Emissions (ZNE) by 2020 and all new commercial buildings will be ZNE by 2030 (Note that ZNE buildings would be all electric with a carbon-free electricity source).
- San José Clean Energy (SJCE) will provide 100-percent carbon-free base power by 2021.
- One gigawatt of solar power will be installed in San José by 2040.
- 61 percent of passenger vehicles will be powered by electricity by 2030.

Reach Building Code

In 2019, the San José City Council approved Ordinance No. 30311 and adopted Reach Code Ordinance (Reach Code) to reduce energy related GHG emissions consistent with the goals of *Climate Smart San José*. The Reach Code applies to new construction projects in San José. It requires all new construction developments to be all-electric buildings with no natural gas infrastructure. In addition, the Reach Code requires EV charging infrastructure for all building types (above current CALGreen requirements), and solar readiness for non-residential buildings.

[24] California Air Resources Board. "Advanced Clean Cars II." Accessed June 27, 2023. https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/advanced-clean-cars-ii.

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to cultural and historical resources and are applicable to the project.

Policy	Description
MS-1.1	Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.
MS-2.3	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
MS-2.4	Promote energy efficient construction industry practices.
MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).
MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.

3.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 7,359 trillion British thermal units (Btu) in the year 2021, the most recent year for which these data were available.[25] Out of the 50 states, California is ranked second in total energy consumption and ranked 48th in energy consumption per capita. The breakdown by sector was approximately 20 percent (1,473 trillion Btu) for residential uses, 19 percent (1,397 trillion Btu) for commercial uses, 23.2 percent (1,704 trillion Btu) for industrial uses, and 37.8 percent (2,785 trillion Btu) for transportation.[26] This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

In 2021, California produced approximately 79 percent of the electricity it consumed and the rest was imported from outside the state, including from Mexico.[27] California's non-carbon dioxide emitting electric generation (from nuclear, large hydroelectric, solar, wind, and other renewable sources)

[25] United States Energy Information Administration. "California State Energy Profile." Last Updated April 20, 2023. Accessed January 9, 2024. https://www.eia.gov/state/print.php?sid=CA.
[26] Ibid.
[27] U.S. Energy Information Administration. State Profiles: Table 1. 2021 Summary statistics (California). Accessed August 4, 2023. https://www.eia.gov/electricity/state/california/index.php

accounts for more than 67 percent of total in-state generation for 2021.[28] Electricity from natural gas-powered plants makes up the remaining 33 percent of the state electricity generation.

California's total system electric generation in 2021 was approximately 197,165,106 megawatt-hours (MWh), which was down three percent from 2020's total generation of approximately 201,784,204 MWh.[29] In 2023, nonhydroelectric renewables represented the largest portion of the state's electricity sources (at 37 percent). Natural gas generation accounted for more than 38 percent of all renewable electricity generation.[30]

In 2022, a total of approximately 17,102 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.[31] Electricity in Santa Clara County in 2022 was consumed primarily by the non-residential sector at 12,852 kWh (75 percent) followed by the residential sector consuming 4,250 kWh (25 percent). San José Clean Energy (SJCE) is the City of San José energy utility and would provide electricity service to the project site.

Fuel for Motor Vehicles

In 2022, California produced approximately 124 million barrels of crude oil. [32] Retail sales of gasoline were estimated at approximately 13.6 billion gallons of gasoline and 2.3 billion gallons of diesel were sold in California in 2022.[33] The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 25.4 mpg in 2021.[34]

Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy

[28] Ibid.
[29] U.S. Energy Information Administration. *State Electricity Profiles; California Electricity Profile 2021.* November 11, 2022.
[30] U.S. Energy Information Administration. State Profile and Energy Estimates: California. August 4, 2023. https://www.eia.gov/state/?sid=CA#tabs-3
[31] California Energy Commission. "Electricity Consumption by County." Accessed January 9, 2024. http://ecdms.energy.ca.gov/elecbycounty.aspx.
[32] U.S. Energy Information Administration. "Petroleum & Other Liquids, California Field Production of Crude Oil." September 27, 2023. https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=pet&s=mcrfpca1&f=a
[33] California Energy Commission. "2022 California Annual Retail Fuel Outlet Report Results (CEC-A15) Energy Assessments Division." August 16, 2023. Accessed September 29, 2023. https://www.energy.ca.gov/data-reports/energy-almanac/transportation-energy/california-retail-fuel-outlet-annual-reporting.
[34] United States Environmental Protection Agency. "The 2022 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." December 2022. Accessed September 29, 2023. https://www.epa.gov/system/files/documents/2022-12/420r22029.pdf.

standard of 35 miles per gallon by the year 2020, was updated in April 2022 to require all cars and light duty trucks achieve an overall industry average fuel economy of 49 mpg by model year 2026.[35,36]

Energy Use of Existing Development

The seven parcels that comprise the project site are currently undeveloped and do not result in energy use. The exception is a portion of Parcel 5 that contains a small maintenance facility for the City's Parks, Recreation, and Neighborhood Services Department.

3.6.2 Impact Discussion

For the purpose of determining the significance of the project's impact on energy, would the project:

1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?
3) Result in a substantial increase in demand upon energy resources in relation to projected supplies?

3.6.2.1 *Project Impacts*

a) Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Energy would be consumed during the construction and operational phases of future development allowed under the proposed project as discussed below.

Energy Use During Construction

Future construction on the project site would require energy for the transportation of building materials, preparation of the sites for grading, and the actual construction of the buildings. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks.

Construction phases would require preparation of the sites, grading, trenching, building construction, paving, and finishing of the building interiors. The typical construction process is designed to be efficient in order to avoid excess monetary costs. It can be assumed that equipment and fuel would

[35] United States Department of Energy. "Energy Independence & Security Act of 2007." Accessed September 29, 2023. http://www.afdc.energy.gov/laws/eisa.
[36] United States Department of Transportation. "USDOT Announces New Vehicle Fuel Economy Standards for Model Year 2024-2026." April 1, 2022. Accessed September 29, 2023. https://www.nhtsa.gov/press-releases/usdot-announces-new-vehicle-fuel-economy-standards-model-year-2024-2026.

not be used wastefully on the subject parcels because of the added expense associated with renting the equipment, maintaining it, and fueling it. Furthermore, future construction on the project site would occur in an urbanized area in proximity to roadways, construction supplies, and workers, making it more efficient than construction occurring in outlying, undeveloped areas. For these reasons, the construction process for future developments under the proposed project would not be wasteful or inefficient.

In addition, future development on the subject parcels would be required to implement the City's standard permit condition for air quality that restricts equipment idling times and requires the applicant to post signs on the project site reminding workers to shut off idling equipment, thus reducing the potential for energy waste. Future development on the subject parcels would also be required to participate in the City's Construction and Demolition Diversion (CDD) Program, which requires 75 percent of waste to be recovered and recycled, thereby minimizing energy impacts from the creation of waste. For these reasons, the construction of the project would not use energy in a wasteful manner. **(Less than Significant Impact)**

Energy Use During Operation

Because the subject parcels are currently undeveloped, future developments would result in an increase in energy demand (electricity and gasoline) compared to existing conditions. However, the increase in energy demand due to the project would not represent a wasteful or inefficient use of energy resources because future development on the subject parcels would be required to comply with Title 24 and CALGreen requirements to reduce energy consumption and would be 100 percent electric in conformance with the City's Reach Code. In addition, as described in Section 3.17 *Transportation*, the project would be required to implement Mitigation Measures TRANS-1.1 through TRANS-1.3 which would ensure no net increase in VMT compared to existing conditions. Therefore, the project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during operation **(Less than Significant Impact)**

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Development on the subject parcels would be required to comply with the current energy efficiency standards set forth in Title 24, Climate Smart San José, the City's Reach Code and Private Sector Green Building Policy, and the City's Municipal Code chapters identified in Section 3.6.1.1, *Regulatory Framework*, pertaining to energy, water, and construction and demolition efficiencies. While future uses on the project site would result in an increase in demand on existing energy resources, the project would be required to comply with applicable regulations and City policies that would conserve energy and water and reduce fuel consumption and waste generation. For these reasons, the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(No Impact)**

c) Would the project result in a substantial increase in demand upon energy resources in relation to projected supplies?

Electricity

The demand for electricity in California will continue to increase through 2035 due to population growth, climate change, and transportation trends (e.g., increased EV usage). The Statewide electricity consumption in 2021 was approximately 280,000 GWh and is forecasted to increase up to approximately 358,738 GWh in 2035, a 28% increase.[37] Efficiency and production capabilities, such as SB 100, would help meet increased electricity demand in the future, such as improving energy efficiency in existing and future buildings, establishing energy efficiency targets, inclusion of microgrids and zero-net energy buildings, and integrating renewable technologies.[38] Development on the subject parcels would be built to the most recent CALGreen requirements, Title 24 energy efficiency standards, and the City's Reach Code, which would improve the efficiency of the overall project.

Electricity supply and demand data and reporting are provided at the state level. At maximum, future developments on the project site would result in a net annual increase of approximately 2.64 GWh of electricity use, which would represent less than a 0.0009 percent of the State's 2021 annual use.[39] Also, as discussed under checklist question a), the project would not result in wasteful, inefficient, or unnecessary consumption of energy. For these reasons, the future increase in electricity use on-site would not result in a significant increase in demand for electrical energy resources in relation to projected supply. **(Less than Significant Impact)**

Natural Gas

Natural gas supply and demand data and reporting are provided at the state level. Statewide natural gas demand is projected to decline at an annual average rate of 1.1 percent per year through 2035, and gas demand will continue to decrease as the State moves towards carbon neutrality by 2045 or sooner.[40] The project would not result in any substantial increase in natural gas demand relative to projected supply because it would not use any natural gas. Therefore, the project would not result in a significant increase in demand for natural gas resources in relation to projected supply. **(No Impact)**

Fuel for Motor Vehicles

As described in Section 3.17, *Transportation*, the project would be required to implement Mitigation Measures TRANS-1.1 through TRANS-1.3, which would ensure no net increase in VMT compared to

[37] California Energy Commission. *2022 Integrated Energy Policy Report Update*. May 10, 2023. Page 57.
[38] California Energy Commission. "2016 Integrated Energy Policy Report." Accessed April 2, 2021. https://ww2.energy.ca.gov/2016_energypolicy/
[39] Illingworth & Rodkin. *General Plan Amendment and Rezoning on Seven Airport Parcels Air Quality & Greenhouse Gas Assessment*. July 2024.
[40] California Gas and Utilities. *2022 California Gas Report.* Pages 6 and 10.

existing conditions. The project, therefore, would not result in a significant increase in gasoline demand relative to projected supply. **(No Impact)**

3.6.2.2 *Cumulative Impacts*

a) Would the project result in a cumulatively considerable contribution to a significant cumulative energy impact?

By its nature, energy is a cumulative resource. The geographic area for cumulative energy impacts is the energy provider's territory. Past, present, and future development projects contribute to the provider's energy impacts.

If a project is determined to have a significant energy impact, it is concluded that the impact is cumulatively considerable. However, as discussed under checklist questions a) through c) above, the project would not result in significant energy impacts and, therefore, would not result in significant cumulative energy impacts. **(Less than Significant Cumulative Impact)**

3.7 Geology and Soils

3.7.1 Environmental Setting

3.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

California Building Standards Code

The CBC prescribes standards for constructing safe buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years.

California Division of Occupational Safety and Health Regulations

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

Public Resources Code Section 5097.5

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These materials are valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources Code Section 5097.5 specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes policies that address geology and soils during the planning horizon of the General Plan. The following goals, policies, and actions are applicable to the proposed project:

Policies	Description
EC-4.2	Development in areas subject to soils and geologic hazards, including engineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjacent properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any new grading occurring between October 15 and April 15.
EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards and require review and implementation of mitigation measures as part of the project approval process.
EC-4.12	Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of grading permits by the Director of Public Works.
ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

3.7.1.2 *Existing Conditions*

On-Site Geologic Conditions

Regional Geology

The seven parcels that comprise the project site are located in the Santa Clara Valley, an alluvial basin, bounded by the Santa Cruz Mountains to the west, the Hamilton/Diablo Range to the east, and the San Francisco Bay to the north. The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Hamilton/Diablo Range were exposed by the continued tectonic uplift and regression of the inland sea that had previously inundated this area. Bedrock in this area is made up of the Franciscan Complex, a diverse group of igneous, sedimentary, and metamorphic rocks of Late Jurassic to Cretaceous age (70-140 million years old). Sediments of the Santa Clara Valley are composed of water-bearing Plio-Pleistocene and Upper Quaternary sediments, which are underlain by older non-water bearing rocks. The Upper Quaternary sediments consist of up to 1,000 feet of poorly sorted gravel, sand and clay, which were deposited in alluvial fan (triangular-shaped deposits of water-transported material) and deltaic (delta) depositional environments.

Site Geology

The subject parcels are located southeast of San Francisco Bay in the Santa Clara Valley, a relatively flat plain that slopes gently toward the Bay from the base of the foothills of the Hamilton-Diablo Mountain Range and Santa Cruz Mountains. The Santa Clara Valley is a structural trough formed between two and three million years ago. Bedrock in this area is the Franciscan Complex, located at a depth of up to 900 feet below the surface. Both the Valley and the Bay were formed by continued down-faulting and down-warping, accompanied by erosion of the adjacent uplands and deposition of alluvial (stream-deposited) sediments to form the gently sloping alluvial plain. Alluvial sediments are interfingered with estuarine deposits adjacent to San Francisco Bay. The entire near-surface material underlying the project site and vicinity consists of Holocene (the past 10,000 years) deposited silt and clay.

The subject parcels are relatively flat sites on the northern portion of the Valley floor, adjacent to the Guadalupe River. Elevation varies between 62 – 67 feet above mean sea level (msl) on Parcels 1 through Parcel 5, and between 56 -58 feet msl on Parcel 6 and Parcel 7.[41]

Soils

Hangerone clay loam is the main soil type on the subject parcels, making up approximately 84 percent of the soil composition within the project footprint. The additional 16 percent of soil types within the project footprint consist of Urbanland-Hangerone complex, Campbell silt loam, and Urban Land – Bayshore complex.[42]

[41] Google Earth Pro.
[42] United States Department of Agriculture, Natural Resources Conservation Service. *Custom Soil Resource Report for Santa Clara Area Western Part.* December 8, 2023. https://websoilsurvey.sc.egov.usda.gov/app/

Groundwater

The subject parcels are located in the Santa Clara Valley Groundwater Basin between the Diablo Mountains to the east and the Santa Cruz Mountains to the west. The Santa Clara Valley Groundwater Basin is filled by valley floor alluvium and the Santa Clara Formation. Groundwater beneath the subject parcels is likely present at depths of approximately from five to 15 feet below ground surface (bgs). Groundwater likely flows towards the northeast; northly and north-westly flow directions have also been reported near the project vicinity.[43] Groundwater levels at the subject parcels may fluctuate with time due to seasonal conditions, rainfall, and irrigation practices.

Seismicity and Seismic Hazards

The subject parcels are located within the seismically active San Francisco Bay region. The San Francisco Bay Area contains several faults that are capable of generating earthquakes of magnitude 7.0 or higher on the Richter Scale. The San Andreas Fault system spans the Coast Ranges from the Pacific Ocean to the San Joaquin Valley. Nearby faults include the Calaveras (approximately eight miles east), San Andreas (approximately 11 miles west), Monte Vista-Shannon (approximately seven miles southwest) and Hayward (approximately six miles east).[44] The subject parcels are not located within an Alquist-Priolo Earthquake Fault Zone or a Santa Clara County Fault Rupture Hazard Zone for any of the faults.[45,46]

Liquefaction

Liquefaction can be defined as ground failure or loss of strength that causes otherwise solid soil to take on the characteristics of a liquid. This phenomenon is triggered by earthquakes or ground shaking that causes saturated or partially saturated soils to lose strength, potentially resulting in the soil's inability to support structures. Liquefaction can result in adverse impacts to human and building safety and is typically addressed at the building design stage of a project. The subject parcels are located in a Liquefaction Hazard Zone, as identified in maps prepared by the California Geological Survey.[47]

[43] Cornerstone Earth Group. Phase I Environmental Site Assessment, Seven Guadalupe Gardens Parcels. February 14, 2023.
[44] United States Geological Survey. "U.S. Quaternary Faults." Map. Accessed December 7, 2023. https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=5a6038b3a1684561a9b0aadf88412fcf.
[45] California Geological Survey. "Earthquake Zones of Required Investigation." Accessed December 7, 2023. https://maps.conservation.ca.gov/cgs/EQZApp/app/.
[46] County of Santa Clara Department of Planning and Development. "Santa Clara County Geologic Hazard Zones." Accessed December 7, 2023. Page 13. https://stgenpln.blob.core.windows.net/document/GEO_GeohazardATLAS.pdf.
[47] California Geological Survey. "Earthquake Zones of Required Investigation." Accessed December 7, 2023. https://maps.conservation.ca.gov/cgs/EQZApp/app/.

Landslide

Based on the California Geological Survey Map, the subject parcels are not located within or adjacent to a landslide zone.[48]

Lateral Spreading

Lateral spreading is a failure within a nearly horizontal soil zone (possibly due to liquefaction) that causes the overlying soil mass to move toward a free face (such as an open body of water, channel, or excavation) or down a gentle slope. Since the subject parcels are relatively flat sites and are not located adjacent to a free face, there is very low potential for lateral spreading to occur.

Paleontological Resources

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Most of the City of San José is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources; however, older Pleistocene sediments present at or near the ground surface at some locations have high potential to contain these resources. These older sediments, often found at depths greater than 10 feet below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates.

3.7.2 Impact Discussion

For the purpose of determining the significance of the project's impact on geology and soils, would the project:

1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
    - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?
    - Strong seismic ground shaking?
    - Seismic-related ground failure, including liquefaction?
    - Landslides?
2) Result in substantial soil erosion or the loss of topsoil?
3) 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?

[48] California Geological Survey. "Earthquake Zones of Required Investigation." Accessed December 7, 2023. https://maps.conservation.ca.gov/cgs/EQZApp/app/.

4) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?
5) 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?
6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

3.7.2.1 *Project Impacts*

a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides?

Fault Rupture

The subject parcels are not located within an Alquist-Priolo Earthquake Fault Zone or a Santa Clara County Fault Rupture Hazard Zone, making fault rupture at the site unlikely. While existing faults are located in the region, the subject parcels are outside of the fault zone for any regional fault systems, and significant impacts from fault ruptures are not anticipated to occur.

Seismic Ground Shaking

The subject parcels would be subject to strong seismic ground shaking and seismic-related ground failure, including liquefaction in the event of a large earthquake. Consistent with the City's General Plan and Municipal Code, to avoid and/or minimize potential damage from seismic shaking, all development on the subject parcels would be built using standard engineering and seismic safety design techniques. Consistent with these requirements, the following Standard Permit Condition shall be implemented to ensure future development is designed to address seismic hazards.

Standard Permit Condition: Implementation of the following conditions would reduce risk due to seismic hazards:

- To avoid or minimize potential damage from seismic shaking, the project shall be constructed using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of an approved geotechnical investigation. The report shall be reviewed and approved by the City of San José Department of Public Works as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes as adopted or updated by the City. The project shall be designed to withstand soil hazards

identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code.

The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides. **(Less than Significant Impact)**

b) Would the project result in substantial soil erosion or the loss of topsoil?

Grading, trenching, and construction of any development resulting from the proposed project would result in ground disturbance on the subject parcels. Ground disturbance would expose soils and increase the potential for wind or water related erosion and sedimentation at the site until construction is complete. In order to avoid significant soil erosion impacts, the following erosion control Standard Permit Condition would be implemented by the project:

Standard Permit Conditions:

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

Through the implementation of the erosion control measures listed above, the project would reduce potential soil erosion impacts to a less than significant level. **(Less than Significant Impact)**

c) Would the project 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?

Based on the California Geological Survey Map, the subject parcels are located within a liquefication zone, but are not located within a landslide zone.[49] Since the subject parcels are relatively flat sites, there is very low potential for lateral spreading to occur. The proposed project would be required to use standard engineering and seismic safety design techniques during project construction and would implement the following Standard Permit Condition:

[49] California Geological Survey. "Earthquake Zones of Required Investigation." Accessed December 7, 2023. https://maps.conservation.ca.gov/cgs/EQZApp/app/.

Standard Permit Conditions:

- The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that future buildings on the site are designed to properly account for soil-related hazards on the site.

The project would not 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. **(Less than Significant Impact)**

d) Would the project be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?

There is potential for expansive soils to exist within the subject parcels. All development on the subject parcels would be required to adhere to the SHMA and CBC, which will ensure that the risk of life or property due to the presence of expansive soils is minimal. Design-level geotechnical investigations in compliance with the requirements of the SHMA and CBC would be prepared for all development on the subject parcels, which would reduce any impacts from expansive soils to a less than significant level. **(Less than Significant Impact)**

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

All development on the subject parcels would connect to the existing sewer system; therefore, the project would not require septic tanks or alternative wastewater disposal systems. **(Less than Significant Impact)**

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

Most of the City is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources; however, older Pleistocene sediments present at or near the ground surface at some locations have high potential to contain these resources. These older sediments, often found at depths greater than ten feet bgs, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. Development of the subject parcels may result in excavation below ten feet bgs, and therefore could encounter previously unknown paleontological resources. As such, the following standard permit conditions would be

applied to the proposed project to reduce and avoid impacts to unidentified paleontological resources.

Standard Permit Condition:

- If vertebrate fossils are discovered during construction, all work on the site shall stop immediately. The Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement (PBCE) shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project proponent shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of Planning or Director's designee of the PBCE.

Although unlikely, the project could result in the disturbance of previously undiscovered paleontological resources. With implementation of the Standard Permit Condition described above, impacts to undiscovered paleontological resources would be minimal. Therefore, the project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. **(Less than Significant Impact)**

3.7.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant geology and soils impact?

Development resulting from the GPA and rezoning would not exacerbate existing geology and soils hazards onsite such that off-site geology and soils conditions would be impacted or worsened. There is no potential for the project's localized, site-specific conditions to combine with the geologic impacts of other cumulative development. For instance, multiple projects constructed in a landslide hazard area could create cumulative conditions that destabilize and exacerbate the risk of landslide, but that is not the case on the subject parcels or the surrounding area. The geologic hazards on the site will be addressed through standard practices for development across the Valley floor and have no implications for geologic issues faced on other development sites. For this reason, the project would not contribute to a cumulatively significant geology and soils impact. **(Less than Significant Cumulative Impact)**

3.8 Greenhouse Gas Emissions

The information in this section is based in part on an Air Quality Assessment prepared by Illingworth and Rodkin, Inc. in July 2024. This report is available in Appendix B of this document.

3.8.1 Environmental Setting

3.8.1.1 *Background Information*

Gases that trap heat in the atmosphere, greenhouse gases (GHGs), regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of carbon dioxide equivalents (CO_2e). The most common GHGs are carbon dioxide (CO_2) and water vapor but there are also several others, most importantly methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO_2 and N_2O are byproducts of fossil fuel combustion.
- N_2O is associated with agricultural operations such as fertilization of crops.
- CH_4 is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and SF_6 emissions are commonly created by industries such as aluminum production and semiconductor manufacturing.

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

3.8.1.2 *Regulatory Framework*

State

Assembly Bill 32 and State Bill 32

Under the *California Global Warming Solutions Act*, also known as AB 32, the California Air Resources Board (CARB) established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHGs, and adopted a comprehensive plan, known as the *Climate Change Scoping Plan*, identifying how emission reductions would be achieved from significant GHG sources. The first Scoping Plan was approved by CARB in 2008 and must be updated at least every five years. Since 2008, there have been two updates to the Scoping Plan.

In 2016, SB 32 was signed into law, amending the *California Global Warming Solution Act*. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its *Climate Change Scoping Plan* in December of 2017 to express the 2030 statewide target in terms of million metric tons of CO_2e ($MMTCO_2e$). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 $MMTCO_2e$.

2022 Scoping Plan

On December 15, 2022, CARB approved the *2022 Scoping Plan*. The *2022 Scoping Plan* provides a sector-by-sector guide on how to reduce man-made (i.e., anthropogenic) GHG emissions by 85 percent below 1990 levels and achieve carbon neutrality by 2045 over a 25-year horizon.[50] The primary focus of the *2022 Scoping Plan* is to reduce the usage of fossil fuels by electricizing the transportation sector, procuring electricity from renewable resources, phasing out natural gas in land use developments, and building transit-oriented communities that encourage multi-modal transportation. If implemented successfully, the *2022 Scoping Plan* would not only reduce GHG emissions but also reduce smog-forming air pollution (NO_x) by 71 percent and reduce fossil fuel demand by 94 percent. The *2022 Scoping Plan* also details natural carbon capture and storage process along with mechanical carbon capture programs to address the remaining 15 of anthropogenic GHG emissions that will remain post-2045. To meet these goals, CARB also includes a revised goal of reducing state GHG emissions 48 percent below 1990 levels by 2030.

Senate Bill 375 and Plan Bay Area 2050

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

[50] CARB. *2022 Scoping Plan for Achieving Carbon Neutrality*. November 16, 2022. Page 5.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy as part of the Regional Transportation Plan process. The SCS is referred to as *Plan Bay Area 2050*.

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. *Plan Bay Area 2050* promotes the development of a variety of housing types and densities within identified priority development areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.[51]

Plan Bay Area 2050 includes a goal to increase the number of households that live within 0.5 mile of frequent transit by 2050. *Plan Bay Area 2050* promotes strategies that support active and shared modes, combined with a transit-supportive land use patterns, which together are forecasted to lower the share of Bay Area residents that drive to work alone from 50 percent in 2015 to 33 percent in 2050, resulting in a decrease in GHG emissions. *Plan Bay Area 2050* also includes goals to expand transportation demand management (TDM) initiatives that support and augment employers' commute programs, providing a path to emissions reductions.

SB 100

SB 100, known as *The 100 Precent Clean Energy Act of 2018*, was adopted on September 10, 2018. The overall goal is to have all retail electricity sold in California produced from 100 percent renewable and zero-carbon resources by the year 2045. SB 100 also modified the renewables portfolio standard to 50 percent by 2025 and 60 percent by 2030.

Executive Order B-55-18 and Assembly Bill 1279

Executive Order B-55-18 was issued in September 2018. It ordered a new statewide goal of achieving carbon neutrality no later than 2045 and to maintain net negative emissions thereafter.

Assembly Bill 1279, also known as the *California Climate Crisis Act*, was approved on September 16, 2022. It codifies the statewide goal set by Executive Order B-55-18 of achieving net zero GHG emissions no later than the year 2045 and maintaining net negative emissions thereafter. In addition, this bill has a statewide goal of reducing anthropogenic GHG emissions by 85 percent below the 1990 levels by the year 2045. The bill requires CARB to work with relevant state agencies to ensure that updates to the scoping plan identify and recommend measures to achieve these policy goals and

[51] Association of Bay Area Governments and Metropolitan Transportation Commission. Plan Bay Area 2050. October 21, 2021. Page 20.

strategies that enable CO_2 removal solutions and carbon capture, utilization, and storage technologies in California are implemented. The bill requires CARB to submit an annual report.

Advanced Clean Cars II Regulation

To continue reducing air pollutants and GHG emissions in the transportation sector, CARB adopted the Advanced Clean Cars II Regulations (Resolution 22-12) on August 25, 2022. The new regulation requires that by 2035 all new passenger cars, trucks, and SUVs sold in California will have zero emissions. This regulation bans the sale of new gasoline or diesel passenger cars, trucks, and SUVs in California from automakers. Beginning in 2026, 35 percent of new vehicle sales must be zero-emission vehicles and plug-in hybrid electric vehicles and that percentage will increase per year. By 2030, 70 percent of new vehicle sales will be zero-emissions vehicles and by the 2035 model year 100 percent of new vehicle sales will be zero-emissions. CARB will limit the use of plug-in hybrid electric vehicles in the percentage requirements to keep the manufacturing of zero-emissions as the primary goal. Existing gasoline cars can continue to be driven and sold as used cars beyond 2035. CARB is required to track and report on the zero-emissions vehicle market development annually.

California Building Standards Code – Title 24 Part 11 and Part 6

The CALGreen Code is part of the California Building Standards Code under Title 24, Part 11.[52] The CALGreen Code encourages sustainable construction standards that incorporate planning/design, energy efficiency, water efficiency resource efficiency, and environmental quality. These green building standard codes are mandatory statewide and are applicable to residential and non-residential developments. The most recent CALGreen Code (2022 CALGreen Code) was effective as of January 1, 2023.

The California Building Energy Efficiency Standards (California Energy Code) is under Title 24, Part 6 and is overseen by the CEC. This code includes design requirements to conserve energy in new residential and non-residential developments. This Energy Code is enforced and verified by cities during the planning and building permit process. The 2022 Energy Code replaced the 2019 Energy Code as of January 1, 2023. There are new 2022 standards for single-family residences, multi-family residences, and non-residential uses.[53,54,55] Major changes include electric-ready single-family and multi-family residence and solar photovoltaic systems and energy storage systems for residential and commercial developments.

[52] Refer to https://www.dgs.ca.gov/BSC/Resources/Page-Content/Building-Standards-Commission-Resources-List-Folder/CALGreen#:~:text=CALGreen%20is%20the%20first%2Din,to%201990%20levels%20by%202020.
[53] California Energy Commission. "2022 Building Energy Efficiency Standards What's New for Single-Family Residential." Revised July 15, 2022. Accessed January 4, 2024. https://www.energy.ca.gov/sites/default/files/2022-08/2022_Single-family_Whats_New_Summary_ADA.pdf.
[54] California Energy Commission. "2022 Building Energy Efficiency Standards What's New for Multifamily." Revised August 4, 2022. Accessed January 4, 2024. https://www.energy.ca.gov/sites/default/files/2022-08/2022_Multifamily_Whats_new_Summary_ADA.pdf.
[55] California Energy Commission. "2022 Building Energy Efficiency Standards What's New for Nonresidential." Revised August 4, 2022. Accessed January 4, 2024. https://www.energy.ca.gov/sites/default/files/2022-08/2022_Nonresidential_Whats_New_Summary_ADA.pdf.

Requirements for electric vehicle (EV) charging infrastructure are set forth in Title 24 of the California Code of Regulations and are regularly updated on a three-year cycle. The CALGreen standards consist of a set of mandatory standards required for new development, as well as two more voluntary standards known as Tier 1 and Tier 2. The 2022 CALGreen standards require deployment of additional EV chargers in various building types, including multi-family residential, hotel, and non-residential land uses. They include requirements for both EV capable parking spaces and the installation of EV supply equipment for multi-family residential and nonresidential buildings. The 2022 CALGreen standards also include requirements for both EV readiness and the actual installation of EV chargers. The 2022 CALGreen standards include both mandatory requirements and more aggressive voluntary Tier 1 and Tier 2 provisions:

- CALGreen Tier 1 standards require multi-family developments and hotels with less than 20 units to have 35 percent of the total number of parking spaces EV ready; if there are more than 20 units, 10 percent of the parking spaces must be provided with EV supply equipment. These standards also require 30 percent of total parking spaces to be EV capable and 33 percent of parking spaces to be EV capable with EV supply equipment for non-residential and non-hotel uses.
- CALGreen Tier 2 standards require multi-family developments and hotels with less than 20 units to have 40 percent of the total number of parking spaces EV ready; if there are more than 20 units, 15 percent of the parking spaces must be provided with EV supply equipment. For non-residential and non-hotel uses, 45 percent of total parking spaces require EV capable spaces and 33 percent of parking spaces require EV capable spaces provided with EV supply equipment.

CALGreen also requires new construction and demolition projects to have a diversion of at least 65 percent of the construction waste generated. CALGreen also allows a disposal reduction option that can be met when the project's disposal rate is 2.0 pounds per square foot or less for non-residential and high-rise residential construction or 3.4 pounds per square foot or less for low-rise residential construction.

Regional and Local

Bay Area 2017 Clean Air Plan

To protect the climate, the *Bay Area 2017 Clean Air Plan* prepared by BAAQMD includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

BAAQMD CEQA Thresholds for Evaluating Climate Impacts from Land Use Projects and Plans

On April 20, 2022, BAAQMD's Board of Directors adopted the *Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans*. The report includes BAAQMD's thresholds of significance for use in determining whether a proposed project or

plan will have a significant impact on climate change and provides substantial evidence to support these thresholds. The April 2022 GHG thresholds replace the GHG thresholds set forth in the May 2017 BAAQMD CEQA Air Quality Guidelines and represent what is required of new land use development projects and plans to achieve California's long-term climate goal of carbon neutrality by 2045.

Climate Smart San José

Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community. The City-approved goals and milestones in February 2018 to ensure the City can substantially reduce GHG emissions through reaching the following goals and milestones:

- All new residential buildings will be Zero Net Carbon Emissions (ZNE) by 2020 and all new commercial buildings will be ZNE by 2030 (Note that ZNE buildings would be all electric with a carbon-free electricity source).
- San José Clean Energy (SJCE) will provide 100-percent carbon-free base power by 2021.
- One gigawatt of solar power will be installed in San José by 2040.
- 61 percent of passenger vehicles will be powered by electricity by 2030.

City of San José Reach Building Code

In 2019, the San José City Council approved Ordinance No. 30311 and adopted Reach Code Ordinances (reach codes) to reduce energy related GHG emissions consistent with the goals of Climate Smart San José. The reach codes apply to new construction projects in San José. In addition, the reach codes require EV charging infrastructure for all building types (above current CALGreen requirements), and solar readiness for non-residential buildings.

San José 2030 Greenhouse Gas Reduction Strategy

The *2030 Greenhouse Gas Reduction Strategy (GHGRS)* is the latest update to the City's GHGRS and is designed to meet statewide GHG reduction targets for 2030 set by SB 32. As a qualified Climate Action Plan, the 2030 GHGRS allows for tiering and streamlining of GHG analyses under CEQA. The GHGRS identifies General Plan policies and strategies to be implemented by development projects in the areas of green building/energy use, multi-modal transportation, water conservation, and solid waste reduction. Projects that comply with the policies and strategies outlined in the 2030 GHGRS are deemed to have less than significant GHG impacts under CEQA.

3.8.1.3 *Existing Conditions*

Unlike emissions of criteria and toxic air pollutants, which have regional and local impacts, emissions of GHGs have a broader, global impact. Global warming is a process whereby GHGs accumulating in the upper atmosphere contribute to an increase in the temperature of the earth and changes in weather patterns.

3.8.2 Impact Discussion

For the purpose of determining the significance of the project's impact on greenhouse gas emissions, would the project:

1) Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?
2) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?

3.8.2.1 *Thresholds of Significance*

BAAQMD's GHG thresholds of significance for land use development projects is to either A) incorporate project design elements and achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan or B) be consistent with a local GHG reduction strategy that meets the criteria of CEQA Guidelines Section 15183.5 (b). Pursuant to these BAAQMD thresholds, for land use projects to result in a less than significant GHG emissions impact, the land use project would need to comply with Threshold A or Threshold B, below.

Threshold A: Projects must include, at a minimum, the following project design elements:

1. Buildings
    a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
    b. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
2. Transportation
    a. Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:
        i. Residential projects: 15 percent below the existing VMT per capita
        ii. Office projects: 15 percent below the existing VMT per employee
        iii. Retail projects: no net increase in existing VMT
    b. Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

Threshold B: Be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

3.8.2.2 *Project Impacts*

a) Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

Construction Emissions

Construction activities on-site would result in temporary GHG emissions. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of San José nor BAAQMD has established a quantitative threshold or standard for determining whether a project's construction related GHG emissions are significant.

Future construction resulting from the project would result in the release of approximately 1,255 $MTCO_2e$.[56] Since these emissions would only occur during construction and would not be ongoing, project construction activity and the resulting GHG emissions would not interfere with the implementation of SB 32. The project, therefore, would not result in a significant contribution to GHG emissions impacts.

Operational Emissions

As described in Section 3.8.1.2, *Regulatory Framework*, BAAQMD updated their recommended CEQA thresholds of significance for GHG emissions, and the thresholds are shown above in Section 3.8.2.1, *Thresholds of Significance*. Under these recently updated thresholds, projects must demonstrate either A) specific building design and transportation elements or B) consistency with a local GHG reduction strategy. The City of San José has adopted a qualified GHG reduction strategy that meets the CEQA Guidelines Section 15183.5(b) guidelines; however, the project proposes a General Plan Amendment and cannot rely on the City's qualified GHG reduction strategy for streamlining under CEQA. As a result, the BAAQMD qualitative Threshold A is used in this analysis. The project's consistency with the BAAQMD qualitative Threshold A is summarized below in Table 3.8-1.

Table 3.8-1: Consistency with BAAQMD Qualitative GHG Threshold A

Threshold	Project Consistency with Threshold
Buildings	
a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).	**Consistent.** The project will not use natural gas, as required by Mitigation Measure GHG-1.2.

[56] Air Quality Assessment prepared by Illingworth and Rodkin, Inc. in July 2024. CalEEMod assumptions utilized.

Threshold	Project Consistency with Threshold
b. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.	**Consistent.** As described in Section 3.6, *Energy*, development on the subject parcels would not result in any wasteful, inefficient, or unnecessary energy usage.
Transportation	
c. Achieve a reduction in project-generated VMT below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA: i. Residential projects: 15 percent below the existing VMT per capita ii. Office projects: 15 percent below the existing VMT per employee iii. Retail projects: no net increase in existing VMT	**Consistent.** As described in Section 3.17, *Transportation*, with implementation of Mitigation Measures TRANS-1.1 through TRANS-1.3, VMT resulting from development on the subject parcels would not exceed the City's VMT threshold and, therefore, would meet a locally adopted Senate Bill 743 VMT target.
b. Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.	**Potentially Inconsistent.** Because the specific land uses on the subject parcels are not yet known, and because the electric vehicle parking requirements in the City's municipal code are not consistent with the requirements in CALGreen Tier 2, future development may be inconsistent with this requirement.

As shown in Table 3.8-1, development on the subject parcels could potentially be inconsistent with the electric vehicle requirements of BAAQMD qualitative Threshold A. As a result, development on the subject parcels could result in significant GHG emissions.

Impact GHG-1: Development on the subject parcels *could* result in GHG emissions considered significant if the electric vehicle and natural gas requirements of BAAQMD Threshold A are not met.

Mitigation Measures: The following mitigation measure, which is included in the project, would reduce GHG impacts to a less than significant level.

MM GHG-1.1: Development on the subject parcels shall be required to be compliant with the off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2. Plans demonstrating compliance shall be submitted to the Director of Planning Building and Code Enforcement, or the Director's designee, for review and approval prior to issuance of building permits.

MM GHG-1.2: Development on the subject parcels shall not have natural gas appliances or natural gas plumbing. Plans demonstrating compliance shall be submitted to the Director of Planning Building and Code Enforcement, or the Director's designee, for review and approval prior to issuance of building permits.

With implementation of MM GHG-1.1 and MM GHG-1.2, the project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. **(Less than Significant Impact with Mitigation Incorporated)**

b) Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?

2022 Scoping Plan

As described in Section 3.8.1.2, *Regulatory Framework*, the *2022 Scoping Plan* is a document that sets forth the path for how the State will achieve carbon neutrality by 2045 and reduce anthropogenic emissions to 85 percent below 1990 levels by 2045. The BAAQMD qualitative thresholds were designed to ensure future projects complete their "fair share" of implementing carbon reduction design features to help achieve the State's carbon neutrality goal. A project that can meet the energy and transportation design elements outlined in the BAAQMD thresholds or is consistent with a qualified GHG reduction strategy then is consistent with the goals outlined in the *2022 Scoping Plan* and would not hinder the State from achieving carbon neutrality. As described above, the project would be consistent with the energy and transportation design elements outlined in the BAAQMD thresholds. Therefore, the proposed project would not exacerbate the cumulative GHG problem and the project's contribution would not be cumulatively considerable as it does not impede California's ability to achieve carbon neutrality. **(Less than Significant Impact)**

Bay Area 2017 Clean Air Plan

As discussed in Section 3.3, *Air Quality*, the project is consistent with the Bay Area 2017 Clean Air Plan because it supports the primary goals of the Plan and is consistent with applicable control measures that reduce both criteria air pollutant and GHG emissions. **(Less than Significant Impact)**

2030 Greenhouse Gas Reduction Strategy

As mentioned in Section 3.8.1.2, *Regulatory Framework*, projects that are consistent with the GHGRS would have a less than significant impact related to GHG emissions through 2030. The GHGRS includes seven strategies for emissions reductions. These include use of San José Clean Energy, achieving zero net carbon for residential construction, renewable energy development, retrofits of existing buildings to remove natural gas demands, achieving a zero-waste goal, modernization of Caltrain, and water conservation. Development on the subject parcels would be required to comply with the specific measures of the GHGRS. **(Less than Significant Impact)**

Climate Smart San José

Climate Smart San José, adopted by the City, is a community-wide initiative intended to create a more sustainable, connected, and economically inclusive City. Climate Smart San José is aligned with General Plan growth patterns and General Plan policies which prioritize automobile-alternative transportation modes, encourage denser development, and ensure energy-efficient features are included in new buildings.

As discussed in Section 3.6, *Energy*, the project would be designed and constructed in compliance with the City of San José Council Policy 6-32, the City's reach code, and the City's Green Building Ordinance. In addition, Action MS-2.11 of the General Plan requires new development to incorporate energy conservation and efficiency through site design, architectural design, and construction techniques. For these reasons, the project is consistent with the City's climate action goals as set forth in Climate Smart San José. **(Less than Significant Impact)**

Overall, the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. **(Less than Significant Impact)**

3.8.2.3 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant GHG emissions impact?

As discussed above, GHG emissions have a broader, global impact; therefore, if a project would result in a significant project-level GHG impact, it would also result in a significant cumulative GHG impact. The discussion above under checklist questions "a" and "b" show that the project would not have a significant GHG emissions impact. For these reasons, the project would not result in a cumulatively considerable contribution to a significant cumulative GHG emissions impact. **(Less than Significant Cumulative Impact)**

3.9 Hazards and Hazardous Materials

The following discussion is based in part on a Phase I Environmental Site Assessment completed by Cornerstone Earth Group in February 2023. A copy of the report is attached as Appendix D.

3.9.1 Environmental Setting

3.9.1.1 *Regulatory Framework*

Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

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

Federal and State

<u>Federal Aviation Regulations Part 77</u>

Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above the ground.

<u>Comprehensive Environmental Response, Compensation, and Liability Act</u>

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the

environment. Over five years, $1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA accomplished the following objectives:

- Established prohibitions and requirements concerning closed and abandoned hazardous waste sites;
- Provided for liability of persons responsible for releases of hazardous waste at these sites; and
- Established a trust fund to provide for cleanup when no responsible party could be identified.

The law authorizes two kinds of response actions:

- Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response; and
- Long-term remedial response actions that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life-threatening. These actions can be completed only at sites listed on the EPA's National Priorities List.

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.[57]

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), enacted in 1976, is the principal federal law in the United States governing the disposal of solid waste and hazardous waste. RCRA gives the EPA the authority to control hazardous waste from the "cradle to the grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also sets forth a framework for the management of non-hazardous solid wastes.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.[58]

[57] United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed December 1, 2023. https://www.epa.gov/superfund/superfund-cercla-overview.
[58] United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed December 1, 2023. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.

California Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).[59]

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 provides the EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. The TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

California Accidental Release Prevention Program

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

Asbestos-Containing Materials

Friable asbestos is any asbestos-containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl floor tiles, and transite siding made with cement. The EPA began phasing out use of friable asbestos products in 1973 and issued a ban in 1978 on manufacture, import, processing, and distribution of some asbestos-containing products and new uses of asbestos products.[60] The EPA is currently considering a proposed ban on on-going use of asbestos.[61] National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

[59] California Environmental Protection Agency. "Cortese List Data Resources." Accessed December 1, 2023. https://calepa.ca.gov/sitecleanup/corteselist/.
[60] United States Environmental Protection Agency. "EPA Actions to Protect the Public from Exposure to Asbestos." Accessed December 1, 2023. https://www.epa.gov/asbestos/epa-actions-protect-public-exposure-asbestos
[61] Ibid.

CCR Title 8, Section 1532.1

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

Regional and Local

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes policies that address hazardous materials during the planning horizon of the General Plan. The following goals, policies, and actions are applicable to the proposed project:

Policies	Description
EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
EC-7.9:	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
EC 7.10:	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

Santa Clara County Airport Land Use Commission

The Santa Clara County Airport Land Use Commission (ALUC) has established safety zones around each of the airports in the County, including SJC, for the purpose of minimizing the number of people exposed to aircraft crash hazards. The jurisdiction of the ALUC is limited to a review of new land uses that might fall within an ALUC safety zone. SJC's Safety Zones are shown on Figures 2.1-2 and 2.1-3.

SJC's Comprehensive Land Use Plan (CLUP), adopted by the ALUC on May 25, 2011, and amended on November 16, 2016, is intended to safeguard the general welfare of the inhabitants within the vicinity of the Airport and aircraft occupants. The CLUP is also intended to ensure that surrounding new land uses do not affect the Airport's continued operation. Specifically, the CLUP seeks to protect the public from the adverse effects of aircraft noise, to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities adversely affect navigable airspace. The implementation of the CLUP is intended to prevent future incompatible development from encroaching on the Airport and allow for its development in accordance with the current SJC Airport Master Plan.

3.9.1.2 *Existing Conditions*

Project Site

Historic Uses

The subject parcels were developed with agricultural land and farmhouses as early as 1889. Pesticides and/or herbicides were likely applied to the property for agricultural purposes, and trace amounts of these chemicals may still be present in the soil. By the late 1930s, a greater density of residences were constructed on Parcel 1 and Parcel 5. By the 1960s, Parcel 1 through Parcel 5 were generally fully developed with multiple residences, duplexes, and apartment buildings. The only commercial development on these parcels appears to have been a garden equipment store and lawn mower repair business that operated on a portion of Parcel 5. Parcel 6 was developed with a gasoline station in 1962, which was then demolished in 1974, with the parcel remaining undeveloped since. Parcel 7 was developed with a grocery store in 1948, which was then demolished in the late 1970s or early 1980s, with the parcel remaining undeveloped since.

As described in Section 2.0, *Project Description*, the general project area was purchased and cleared between the late 1960s and early 1990s by the City in response to noise and safety impacts related to aircraft operations at nearby SJC. The structures on the subject parcels were removed during the 1970s and 1980s and the parcels have subsequently remained undeveloped (other than Parcel 5, as described below under Existing Uses). There is potential for lead and/or asbestos to have impacted surficial soil resulting from structures that were previously located on the project sites.

Portions of the subject parcels have been occupied by unhoused encampments that included recreational vehicles, abandoned vehicles, tents, and makeshift housing. The encampments had petroleum-powered electric generators, propane tanks, small containers of petroleum-powered electric generators, propane tanks, small containers of petroleum products (i.e., motor oil, WD-40), and household garbage and debris.

Existing Uses

A site reconnaissance was completed on the subject parcels to evaluate current site conditions. The subject parcels mainly consist of undeveloped land. A small, unhoused encampment is currently located on Parcel 7, and two modular office buildings, several metal shipping/storage containers and

a paved parking lot used as a corporation yard for the City of San José Parks, Recreation, and Neighborhood Services Department are located on Parcel 5. Safety cans of gasoline for groundskeeping equipment, along with several one-gallon containers of herbicides were stored within metal flammable materials storage cabinets. Skid mounted herbicide application equipment was stored on exterior asphalt pavements. The equipment consisted of two storage tanks with capacities of 50 and 100 gallons, along with connected gasoline powered pumps and spray hose reels.

Site Conditions and Findings

A review of federal, state, and local regulatory agency database records was completed to evaluate the likelihood of contamination incidents at and near the subject parcels. The review identified a former automotive related business (Johnson's Union Service Station, as gasoline station) as an occupant of 335 West Hedding Street (Parcel 6). Motor vehicle fuels were likely stored in underground storage tanks (USTs) on the property, as a 1974 building permit for demolition of the gasoline station noted, "Fire Prevention Permit No. 4202 (fuel tanks)", which suggests that USTs may have been removed under Fire Department oversight; however, no further documentation was identified.

Due to the history of agricultural uses the subject parcels, pesticides were likely applied in the normal course of farming operations, and residual pesticide concentrations may remain in the soil. Additionally, soil adjacent to structures that were painted with lead-containing paint can become impacted with lead as a result of the weathering and/or peeling of painted surfaces. Soil near wood framed structures can also be impacted by pesticides historically used to control termites. Due to the time period in which the buildings previously located on the subject parcels were constructed, lead and/or pesticides have a likelihood to occur in the soil. In May 2022, soil samples were collected from Parcels 1, 2, and 5. The samples were analyzed for organochlorine pesticides, metals, petroleum hydrocarbons and PCBs. The analysis did not identify contaminants at concentrations exceeding the RWQCB's residential or commercial Environmental Screening Levels (ESLs) or typical background concentrations for metals. These findings suggest that shallow soils on Parcels 1, 2, and 5 have not been significantly impacted by past agricultural activities, or by lead or termiticides associated with prior structures.

Surrounding Land Uses

Historic Uses

Based on databases researched as part of the Phase I ESA, properties adjoining the subject parcels were historically occupied by residences, as well as multiple commercial businesses. The listed businesses included automotive repair and detailing shops, a printing business, gasoline stations, machine and metal fabrication shops, a livestock sprayer manufacturer, a furniture refinishing business, construction related businesses and various retail businesses.

Existing Uses

Properties adjoining the subject parcels, including properties across Coleman Avenue to the west, are a mix of residential and commercial land uses. Although several occupants of adjoining properties likely use and store hazardous materials (e.g., automobile repair businesses, Master Metal Products, gasoline station, etc.), which is common in commercial/industrial areas, no chemical storage immediately adjacent to subject parcels was observed during the site reconnaissance, and no evidence of spills or other conditions on the adjoining properties were observed that are considered indicative of Recognized Environmental Conditions (RECs) at the site.

Surrounding Site Conditions and Findings

A review of federal, state, and local regulatory agency database records was completed to evaluate the likelihood of contamination incidents near the site and obtain reasonably available information to help identify RECs. Multiple businesses on adjoining properties, mainly along Coleman Avenue, were identified on regulatory agency databases. Most database listings for these adjoining properties relate to regulatory filings associated with hazardous material use/storage, and generation or disposal of hazardous wastes. Such listings are common for commercial facilities in urban settings and are not indicative of hazardous material releases. A few adjoining and nearby properties were identified on databases indicative of spill incidents, such as the leaking underground storage tank (LUST) database and the RWQCB's Cleanup Program Site (CPS) database; these database listings are summarized in Table 3.9-1 below.

Table 3.9-1: Adjoining and Nearby Property Database Listings for Reported Spill Incidents

Facility Name and Address	Approximate Distance and Direction from Project Site	Database Listings/Comments
Williams Manufacturing 560-595 Emory Street	275 feet southwest of Parcel 1	Listed as an open case on the CPS database
Regal #422/Exxon (Currently 76) 890 Coleman Avenue	Adjacent to the west of Parcel 2	Listed as a closed case on the LUST database
Chevron (Currently AJ Professional Detailing) 702 Coleman Avenue	Adjacent to the southeast of Parcel 4	Listed as a closed case on the LUST database
Maida Specialty Co. (Currently Brother's Body Shop) 715 Coleman Avenue	Adjacent to the southwest of Parcel 4 (across Coleman Avenue)	Listed as an open case on the LUST database
Construction Union Local 270 509 Emory Street	150 feet south of Parcel 1 (across Coleman Avenue)	Listed as a closed case on the LUST database

To obtain additional information regarding LUST and CPS cases listed in Table 3.9-1, a review of readily available documents obtained from the state Geotracker database was performed. Brief summaries of the spill incidents are included below.

Williams Manufacturing, 560-595 Emory Street: Multiple studies have been completed to evaluate soil, soil vapor, and groundwater quality for this site, which is located west of Coleman Avenue, approximately 275 feet southwest of Parcel 1. Volatile organic compounds (VOCs), predominately trichloroethylene (TCE) have been detected at elevated concentrations at the property. VOCs also have migrated in soil vapor and groundwater and impacted downgradient properties, predominantly located to the northwest of the site. The lateral extent of VOCs in soil vapor and groundwater, however, does not appear to have been fully defined to the north and northeast (towards Parcel 1 and Parcel 2).

Regal #422/Exxon, 890 Coleman Avenue: In 1985, USTs containing gasoline, diesel, and waste oil were removed from this site, which is located at the southeast corner of Coleman Avenue/Hedding Street. Three additional gasoline USTs were removed in 1997. Since the 1980s, multiple investigations have been completed to evaluate the extent of petroleum hydrocarbon impacts to soil, soil vapor, and groundwater. Up to 19.7 inches of floating product were identified in groundwater. Remedial measures have included the excavation of impacted soil, free product recovery, and the operation of groundwater and soil vapor extraction systems. The associated LUST case subsequently was closed by the Santa Clara County Department of Environmental Health (DEH) in 2004; however, residual petroleum hydrocarbon concentrations were noted to remain at the 890 Coleman Avenue property, which currently is operating as a gasoline station. Based on available data, it appears possible that residual petroleum hydrocarbon concentrations in soil, soil vapor and/or groundwater could extend onsite onto portions of Parcel 2, which borders the 890 Coleman Avenue property.

Chevron, Maida Specialty Co., and Construction Union Local 270: Based on the information reviewed pertaining to the LUST cases associated with Chevron, Maida Specialty Co., and Construction Union Local 270, reported releases from these properties do not appear likely to have impacted soil, soil vapor, or groundwater at the project site. The Chevron and Construction Union Local 270 LUST cases were closed by the overseeing regulatory agencies in 2017 and 1995, respectively. With regards to the Maida Specialty Co. LUST case, the DEH indicated in an April 2021 letter that conditions at the property appear to satisfy the low-threat case closure policy provisions and that the DEH is reviewing the case for closure.

3.9.1.3 *Other Hazards*

Airports

The subject parcels are located between 1,500 and 3,300 feet southeast of the runways at SJC. As discussed in Section 2.3.2.1, *Hazards and Hazardous Materials, Safety Policies Regarding Land Use and Density*, the subject parcels are located entirely within the designated Inner Safety Zone at the south end of the Airport (see Figures 2.1-2 and 2.1-3). According to the CLUP, the Inner Safety Zone represents the approach and departure corridors that have the second highest level of exposure to potential aircraft accidents. Only the Runway Protection Zone has a greater risk of accidents. The California Airport Land Use Handbook classifies the risk level as “high” in the Inner Safety Zone. The

Inner Safety Zone is centered on the runway centerline and extends from the outer edge of the Runway Protection Zone.

Wildfire Hazards

The subject parcels are located in an urbanized area of San José. According to the California Department of Forestry and Fire Protection (CAL FIRE), the subject parcels are not located within a moderate, high, or very high fire hazard severity zone.[62]

3.9.2 Impact Discussion

For the purpose of determining the significance of the project's impact on hazards and hazardous materials, would the project:

1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
2) 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?
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
4) 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?
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?
6) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

3.9.2.1 *Project Impacts*

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

Development on the subject parcels could result in the storage and use of hazardous materials, such as fuels and lubricants for operation of mechanical equipment. However, the storage and use of such

[62] CAL FIRE. "Draft Fire Hazard Severity Zones." Accessed December 4, 2023. http://frap.fire.ca.gov/webdata/maps/statewide/fhszl06_1_map.jpg.

substances will be minor and incidental to the development since by definition the project will comply with CLUP Policy S-4, which prohibits above-ground hazardous materials storage facilities.

Conformance with relevant laws and regulations would minimize the likelihood of hazardous material releases from the proposed storage and use of hazardous materials on the site. Any proposed land use that would store or use hazardous materials above the threshold quantities set for in California Health and Safety Code, Section 25503.5 (500 pounds or more for solids, 55 gallons or more for liquids, and 200 cubic feet or more for compressed gas), would be required to complete a Hazardous Materials Business Plan (HMBP) in accordance with California Health and Safety Code, Section 25503.5, a. The HMBP would document the types, quantities, and locations of hazardous materials stored on the site, as well as the emergency response plans that would be implemented in the event of a release to reduce impacts to the public or environment. The HMBP for any such facility would be required to be updated regularly and submitted to the State through the California Environmental Reporting System (CERS). As a result, the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. **(Less than Significant Impact)**

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

Hazardous Materials Impacts During Project Operation

As described in the discussion under checklist question "a," any development on the subject parcels would be required to conform with relevant laws and regulations to minimize the likelihood of hazardous material releases from the proposed storage and use of hazardous materials on the site.

Hazardous Materials Impacts During Project Construction

As described above in Section 3.9.1.2, *Hazards and Hazardous Materials, Existing Conditions*, Parcel 6 was listed in EDR's database of former automotive related businesses. Motor vehicle fuels were likely stored in underground storage tanks (USTs), which may have been removed under Fire Department oversight; however, no documentation was identified. Therefore, Parcel 6 may potentially still contain USTs and associated pipelines, which could result in the release of hazardous materials during construction.

Impact HAZ-1: Former historical Underground Storage Tanks (USTs) and associated pipelines could be located on Parcel 6, which has the potential to expose workers and members of the public to hazardous materials during construction activities and pose potential public health risks to future site visitors.

Mitigation Measures: The project proponent for development of Parcel 6 shall implement the following measures to reduce impacts from hazardous materials to a less than significant level:

MM HAZ-1.1: Prior to the issuance of any grading, demolition, or building permits, the project applicant for Parcel 6 shall complete a Geophysical Survey of the parcel to determine if all historical USTs and their associated pipelines have been removed.

If USTs or associated pipelines are discovered, then the applicant shall complete, submit, and pay the required fees for 1) an Underground Storage Tanks System Closure Permit Application with the County of Santa Clara Hazardous Materials Compliance Division and 2) required closure documents with the San José Fire Department's Hazardous Materials Division. Closure of the USTs shall consist of removing the tanks and associated piping from the ground and performing soil sampling to evaluate if there is residual contamination from the former operation of the tank. Tank removal and soil sampling activities must be witnessed by a representative from both HMCD and San José Fire Department. The tanks and associated piping are to be managed as hazardous waste once removed unless they are cleaned onsite and certified as non-hazardous

After tank removal, a representative of the County of Santa Clara Hazardous Materials Compliance Division will require soil sampling beneath the tanks. Samples will be submitted to a State certified laboratory for analysis. The County of Santa Clara Hazardous Materials Compliance Division will review the soil analytical results to determine if the tank has leaked. If the tanks or piping are determined to have leaked, the County of Santa Clara Hazardous Materials Compliance Division will refer the site to the County of Santa Clara Local Oversight Program. The applicant will work with HMCD to determine next steps to investigate the contamination. The County of Santa Clara Hazardous Materials Compliance Division may require additional testing to fully delineate the extent of contamination. Once the extent of contamination is defined, some form of remediation such as excavation, offsite disposal, capping in place, etc. may be required to reduce potential exposure impacts to future construction/maintenance workers, residents, and the general public. All contaminated soils shall be disposed of offsite at a licensed hazardous materials disposal site. A report documenting that remediation has been completed to the County of Santa Clara Hazardous Materials Compliance Division and the San José Fire Department's satisfaction shall be submitted to the Director of the Planning, Building and Code Enforcement prior to issuance of the grading permit.

As described in Section 3.9.1.2, *Hazards and Hazardous Materials, Existing Conditions*, contaminated soil and groundwater may exist on the subject parcels. Soil samples were previously conducted on Parcels 1, 2, and 5 and tested for organochlorine pesticides, metals, petroleum hydrocarbons, and PCBs. Soil samples have not been completed for Parcels 3, 4, 6, and 7. While the soil samples for

Parcels 1, 2, and 5 did not identify contaminants at concentrations exceeding the RWQCB's residential ESLs or typical background concentrations for metals, the Phase I ESA completed for the project recommended a greater number of discrete soil samples be taken to better understand the distribution of background concentrations of contaminants and to aid in identifying possible localized areas of elevated concentrations, if present. Additionally, the Phase I ESA recommended collection of shallow soil samples on Parcels 3, 4, 6, and 7 to evaluate the possible presence of organochlorine pesticides, lead, and arsenic. Also, based on the potential for site contamination from nearby sources described in Table 3.9.1 and Section 3.9.1.2, the Phase I ESA also recommended soil, groundwater, and soil vapor sampling be completed on Parcels 1, 2, and 4).

Given the potential for contamination on the subject parcels, construction activities could create a significant hazard to the public or environment through the disturbance of potentially hazardous soil and groundwater.

Impact HAZ-2: Potential soil, soil gas and groundwater contamination located on the subject property due to its former agriculture and fuel service station history, and off-site sources of contamination could expose construction workers and members of the public to hazardous materials during construction activities and pose potential public health risks to future site visitors.

Mitigation Measures: The project proponent for each development shall implement the following measures to reduce impacts from hazardous materials to a less than significant level:

MM HAZ-2.1: Prior to the issuance of any grading permits, a qualified environmental specialist shall collect soil, groundwater, and soil vapor samples from the project site where soil disturbance is anticipated and have the samples analyzed to determine if potential contamination is located onsite with concentrations above established construction worker and commercial/industrial environmental screening levels. The samples shall be tested for organochlorine pesticides and pesticide-based metals, arsenic, and lead, petroleum hydrocarbons, and VOCs. Once the soil sampling analysis is complete, a report of the findings will be provided to the City of San José's Director of Planning, Building and Code Enforcement, or the Director's designee, and the Department and the Municipal Compliance Officer of the City of San José Environmental Services Department for review.

If contaminated soil, groundwater, or soil vapor is found in concentrations above established regulatory environmental screening levels that requires the oversight of regulatory agencies, the project applicant must obtain regulatory oversight from the RWQCB, Department of Toxic Substances Control, or the Santa Clara County Department of Environmental Health under their Site Cleanup Program. A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document shall be prepared by a qualified environmental consultant under regulatory oversight and approval that identifies remedial

measures and/or soil management practices to ensure construction worker safety and the health of future site occupants. All measures identified in the plan(s) shall be implemented during all phases of construction, as applicable. Evidence of regulatory oversight and approved plan(s) shall be submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee, and the Department and the Municipal Compliance Officer of the City of San José Environmental Services Department for approval prior to the issuance of any grading permits.

With implementation of MM HAZ-1.1 and MM HAZ-2.1 the project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **(Less than Significant Impact with Mitigation Incorporated)**

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

The nearest school to the project location is Bellarmine College Preparatory, located at 960 West Hedding Street, which is approximately 0.3 mile west of the project location. In addition, Hester Elementary School is located at 1460 The Alameda, which is over one-quarter mile from the project location (approximately 0.65 mile southwest). The project, therefore, would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **(Less than Significant Impact)**

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

As described in Section 3.9.1.2, *Hazards and Hazardous Materials, Existing Conditions*, Parcel 6 is listed in a regulatory database of former automotive related businesses. Motor vehicle fuels were likely stored in underground storage tanks (USTs), which may have been removed under Fire Department oversight; however, no documentation was identified. Additionally, as described in Table 3.9.1, surrounding properties at 509 Emory Street, 560-595 Emory Street, 890 Coleman Avenue, 702 Coleman Avenue, and 715 Coleman Avenue are listed on regulatory databases. The project would implement mitigation measures MM HAZ-1.1 and MM HAZ-2.1 to further investigate existing site conditions and reduce hazards related to any previous releases at or near the subject parcels. With implementation of these mitigation measures, the proposed project would not create a significant hazard to the public or the environment due to its inclusion on a list of hazardous materials sites compiled pursuant to Government Code Section 65962. **(Less than Significant Impact with Mitigation Incorporated)**

e) If 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 or excessive noise for people residing or working in the project area?

The subject parcels are located directly under the approach/departure flight path for the runways at nearby SJC. Inherent in the development of land use policies designed to enhance safety near airports is the desire to minimize risk by identifying locations where accidents occur. Based on data from the National Transportation Safety Board (NTSB), it is known that most aviation accidents occur on or near airports along the extended centerlines of runways. Given this fact, the Land Use Handbook prepared by the California Department of Transportation, Division of Aeronautics includes guidelines for the establishment of safety zones near airports. The goal is to minimize danger to both aircraft occupants and persons on the ground by providing open areas with minimal or no obstructions and low numbers of persons, particularly along flight paths. Thus, if an aircraft has an emergency and needs to land short of a runway on arrival or beyond a runway on departure, the safety zone provides an opportunity to do so in a manner that minimizes risk.

As discussed in Section 2.3.2.1, *Project Information and Description, Safety Policies Regarding Land Use and Density*, the subject parcels are located entirely within the designated Inner Safety Zone at the south end of the Airport (see Figures 2.1-2 and 2.1-3). According to the CLUP, the Inner Safety Zone represents the approach and departure corridors that have the second highest level of exposure to potential aircraft accidents. Only the Runway Protection Zone has a greater risk of accidents. The Land Use Handbook classifies the risk level as "high" in the Inner Safety Zone. The Inner Safety Zone is centered on the runway centerlines and extends from the outer edge of the Runway Protection Zone.

As described in Section 2.2, *Project Overview*, the project would change the *Envision San José 2040 General Plan* land use designation of the parcels from Open Space Parks Habitat to Combined Industrial Commercial (CIC). However, the CIC land use designation allows a wide range of uses, some of which would not be compatible with the grant agreements between the FAA and the City, as well as the policies of the California Airport Land Use Handbook and the CLUP. Therefore, the project would include a rezone of the parcels to the OS(PD) Planned Development Zoning District and the land uses that would be allowed under the proposed OS(PD) Zoning District would be a subset of those allowed under the CIC General Plan land use designation. The OS(PD) Zoning District will take into account the aviation-related restrictions on the subject parcels, which are specified in the grant agreements between the FAA and the City, as well as the Land Use Handbook and the CLUP. The primary purpose of the subject parcels is airport approach protection and aircraft noise abatement. Restrictions limiting the type, density, noise compatibility and height of land uses on the parcels are described in Section 2.3.2 and Sections 2.4.2 through 2.4.5. The subset of proposed uses is listed in Table 2.4-2, each of which is contingent on complying with the restrictions described in Section 2.3.2 and Sections 2.4.2 through 2.4.5.

By adhering to the policies and grant agreements summarized above and explained in detail in Section 2.3.2 and Sections 2.4.2 through 2.4.5, the project would not result in a safety hazard or excessive noise for people residing or working in the project area. **(Less than Significant Impact)**

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Structures proposed for development on any of the parcels would be constructed in accordance with current building and fire codes to ensure structural stability and safety in the event of a seismic or seismic-related hazard. In addition, San José Fire Department (SJFD) would review the site development plans to ensure fire protection design features are incorporated and adequate emergency access is provided. For these reasons, the proposed project would not impair implementation of or physically interfere with the City's San José Emergency Operations and Evacuation Plans. **(No Impact)**

g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

The subject parcels are not located within or near a Fire Hazard Severity Zone as designated by the State of California Department of Forestry and Fire Protection. **(No Impact)**

3.9.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant hazards and hazardous materials impact?

The geographic area for cumulative hazards and hazardous materials impacts is the project site and adjacent parcels, none of which contain pending or recently approved projects. The SJC Airport Master Plan is the closest approved project to the subject parcels but is located 1,500 feet from the closest subject parcel. Many properties in San José were used for agricultural purposes prior to their urban development, and agricultural chemicals such as pesticides and fertilizers may have been used on these sites. The use of these chemicals can result in residual soil contamination, sometimes in concentrations that exceed regulatory thresholds. Future development and redevelopment in the area could require demolition of existing buildings that may contain lead-based paint and/or ACMs. Demolition of these structures could expose construction workers to harmful levels of lead and/or ACMs. Based on the above-described conditions, which are present on many sites in San José, significant cumulative environmental impacts could occur because such conditions can lead to the exposure of people and the environment to hazardous materials.

The proposed project includes mitigation measures MM HAZ-1.1 and MM HAZ-2.1 to reduce impacts associated with known and unknown hazardous materials contamination. Similar to the proposed project, any future development project would implement mitigation measures for the risks

associated with exposure to hazardous materials. Measures would include incorporating the requirements of applicable existing local, state, and federal laws, regulations, and agencies such as the SCCDEH, DTSC, and Cal/OSHA, during development. For these reasons, the proposed project would not result in hazards and hazardous materials impacts that would have a cumulatively considerable contribution to significant cumulative hazards and hazardous materials impacts. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

3.10 Hydrology and Water Quality

3.10.1 Environmental Setting

3.10.1.1 *Regulatory Framework*

Federal and State

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

Under Section 303(d) of the federal Clean Water Act, the SWRCB and RWQCBs are required to identify impaired surface water bodies that do not meet water quality standards and develop total maximum daily loads (TMDLs) for contaminants of concern. The list of the state's identified impaired surface water bodies, known as the "303(d) list" can be found on the on the SWRCB's website.[63]

National Flood Insurance Program

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

Statewide Construction General Permit

The SWRCB has implemented an NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) must be filed with the RWQCB by the project sponsor, and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction and filed with the RWQCB by the project sponsor. The Construction General Permit includes requirements for training, inspections, record keeping, and, for projects of certain risk levels,

[63] California State Water Resources Control Board. "2020-2022 California Integrated Report (Clean Water Act Section 303(d) List and 305(b) Report)." May 11, 2022. Accessed November 21, 2023. https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html.

monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional and Local

San Francisco Bay Basin Plan

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

Municipal Regional Permit Provision C.3

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in May 2022 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.[64] Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 5,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

In addition to water quality controls, the MRP requires new development and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if: (1) the post-project impervious surface area is less than, or the same as, the pre-project impervious surface area; (2) the project is located in a catchment that drains to a hardened (e.g., continuously lined with concrete) engineered channel or channels or enclosed pipes, which extend continuously to the Bay, Delta, or flow-controlled reservoir, or, in a catchment that drains to channels that are tidally influenced; or (3) the

[64] California Regional Water Quality Control Board San Francisco Region. Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008. May 11, 2022.

project is located in a catchment or subwatershed that is highly developed (i.e., that is 70 percent or more impervious).[65]

Municipal Regional Permit Provision C.12.g: Manage PCB-Containing Materials and Wastes During Building Demolition Activities

Provision C.12.g of the MRP requires co-permittee agencies to implement a control program for PCBs that reduces PCB loads by a specified amount during the term of the permit, thereby making substantial progress toward achieving the urban runoff PCBs wasteload allocation in the Basin Plan by March 2030.[66] Programs must include focused implementation of PCB control measures, such as source control, treatment control, and pollution prevention strategies. Municipalities throughout the Bay Area updated their demolition permit processes to incorporate the management of PCBs in demolition building materials to ensure PCBs are not discharged to storm drains during demolition. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single-family residential and wood frame structures are exempt.

Water Resources Protection Ordinance and District Well Ordinance

The Santa Clara Valley Water District (Valley Water) operates as the flood control agency for Santa Clara County. Valley Water also provides stream stewardship and is the wholesale water supplier throughout the county, which includes the groundwater recharge program. Well construction and deconstruction permits, including borings 45 feet or deeper, are required under Valley Water's Well Ordinance 90-1. Under Valley Water's Water Resources Protection Ordinance, projects within Valley Water property or easements are required to obtain encroachment permits.

2021 Groundwater Management Plan

The 2021 Groundwater Management Plan (GWMP) describes Valley Water's comprehensive groundwater management framework, including existing and potential actions to achieve basin sustainability goals and ensure continued sustainable groundwater management. The GWMP covers the Santa Clara and Llagas subbasins, which are located entirely in Santa Clara County. Valley Water manages a diverse water supply portfolio, with sources including groundwater, local surface water, imported water, and recycled water. About half of the county's water supply comes from local sources and the other half comes from imported sources. Imported water includes the District's State Water Project and Central Valley contract supplies and supplies delivered by the San Francisco Public Utilities Commission (SFPUC) to cities in northern Santa Clara County. Local sources include natural

[65] The Hydromodification Applicability Maps developed the permittees under Order No. R2-2009-0074 were prepared using this standard, adjusted to 65 percent imperviousness to account for the presence of vegetation on the photographic references used to determine imperviousness. Thus, the maps for Order No. R2-2009-0074 are accepted as meeting the 70 percent requirement.

[66] California Regional Water Quality Control Board San Francisco Region. Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008. May 11, 2022.

groundwater recharge and surface water supplies. A small portion of the county's water supply is recycled water.

Local groundwater resources make up the foundation of the county's water supply, but they need to be augmented by the District's comprehensive water supply management activities to reliably meet the county's needs. These include the managed recharge of imported and local surface water and in-lieu groundwater recharge through the provision of treated surface water and raw water, acquisition of supplemental water supplies, and water conservation and recycling.[67]

Post-Construction Urban Runoff Management (City Council Policy No. 6-29)

The City of San José's Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the MRP. City Council Policy No. 6-29 requires new development and redevelopment projects to implement post-construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs). This policy also established specific design standards for post-construction TCMs for projects that create or replace 10,000 square feet or more of impervious surfaces.

Post-Construction Hydromodification Management (City Council Policy No. 8-14)

The City of San José's Policy No.8-14 implements the hydromodification management requirements of Provision C.3 of the MRP. Policy No. 8-14 requires new development and redevelopment projects that create or replace one acre or more of impervious surface area, and are located within a subwatershed that is less than 65 percent impervious, to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt generation, or other impacts to local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP). Projects that do not meet the minimum size threshold, drain into tidally influenced areas or directly into the Bay, or are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious would not be subject to the HMP requirement.

Construction Dewatering Waste Discharge Requirements

Each of the RWQCBs regulate construction dewatering discharges to storm drains or surface waters within its Region under the NPDES program and Waste Discharge Requirements.

Management of Pollutants During Demolition of Applicable Projects Policy 6-28

All projects involving building demolition are subject to screening requirements for Polychlorinated Biphenyls (PCBs) in priority building materials. Prior to demolition, applicants shall submit a PCBs Screening Assessment Form, complete any relevant testing, and provide all documentation as outlined in Policy 6-28.

[67] Valley Water. *2021 Groundwater Management Plan, Santa Clara and Llagas Subbasins* .November 2021.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes policies that address hydrology during the planning horizon of the General Plan. The following goals, policies, and actions are applicable to the proposed project:

Policies	Description
EC-5.1	The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence, commonly referred to as the "100-year" flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.
EC-5.3	Preserve designated floodway areas for non-urban uses.
EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES permit to reduce urban runoff from project sites.
EC-5.17	Implement the Hydromodification Management requirements of the City's Municipal NPDES Permit to manage runoff flow and volume from project sites.
ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
ER-8.4	Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.
ER-8.5	Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.
ER-9.5	Protect groundwater recharge areas, particularly creeks and riparian corridors.
MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
MS-3.5	Minimize area dedicated to surface parking to reduce rainwater that comes into contact with pollutants.
IN-3.7	Design new projects to minimize potential damage due to storm waters and flooding to the site and other properties.

3.10.1.2 *Existing Conditions*

Water Quality

The seven parcels that comprise the project site are located within the Guadalupe River watershed, an approximately 170 square mile watershed.[68] The water quality of the river/slough can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as non-point source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, and animal feces), pesticides, trash, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain. Runoff from the parcels likely contains pollutants typically found in urban developed environments, including sediment, automotive fluids, and trash.

Groundwater

The project sites are located in the Santa Clara Valley Groundwater Basin between the Diablo Mountains to the east and the Santa Cruz Mountains to the west. The Santa Clara Valley Groundwater Basin is filled by valley floor alluvium and the Santa Clara Formation. Groundwater beneath the project's location is likely present at depths of approximately five to 15 feet below ground surface (bgs). Groundwater likely flows towards the northeast; north and northwest flow directions have also been reported near the subject parcels.[69] The project sites do not contribute to the recharging of the County's groundwater aquifers managed by Valley Water.[70]

Storm Drainage

The seven parcels that comprise the project are largely undeveloped and pervious. While a majority of stormwater percolates into the ground on-site, runoff could still occur under high rain scenarios. Runoff follows the grades of the sites and flows towards storm drains in West Hedding Street, Coleman Avenue, and Asbury Street, discharging into the Guadalupe River and ultimately into the San Francisco Bay.

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[68] Valley Water. Watersheds of Santa Clara Valley. Accessed November 28, 2023. https://www.valleywater.org/learning-center/watersheds-santa-clara-valley

[69] Cornerstone Earth Group. Phase I Environmental Site Assessment, Seven Guadalupe Gardens Parcels. February 14, 2023.

[70] Valley Water. 2021 Groundwater Management Plan. Figure 2-1 Santa Clara Subbasin. https://s3.us-west-1.amazonaws.com/valleywater.org.us-west-1/s3fs-public/2021_GWMP.pdf

Flooding

Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps, Parcel 6 and a portion of Parcel 7 are located within a 100-Year Floodplain[71]. The remaining project sites are located outside the 100-Year Floodplain.[72] [73]

Dam Failure

According to maps from the California Department of Water Resources, Division of Safety of Dams, the inundation zone in the event of a catastrophic failure of the Lenihan Dam at Lexington Reservoir covers large portions of Los Gatos, Monte Sereno, Campbell, Santa Clara, and San José, including the project sites. Floodwaters would flow north toward San Francisco Bay, arriving at the project area roughly four hours after the dam's failure with a depth of approximately two feet.

The maps also depict the inundation zone in the event of a catastrophic failure of the Leroy Anderson Dam at Anderson Reservoir, which covers large portions of Morgan Hill, Gilroy, and San José, including the project area. Floodwaters would arrive at the project area roughly seven hours after the dam's failure with a depth of approximately two feet.[74] These facts would not affect the design of the proposed project.

Seiches and Tsunamis

A seiche is the oscillation of water in an enclosed body of water such as a lake or the San Francisco Bay. There are no landlocked bodies of water near the project site that would affect the site in the event of a seiche.

A tsunami is a sea wave generated by an earthquake, landslide, or other large displacement of water in the ocean. There are no bodies of water near the project site that would affect the site in the event of a tsunami.[75]

A mudflow is the rapid movement of a large mass of mud formed from loose soil and water. The project area is flat and there are no mountains in proximity that would affect the site in the event of mudflow.

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[71] FEMA Flood Zone AH.
[72] FEMA Flood Zones D and X.
[73] FEMA. Flood Insurance Rate Map, Map Number 06085C0231H. Effective May 18, 2009. https://msc.fema.gov/portal/search?AddressQuery=guadalupe%20gardens%20san%20jose
[74] Source: California Department of Water Resources, Division of Safety of Dams, https://fmds.water.ca.gov/webgis/?appid=dam_prototype_v2 Accessed 12/12/2023.
[75] California Department of Conservation. Santa Clara County Tsunami Hazard Areas. Accessed November 28, 2023. https://www.conservation.ca.gov/cgs/tsunami/maps/santa-clara

3.10.2 Impact Discussion

For the purpose of determining the significance of the project's impact on hydrology and water quality, would the project:

1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
2) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
    - result in substantial erosion or siltation on- or off-site;
    - substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
    - create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
    - impede or redirect flood flows?
4) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
5) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

3.10.2.1 *Project Impacts*

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Construction Impacts

Future development of the project site would create and/or replace more than 5,000 square feet of impervious surfaces; therefore, it would be required to comply with the statewide Construction General Permit. The Permit requires preparation and implementation of a SWPPP that includes sediment control measures and other stormwater pollution prevention practices specific to the project. The following Standard Permit Conditions, based on RWQCB Best Management Practices, will be included in the project to reduce the potential for water quality impacts during construction.

Standard Permit Conditions: The following best management practices shall be implemented to prevent stormwater pollution and minimize potential sedimentation during construction activities:

- Install burlap bags filled with drain rock around storm drains to route sediment and other debris away from drains;
- Suspend earthmoving or other dust-producing activities during periods of high winds;
- Water all exposed or disturbed soil surfaces at least twice daily to control dust, as necessary;
- Water or cover stockpiles of soil or other materials that can be blown by the wind;
- Cover all trucks hauling soil, sand, and other loose materials and maintain at least two feet of freeboard on all trucks;
- Sweep all paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites daily (with water sweepers);
- Replant vegetation in disturbed areas as quickly as possible;
- Fill with rock all unpaved entrances to the site to remove mud from truck tires prior to entering City streets. Install a tire wash system if requested by the City;
- Comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction;

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

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

Post-Construction Impacts

Condition of Approval: The proposed project would create and/or replace more than 10,000 square feet of impervious surface, and is therefore subject to San José Council Policy 6-29 and the MRP. Under Provision C.3 of the MRP, the project would be required to treat runoff from 100 percent of its impervious surface area. A stormwater control plan is required to be prepared for each development project on the seven parcels as a requirement of the Planned Development rezoning and permit processes. The plans will require approval by the San José Director of Public Works Department for consistency with Council Policy 6-29 and the MRP.

The MRP requires all post-construction stormwater runoff to be treated by numerically sized LID treatment controls, such as biotreatment facilities, unless the project is granted Special Project LID Reduction Credits, which would allow the project to implement non-LID measures for all or a portion of the sites depending on the project characteristics.

With the implementation of stormwater control plans consistent with Council Policy 6-29 and the MRP, the proposed project would result in less than significant post-construction water quality impacts.

Hydromodification Management

The proposed project would create and/or replace one acre or more of impervious surface area but is located in a subwatershed or catchment area that is more than 65 percent impervious. Therefore, the project is not subject to San José Council Policy 8-14 for hydromodification management.

Conclusion

Based on the above analysis, the project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. **(Less than Significant Impact)**

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b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

The project site is located within the Santa Clara Subbasin, one of two groundwater basins located within the City of San José Urban Growth Boundaries. As described in Section 3.10.1.2, *Existing Conditions*, groundwater beneath the site is likely present at depths of approximately five to 15 feet bgs.[76] The project site does not presently contribute to recharging of the groundwater aquifers used for water supply (managed by Valley Water) and this condition would not change once development is complete. As a result, future development resulting from the project would not interfere with groundwater recharge or cause a reduction in the overall groundwater supply. **(Less than Significant Impact)**

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c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows?

As previously discussed, future development allowed under the project would result in an increase in impervious surface area on the seven parcels. This increase in impervious surface area and corresponding decrease in pervious surface area would result in a net increase in post-construction

[76] Valley Water. 2021 Groundwater Management Plan. Figure 2-1 Santa Clara Subbasin. https://s3.us-west-1.amazonaws.com/valleywater.org.us-west-1/s3fs-public/2021_GWMP.pdf

stormwater runoff. Consequently, the potential impact to the flow capacity of the existing storm drain systems in West Hedding Street, Coleman Avenue, and Asbury Street adjacent to the site could potentially be impacted. However, each parcel's on-site storm drain collection systems would be designed in accordance with City of San José standards, and on-site treatment controls would be developed in conformance with the stormwater control plans to be completed as a requirement of the Planned Development rezoning and permit processes.

Adherence to the standard permit conditions described under checklist discussion a) for management of stormwater runoff during construction, implementation of a SWPPP, and installation of construction BMPs to reduce pollutant loads in stormwater runoff during construction would reduce erosion and siltation impacts to the existing storm drain systems and downstream receiving waters.

Conformance with the Construction General Permit requirements and adherence to City Policy 6-29 to address potential water quality impacts as described above, would reduce construction and post-construction stormwater runoff impacts. As a result, future development resulting from the proposed project would not alter the drainage system in the area in a manner which would result in flooding, erosion/siltation, excess polluted runoff, or an exceedance of storm drain capacity. **(Less than Significant Impact)**

d) Would the project risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones?

As discussed in Section 3.10.1.2, *Existing Conditions*, the project sites are not located in a tsunami or seiche zone but are within the areas that would be inundated in the event of a catastrophic failure of Anderson Dam and/or Lexington Dam. The California Division of Safety of Dams is responsible for inspecting dams on an annual basis to ensure the dams are safe, performing as intended, and not prone to developing problems. As part of its comprehensive dam safety program, Valley Water routinely monitors and studies the conditions of each of its ten dams, including the Anderson and Lexington Dams. Dams are modified and replaced as necessary to maintain a high degree of safety, thereby minimizing the chance of a structural failure. As an example, Vally Water is currently engaged in a project to replace Anderson Dam in compliance with current design and safety codes.

As mentioned in Section 3.10.1.2, *Existing Conditions*, Parcel 6 and a portion of Parcel 7 are located within a 100-Year Floodplain. As a standard condition, development projects in those areas would be required to adhere to the following conditions of approval to avoid impacts from flooding:[77]

Condition of Approval: Prior to the issuance of grading permits, project shall implement the following condition to reduce flooding impacts to proposed structures in order to comply with relevant City policies.

[77] No buildings will be allowed on Parcel 6. However, these standards conditions may still apply if there are small structures or obstacles on the site that could block or redirect flood flows.

- The structure's floodproofed design elevation must be at least one foot above the base flood elevation to receive rating credit.
- An Elevation Certificate (FEMA Form 086-0-33) for the proposed project, based on construction drawings, is required prior to issuance of a building permit. Additionally, an Elevation Certificate for the built structure, based on finished construction, is required prior to issuance of an occupancy permit.
- If the structure is to be floodproofed, a Floodproofing Certificate (FEMA Form 086-0-34) for each structure, floodproofing details, and if applicable, a Flood Emergency Operation Plan and an Inspection and Maintenance Plan are required prior to the issuance of a Public Works Clearance.
- Building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities must be elevated above the base flood elevation or protected from flood damage.

Implementation of the Condition of Approval listed above would reduce impacts from flooding. As a result, the project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. **(Less than Significant Impact)**

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

The future development of the seven parcels resulting from the proposed project would require LID-based treatment controls and would not obstruct implementation of the Basin Plan.

Valley Water prepared a Groundwater Management Plan (GMP) for the Santa Clara and Llagas subbasins in 2021, describing its comprehensive groundwater management framework including objectives and strategies, programs and activities to support those objectives, and outcome measures to gauge performance. The GMP is the guiding document for how Valley water will ensure groundwater basins within its jurisdiction are managed sustainably. The Santa Clara subbasin has not been identified as a groundwater basin in a state of overdraft.

The project site is not located within any designated groundwater recharge areas and would have a less than significant impact on groundwater supplies. Future development allowed under the proposed GPA and rezoning would not interfere with any actions set forth by Valley Water in its GMP regarding groundwater recharge, transport of groundwater, and/or groundwater quality. Therefore, the project would not conflict with or obstruct the implementation of a water quality control plan or sustainable groundwater management plan. **(Less than Significant Impact)**

3.10.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant hydrology and water quality impact?

The geographic area for cumulative hydrology and water quality impacts is the Guadalupe River watershed. Future development under the proposed project would reduce potential water quality impacts to a less than significant level by adhering to the requirements of the NPDES Construction General Permit and the MRP, as detailed in Standard Permit Conditions under checklist discussion a).

Cumulative development in the Guadalupe River watershed, as anticipated in the *Envision San José 2040 General Plan*, will increase impervious surfaces throughout the region. As with the proposed project, stormwater runoff from impervious surfaces on all development sites in the region flows into municipal storm drains and eventually into local waterways and ultimately San Francisco Bay. A variety of pollutants are present in stormwater, the effect of which is to degrade water quality in streams, which harms both plant and animal species. Thus, cumulative development has historically led to impairment of the water quality in waterways throughout the region, which is a significant impact.

In recent years, a variety of laws and policies have gone into effect for the purpose of addressing the problem of water pollution associated with stormwater runoff from development. These laws and policies, which are described in Section 3.10.1.1, require the treatment and control of stormwater runoff from most sites. Specifically, cumulative development in San José is required to comply with the City's Post-Construction Urban Runoff Management Policy (6-29), Hydromodification Management (Policy 8-14) and Grading Ordinance, and the NPDES Construction General Permit and MRP, as applicable. Projects in the area would be required to adhere to these policies, including General Plan policies ER-8.3, ER-8.5, IN-3.7, EC-5.16, EC-5.17, and Action EC-7.10.

Conformance with these policies, laws, and regulations will require future cumulative development to implement stormwater pollution best management practices (BMPs) during construction and incorporate low impact development (LID) project design measures to reduce water quality impacts. For these reasons, the cumulative projects in the Guadalupe River watershed, including the proposed project, would not result in significant cumulative hydrology and water quality impacts. **(Less than Significant Cumulative Impact)**

3.11 Land Use and Planning

3.11.1 Environmental Setting

3.11.1.1 *Regulatory Framework*

Federal

Federal Aviation Administration

As previously discussed in Section 3.9, *Hazards and Hazardous Materials*, FAA Regulations set standards for obstructions to airspace. The City of San José is required to comply with these and other FAA regulations and policies intended to protect the airport and aircraft in flight from incompatible land uses that potentially create hazards or constraints to airport operations. The FAA requires projects of a specific height in a given location within a designated Notification Surface area to submit a notice for airspace safety review.

Local

Santa Clara County Airport Land Use Commission

Pursuant to the California Aeronautics Act, the Santa Clara County Airport Land Use Commission (ALUC) adopted a *Comprehensive Land Use Plan (CLUP) for San José Mineta International Airport* in 2011 and amended in 2016. The CLUP is intended to safeguard the general welfare of the inhabitants within the vicinity of the Airport and the aircraft occupants. The CLUP is also intended to ensure that surrounding new land uses do not affect the Airport's continued operation. Specifically, the CLUP seeks to protect the public from the adverse effects of aircraft noise, to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities adversely affect navigable airspace. The implementation of the CLUP is intended to prevent future incompatible development from encroaching on the Airport and allow for the Airport's development in accordance with the current SJC Airport Master Plan. The CLUP includes a defined Airport Influence Area (AIA), which is a composite of the areas surrounding SJC that are affected by noise, height, and safety considerations.

The ALUC reviews all proposed projects within the AIA that include amendments to General Plans, Specific Plans, and/or zoning for consistency with the CLUP. If the ALUC determines that a project is not consistent with the CLUP, it cannot go forward unless the local governing body (e.g., San José City Council) overrules the ALUC by a two-thirds vote of its members and makes specific findings that the project is consistent with the purposes of the State Aeronautics Act as stated in PUC §21670. The jurisdiction of the ALUC is limited to a review of new land uses that might fall within the AIA. Note that some existing land uses within the AIA otherwise might not have been constructed had the CLUP been in place at the time the development was approved.

As published in the adopted CLUP, and as shown on Figure 2.3-1, there are six safety zones surrounding SJC:

- Runway Protection Zone
- Inner Safety Zone
- Outer Safety Zone
- Turning Safety Zone
- Sideline Safety Zone
- Traffic Pattern Zone

The CLUP sets forth policies regarding the type and size of land uses that are permitted within each safety zone. The policies include the following categories:

- Safety
    - Land Use Type
    - Population Density
    - Heights of Structures
    - Light and Glare
- Noise

The project site is located entirely within the designated Inner Safety Zone at the south end of SJC (see Figures 2.1-2 and 2.1-3). Section 2.3.2 describes the safety and noise policies that are applicable to the Inner Safety Zone.

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes policies that address land use during the planning horizon of the General Plan. The following goals, policies, and actions are applicable to the proposed project:

Policies	Description
CD-1.1	Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
CD-1.7	Require developers to provide pedestrian amenities, such as trees, lighting, recycling and refuse containers, seating, awnings, art, or other amenities, in pedestrian areas along project frontages. When funding is available, install pedestrian amenities in public rights-of-ways.
CD-1.8	Create an attractive street presence with pedestrian-scaled buildings and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact urban design, including use of smaller building footprints, to promote pedestrian activity through the City.
CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along

Policies	Description
	building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
TR-14.1	Foster compatible land uses within the identified Airport Influence Area overlays for Mineta San José International and Reid-Hillview airports.
TR-14.2	Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.
TR-14.3	For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid- Hillview airports, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.

3.11.1.2 *Existing Conditions*

Background Context

As described in Section 2.3, *Background and Land Use Restrictions on the Project Site*, the seven subject parcels that comprise the project site are part of what was once a predominately residential neighborhood comprising more than 600 parcels and 800 dwelling units. The parcels were purchased and cleared between the late 1960s and early 1990s by the City in response to noise and safety impacts related to aircraft operations. In 1989, the City Council approved the designation of the Airport Approach Zone as the "Guadalupe Gardens" to reflect the evolving community interest in establishing re-uses that represent the agricultural/horticultural heritage of the Santa Clara Valley. A formal master plan for the Guadalupe Gardens (GGMP) was adopted in 2002 by the City and approved by the FAA.

The GGMP identifies a set of low intensity, aesthetically pleasing, open space land uses (e.g., meadows, walking pathways, community/varietal gardens, history/agricultural exhibits, agricultural leaseholds, etc.) that are consistent with the primary function of the area as a safe approach zone for SJC. None of these open space uses have been implemented on any of the seven project parcels. Except for a portion of Parcel 5 that contains a park maintenance facility, the project site is vacant with vegetation consisting of California annual grassland.

As a condition of accepting the federal grant monies that were utilized for the purchase of the seven subject parcels, the City agreed 1) to clear the parcels of existing structures and 2) to not allow or permit the erection of any new structures therein unless except those required for aids to air

navigation or those which may be specifically approved by the FAA. The City also agreed that any new structures will comply with the standards listed in Part 77 of the Federal Aviation Regulations, *Objects Affecting Navigable Airspace*.

As described in Section 3.11.1.1, *Regulatory Framework*, the project site is located entirely within the CLUP's designated Inner Safety Zone at the south end of SJC (see Figures 2.1-2 and 2.1-3). According to the CLUP, the Inner Safety Zone represents the approach and departure corridors that have the second highest level of exposure to potential aircraft accidents. Only the Runway Protection Zone has a greater risk of accidents. The Land Use Handbook classifies the risk level as "high" in the Inner Safety Zone. The Inner Safety Zone is centered on the runway centerline and extends from the outer edge of the Runway Protection Zone. Section 2.3.2 discloses the compatibility policies and restrictions for projects within the Inner Safety Zone.

Existing General Plan Land Use Designation

As described in Section 2.2, *Project Overview*, the seven parcels that comprise the project are currently designated as Open Space Parks Habitat (OSPH) in the *Envision San José 2040 General Plan.* This land use is described in the General Plan as "areas that are intended for low intensity uses."

Existing Zoning

Parcel 5 is zoned as Two Family Residential (Up to Eight to 16 Dwelling Units per Acre) (R-2) on the northeastern portion of the parcel and zoned as Light Industrial (LI) on the southwestern portion of the parcel. The R-2 Zoning District reserves land for the construction, use, and occupancy of single-family and two-family subdivisions. The allowable density range for the R-2 Zoning District is eight to 16 dwelling units per acre. The LI Zoning District is intended for a wide variety of industrial uses and excludes uses with unmitigated hazardous or nuisance effects.

The remainder of the parcels (Parcels 1, 2, 3, 4, 6, and 7) are zoned as Open Space (OS). The OS Zoning District aims to provide public peace, health, safety, and welfare by conserving open space to ensure the continued availability of land for the preservation of natural resources, for the managed production of resources, for outdoor recreation, and for the enjoyment of scenic resources, and by protecting the people and property in the City of San José against physical environmental hazards.

3.11.2 Impact Discussion

For the purpose of determining the significance of the project's impact on land use and planning, would the project:

1) Physically divide an established community?
2) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

3.11.2.1 *Project Impacts*

a) Would the project physically divide an established community?

The project is a GPA and rezoning to change the current land uses on the project site. Changes in land use are not adverse environmental impacts in and of themselves, however, they may create conditions that adversely affect existing uses in the immediate vicinity. The project would not physically divide an established community. Future development resulting from the proposed project would not include dividing infrastructure, such as highways, freeways, or major arterial streets. Access to nearby residential communities would not be restricted or hindered by any development as a result of the project. As described in Section 3.17, *Transportation*, there are sidewalks, crosswalks, and signalized intersections within the project vicinity, and any development on the subject parcels would preserve existing sidewalks or enhance them. Therefore, continuous pedestrian access would be maintained between the project sites and the surrounding land uses and transit stops in the study area. The proposed project would not physically divide an established community. **(Less than Significant Impact)**

b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

As described previously in Sections 2.3 and 3.11, the project site is located adjacent to SJC and directly under the Airport's flight path. As such, the relevant federal, state, and local land use plans, policies, and regulations that pertain to the project site are all designed to avoid impacts that could result from incompatibility between the Airport and nearby uses. Specifically, the plans, policies, and regulations address land use compatibility using two primary categories: safety and noise.

The project, by definition, has been designed to contain development standards that consistent with the *Envision San José 2040 General Plan*, FAA grant restrictions, and the ALUC's CLUP, as they pertain to land use compatibility with SJC. As described in Section 2.4, the proposed (OS)PD Zoning District will set forth specific parameters for development on each of the parcels, summarized as follows:

- The potential land uses listed in Table 2.4-2 were specifically chosen so as to avoid uses that would conflict with the CLUP (e.g., residences, schools, shopping centers, theatres, etc.).
- Compliance with ALUC Safety Policies S-2, S-3, S-4, and S-5 will be required.
- Building sizes and structure heights will not exceed those specified in Table 2.4-3.
- Land uses will be required to comply with the noise compatibility policies listed in Section 2.3.2.4 and Table 2.3-1.
- Population density on each site will not exceed the limits specified in Table 2.4-4.

With the new CIC General Plan Land Use Designation and (OS)PD Zoning District in place, development of the subject parcels would be in compliance with both the grant agreements between

the FAA and the City, as well as the policies of the California Airport Land Use Handbook and the ALUC's CLUP for SJC.

On May 12, 2023, the FAA determined that the proposed project would allow compatible non-aeronautical land uses "that would have no material impact on aircraft operations, at, to, or from the airport; would not affect the safety of people and property on the ground; and would not have an adverse effect on the value of prior Federal investments to a significant extent." This determination assumes that future development resulting from the project would comply with FAA grant restrictions, as well as structure height and use limitations.[78]

Based on the above facts, the project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(No Impact)**

3.11.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant land use and planning impact?

The geographic area for cumulative land use impacts associated with the project are the City's boundaries and the AIA.

All development, including the proposed project, must conform with applicable land use plans, policies, ordinances, and regulations for the purpose of avoiding or mitigating cumulative environmental impacts. As discussed under Impact discussion a), with the new CIC General Plan Land Use Designation and PD Zoning in place, development of the subject parcels would be in compliance with both the grant agreements between the FAA and the City and the policies of the Land Use Handbook and the ALUC's CLUP for SJC. Therefore, the project would not contribute to a significant cumulative land use and planning impact. **(Less than Significant Cumulative Impact)**

[78] Source: Federal Aviation Administration Letter to Ryan Sheelen, ***San Jose International Airport (SJC): Section 163 Review of Proposed SJC Coleman Commercial Development Project***, May 12, 2023.

3.12 Mineral Resources

3.12.1 Environmental Setting

3.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) was enacted by the California legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property, and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board (SMGB), after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

Pursuant to the mandate of the SMARA, the SMGB has designated the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, SR 87, and Hillsdale Avenue as containing mineral deposits that are of regional significance as a source of construction aggregate materials. Neither the State Geologist nor the SMGB have classified any other areas in San José as containing mineral deposits of statewide significance or requiring further evaluation.

3.12.1.2 *Existing Conditions*

Mineral resources found in Santa Clara County include construction aggregate deposits such as sand, gravel, and crushed stone. The only area in the City of San José that is designated by the State Mining and Geology Board under SMARA as containing mineral deposits which are of regional significance is Communications Hill, which is over four miles south of the seven parcels that comprise the project site.

The subject parcels are located in Mineral Resource Zone One, which is defined as areas where adequate information indicates no significant mineral deposits are present or where it is judged that little likelihood exists for their presence.[79] There are no known mineral resources located on or adjacent to the subject parcels.

[79] California Department of Conservation. *Generalized Mineral Land Classification Map of the South San Francisco Bay Production-Consumption Region.* 1996.

3.12.2 Impact Discussion

For the purpose of determining the significance of the project's impact on mineral resources, would the project:

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

3.12.2.1 *Project Impacts*

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?

The Communications Hill area in central San José is the only area within the City that is designated by the State Mining and Geology Board as containing mineral deposits of regional significance. The subject parcels are more than four miles north from Communications Hill. Therefore, the project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**

b) Would the project 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?

The subject parcels are not located in or near an area containing known mineral resources. Therefore, the project would not result in the loss of availability of locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. **(No Impact)**

3.12.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant mineral resources impact?

As discussed above, the project would not result in the loss of availability of a known mineral resource or mineral resource recovery site. Therefore, the proposed project would not contribute to a significant cumulative mineral resource impact. **(No Cumulative Impact)**

3.13 Noise

The following discussion is based, in part, on a Noise and Vibration Assessment prepared for the project by Illingworth & Rodkin, Inc. in August 2023. This report is included as Appendix E.

3.13.1 Environmental Setting

3.13.1.1 *Background Information*

Noise

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

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq}, L_{dn}, or CNEL.[80] These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

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

[80] L_{eq} is a measurement of average energy level intensity of noise over a given period of time. The Day-Night Level (interchangeably expressed as DNL or L_{dn}) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. The Community Noise Equivalent Level (CNEL) includes an additional five dB penalty applied to noise occurring between 7:00 PM and 10:00 PM. Where traffic noise predominates, the CNEL and L_{dn} are typically within two dBA of the peak-hour L_{eq}.

3.13.1.2 *Regulatory Framework*

State and Local

California Green Building Standards Code

For commercial uses, CALGreen (Sections 5.507.4.1 and 5.507.4.2) requires that wall and roof-ceiling assemblies exposed to the adjacent roadways have a composite sound transmission class (STC) rating of at least 50 or a composite outdoor/indoor transmission class (OITC) rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the commercial property falls within the 65 dBA L_{dn} or greater noise contour for a freeway or expressway, railroad, or industrial or stationary noise source. The state requires interior noise levels to be maintained at 50 dBA $L_{eq(1\text{-}hr)}$ or less during hours of operation at a proposed commercial use.

Santa Clara County Airports Land Use Commission (ALUC) Comprehensive Land Use Plan (CLUP)

The Comprehensive Land Use Plan (CLUP) adopted by the Santa Clara County Airport Land Use Commission (ALUC) contains standards for projects within the vicinity of SJC and sets forth noise compatibility criteria using the Community Noise Equivalent Level (CNEL) descriptor for various land uses. These criteria are shown in Table 2.3-1 of this EIR.

CLUP noise policies that are relevant to the proposed project are as follows:

Policies	Description
N-1	The Community Noise Equivalent Level (CNEL) method of representing noise levels shall be used to determine if a specific land use is consistent with the CLUP.
N-2	In addition to the other policies herein, the Noise Compatibility Policies presented in Table 4-1 of the CLUP[81] shall be used to determine if a specific land use is consistent with this CLUP.
N-3	Noise impacts shall be evaluated according to the Aircraft Noise Contours presented on Figure 5 of the CLUP.[82]
N-6	Noise level compatibility standards for other types of land uses shall be applied in the same manner as the above residential noise level criteria. Table 1 presents acceptable noise levels for other land uses in the vicinity of the Airport.
N-7	Single-event noise levels (SENL) from single aircraft overflights are also to be considered when evaluating the compatibility of highly noise-sensitive land uses such as schools, libraries, outdoor theaters, and mobile homes. Single-event noise levels are especially important in the areas regularly overflown by aircraft, but which may not produce significant CNEL contours, such as the down-wind segment of the traffic pattern, and airport entry and departure flight corridors

[81] Table 4-1 of the CLUP is included in this EIR as Table 2.3-1.
[82] Figure 5 of the CLUP, which depicts the year 2022 noise contours, is outdated. It has been superseded by the year 2037 noise contours, which are depicted on Figure 2.3-2 of this document.

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes policies that address noise during the planning horizon of the General Plan. The following goals, policies, and actions are applicable to the proposed project:

Policies	Description
Policy EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, State and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: Interior Noise Levels • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. Exterior Noise Levels • The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan or Table 3.13-1 in this EIR). The acceptable exterior noise level objective is established for the City, except in the environs of the San José International Airport and the Downtown, as described below: For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.
EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels [Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan or Table 3.13-1 in this EIR] by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would: • Cause the DNL at noise sensitive receptors to increase by 5 dBA DNL or more where the noise levels would remain "Normally Acceptable"; or • Cause the DNL at noise sensitive receptors to increase by 3 dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
EC-1.3	Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.
EC-1.6	Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.
EC-1.7	Require construction operations within San José to use best available noise suppression devices

Policies	Description
	and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would: • Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
EC-1.11	Require safe and compatible land uses within the Mineta International Airport noise zone (defined by the 65 CNEL contour as set forth in State law) and encourage aircraft operating procedures that minimize noise.

The City's noise and land use compatibility guidelines are also shown in Table 3.13-1, below.

Table 3.13-1: *Envision San José 2040 General Plan* Land Use Compatibility Guidelines

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

[1]Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.

Normally Acceptable:
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable:
Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.

Unacceptable:
New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.

3.13.1.3 *Existing Conditions*

The seven parcels that comprise the project are located within Guadalupe Gardens, a 120-acre area immediately south of SJC. The project is under the primary flight path for SJC. The existing noise environment at the subject parcels results primarily from overhead aircraft landing and departing SJC, as well as traffic along Coleman Avenue and Hedding Street. Noise from Interstate 880 also contributes to the noise environment.

A noise monitoring survey consisting of two long-term (LT-1 and LT-2) and five short-term (ST-1 through ST-5) noise measurements was undertaken at the project sites between Wednesday, July 19, 2023, and Friday, July 21, 2023. Noise measurement locations are shown in Figure 1 of Appendix E.

Long Term Noise Measurements

Long term noise measurement LT-1 was made approximately 120 feet from the Coleman Avenue centerline, adjacent to Parcel 5. This measurement location best represents the noise environment at parcels along Coleman Avenue at a similar setback (i.e., Parcel 1 through Parcel 5). Hourly average noise levels at LT-1 typically ranged from 63 to 70 dBA L_{eq} during daytime hours (7:00 a.m. and 10:00 p.m.) and from 53 to 65 dBA L_{eq} during nighttime hours (10:00 p.m. and 7:00 a.m.). The day-night average noise level on Thursday, July 20, 2023, was 68 dBA DNL/CNEL.

Long term noise measurement LT-2 was made approximately 35 feet north of the Hedding Street centerline, adjacent to Parcel 6. This measurement location best represents the noise environment at Parcels 6 and 7 along Hedding Street at a similar setback. Hourly average noise levels at LT-2 typically ranged from 66 to 74 dBA L_{eq} during daytime hours (7:00 a.m. and 10:00 p.m.) and from 56 to 68 dBA Leq during nighttime hours (10:00 p.m. and 7:00 a.m.). The day-night average noise level on Thursday, July 20, 2023, was 71 dBA DNL/CNEL.

Short Term Noise Measurements

A summary of the short-term noise measurements completed as part the Noise and Vibration Assessment is included in Table 3.13-2 below.

Table 3.13-2 Summary of Short-Term Noise Measurements

Noise Measurement Location	Date, Time	Measured Noise Level, dBA, L_{max}	Measured Noise Level, dBA, $L_{(1)}$	Measured Noise Level, dBA, $L_{(10)}$	Measured Noise Level, dBA, $L_{(50)}$	Measured Noise Level, dBA, $L_{(90)}$	Measured Noise Level, dBA, L_{eq}
ST-1: ~215 feet east of Coleman Avenue centerline, ~350 feet south of West Hedding Street centerline	7/19/2023, 12:50-13:00	77	75	64	54	52	62

ST-2: ~260 feet east of Coleman Avenue	7/19/2023, 13:10-13:20	83	80	61	54	52	65
ST-3: ~100 feet east of Coleman Avenue	7/19/2023, 12:50-13:00	82	75	69	59	54	65
ST-4: University Avenue, Chestnut Street intersection	7/19/2023, 13:10-13:20	74	71	64	54	51	61
ST-5: ~80 feet north of West Hedding Street	7/19/2023, 12:40-12:50	79	70	65	58	48	61

3.13.2 Impact Discussion

For the purpose of determining the significance of the project's impact on noise, would the project result in:

1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
2) Generation of excessive groundborne vibration or groundborne noise levels?
3) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

3.13.2.1 *Project Impacts*

a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Construction-Generated Noise

Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

Policy EC-1.7 of the City's General Plan requires all construction operations within the City to use best available noise suppression devices and techniques and to limit construction hours near residential uses per the Municipal Code allowable hours, which are between the hours of 7:00 a.m. and 7:00

p.m. Monday through Friday when construction occurs within 500 feet of a residential land use. Further, the City considers significant construction noise impacts to occur if a project that is located within 500 feet of residential uses or 200 feet of commercial or office uses would involve substantial noise-generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

While the City of San José does not establish noise level thresholds for construction activities, this analysis uses the noise limits established by the Federal Transit Administration (FTA) to identify the potential for impacts due to substantial temporary construction noise. The FTA identifies construction noise limits in the *Transit Noise and Vibration Impact Assessment Manual*. During daytime hours, an exterior threshold of 80 dBA L_{eq} shall be applied at residential land uses, 85 dBA L_{eq} at commercial land uses and 90 dBA L_{eq} at industrial land uses.

Major noise generating construction activities associated with any development of the subject parcels would likely include site grading, excavation, installation of utilities, the construction of building foundations, cores, and shells, paving, and landscaping. These construction activities would generate considerable amounts of noise, especially during earth-moving activities when heavy equipment such as dozers, excavators, scrapers, and loaders is used.

Typical hourly average construction generated noise levels are about 71 to 89 dBA L_{eq}, measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.) for commercial uses. Construction-generated noise levels drop off at a rate of about 6 dBA per doubling of distance between the source and receptor. Shielding by buildings or terrain often result in lower construction noise levels at distant receptors. Lower noise levels result from building construction activities when these activities move indoors, and less heavy equipment is required to complete the tasks. Standard methods for acoustical analysis of construction sites are based on the distance from the "acoustical center" or construction activity center on the site to the nearest receiving property lines of existing noise-sensitive receptors, as was the case for this analysis. Table 3.13-3 shows the distances of the individual subject parcels from the closest residential and commercial receptors, as well as the range of construction noise levels expected.

Noise levels in Table 3.13-3 do not assume reductions due to intervening buildings or existing barriers. Noise levels due to construction on Sites 1 and 2 (i.e., within 500 feet of residential receptors) would not exceed FTA's exterior threshold of 80 dBA L_{eq} for residential uses. However, for commercial receptors within 200 feet of Parcels 3 through 7, noise levels would exceed the exterior threshold of 85 dBA L_{eq}. Therefore, noise from construction on Parcels 3 through 7 would result in a potentially significant impact in accordance with Policy EC-1.7 of the City's General Plan.

Table 3.13-3: Distance from Acoustics Center of Project Sites to Closest Residential and Commercial Receptors

Site	Distance from Residential Uses (ft)	Distance from Commercial/Industrial Uses (ft)	Range of Construction Noise Levels Expected, L_{eq} dBA
Site 1	340 ft	150 ft	54 to 72 (Residences) 64 to 82 (Commercial)
Site 2	360 ft	150 ft	54 to 72 (Residences) 64 to 82 (Commercial)
Site 3	Greater than 500 ft	35 ft	73 to 91 (Commercial)
Site 4	Greater than 500 ft	20 ft	77 to 95 (Commercial)
Site 5	Greater than 500 ft	65 ft	69 to 87 (Commercial)
Site 6	Greater than 500 ft	70 ft	69 to 87 (Commercial)
Site 7	Greater than 500 ft	85 ft	68 to 86 (Commercial)

Impact NOI-1: Construction activities could expose nearby commercial receptors within 200 feet of the subject parcels to noise levels that exceed the exterior threshold of 85 dBA L_{eq}, resulting in a significant impact according to Policy EC-1.7 of the City's General Plan.

Mitigation Measures:

MM NOI-1.1: Pursuant to General Plan Policy EC-1.7, prior to issuance of a grading permit, a construction noise logistics plan shall be prepared that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on nearby uses. Project construction operations shall use best available noise suppression devices and techniques including, but not limited to the following:

- Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of PBCE that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

- Construct solid plywood fences or similar around ground level construction sites adjacent to operational businesses. A temporary

10-foot noise barrier shall be constructed along the property lines of the project sites to shield adjacent commercial uses from ground-level construction equipment and activities. The noise barrier shall be solid over the face and at the base of the barrier in order to provide a 10 dBA noise reduction.

- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

- Prohibit unnecessary idling of internal combustion engines.

- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.

- Utilize "quiet" air compressors and other stationary noise sources where technology exists.

- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.

- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

With the implementation of GP Policy EC-1.7, Zoning Code requirements, and MM NOI-1.1, temporary construction noise would be reduced to a less-than-significant level of 85 dBA L_{eq} or less.

Noise from Operational Phase

According to Policy EC-1.2 of the General Plan, a significant permanent noise increase would occur if a project would substantially increase noise levels at existing sensitive receptors in the project vicinity. A substantial increase would occur if: a) the noise level increase is five dBA DNL or greater,

with a future noise level of less than 60 dBA DNL at residences; or b) the noise level increase is three dBA DNL or greater, with a future noise level of 60 dBA DNL or greater at residences. Based on the SJC's projected 2037 CNEL contours, noise levels at sensitive land uses will exceed 60 dBA DNL; therefore, a significant impact would occur if traffic or operational noise due to the proposed project would permanently increase ambient levels by three dBA DNL.

The City's General Plan and the Municipal Code do not include thresholds for nonresidential receptors. However, performance standards included in Section 20.40.600 of the Municipal Code are conservatively used in this analysis to provide a noise limit of 60 dBA at adjacent receiving commercial uses. Under the City's Noise Element, noise levels from nonresidential building equipment shall not exceed a noise level of 55 dBA DNL at receiving noise-sensitive residential land uses.

Noise Increase due to Project-Generated Traffic

Existing average daily traffic volumes on Coleman Avenue are 31,544 vehicles per day and traffic volumes along Hedding Street near the project sites are 11,946 vehicles per day.[83,84] It is estimated that a total of 9,575 trips would be generated from the project. [85]

It is conservatively assumed that all 9,575 trips would be generated from parcels along Coleman Avenue (Parcels 1 through 5), as they make up about 90 percent of the total project area. Future traffic noise increases in the project vicinity along Coleman Avenue due to 9,575 additional project trips would result in a noise level increase of about one dBA DNL/CNEL. Parcels along Hedding Street (Parcels 6 and 7) make up about ten percent of the total project area. Assuming ten percent of the total project trips would be generated at parcels along Hedding Street, the project would result in a future traffic noise increase of less than one dBA DNL/CNEL.

To summarize, based on the estimated trips generated by the land uses allowed under the proposed project, future traffic noise in the project vicinity would increase by about one dBA DNL/CNEL, which would be a less than significant impact.

Operational Noise Impacts

Various mechanical equipment for heating, ventilation, and cooling purposes, exhaust fans, emergency generators, and other similar equipment could produce noise levels exceeding the maximum noise limits when located near existing residential or commercial land uses. Additionally, potential noise-generating sources, such as truck deliveries or other project-specific noise sources, may also be proposed.

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[83] Hexagon Transportation Consultants, Inc*. Guadalupe Gardens Transportation Analysis*. June 25, 2023.
[84] City of San Jose. GIS Mapping Tool. https://gisdata-csj.opendata.arcgis.com/datasets/3f4978184afa48bb8353170e0d428623_504/about
[85] In reality, the number of daily vehicle trips generated by development on the project sites would be less than 9,575 because the project will implement a Transportation Demand Management (TDM) plan that will cap the number of trips to where there will be no increase in MVT. See Section 3.17 for details. This fact notwithstanding, this noise analysis conservatively utilizes 9,575 daily trips.

For the purpose of this analysis, the worst-case noise-generating land uses from Table 2.4-2 were identified in terms of operational noise impacts to the adjacent commercial uses. Such land uses include animal boarding, any use without a permanent fully enclosed building on-site, car wash, detailing, recreation, commercial outdoor, and winery, brewery, distillery. Noise levels due to operations at these land uses could potentially exceed the 60 dBA noise limit at adjacent commercial uses, which would be considered a significant impact.

All other potential commercial uses would not result in noise levels that could cause a significant noise increase. It is important to note that the proposed project sites are located in a relatively loud ambient noise environment due to overhead flights (i.e., within SJC's 65 to 75 dBA CNEL noise contour), local traffic, and other commercial uses in the area. Hence, operational noise from all other land uses not listed above would result in less than significant noise levels at adjacent commercial land uses.

Total Combined Project-Generated Noise

Noise levels produced by development allowed under the project in terms of anticipated traffic increases would result in an increase of one dBA DNL/CNEL or less at all existing receptors in the project vicinity. However, operational noise levels (due to mechanical equipment, truck deliveries, parking lots etc.) could potentially exceed 55 dBA DNL at the nearest residential receptors or 60 dBA DNL at commercial uses for the land uses identified above. All other commercial land uses at the project sites would result in a less than significant impact.

Impact NOI-2: Noise levels produced by operations allowed under the project could exceed 55 dBA DNL at the nearest residential receptors or 60 dBA at the nearest commercial uses, thereby causing a significant impact.

Mitigation Measures:

MM NOI-2.1: Prior to issuance of a grading permit, a qualified acoustical consultant shall review the final design plans to address any potential conflicts with the General Plan or Municipal Code for any development of the subject parcels that consist of the following land uses:

- Animal boarding
- Any use without a permanent fully enclosed building on-site
- Car wash
- Detailing
- Recreation
- Commercial outdoor
- Winery, brewery, or distillery

An acoustical study shall be prepared during final building design to evaluate the potential noise generated by building mechanical equipment and demonstrate the necessary noise control to meet the City's 55 dBA DNL goal

for residences and 60 dBA LDN goal at commercial uses as per the Municipal Code Performance Standards. Noise control features such as sound attenuators, baffles, and barriers shall be identified and evaluated to demonstrate that mechanical equipment noise would not exceed the respective appropriate thresholds at noise-sensitive locations around the project site. The noise control features identified by the study shall be incorporated into the project prior to issuance of a building permit.

In addition to MM NOI-2.1, the project would comply with General Plan Policies EC-1.2, EC-1.3, and EC-1.9. Policy EC-1.2 limits noise generation by requiring the use of noise attenuation measures, such as acoustical enclosures and sound barriers, where feasible, to avoid substantial increases to ambient noise. General Plan Policy EC-1.3 requires new projects to mitigate noise generation to 55 dBA DNL at the property line for residences. General Plan Policy EC-1.9 requires that studies be conducted to mitigate loud intermittent noise sources associated with new projects.

With the incorporation of the City's General Plan Policies EC-1.2, EC-1.3, and EC-1.9 and MM NOI-2.1, operational noise levels would not exceed applicable standards at the noise-sensitive receptors in the project vicinity. With the implementation of GP Policy EC-1.7, Zoning Code requirements, and MM NOI-1.1, temporary construction noise would be reduced to a less than significant level of 85 dBA L_{eq} or less. Therefore, the project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. **(Less than Significant Impact with Mitigation Incorporated)**

b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Construction activities during development of the project sites may generate perceptible vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. Construction activities would include grading, foundation work, paving, and new building framing and finishing. Detailed information regarding construction equipment and phasing is not available at this time.

As described in Section 3.5, *Cultural Resources*, the Master Metal Products building located at 495 Emory Street, adjacent to Parcel 1 and within 200 feet of Parcel 5, meets criteria under CRHR to be considered a historic resource and also appears to qualify for listing on the City of San José Historic Resources Inventory as a Candidate City Landmark. The building is composed of eight connected Quonset hut-style structures constructed with fabricated metal. Although classified by the City as a historic building, this type of building is not sensitive to damage from relatively low level vibrations, as fabricated metal would not be expected to crack like plaster in historic residential buildings, for instance. This analysis considers the Master Metal Products building to be of normal conventional construction. No other historic buildings are located within 200 feet of any of the seven parcels.

City of San José General Plan Policy EC-2.3 states that a vibration limit of 0.08 in/sec PPV for historic buildings and a vibration limit of 0.20 in/sec PPV shall be used to minimize damage at buildings of normal conventional construction. The vibration limits contained in this policy are conservative and designed to provide the ultimate level of protection for existing buildings in San José. As discussed in detail below, vibration levels exceeding these thresholds would be capable of cosmetically damaging adjacent buildings. Cosmetic damage (also known as threshold damage) is defined as hairline cracking in plaster, the opening of old cracks, the loosening of paint or the dislodging of loose objects. Minor damage is defined as hairline cracking in masonry or the loosening of plaster. Major structural damage is defined as wide cracking or the shifting of foundation or bearing walls.

Table 3.13-4 below presents typical vibration levels that could be expected from construction equipment at a distance of 25 feet. Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.), may generate substantial vibration in the immediate vicinity. Jackhammers typically generate vibration levels of 0.035 in/sec PPV and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. Table 3.13-4 also summarizes the distances to the 0.2 in/sec PPV threshold for buildings of normal construction.

Table 3.13-4: Vibration Source Levels for Construction Equipment

Equipment	PPV at 25 Feet (in/sec)	Minimum Distance to Meet 0.2 in/sec PPV (Feet)
Clam shovel drop	0.202	26
Hydromill (slurry wall) in soil	0.008	2
Hydromill (slurry wall) in rock	0.017	3
Vibratory Roller	0.210	27
Hoe Ram	0.089	13
Large bulldozer	0.089	13
Caisson drilling	0.089	13
Loaded trucks	0.076	11
Jackhammer	0.035	6
Small bulldozer	0.003	<1

While construction noise levels increase based on the cumulative equipment in use simultaneously, construction vibration levels would be dependent on the location of individual pieces of equipment. That is, equipment scattered throughout the site would not generate a collective vibration level, but a vibratory roller, for instance, operating near the project site boundary would generate the worst-case vibration levels for the receptor sharing that property line.

Depending on the proximity of existing structures to each construction site, the structural soundness of the existing buildings, and the methods of construction used, vibration levels may be high enough to damage existing structures. Given the scope of the proposed project sites and the location of the project sites with respect to existing structures in the immediate vicinity (i.e., within 200 feet), ground borne vibration impacts would be potentially significant.

As with any type of construction, vibration levels may at times be perceptible. However, construction phases that have the highest potential of producing vibration (pile driving and use of jackhammers and other high-power tools) would be intermittent and would only occur for short periods of time for any individual project site. By use of administrative controls, such as notifying neighbors of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration to hours with least potential to affect nearby businesses, perceptible vibration can be kept to a minimum and as such would not result in a significant impact with respect to perception.

Impact NOI-3: Construction activities on the project site could cause significant ground borne vibration impacts to adjacent structures.

Mitigation Measures:

MM NOI-3.1: The following measures shall be implemented at project parcels that are within 30 feet of existing structures where construction vibration levels could exceed 0.2 in/sec PPV for buildings of conventional construction:

- A list of all heavy construction equipment to be used for the development known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams, clam shovel drop, and vibratory roller, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds.

- Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.

- Smaller equipment to minimize vibration levels to below 0.2 in/sec PPV shall be used at the property lines. For example, a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, could be used when compacting materials within 30 feet of adjacent conventional buildings.

- Avoid using vibratory rollers and clam shovel drops near sensitive areas.

- Select demolition methods not involving impact tools.

- Modify/design or identify alternative construction methods to reduce vibration levels below the limits.

- Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 30 feet of adjacent conventional buildings.

- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such a person shall be clearly posted on the construction site.

The above measures will be included in a vibration mitigation plan, which will be submitted to the Director of Planning, Building, and Code Enforcement, or the Director's designee prior to the issuance of a grading permit.

Implementation of MM NOI-3.1 would reduce groundborne vibration from project construction to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

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c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

SJC is a public-use airport located within one mile of the subject parcels. According to the 2037 Airport noise contours, all seven of the subject parcels are located within the projected 65 CNEL/DNL contour line. Further, Parcel 7 is located just within the 70 dBA CNEL/DNL contour line.

The project proposes to develop commercial uses at Parcels 1 through 6, which fall under the CLUP's "Conditionally Acceptable" category as projected noise levels from aircraft are 65-70 dBA CNEL/DNL. In this category, the CLUP states that development is acceptable only after a detailed analysis of the noise reduction requirements is made and the needed noise insulation features must be included in the design. Outdoor uses may be adversely affected on Site 6 as noise insulation would not be practical.

The project also proposes to develop commercial uses at Site 7 which falls under the CLUP's "Generally Unacceptable" category as projected noise levels from aircraft are >70 dBA CNEL. In this category, the CLUP states that development at Site 7 is discouraged but if new construction does proceed, a detailed analysis of noise reduction requirements must be made, and the needed noise insulation features must be included in the design. Outdoor activities are likely to be adversely affected on Site 7 as noise insulation would not be practical.

To summarize, without noise insulating features, development on any of the seven parcels could be inconsistent with the noise compatibility policies of the CLUP. Therefore, in order to achieve consistency with the CLUP, the following mitigation would be implemented as part of the project.

Impact NOI-4: Without noise insulating features, development of the subject parcels could be incompatible with the CLUP's noise policies, thereby exposing people to excessive noise levels.

Mitigation Measures:

MM NOI-4.1: Prior to issuance of an occupancy permit, a detailed analysis of noise reduction requirements shall be completed for any development on the subject parcels. Based on the analysis, all noise insulation features determined appropriate shall be incorporated into the development design to ensure that the 2023 Cal Green Code standards are met and an interior noise level of 50 dBA $L_{eq(1\text{-}hr)}$ or lower during daytime hours is achieved. This mitigation measure complies with CLUP Policies N-2 and N-6 to mitigate aircraft noise impacts.

Implementation of MM NOI-4.1 would reduce impacts due to excessive aircraft noise to a less than significant level and the project would therefore be compatible with the noise policies of the CLUP. **(Less than Significant Impact with Mitigation Incorporated)**

3.13.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant noise impact?

The geographic area for cumulative noise impacts is the immediate project vicinity, specifically within 1,000 feet of the project sites. Cumulative projects within 1,000 feet of the project sites could contribute to the same noise impacts as the proposed project. Although SJC itself is not located within 1,000 feet of the project sites, its noise footprint encompasses thousands of acres in the vicinity resulting from aircraft overflights. As noted previously, the project sites are located directly under the approach and departure flight paths for SJC's runways, which is why aircraft-generated noise is a predominate source of noise.

To account for cumulative noise increases associated with the projected growth in air traffic at the Airport, the noise analysis in this EIR utilizes SJC's 2037 noise contours, as calculated in the SJC Master Plan that was approved in 2020. As described above in Section 3.13.2.1, the projected levels of aircraft-generated noise were compared to noise and land use compatibility standards established by the FAA, the ALUC, and the City.

As discussed above, the project includes mitigation measures MM NOI-1.1, MM NOI-2.1, MM NOI-3.1, and MM NOI-4.1 to reduce noise impacts from the project to a less than significant level. Similar to the project, each cumulative development project would be required to incorporate noise and vibration reduction measures as identified in the City's General Plan and explained in Section 3.13.2.1

above. For these reasons, the project would not result in a cumulatively considerable contribution to noise impacts. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

3.14 Population and Housing

3.14.1 Environmental Setting

3.14.1.1 *Regulatory Framework*

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.[86] The City of San José Housing Element and related land use policies were last updated in 2015.

Regional and Local

Plan Bay Area 2050

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified Priority Development Areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.[87]

ABAG allocates regional housing needs to each city and county within the San Francisco Bay Area, based on statewide goals. These allocations are designed to lay the foundation for Plan Bay Area 2050's long-term envisioned growth pattern for the region. ABAG also develops a series of forecasts and models to project the growth of population, housing units, and jobs in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Forecasting and Modeling Report, which is a technical overview of the growth forecasts and land use models upon which Plan Bay Area 2050 is based.

[86] California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed December 10, 2023. http://hcd.ca.gov/community-development/housing-element/index.shtml.

[87] Association of Bay Area Governments and Metropolitan Transportation Commission. *Plan Bay Area 2050.* October 21, 2021. Page 20.

3.14.1.2 *Existing Conditions*

The population of San José was estimated to be approximately 976,482 in January 2022 with an average of 2.91 persons per household.[88] The City had approximately 344,112 housing units as of January 1, 2022. The ABAG estimates that there will be an approximate City population of 1,377,145 and 448,310 households by the year 2040.[89]

The jobs/housing balance refers to the ratio of employed residents to jobs in a given community or area. When the ratio reaches 1.0, a balance is struck between the supply of local housing and jobs. The jobs/housing resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing. The City currently has a higher number of employed residents than jobs, with a jobs/housing ratio of approximately 0.8. However, upon full build out of the General Plan, this trend is projected to reverse. The General Plan assumptions, as amended in the first Four-Year Review in 2016, envision a Jobs/Employee Resident ratio of 1.1/1 or 382,200 new jobs by 2040. To meet the current and projected housing needs in the City, the Envision San José 2040 General Plan identifies areas for mixed-use and residential development to accommodate 120,000 new dwelling units by 2040.

There is no existing or proposed housing on any of the seven parcels that comprise the project site. Residential land uses are prohibited as the site is located in the Inner Safety Zone for the nearby SJC; see Section 2.3 for details.

3.14.2 Impact Discussion

For the purpose of determining the significance of the project's impact on population and housing, would the project:

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

[88] California Department of Finance. "E-5 Population and Housing estimates for Cities, Counties, and the State, 2020-2022." May 2022. https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2022/

[89] Association of Bay Area Governments. "Projections 2040." Accessed August 10, 2022. Available at: http://projections.planbayarea.org/.

3.14.2.1 *Project Impacts*

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

A project can induce substantial population growth by 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth (i.e., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

As summarized in Table 2.4-2, proposed/allowed land uses on the subject parcels as a result of the GPA and OS(PD) rezoning would not include residential development. Therefore, the project would not induce substantial unplanned population growth by providing new housing. The allowed land uses that could be developed as a result of the project would be locally-serving businesses. Other than the corporation yard for the City of San José Parks, Recreation, and Neighborhood Services Department located on Parcel 5, the subject parcels are currently undeveloped land with no employees. Therefore, development as a result of the project would result in an increase of jobs in the City of San José. A portion of new employees could potentially relocate from areas outside of the City of San José into the City due to the increase in jobs, therefore potentially creating a slight increase in the housing demand. As noted above, San José currently has a higher number of employed residents than jobs. The increase in jobs would incrementally decrease the overall jobs/housing imbalance within the City. The project, therefore, would not induce substantial unplanned population growth. **(Less than Significant Impact)**

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

As discussed in detail in Section 2.3, *Background and Land Use Restrictions on the Project Site*, the subject parcels were formerly part of a residential neighborhood that was purchased and cleared by the City for noise abatement and safety purposes due to its location off the ends of the runways at the Airport. The residences were removed, the houses were demolished, and housing is now prohibited on the subject parcels.

The above paragraph notwithstanding, most of the parcels and surrounding vacant parcels were recently used as illegal unhoused encampments during the COVID-19 pandemic. As directed by the FAA, the City has been relocating occupants of the encampments and clearing the sites.

Therefore, the project would not displace substantial numbers of existing people or housing necessitating the construction of replacement housing elsewhere. **(No Impact)**

3.14.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant population and housing impact?

The geographic area for cumulative population and housing impacts is within the City's boundaries. The project would serve the existing population in the City. As discussed above, the project would not displace residents or housing. Therefore, the proposed project would not contribute to a significant cumulative population and housing impact. **(No Cumulative Impact)**

3.15 Public Services

3.15.1 Environmental Setting

3.15.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Government Code Section 65995 through 65998

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Government Code Sections 65995 through 65998 set forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property" (Section 65996[a]). The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

Developers are required to pay a school impact fee to the school district to offset the increased demands on school facilities caused by the proposed residential development project. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Regional and Local

Countywide Trails Master Plan

The Santa Clara County Trails Master Plan Update is a regional trails plan approved by the Santa Clara County Board of Supervisors. It provides a framework for implementing the County's vision of providing a contiguous trail network that connects cities to one another, cities to the county's regional open space resources, County parks to other County parks, and the northern and southern urbanized regions of the County. The plan identifies regional trail routes, sub-regional trail routes, connector trail routes, and historic trails.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes policies that address public services during the planning horizon of the General Plan. The following goals, policies, and actions are applicable to the proposed project:

Policies	Description
FS-5.7	Encourage school districts and residential developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures early in the project planning stage, preferably immediately preceding or following land acquisition.
ES-3.1	Provide rapid and timely Level of Service (LOS) response time to all emergencies: 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.
PR-1.2	Provide 7.5 acres per 1,000 population of citywide /regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
PR-1.12	Regularly update and utilize San José's Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25), requiring new residential development to either dedicate sufficient land to serve new residents or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

Greenprint

The Greenprint is a strategic plan to guide the City's expansion of parks, recreation facilities, and community services. The plan was first adopted by City Council in 2000 then updated in 2009.[90] The Greenprint contains strategies to support the overall mission of providing healthy communities

[90] City of San José. *Greenprint 2009 Update*. December 8, 2009. https://www.sanjoseca.gov/your-government/departments-offices/parks-recreation-neighborhood-services/general-information/policies-reports/residents

through people, parks, and programs. The Greenprint identifies areas of the City that are underserved by park and recreation facilities and includes policies and strategies to correct those deficiencies. The General Plan incorporated the Greenprint 2009 strategies.

ActivateSJ Strategic Plan (2020-2040)

The ActivateSJ Strategic Plan is the latest 20-year strategic plan for the City of San José's Department of Parks, Recreation, and Neighborhood Services.[91] This plan does not replace the Greenprint 2009 update but instead is a complement to the Greenprint document and focuses more on the daily operations of the Department of Parks, Recreation, and Neighborhood Services. ActivateSJ includes key plan outcomes to support the following guiding principles: stewardship, nature, equity and access, identify, and public life. These guiding principles also align with the specific goals and policies of the General Plan.

3.15.1.2 *Existing Conditions*

Fire Protection Services

Fire protection services in San José are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The SJFD protects 206 square miles and approximately 1.2 million residents in both City and county areas. There are 34 fire stations in the City. The SJFD has established the goal of responding to Priority 1 incidents (emergencies) within eight minutes, 80 percent of the time, and Priority 2 incidents (non-emergencies) within 13 minutes, 80 percent of the time. For 2020-2021, the SJFD responded to 73 percent of Priority 1 incidents within eight minutes and 93 percent of Priority 2 incidents within 13 minutes.[92]

The nearest fire stations to the seven parcels that comprise the project site are Station 20, located at 1120 Coleman Avenue (approximately 0.9 miles to the northwest), and Station 7, located at 800 Emory Street (approximately 1.1 mile to the southwest).

Police Protection Services

Police protection services for the subject parcels are provided by the San José Police Department (SJPD), which is headquartered at 201 West Mission Street, approximately 0.5 miles to the east. SJPD is divided into four geographic divisions: Central, Western, Foothill, and Southern. The project site is directly served by the SJPD Foothill Division. The SJPD has established the goal of responding to Priority 1 calls (present or imminent danger to life or major damage to/loss of property) within six minutes, and responding to Priority 2 calls (involving injury or property damage, or the potential for

[91] City of San José. *ActivateSJ Strategic Plan (2020-2040*). 2020. https://www.sanjoseca.gov/home/showpublisheddocument/43503/637178743945470000

[92] City of San José. *Annual Report on City Services 2020-2021*. December 2021. https://www.sanjoseca.gov/your-government/appointees/city-auditor/services-report/current-report

either to occur) within 11 minutes. In 2020-2021, the citywide average response time for Priority 1 calls was 7.12 minutes, and the average response time for Priority 2 calls was 22.8 minutes.[93]

Schools

The City of San José includes 22 public school districts that serve students in San José through 222 public schools. The project area is located in the San José Unified School District. Students within the project vicinity can attend Bachrodt Elementary School, Hoover Middle School, and Lincoln High School.[94]

The nearest school to the subject parcels is Hester Elementary School, located at 1460 The Alameda (approximately 0.65 mile to the southwest).

Parks

The City of San José currently operates 202 neighborhood parks, 46 community centers, 10 regional parks, and over 64 miles of trails.[95] The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities. The nearest public park to the subject parcels is Columbus Park, located less than 100 feet to the southeast of Parcel 5.

As discussed in Section 2.3, the project site and surrounding City-owned lands are within the Guadalupe Gardens Master Plan (GGMP), which was adopted in 2002 by the City and approved by the FAA. While the area is not designated as parkland since its primary function is restricted for aviation-compatible purposes, the GGMP identifies a set of low intensity, aesthetically pleasing, open space land uses (e.g., meadows, walking pathways, community/varietal gardens, history/agricultural exhibits, agricultural leaseholds, etc.).

The parcels that comprise the project site are designated for future meandering pathways in the GGMP, but such facilities are not currently present. Additionally, Parcels 1 – 5 along Coleman Avenue between Asbury Street and Hedding Street have been identified in the GGMP as street frontages that would be replaced with future high-quality landscaping, such as low berms of turf, to provide a more aesthetic border to the Guadalupe Gardens while allowing views into the interior open space uses. However, said improvements are not currently present.

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[93] Ibid.
[94] San José Unified School District. Find Your School. Accessed December 14, 2023. https://www.sjusd.org/our-schools/schools/
[95] City of San José Department of Parks, Recreation, and Neighborhood Services. *Annual Report on City Services 2022-2023*. December 2023. https://www.sanjoseca.gov/home/showpublisheddocument/107904/638423133366070000
[95] Ibid.

In February 2022, as part of efforts to prevent homeless encampments from becoming reestablished in the Guadalupe Gardens, the City Council approved a plan to move forward with the construction of interim low-intensity uses on the lands just east of Parcels 1 – 5[96]. Such uses would potentially include a dog park, disc golf course, wildflower plantings, and meadows. As of early 2024, only an interim dog park had been constructed, consisting of fenced areas along the north side of Asbury Street at Spring Street where dogs can run off-leash.

Libraries

The San José Public Library System consists of one main library and 19 branch libraries. The nearest public library to the subject parcels is the Rose Garden Branch, located approximately 1.8 miles to the southwest.

3.15.2 Impact Discussion

For the purpose of determining the significance of the project's impact on public services, would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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:

1) Fire protection?
2) Police protection?
3) Schools?
4) Parks?
5) Other public facilities?

3.15.2.1 *Project Impacts*

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 fire protection services?

Implementation of the proposed project would intensify the land use of the subject parcels and generate additional workers in the area, which could incrementally increase the demand for fire protection services compared to existing conditions. As summarized in Table 2.4-2 and discussed in

[96] City of San José. *City Council Meeting Minutes*. February 8, 2023. https://sanjose.legistar.com/View.ashx?M=M&ID=925956&GUID=6299B49A-8495-498C-B12D-7794E54EE184

Section 3.14, *Population and Housing*, the project would not include residential development, and therefore the project would not induce substantial unplanned population growth. However, development as a result of the project would result in an incremental increase of jobs in the City of San José. A portion of new employees could potentially relocate from areas outside of the City of San José into the City due to the job, therefore potentially creating a slight increase in the City's population. Therefore, the project could incrementally increase the demand for fire protection and other emergency response services in the area. However, this increase would be negligible and would not result in a need for new fire stations to serve the project, as existing fire protection facilities would be capable of meeting the increased demand for services.

All future development as a result of the project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to avoid unsafe building conditions and promote public safety. Therefore, the project would not result in a physical impact on the environment due to the construction of additional fire protection facilities. **(Less than Significant Impact)**

b) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 police protection services?

As discussed above under impact discussion a), implementation of the proposed project would intensify the land use of the subject parcels and generate additional workers in the area, which could incrementally increase the demand for police protection services compared to existing conditions. However, this increase would be negligible and would not result in a need for new police stations to serve the project, as existing police protection facilities would be capable of meeting the increased demand for services.

In addition, future developments allowed under the proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. For these reasons, the proposed project would not have a significant impact on police protection services**. (Less than Significant Impact)**

c) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 schools?

The project would not include residential uses and therefore would not directly generate new students. If new employees relocate to the City of San José as a result of the project, their children

could potentially enroll in a local public school, causing a small increase in students. However, this increase would be negligible and would not result in the need for new facilities to maintain acceptable performance objectives for schools. **(Less than Significant Impact)**

d) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 parks?

As discussed in Section 4.0, *Growth-Inducing Impacts*, the project would not significantly increase population within San José, as the GPA and rezoning would not include residential development. However, the project would result in an increase of employment in the project vicinity. While future employees may utilize nearby parks and trails, the slight increase in potential use would not be large enough to place a physical burden or a substantial increase in demand on these facilities such that it would result in the need for new facilities. Although located within the Guadalupe Gardens Master Plan, the parcels are not used for recreational purposes. Their development will not reduce the amount of recreational facilities in the project area to the extent that new facilities are needed elsewhere. **(Less than Significant Impact)**

e) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 other public facilities?

The land uses allowed onsite as a result of the GPA and rezoning would have the potential to generate employees. While future employees may utilize nearby public facilities, the slight increase in potential use would not be large enough to place a physical burden or a substantial increase in demand on these facilities such that it would result in the need for new facilities. **(Less than Significant Impact)**

3.15.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant public services impact?

The geographic area for cumulative public service impacts is within the City's boundaries.

As described above, the project would incrementally increase demand for fire and police protection services; however, there are currently adequate nearby fire and police department facilities to support the proposed development. Similarly, existing library, park, and public facilities are capable of meeting the incremental increase in demand generated by the project. The project does not

involve residential development and would not result in a substantial increase of students in the project area.

The project would comply with all standard conditions of approval intended to reduce impacts to public services, and is subject to state, county, and city codes regulating public services. For these reasons, the project would not contribute to a significant cumulative public services impact. **(Less than Significant Cumulative Impact)**

3.16 Recreation

3.16.1 Environmental Setting

3.16.1.1 *Regulatory Framework*

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes policies that address recreational resources during the planning horizon of the General Plan. The following goals, policies, and actions are applicable to the proposed project:

Policies	Description
PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
PR-1.3	Provide 500 square feet per 1,000 population of community center space.
PR-1.9	As Village and Corridor areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as part of new development projects; privately, or in limited instances publicly, owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities.

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25), requiring new residential development to either dedicate sufficient land to serve new residents or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

Greenprint

The Greenprint is a strategic plan to guide the City's expansion of parks, recreation facilities, and community services. The plan was first adopted by City Council in 2000 then updated in 2009.[97] The Greenprint contains strategies to support the overall mission of providing healthy communities through people, parks, and programs. The Greenprint identifies areas of the City that are underserved by park and recreation facilities and includes policies and strategies to correct those deficiencies. The General Plan incorporated the Greenprint 2009 strategies.

ActivateSJ Strategic Plan (2020-2040)

The ActivateSJ Strategic Plan is the latest 20-year strategic plan for the City of San José's Department of Parks, Recreation, and Neighborhood Services.[98] This plan does not replace the Greenprint 2009 update but instead is a complement to the Greenprint document and focuses more on the daily operations of the Department of Parks, Recreation, and Neighborhood Services. ActivateSJ includes key plan outcomes to support the following guiding principles: stewardship, nature, equity and access, identity, and public life. These guiding principles also align with the specific goals and policies of the General Plan.

3.16.1.2 *Existing Conditions*

The City of San José currently operates 202 neighborhood parks, 46 community centers, 10 regional parks, and over 65 miles of trails.[99] The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities. The nearest public park to the subject parcels is Columbus Park, located less than 100 feet southeast of Parcel 5.

[Note: For a discussion of issues associated with the Guadalupe Gardens Master Plan, please see Section 3.15.1.2.]

3.16.2 Impact Discussion

For the purpose of determining the significance of the project's impact on recreation:

1) 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?

[97] Ibid.
[98] Ibid.
[99] City of San José Department of Parks, Recreation, and Neighborhood Services. "Fast Facts." Accessed December 14, 2023.

2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

3.16.2.1 *Project Impacts*

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?

As discussed in Section 4.0, *Growth-Inducing Impacts*, the project would not significantly increase population within San José, as the proposed GPA and rezoning would not include residential development. However, the project would result in an increase of employment in the project vicinity. It can be reasonably assumed that some employees would use nearby parks or recreational facilities during breaks or after hours, thereby increasing demand for such facilities. For example, employees may choose to utilize the nearby trails along the Guadalupe River for walking or jogging. However, the increase in demand would be marginal and substantial physical deterioration of these facilities would not occur as a result of any use by employees of the project. The proposed project would not increase the use of existing parks and other recreational facilities such that construction of new facilities or expansion of existing recreational facilities would be required. **(Less than Significant Impact)**

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

As listed in Table 2.4.2, development on the subject parcels resulting from the project could potentially consist of private recreational facilities. This EIR analyzes the potential of the seven parcels onsite to be developed as any of the proposed land uses in Table 2.4.2, therefore the potential development of recreational facilities is accounted for in the analyses of this EIR. Additionally, while some future employees may choose to use nearby parks and recreational facilities (e.g., the trails along the Guadalupe River), this use would not require the construction or expansion of recreational facilities. **(Less than Significant Impact)**

3.16.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant recreation impact?

The geographic area for cumulative recreation impacts is within the City's boundaries.

As described above, the project would not result in the need for new recreational facilities or physically alter existing public parks or recreation facilities.

The project would comply with all standard conditions of approval intended to reduce impacts to recreation, and is subject to state, county, and city codes regulating recreation services. For these reasons, the project would not contribute to a significant cumulative recreation impact.
(Less than Significant Cumulative Impact)

3.17 Transportation

The following discussion is based in part on a Transportation Analysis completed by Hexagon Transportation Consultants in July 2023. A copy of the report is attached as Appendix E.

3.17.1 Environmental Setting

3.17.1.1 *Regulatory Framework*

State

Regional Transportation Plan

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted *Plan Bay Area 2050* on October 21, 2021, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2050.

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle-miles-traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions were required by the Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant. Notably, projects located within 0.50 mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Regional and Local

Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic level-of-service standards, transit service standards, a trip reduction and transportation demand management plan, a land use

impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1, Transportation Analysis Policy, the City of San José uses VMT as the metric to assess transportation impacts from new development. According to the policy, for a commercial/retail project, the impact would be less than significant if total VMT with the project is equal to or less than total VMT without the project. Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to a have a less-than-significant VMT impact.

If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access and recommend transportation improvements. The VMT policy does not negate Area Development policies and Transportation Development policies approved prior to adoption of Policy 5-1; however, it does negate the City's Protected Intersection policy as defined in Policy 5-3.

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes policies that address transportation during the planning horizon of the General Plan. The following goals, policies, and actions are applicable to the proposed project:

Policies	Description
TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and VMT.
TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.

Policies	Description
CD-2.3	Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Main Streets, and other locations where appropriate. o Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways. o Create easily identifiable and accessible building entrances located on street frontages or paseos. o Accommodate the physical needs of elderly populations and persons with disabilities. Integrate existing or proposed transit stops into project designs.
CD-3.3	Within new development, create a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

3.17.1.2 *Existing Conditions*

Existing Roadway Network

Interstate 880 (I-880) is a six-lane freeway in the vicinity of the project site. North of US 101, I-880 widens to an eight-lane freeway. It extends north to Oakland and south to I-280 in San José, at which point it makes a transition into SR 17 to Santa Cruz. Access to the project area from I-880 is provided via a full interchange with Coleman Avenue.

State Route 87 (SR 87) is a north-south six-lane freeway (two mixed-flow lanes and one high occupancy vehicle lane in each direction) that is located entirely within San José. It begins at its interchange with SR 85 and extends northward, terminating at its junction with US 101. Access to the project area from SR 87 is provided via a full interchange with Taylor Street.

Coleman Avenue is a north/south roadway that extends from Julian Street in Downtown San José to De La Cruz Boulevard/Reed Street in Santa Clara. Coleman Avenue is considered a "City Connector Street" based on the City's General Plan 2040 Street Typologies. Coleman Avenue becomes De La Cruz Boulevard north of Reed Street. Coleman Avenue varies in width from four to six lanes and has a posted speed limit of 40 miles per hour (mph). Coleman Avenue provides access to the project area via its interchange with I-880 as well as intersections with Taylor Street and Hedding Street.

Hedding Street is generally an east-west roadway that extends from Winchester Boulevard to US 101. Hedding Street is considered an "On-Street Primary Bicycle Facility" based on the City's General Plan 2040 Street Typologies. In the project vicinity, Hedding Street has a posted speed limit of 35 mph, sidewalks on both sides of the street, and one lane in each direction with striped bicycle lanes along the entire roadway. Access to the project area is provided via its intersection with Coleman Avenue.

Taylor Street is an east-west roadway that begins at US 101 and extends to The Alameda, where it transitions to Naglee Avenue. Taylor Street is considered a "City Connector Street" based on the City's General Plan 2040 Street Typologies. In the project vicinity, Taylor Street has a posted speed limit of 35 mph. Access to the project area is provided via its interchange with SR 87 as well as its intersection with Coleman Avenue.

Asbury Street is an east-west, two lane roadway that extends from The Alameda to Irene Street. Access to Parcel 5 is provided via Asbury Street.

Existing Pedestrian and Bicycle Facilities

Pedestrian Facilities

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. In the project vicinity, sidewalks are provided on both sides of Taylor Street between North First Street and The Alameda. Sidewalks are provided on both sides of Hedding Street with the exception of its overpass of the railroad tracks between Chestnut Street and Elm Street. Sidewalks are provided on Coleman Avenue between Julian Street and Brokaw Road with the exception of the east side of the street between the Coleman Avenue/I-880 Northbound Off-Ramp intersection and the Coleman Avenue/I-880 Southbound Off-Ramp intersection as well as the east side of the street between Julian Street and Santa Teresa Street. In the project vicinity, crosswalks are provided at the following locations:

- All approaches of the SR 87/Taylor Street interchange
- All approaches of the Coleman Avenue/Hedding Street intersection
- All approaches of the Coleman Avenue/Taylor Street intersection
- All approaches of the Ruff Drive and Hedding Street intersection
- East approach of the Spring Street and Taylor Street intersection

All of the crosswalks at the signalized intersections include pedestrian signal heads and push buttons. Sidewalks in the vicinity of the project provide adequate access to the local pedestrian network and the nearby transit facilities. Crosswalks are provided along only the west side of Coleman Avenue and its ramp intersections with I-880.

Bicycle Facilities

There are numerous bicycle facilities in the project vicinity, including a Class I bike path, Class II bicycle lanes, and Class III bicycle routes, as described below.

Class I Bikeway (Bike Path) are physically separated from motor vehicles and offer two-way bicycle travel on a separate path. A bike path runs along the Guadalupe River as part of a multi-use trail system shared between pedestrians and bicyclists and separated from motor vehicle traffic. The Guadalupe River Trail is an 11-mile continuous bike path from Curtner Avenue in the south to Alviso in the north. This trail system can be accessed via Hedding Street and Taylor Street, west of SR 87.

Class II Bikeway (Bike Lane) are striped bike lanes on roadways that are marked by signage and pavement markings. Within the project vicinity, striped bike lanes are present on the following roadway segments:

- Coleman Avenue – between Santa Teresa Street and Taylor Street and between I-880 and Champions Drive
- Hedding Street – along its entire length except between Ruff Drive and Coleman Avenue
- Taylor Street – between First Street and Walnut Street
- Stockton Avenue – between The Alameda and Emory Street
- Autumn Parkway – between Julian Street and Coleman Avenue

Class III Bikeway (Bike Route) are bike routes and only have signs to help guide bicyclists on recommended routes to certain locations. In the project vicinity, the following roadway segments are designated as bike routes:

- San Pedro Street – between Hedding Street and Coleman Avenue

The existing bicycle facilities within the project vicinity are shown on Figure 3.17-1.

Transit Services

Existing transit services in the project vicinity are provided by the Santa Clara Valley Transportation Authority (VTA) and Caltrain. The subject parcels are located an average of approximately 0.75 miles from Light Rail Transit (LRT) stations along First Street and 0.5 miles from the College Park Caltrain Station located along Stockton Street, north of Taylor Street. The transit services in the project vicinity are described below and shown on Figure 3.17-2.

VTA Bus Services

The VTA bus lines that operate within a 0.75-mile walking distance from at least one of the subject parcels are described below, including their route descriptions and commute hour headways.

Frequent Route 60 runs between the Milpitas BART Station and Winchester LRT Station via SJC and operates from 5:30 AM to 12:30 AM, with approximately 15-minute headways during the weekday commute periods. The closest bus stop to the subject parcels is located near the Coleman Avenue and Newhall Drive intersection.

Frequent Route 61 runs between Good Samaritan Hospital and the Piedmont Hills area of east San José and operates from 5:00 AM to 11:00 PM, with approximately 15-minute headways during the weekday commute periods. The closest bus stop to the subject parcels is located at the Hedding Street and Coleman Avenue intersection.

Frequent Route 22 runs between the Palo Alto and Eastridge Transit Centers and operates from 4:00 AM to 1:00 AM, with approximately 15-minute headways during the weekday commute periods. The closest bus stop to the subject parcels is located near The Alameda and Taylor Street Intersection.

Rapid Route 522 runs between the Palo Alto and Eastridge Transit Centers and operates from 5:40 AM to 11:00 PM, with approximately 15-minute headways during the weekday commute periods. The closest bus stop to the subject parcels is located near The Alameda and Taylor Street Intersection.

VTA Light Rail Services

VTA operates the 42.2-mile LRT system extending from South San José through downtown to the northern areas of San José, Santa Clara, Milpitas, Mountain View, and Sunnyvale. The service operates nearly 24 hours a day with 15-minute headways during most of the day. Two lines run within a 0.75 mile walking distance from at least one of the subject parcels, as described below

Blue LRT Line runs between the Baypointe and Santa Teresa LRT Stations and operates from 4:30 AM to 1:00 AM. The closest LRT stop in the project vicinity is located near the First Street and Mission Street intersection.

Green LRT Line runs between the Old Ironsides and Winchester LRT Stations and operates from 5:00 AM to 12:30 AM. The closest LRT stop in the project vicinity is located near the First Street and Mission Street intersection.

Caltrain Services

Commuter rail service between San Francisco and Gilroy is provided by Caltrain, which currently operates 92-weekday trains that carry approximately 47,000 riders on an average weekday. The subject parcels are located approximately 0.75 miles east of the College Park Station, between 1.3 to 1.9 miles northwest from the San José Diridon Station, and between 1.6 to 1.9 miles northwest from the Santa Clara Station.

Average Daily Traffic Volumes

Existing Average Daily Traffic (ADT) volumes were collected by Hexagon at two locations along Hedding Street, both west and east of Coleman Avenue, as part of the Transportation Analysis completed for the project (Appendix F). The ADT counts provide information on daily traffic volumes along Hedding Street, which is also a primary east-west bicycle route in the project vicinity. The ADT volumes for Hedding Street, west and east of Coleman Avenue, were recorded as 15,356 and 11,946 vehicles per day, respectively.

Source: Hexagon Transportation Consultants, Inc., July 28, 2023.

EXISTING BICYCLE FACILITIES | FIGURE 3.17-1

Source: Hexagon Transportation Consultants, Inc., July 28, 2023.

EXISTING TRANSIT SERVICES | FIGURE 3.17-2

3.17.2 Impact Discussion

For the purpose of determining the significance of the project's impact on transportation, would the project:

1) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?
2) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?
3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
4) Result in inadequate emergency access?

3.17.2.1 *Project Impacts*

a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?

Pedestrian Facilities

As described in Section 3.17.1.2, *Existing Conditions*, pedestrian facilities in the project area consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. The sidewalks and crosswalks allow access to VTA bus and LRT stops and Caltrain Stations. These pedestrian facilities would provide future employees and site visitors/customers with connectivity and access to transit stops and retail/commercial uses. Overall, the pedestrian facilities in the project vicinity provide adequate space and circulation along the project frontage. For these reasons, the project would not conflict with any plans, ordinances, or policies related to pedestrian facilities and adverse impacts would not occur. **(No Impact)**

Bicycle Facilities

As described in Section 3.17.1.2 and shown in Figure 3.17-1, there are numerous bicycle facilities in the project vicinity, including a Class I path, Class II bicycle lanes, and Class III bicycle routes. The project would not sever or impinge upon any of these existing facilities. Further, MM TRANS-1.1, described under Impact discussion b) below, requires the project to expand the reach of bicycle access in the project vicinity with investment in infrastructure. Specifically, the project would provide Class IV protected bike lanes using raised vertical delineators on Hedding Street eastbound between Coleman Avenue and Ruff Drive, as well as on Hedding Street westbound between Walnut Street and Ruff Drive. The proposed project would not impede implementation of the General Plan goals and policies related to bicycle facilities. For these reasons, the project would not adversely impact bicycle facilities. **(No Impact)**

Transit Facilities

As described in Section 3.17.1.2, *Existing Conditions*, existing transit services in the project vicinity are provided by VTA and Caltrain. Bus stops and rail stations are located within one mile of the subject parcels. Due to the proximity of public transit services to the subject parcels, it is reasonable to assume that some employees and site visitors would utilize the transit services provided. New transit trips generated by the project would not create demand in excess of the transit service that is currently provided. Further, to the extent that employees or users of the new land uses take transit instead of driving, that would support plans and policies that encourage transit use. For these reasons, the project would not conflict with any plans, ordinances, or policies related to transit facilities. **(No Impact)**

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b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

VMT Evaluation Methodology

The proposed GPA and rezoning would allow an estimated 258,720 square feet of commercial/retail uses on the project site. The San José City Council Policy 5-1 establishes guidelines for the generation of VMT by new development in the City and has determined screening criteria for different land uses. The proposed 258,720 square feet of commercial/retail space will exceed the City's screening threshold of 100,000 square feet for local-serving retail. Therefore, the proposed project is required to conduct a VMT analysis. The City of San José defines VMT as the total miles of travel by personal motorized vehicles a project is expected to generate in a day. A project's VMT is compared to established thresholds of significance based on the project location and type of development.

The proposed commercial/retail uses are not intended to be typical regional retail development, such as large shopping centers, which attract new trips from outside the general project area. Rather, the proposed commercial/retail uses are intended to serve the project area which is currently undeserved. As a result, the proposed GPA and rezoning would result in a redistribution of trips that are currently made to other similar uses in the surrounding area of the project. The premise of the trip redistribution is the assumption that some employees and customers would choose to work and shop at the project sites rather than continue to make trips to other sites for similar services. As part of the Transportation Analysis, Hexagon utilized the City of San José Travel Demand Forecasting Model (TDF model) to estimate the VMT of the proposed commercial/retail uses of the site. The estimation of VMT for the proposed commercial/retail uses consisted of a relocation of retail and service employment from surrounding areas to the project sites. The model also projects new trips that would be generated by the introduction of commercial/retail uses on the project site.

Hexagon, in consultation with City staff, identified ten small retail centers within a three-mile radius of the subject parcels that are similar to those proposed by the project from which existing trips may be redistributed and are equally balanced in terms of distance from the project vicinity (see Figure 3.17-3). The project's 258,720 square feet of commercial/retail space was converted to retail jobs,

using the typical ratio of one job per 400 square feet, for a total of 647 jobs. The 647 new jobs were then removed from the Traffic Analysis Zones (TAZs) that reflect each of the ten selected similar sites within the model. The jobs were redistributed proportionally based on the number of existing jobs at each site and then added to the project's TAZs (which already include 139 jobs in the TDF model). The TDF model was then used to obtain projections of daily VMT for work and customer trips, with and without the redistribution adjustments, for the affected TAZs.

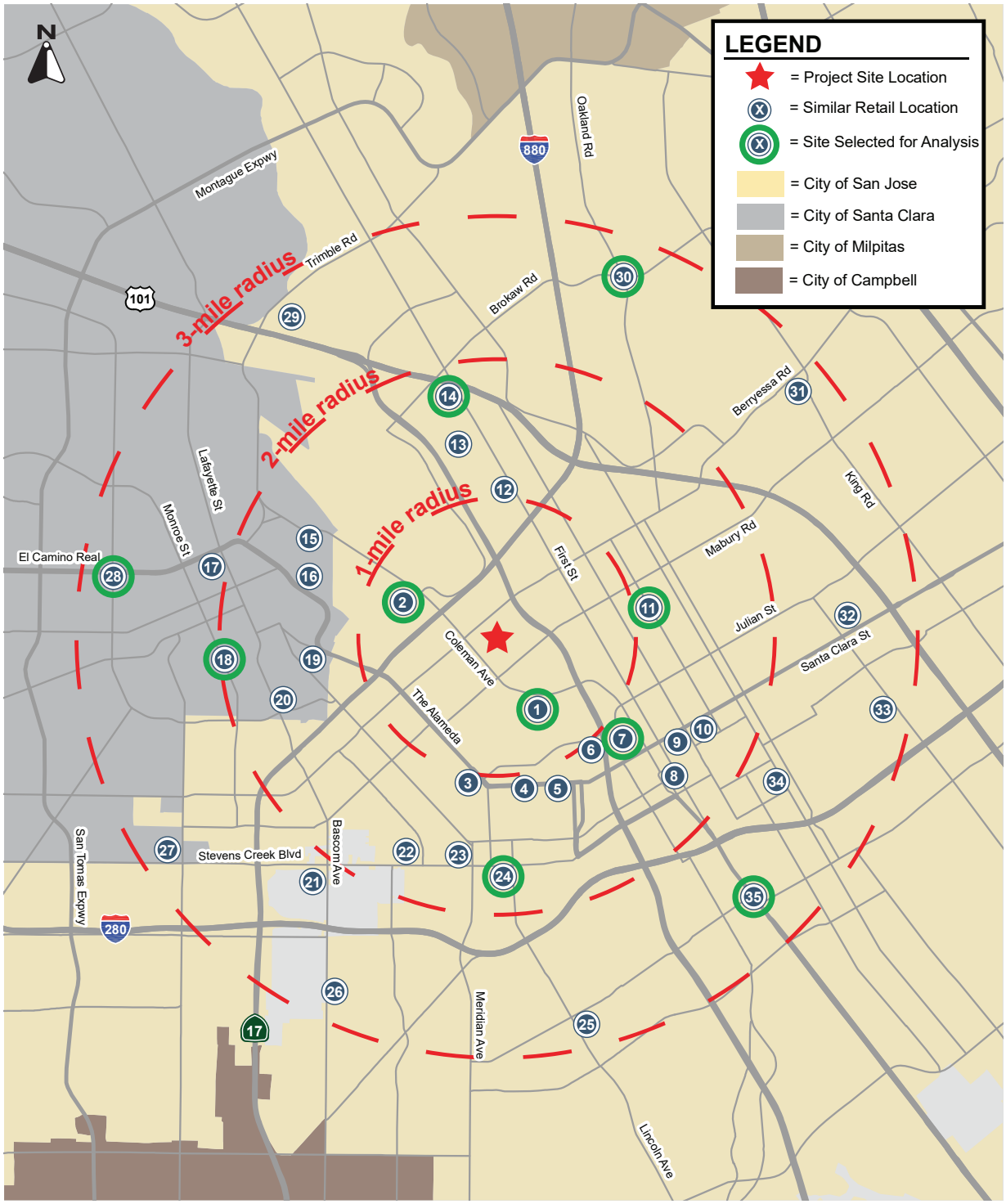
VMT Analysis

The thresholds of significance for retail development projects, as established in the City's Transportation Policy 5-1, are based on the existing regional average total VMT. However, the proposed commercial/retail uses of the project will redistribute trips that are currently made to other surrounding similar retail uses to the project sites. Therefore, the total VMT for all existing development within the ten selected TAZs, from which trips would be redistributed to the project sites, serves as the baseline from which the commercial/retail uses of the project are evaluated. Projects that include retail uses are said to create a significant adverse impact on the transportation system when the project results in an increase in total VMT. The existing VMT for retail uses of the ten selected TAZs in the area surrounding the project sites is 444,815. The project would generate a total VMT of 448,023 for the selected TAZs in the project area, which is an increase of 3,208 VMT in the area surrounding the project sites. Therefore, the project would result in an impact on the transportation system based on the City's VMT impact criteria. The increase in VMT is due to the subject parcels' location within an area that is primarily industrial/commercial, as there are limited residential uses which are the primary generator of retail customers/patrons.

As directed by City staff, the City's VMT tool was utilized to evaluate the effectiveness of potential VMT reduction measures to mitigate the project's increase in VMT, since the TDF model is limited in its capabilities to reflect all VMT reduction measures. The VMT tool indicated that the project would have the potential to generate 12.89 VMT per employee, which exceeds the City's Transportation Policy impact threshold of 12.21 VMT per employee.

Impact TRANS-1: Development of the proposed project would result in an increase in VMT above the City's impact threshold of 12.21 VMT per employee for retail uses.

Mitigation Measures: The following mitigation measures, which are included in the project, would reduce and/or avoid impacts to VMT to a less than significant level.



Source: Hexagon Transportation Consultants, Inc., July 28, 2023.

SIMILAR RETAIL SITES IN THE PROJECT VICINITY | FIGURE 3.17-3

MM TRANS-1.1: **Expand the Reach of Bicycle Access with Investment in Infrastructure.** Prior to the issuance of the first Building Occupancy Permit, the project developer shall provide a fair-share contribution to the construction of Class IV protected bike lanes using raised vertical delineators on Hedding Street eastbound between Coleman Avenue and Ruff Drive, as well as on Hedding Street westbound between Walnut Street and Ruff Drive. This multi-modal infrastructure improvement shall be part of a Public Improvement Plan that describes how the bike lanes will be implemented. The Public Improvement Plan shall be reviewed and approved by the City's Director of Public Works or the Director's designee. The implementation of the Public Improvement Plan shall be verified by the Director of Public Works or the Director's designee prior to approval of Planned Development permits for development on the seven subject parcels.

MM TRANS-1.2: **Traffic Calming Measures.** As part of the implementation of the Class IV protected bike lanes required in MM TRANS-1.1, the removal of an eastbound travel lane on Hedding Street, between Walnut Street and Ruff Drive, will be required prior to approval of Planned Development permits for development on the seven subject parcels. The lane reduction along Hedding Street will create a more bicycle-friendly environment and enhance cyclist safety.

MM TRANS-1.3: **Commute Trip Reduction Marketing and Education.** Transportation Demand Management (TDM) Plan(s) will be prepared for development on the seven subject parcels. The number of Plans will depend on the number, scope, and timing of development applications received by the City. Prior to the issuance of Planned Development permits on each subject parcel, the TDM Plan(s) shall be approved by the City's Director of Public Works or the Director's designee and the Director of Planning, Buildings, and Code Enforcement or the Director's designee. The TDM Plan(s) shall consist of implementation of the following measure.

- The project developer for each parcel shall implement marketing/educational campaigns that promote the use of transit, shared rides, and travel through active modes. Strategies may include the incorporation of alternative commute options into new employee orientations, event promotions, and publications.

The TDM Plan(s) shall include a trip cap for VMT monitoring purposes. The trip cap shall be determined by a traffic engineer using the methodology employed in Appendix F of this EIR, such that the number of trips will not translate into an increase in VMT over No Project conditions. Annual monitoring will occur to determine if vehicle trips generated by the project are within ten percent of the trip cap determined by the traffic engineer. The annual trip monitoring reports shall be submitted to the City's Director of Public Works or the Director's designee. If the annual trip monitoring report finds that the project is exceeding

the established trip cap, a follow-up report shall be prepared and submitted to the City's Director of Public Works or the Director's designee that demonstrates compliance with the trip cap requirements within a period not to exceed six months.

With implementation of MM TRANS-1.1 through MM TRANS-1.3, the projected VMT generated by the project would be reduced to 12.10 per employee, which would be below the established threshold of 12.21 VMT per employee. Further, with this mitigation, the project would not result in an increase in daily VMT as compared to No Project conditions. As a result, the project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). **(Less than Significant Impact with Mitigation Incorporated)**

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

Site Access

According to the City of San José Department of Transportation Geometric Design Guidelines, the typical width for a two-way driveway that serves a commercial/industrial development is 16 to 32 feet wide. According to the City of San José Commercial Design Guidelines, two-way access driveways to loading areas and service yards should have a minimum width of 26 feet, one-way aisles should have a minimum width of 12 feet, and aisles designated as Fire Lanes must have a minimum width of 26 feet.[100] Driveways must also be designed to take into account truck turning radii. This provides adequate width for vehicular ingress and egress. Any development on the subject parcels would be required to provide driveways that meet the requirements described above. Compliance with these requirements would be required as part of future project plan reviews.

Sight Distance

Providing the appropriate sight distance reduces the likelihood of a collision at a driveway or intersection and provides drivers with the ability to locate sufficient gaps in traffic to exit a driveway. As part of the building permits project review, the City's Public Works Department shall review the project plans for each development to ensure that the project driveway will be free and clear of any obstructions to provide adequate sight distance, thereby ensuring that exiting vehicles can see pedestrians on the sidewalk and vehicles and bicycles traveling along each development frontage. Any landscaping and signage shall be located in such a way to ensure an unobstructed view for drivers exiting the site. Acceptable sight distance at project driveways must comply with the American Association of State Highway Transportation Officials sight distance guidance to reduce the probability of collision at a driveway, which is determined based on the speed limit of the subject

[100] City of San José Department of City Planning. Commercial Design Guidelines. May 1990. https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/start-a-new-project-or-use/design-guidelines

street. **(Less than Significant Impact)**

d) Would the project result in inadequate emergency access?

Any development on the subject parcels would be required to comply with the San José Fire Department standards to provide adequate emergency access. For this reason, the project would not result in inadequate emergency access and would comply with City guidelines for emergency access. **(No Impact)**

3.17.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant transportation impact?

CEQA Guidelines Section 15064.3, Subdivision (b)

The City's Transportation Analysis Manual established VMT thresholds to ensure development in the City does not result in a significant increase in VMT. With implementation of MM TRANS-1.1 through MM TRANS-1.3, the VMT generated by the project would be 12.10 per employee, which would be below the established threshold of 12.21 per employee. Projects in the vicinity would also be required to comply with the City's established VMT thresholds. As a result, the project would not result in, or contribute substantially to, a significant cumulative VMT impact.

General Plan Transportation Policies

As discussed under Impact a) above, the project would be consistent with applicable General Plan policies regarding transportation and, therefore, would not have a cumulatively considerable contribution to a significant cumulative conflict with those policies.

Emergency Access and Geometric Design

All cumulative projects (including the project) would comply with current building and fire codes and be reviewed by the Fire Department to ensure adequate emergency access. For these reasons, the cumulative projects would not result in a significant cumulative impact to emergency access. The project would be required to provide adequate sight distance and would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). For these reasons, the cumulative projects would not result in a significant cumulative impact due to transportation hazards. **(Less than Significant Cumulative Impact)**

3.18 Tribal Cultural Resources

3.18.1 Environmental Setting

3.18.1.1 *Regulatory Framework*

State

Senate Bill 18

The intent of Senate Bill 18 (SB 18), passed in 2004, is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult with California Native American tribes on projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process, as further detailed in AB 52, discussed below.

Assembly Bill 52

AB 52, effective July 2015, established a new category of resources for consideration by public agencies called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a TCR, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a TCR or until it is concluded that mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
    - Included or determined to be eligible for inclusion in the *California Register of Historic Resources*, or
    - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- A resource determined by the lead agency to be a TCR.

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes policies that address tribal cultural resources during the planning horizon of the General Plan. The following goals, policies, and actions are applicable to the proposed project:

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

3.18.1.2 *Existing Conditions*

Native Americans occupied the Santa Clara Valley and the greater Bay Area for more than 5,000 years. The exact time period of the Ohlone (originally referred to as Costanoan) migration into the Bay Area is debated by scholars. Dates of the migration range between 3,000 B.C. and 500 A.D. Regardless of the actual time frame of their initial occupation of the Bay Area and, in particular Santa Clara Valley, it is known that the Ohlone had a well-established population of approximately 7,000 to 11,000 people with a territory that ranged from the San Francisco Peninsula and the East Bay, south through the Santa Clara Valley and down to Monterey and San Juan Bautista. The Ohlone people were hunter/gatherers focused on hunting, fishing, and collecting seasonal plant and animal resources, including tidal and marine resources from San Francisco Bay. The customary way of living, or lifeway, of the Costanoan/Ohlone people disappeared by about 1810 due to disruption by introduced diseases, a declining birth rate, and the impact of the California mission system established by the Spanish in the area beginning in 1777.

A records search of the Native American Heritage Commission (NAHC) Sacred Lands File was completed for the project site in January 2023. The results were positive, with two Tribes listed as having specific information on tribal cultural resources (Muwekma Ohlone Indian Tribe of the SF Bay Area and the Ohlone Indian Tribe). Eight other individuals or Tribes were listed as possibly able to supply additional information. Letters and/or emails were sent to the 11 locally knowledgeable Native American individuals/organizations identified by the NAHC. Responses were received from the Muwekma Ohlone Indian Tribe, the Tamien Nation, and the Northern Valley Yokut/Ohlone/Patwin. Additional information was supplied to The Ohlone Indian Tribe for review. Below is a summary of the responses received:

Tamien Nation Tribe. The Tamien Nation Tribe responded the following: “This project will have an adverse impact to tribal cultural resources and formal consultation with Tamien Nation will be needed. A monitoring and treatment plan in collaboration with Tamien Nation is important. We also do not support preliminary investigations as they cause impacts.”

Muwekma Ohlone Indian Tribe. The Muwekma Ohlone Indian Tribe made the following recommendations:

- Due to the proximity of the proposed City of San José Rezoning Project area to other ancestral heritage sites found east of the project location, and the project's proximity to the Thámien Rúmmey (Guadalupe River) drainage, as well as the fact that other large ancestral cemetery sites have been recorded in downtown City of San José, all future foundation and subsurface demolition, utility trenching, and earthmoving activities during construction should be monitored by a Muwekma Ohlone tribal monitor and a tribal archaeologist.
- Should any significant subsurface historic and especially pre-contact ancestral Ohlone features and/or burials be encountered, then all work shall be halted within 50 feet of the find until the feature can be fully evaluated and determined to be significant.
- Should any ancestral human remains be discovered during the course of construction, then the Muwekma Ohlone Tribal leadership and archaeologists should be contracted and involved in this exposure, removal, documentation, analysis, construction to final report, and the eventual reburial of our ancestral remains as close to the original cemetery.

Northern Valley Yokut/Ohlone/Patwin. The Northern Valley Yokut/Ohlone/Patwin noted that the area is sensitive to burials and recommended that all ground disturbances be monitored by a Native American Monitor.

Ohlone Indian Tribe. The Ohlone Indian Tribe recommended standard conditions be implemented, including a Worker Awareness Cultural Training for construction personnel, the use of archaeologists with previous experience in Northern and Central California archaeology, and the retention of qualified and trained Native American monitors in the event of a discovery.

AB 52 requires lead agencies to complete formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. The City sent AB 52 Notification Letters and the project's cultural resources assessment to Tamien Nation and Indian Canyon Band of Costanoan Ohlone People on April 24, 2023 and on September 25, 2023, respectively, notifying them of the proposed project and giving an opportunity for the tribes to request consultation under AB 52. The City received a request for consultation from Tamien Nation on May 5, 2023 and a request for consultation from Indian Canyon Band of Costanoan Ohlone People on October 6, 2023.

3.18.2 Impact Discussion

For the purpose of determining the significance of the project's impact on tribal cultural resources, would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape

that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1) Listed or eligible for listing in the *California Register of Historical Resources*, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?
2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

3.18.2.1 *Project Impacts*

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

No tribal cultural resources, including sites, features, places, cultural landscapes or sacred places have been identified based on available information. However, as discussed in Section 3.18.1.2, *Existing Conditions*, there is potential for undiscovered archaeological resources to exist on site. As described in Section 3.5, *Cultural Resources*, the project developer would follow all Standard Permit Conditions to avoid impacts to unknown subsurface cultural resources. Additionally, MM CUL-1.1 requires construction personnel to receive cultural resources sensitivity awareness training from a qualified archaeologist and Native American and that an archaeologist and Native American monitor observe excavation of native soils. These measures would be applicable to tribal cultural resources and would function to avoid impacts to such resources if they are discovered on-site. Therefore, the proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed on local or state registers.

In response to the request for formal consultation, City Staff met with Tamien Nation at a virtual monthly meeting on September 21, 2023 to discuss the project. The Tribal Representative from Tamien Nation indicated that the project had a high potential to impact Tribal Cultural Resources and requested to review the project's cultural resources assessment and proposed mitigation measures to provide written comments. The City sent the project's cultural resources assessment and proposed mitigation measures to the Tribal Representative from Tamien Nation but did not receive specific recommendations. City Staff met with the Indian Canyon Band of Costanoan Ohlone People during a tribal consultation meeting on October 13, 2023. The Tribal Representative from the Indian Canyon Band of Costanoan Ohlone People stated that the project area is sensitive for Tribal Cultural Resources and deferred to Tamien Nation for any recommendations. City Staff continued to meet with Tamien Nation during virtual monthly meetings on April 18, 2024, and May 16, 2024, but did not receive specific feedback on the project's cultural resources assessment and proposed mitigation

measures. On June 5, 2024, the City sent a final request for feedback by a June 19, 2024 deadline to Tamien Nation. No response was received by the requested deadline and, therefore, the City has concluded that mitigation measures CUL-1.1-1.4 are sufficient. **(Less than Significant Impact)**

b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?

See response to Question a). **(Less than Significant Impact)**

3.18.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant tribal cultural resources impact?

The geographic study area for cumulative impacts to tribal cultural resources is the surrounding area (within 1,000 feet of the subject parcels). The SJC Airport Master Plan is the closest approved project to the subject parcels, but is located 1,500 feet from the closest subject parcel. Cumulatively, the SJC Airport Master Plan and other future projects in San José may require excavation and grading or other activities that have the potential to affect tribal cultural resources. No tribal cultural resources were identified within the project area, although San José contains numerous Native American archaeological sites.

Cumulative projects would be required to implement Standard Permit Conditions or mitigation measures that would avoid impacts and/or reduce them to a less than significant level consistent with CEQA and AB 52 requirements. These projects would also be subject to the federal, state, and county laws regulating archaeological resources and human remains. For these reasons, the proposed project in combination with other projects in San José would not result in a significant cumulative tribal cultural resources impact. **(Less than Significant Cumulative Impact)**

3.19 Utilities and Service Systems

The following discussion is based, in part, on a Wet Utilities Study completed by HMH Engineers, dated October 31, 2023. This report is included as Appendix G to this EIR. For the purposes of modeling, a Commercial Office Use was conservatively used to study the wet utilities availability for these subject parcels due to its relatively high utility usage. Additionally, this discussion is based, in part, on a Water Supply Assessment completed by San José Water, dated January 2024. This report is included as Appendix H to this EIR.

3.19.1 Environmental Setting

3.19.1.1 *Regulatory Framework*

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of San José adopted its most recent UWMP in June 2021.[101]

Assembly Bill 939

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

Assembly Bill 341

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

[101] City of San José. *City of San Jose 2020 Urban Water Management Plan*. June 2021. Accessed June 8, 2022. https://www.sanjoseca.gov/home/showpublisheddocument/422/637602045327100000

Assembly Bill 1826

AB 1826 sets forth the requirements of the statewide mandatory commercial organics recycling program for businesses and multi-family dwellings with five or more units that generate two or more cubic yards of commercial solid waste per week. AB 1826 sets a statewide goal for 50 percent reduction in organic waste disposal by the year 2020.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025. CalRecycle released an analysis titled "Analysis of the Progress Toward the SB 1383 Organic Wase Reduction Goals" in August of 2020, which recommended maintaining the disposal reduction targets set forth in SB 1383.[102]

Senate Bill 610

SB 610 amended state law, effective January 1, 2002, to improve the link between information on water supply availability and certain land use decisions made by cities and counties. SB 610 requires preparation of a Water Supply Assessment (WSA) containing detailed information regarding water quality to be provided to the decision-makers prior to approval of a specific large development projects that also requires a General Plan Amendment. This WSA must be included in the administrative record that serves as the evidentiary basis for an approval action by the city or county on such projects. Under SB 610, WSAs must be furnished to local governments for inclusion in any environmental documentation for certain projects subject to CEQA. Pursuant to the California Water Code (Section 10912[a]), projects that require a WSA include the following:

- A proposed residential development of more than 500 dwelling units;
- A proposed shopping center or business establishment employing more than 1,000 persons for having more than 500,000 square feet of floor space;
- A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
- A proposed hotel or motel, or both, having more than 500 rooms;
- A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area;
- A mixed-use project that includes one or more of the projects identified in this list; or

[102] CalRecycle. Analysis of the Progress Toward the SB 1383 Organic Wase Reduction Goals. August 18, 2020. https://www2.calrecycle.ca.gov/Publications/Details/1693#:~:text=Analysis%20of%20the%20Progress%20Toward,(DRRR%2D2020%2D1693)&text=SB%201383%20establishes%20targets%20to,75%20percent%20reduction%20by%202025.

- A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

SB 610 and the California Water Code (Section 10912[a]) require a WSA to (1) state whether the water supply needs of the development can be met by the supplies available to the water provider as described in its UWMP and (2) determine if the water provider's available water supplies are capable of meeting the development need's during single-dry and multiple-dry water years as described in the UWMP's 20-year projection.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal, and Recycling

In January 2023, the State of California adopted the most recent California Green Building Standards Code (CalGreen), establishing mandatory green building standards for all new and qualifying remodeled structures in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition debris or meeting the local construction and demolition waste management ordinance, whichever is more stringent (see San José-specific CALGreen building code requirements in the local regulatory framework section below); and
- Providing readily accessible areas for recycling by occupants.

Local

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes policies that address utilities during the planning horizon of the General Plan. The following goals, policies, and actions are applicable to the proposed project:

Policies	Description
IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.

Policies	Description
IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than "D," or development which would be served by downstream lines already operating at a LOS lower than "D," to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.
MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.
EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

In addition to the above-listed San José General Plan policies, new development in San José is also required to comply with programs that mandate the use of water-conserving features and appliances and the *Santa Clara County Integrated Watershed Management (IWM) Program*, which minimizes solid waste.

San José Zero Waste Strategic Plan/Climate Smart San José

The *Climate Smart San José* provides a comprehensive approach to achieving sustainability through new technology and innovation. The *Zero Waste Strategic Plan* outlines policies to help the City of San José foster a healthier community and achieve its *Climate Smart San José* goals, including 75 percent waste diversion by 2013 and zero waste by 2022. The *Climate Smart San José* also includes ambitious goals for economic growth, environmental sustainability, and enhanced quality of life for San José residents and businesses.

San José Sewer System Management Plan

The purpose of the *Sewer System Management Plan (SSMP)* is to provide guidance to the City in the operation, maintenance, and rehabilitation of the sewer assets of the City of San José. The SSMP includes construction standards and specifications for the installation and repair of the collection system and its associated infrastructure.

Private Sector Green Building Policy

The City of San José's Green Building Policy for new private sector construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in the design process. This policy establishes baseline green building standards for private sector construction and provides a framework for the implementation of these standards. It is also intended to enhance the public health, safety, and welfare of San José residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water, and other resources.

City of San José Storm Master Plan

The City's *Storm Master Plan* evaluates the capacity and condition of storm drain collection systems in order to recommend Capital Improvement Projects (CIPs). As of late 2023, the Storm Master Plan is a current project, continually being updated based on available information.[103] Within the project vicinity, there is an existing CIP identified at McKendrie Street and Taylor Street.[104]

Improvements needed to the City's stormwater system are funded through the collection of storm drain connection fees. Developers are required to pay the appropriate storm drain connection fee prior to development of a property.[105]

City of San José Sanitary Master Plan

The City's *Sanitary Master Plan* evaluates the capacity and condition of sanitary sewer systems in order to recommend CIPs. Improvements needed to the City's sanitary sewer system are funded through the collection of sanitary sewer connection fees. Developers are required to pay the appropriate sanitary sewer connection fee prior to development of a property.[106]

3.19.1.2 *Existing Conditions*

Water Supply

Water service is provided to the City of San José by three water retailers: San José Water (SJW), the City of San José Municipal Water System, and the Great Oaks Water Company. Water services to the project site are provided by the SJW.[107] The service area of SJW is 139 square miles, including most of the cities of San José and Cupertino, entire cities of Campbell, Monte Sereno, Saratoga, the Town

[103] HMH. *Wet Utilities Study.* October 31, 2023. Page 5, Attachment 1.
[104] Ibid.
[105] City of San José. "Stormwater & Wastewater." Accessed December 22, 2023. https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/water-utilities/stormwater-wastewater
[106] City of San José. "Sanitary Sewer Service & Use Charges." Accessed December 22, 2023. https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/water-utilities/regional-wastewater-facility/sanitary-sewer-service-charges
[107] Valley Water. "Water Service Area." Accessed December 22, 2023. https://valleywater.maps.arcgis.com/apps/webappviewer/index.html?id=0f05e5c2956b49da940b62b0313ae142

of Los Gatos, and parts of unincorporated Santa Clara County. Potable water provided to SJW's service area is sourced from groundwater, imported treated water and local surface water. Approximately 50 percent of SJW's water supply is purchased from Valley Water, 30 to 40 percent is pumped from local groundwater aquifers, and less than 10 percent comes from local surface water sources.[108] Based on water supply projections reported in Valley Water's 2020 Urban Water Management Plan, conservation methods currently employed, and SJW's active commitment to these methods, SJW expects to be able to meet the needs of their service area through at least 2045 for average and single-dry years without a call for mandatory water use reductions.[109]

The seven parcels that comprise the project site are vacant and do not generate water demand.

Wastewater Services

Wastewater from the City is treated at the San José/Santa Clara Regional Wastewater Facility (RWF) which is administered and operated by the City of San José's Department of Environmental Services. The RWF provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater a day (mgd). The RWF treats an average of 110 mgd and serves 1.4 million residents.[110] The City of San José is allocated 108.6 mgd of existing capacity at the RWF. The City of San José generates approximately 69.8 mgd of dry weather average flow, leaving 38.8 of excess treatment capacity at the RWF for the City's wastewater treatment demands.[111]

The subject parcels are vacant and no wastewater is generated onsite. Parcels 1 through 5 can be served by connections to the 6" VCP sanitary sewer line in Coleman Avenue. Parcels 6 and 7 can be served by connections to a 21" VCP and 42" CIPP sanitary sewer lines in West Hedding Street, a 12" VCP and 33" VCP sanitary sewer lines in Spring Street, and an 8" VCP sanitary sewer line in Ruff Drive.[112]

Stormwater Drainage

The City of San José owns and maintains the municipal stormwater drainage system, which serves the project site. Currently, the project parcels are undeveloped and 100 percent pervious, with the exception of Parcel 5, which contains a small portion of paved and developed land. Stormwater on the existing site likely infiltrates into the soil but is it possible there is some overland release of stormwater directly into the Guadalupe River during heavy rain flow.

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[108] San José Water. *2020 Urban Water Management Plan*. June 2021.
[109] San José Water. Water Supply Assessment – General Plan Amendment and Planned Development Rezoning for the Coleman and Hedding Commercial Development Project. January 2024.
[110] City of San José. "San José – Santa Clara Regional Wastewater Facility." Accessed December 22, 2023. https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/water-utilities/regional-wastewater-facility
[111] City of San José. *Envision San José 2040 General Plan FEIR.* September 2011. Page 648.
[112] City of San José. "Utility Viewer." Accessed December 22, 2023. https://gis.sanjoseca.gov/maps/utilityviewer/

Parcels 1, 2, 6, and 7 are included in subcatchments that drain to a 30" RCP storm drain line in West Hedding Street. Parcels 3, 4, and 5 drain to a 24" RCP storm drain line on West Taylor Street.[113]

Solid Waste

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California IWMB in 1996 and was reviewed in 2004 and 2007. Based on the IWMP, the County has adequate landfill capacity. In October 2007, the San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. According to the IWMP, the County has adequate disposal capacity beyond 2030.[114] Solid waste generated within the County is transported to Guadalupe Mines, Newby Island, and Zanker Road landfills. In 2019, there were approximately 600,000 tons of material generated in San José that was disposed in various landfills throughout the State. Newby Island, however, only received approximately 290,000 of that tonnage. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.[115]

Municipal solid waste generated in the City is first processed at various approved facilities in San José, and the residuals are disposed at Newby Island Sanitary Landfill (NISL). The City has an existing contract with NISL. The estimated closure date for NISL is 2035 and the facility has a remaining life of 12 years.[116] The City has an annual disposal allocation for 395,000 tons per year. As of May 2023, NISL had approximately 12.4 million cubic yards of capacity remaining.[117]

The subject parcels are vacant and do not currently generate solid waste.

Electric Power, Natural Gas, and Telecommunications

The subject parcels are vacant and do not generate demand for electric power, natural gas, or telecommunications services.

3.19.2 Impact Discussion

For the purpose of determining the significance of the project's impact on utilities and service systems, would the project:

1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications

[113] HMH. *Wet Utilities Study.* October 31, 2023. Page 5, Attachment 1.
[114] Ibid.
[115] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 2016.
[116] Boccaleoni, Anthony. Division Manager, Republic Services. Personal Communication. May 12, 2023.
[117] Ibid.

facilities, the construction or relocation of which could cause significant environmental effects?

2) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?
3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
4) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
5) Be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?

3.19.2.1 *Project Impacts*

a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Water Facilities

Any development on the subject parcels would connect to existing water lines in Coleman Avenue and West Hedding Street. As discussed in Section 3.10.1.2, *Existing Conditions*, SJW is the water retailer for the project site. SJW's UWMP determined that the SJW has sufficient supplies to meet demands in its service area through 2045 under average, single-dry, and five consecutive dry years.[118]

The above conclusion notwithstanding, the proposed project is a GPA/rezoning project that is not consistent with the San José General Plan growth projections used to analyze future water supply and demand in the UWMP. Therefore, per Senate Bill 610, preparation of a Water Supply Assessment (WSA) was required for this project. The WSA, which was prepared by SJW in January 2024, concluded the following:

- Total net potable water demand for the Project is estimated at 72.4 acre-feet per year and represents a 0.06 percent increase in total system usage when compared to SJW's 2020 potable water production. The increased demand is consistent with forecasted demands

[118] San José Water. *2020 Urban Water Management Plan*. June 2021. Page 8-1.

represented in SJW's 2020 UWMP, which projected a 12.2 percent increase in total system demand between 2020 demand and projected 2045 demand.

- SJW currently has contracts or owns rights to receive water from the following sources:
    - Groundwater – from the Santa Clara Subbasin
    - Imported and local surface water – from Valley Water
    - Local surface water – from Los Gatos Creek, Saratoga Creek, and local watersheds
    - Recycled water – from South Bay Water Recycling
- SJW works closely with Valley Water to manage its demands and imported water needs. The projected water demand for this development is within previously determined growth projections for water demand in SJW's system.

As described in the WSA and based on Valley Water's water supply plans and UWMP projections, SJW expects to be able to meet the needs of the service area through at least 2045 for average and single-dry years without a call for water use reductions. SJW has the capacity to serve this project through buildout based on current water supply capacity and Valley Water's proposed water supply projects. Valley Water is pursuing water supply solutions to meet the established level of service goal to provide 80 percent of annual water demand for drought years. SJW is committed to working with Valley Water to meet future demands and mitigate shortages. After comparing estimated demand associated with this project to water supplies, based on both the SJW and Valley Water UWMPs, SJW has determined that the water quantity needed is within normal growth projections and expects for there to be sufficient water available to serve the Project.[119] The project may result in the removal of an existing 6" SJW main along University Avenue.

Sanitary Sewer and Wastewater Treatment

As discussed in Section 3.19.1.2, *Existing Conditions*, wastewater generated by the proposed project would be disposed of at the RWF. As shown in Table 3.19-1, the proposed project is conservatively estimated to generate a maximum of 36,221 gallons of wastewater per day (13,220,665 per year). The RWF currently has approximately 38.8 million gallons per day of excess wastewater treatment capacity. Wastewater from the proposed project would be treated at the RWF which has adequate capacity to accommodate the increased demand created by the project. In addition, the project would comply with CALGreen requirements and the City's Private Sector Green Building Policy.

Any development on Parcels 1 through 5 would connect to a 6-inch sanitary sewer line in Coleman Avenue, while any development on Parcels 6 and 7 would connect to a 42-inch sanitary sewer line in West Hedding Street. If development on Parcels 1 through 5 were to connect to surrounding pipelines other than the 6-inch line in Coleman Avenue, this could exacerbate the existing capacity on Spring Street.[120] The following Standard Permit Condition will be included in the project to ensure impacts to surrounding wastewater pipes are less than significant.

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[119] Source: San Jose Water Company, *Water Supply Assessment for the General Plan Amendment and Planned Development Rezoning for the Coleman and Hedding Commercial Development Project*, January 2024.
[120] HMH. *Wet Utilities Study.* October 31, 2023.

Table 3.19-1: Estimated Wastewater Generation Assuming Maximum Land Use

Parcel	Maximum Building Size (sf)	Maximum Number of Occupants	Wastewater Generation (gpd)
1	75,750	429	10,605
2	83,250	472	11,655
3	1,860	11	260
4	4,800	27	672
5	83,400	473	11,676
6	--	--	--
7	9,600	55	1,352
Total	**258,720**	**1,466**	**36,221**

Notes:
Square feet = sf
Gallons per day = gpd
Source: HMH. *Wet Utilities Study.* October 31, 2023. Page 4, Table A – Wet Utility Usage Information.

Standard Permit Condition: The project shall implement the following standard permit condition to reduce impacts associated with increased wastewater generation:

- Any development at Parcels 1 through 5 shall connect to the existing sanitary sewer system along Coleman Avenue.

Thus, implementation of the project would not exceed wastewater treatment requirements or require the construction or expansion of wastewater treatment facilities.

Stormwater Drainage

Development of the subject parcels is likely to increase impervious surfaces over existing conditions; however, the project would implement construction and post-construction BMPs and runoff treatment controls to address the resulting changes in runoff volume and water quality (refer to Section 3.10, *Hydrology and Water Quality*).

As described in Section 3.19.1.2, *Existing Conditions*, the City has identified an existing CIP at McKendrie Street and Taylor Street. Modeling shows that there would be minimal impact to the stormwater system.[121] Development of the subject parcels would comply with stormwater connection fees, which would fund the improvements. Therefore, the project would not require the construction of new stormwater drainage facilities or expansion of existing facilities.

[121] HMH. *Wet Utilities Study.* October 31, 2023. Page 5, Attachment 1.

Electric Power, Natural Gas, and Telecommunications

The project would utilize existing connections for electrical and telecommunication systems. Additionally, there are existing PG&E utilities located along University Avenue which will be removed. However, the proposed project would have a less than significant impact on these facilities. **(Less than Significant Impact)**

b) Would the project have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

A Water Supply Assessment (WSA) was completed for the project by SJW, as required by SB 610. The WSA determined that the project would have a total net potable water demand increase of 72.4 acre-feet per year compared to existing conditions present onsite. This would represent a 0.06 percent increase in total system usage when compared to SJW's 2020 potable water production. The increased demand is consistent with forecasted demands represented in SJW's 2020 Urban Water Management Plan, which projected a 12.2 percent increase in total system demand between 2020 demand and projected 2045 demand. Therefore, the projected water demand for the project is within previously determined growth projections for water demand in SJW's system and there would be sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. **(Less than Significant Impact)**

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

As discussed under checklist question "a," all wastewater from the proposed project would be treated at the RWF, which has adequate capacity to accommodate the increased demand created by the project. Therefore, the project would not result in a determination by the wastewater treatment provider that it does not have adequate capacity to serve the project's projected demand in addition to its existing commitments. **(Less than Significant Impact)**

d) Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Assuming maximum buildout of allowable office uses at the subject parcels (258,720 square feet), the proposed project would generate approximately 240 tons of solid waste per year[122], which is

[122] Based on the CalEEMod rate of 0.93 tons per year of solid waste per 1,000 square feet for General Office Building land use, the annual tons of solid waste would be 240 tons (258,720 square feet * 0.93 tons per year = 240 tons per year). Source: California Emissions Estimator Model. *Appendix D Default Data Tables*. September 2016. Table 10.1 Solid Waste Disposal Rates.

equivalent to 1,450 pounds per day of solid waste or less than one cubic yard per day. As mentioned in Section 3.19.1.2, *Existing Conditions*, NISL had approximately 12.4 million cubic yards of capacity remaining in May 2023. Given NISL's remaining capacity, the City's contract with NISL, the amount of waste the City disposes at NISL, and the amount of waste the project is estimated to generate, there is sufficient capacity at NISL to serve the project and impacts related to solid waste would be less than significant. **(Less than Significant Impact)**

e) Would the project be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?

Any development on the subject parcels would salvage at least 75 percent of non-hazardous construction/demolition debris, develop a construction waste management plan, and provide on-site recycling, in compliance with CALGreen and the City's Zero Waste Strategic Plan. The proposed project would not prevent solid waste reduction goals from being achieved or interfere with the provision of solid waste services. **(Less than Significant Impact)**

3.19.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a cumulatively significant utilities and service systems impact?

Water Supply and System

The geographic area for cumulative water supply and system impacts is the service area of the San José Water Company. Cumulative projects are generally accounted for in population and employment assumptions of the SJW's Draft UWMP, which evaluates growth in water demand based on planned growth. Since the proposed project includes a GPA and rezoning of the parcels, the project was not accounted for in the population and employment assumptions of the SJW's UWMP. Therefore, a WSA (as required by the standard permit condition under checklist question "a") was completed and determined that the SJW has adequate water supply to serve the project. For these reasons, there is adequate water supply for the cumulative projects. The project, therefore, would not result in a considerable contribution to a significant cumulative water supply impact. **(Less than Significant Cumulative Impact)**

Sanitary Sewer System/Wastewater Treatment

The geographic area for cumulative sanitary sewer system and wastewater treatment is the City's sanitary sewer system service area. Wastewater from the City of San José is treated at RWF, which is administered and operated by the City Department of Environmental Services. The RWF currently has approximately 38.8 million gallons per day of excess wastewater treatment capacity. Based on review of the existing sanitary sewer system infrastructure and cumulative projects, the project and other cumulative projects would not require new or expanded sanitary sewer system infrastructure. **(Less than Significant Cumulative Impact)**

Storm Drainage System

The geographic area for cumulative storm drain impacts includes the project site and surrounding area, specifically areas upstream and downstream of the project site. Buildout of the cumulative projects would involve redevelopment of existing vacant sites that contain pervious surfaces, and these projects would be required to comply with applicable regulations regarding stormwater runoff and infrastructure. For these reasons, the cumulative projects would not result in a significant cumulative impact to the storm drain system. The project, therefore, would not result in a considerable contribution to a significant cumulative storm drain system impact. **(Less than Significant Cumulative Impact)**

Electricity, Natural Gas, and Telecommunication Services

Energy is a cumulative resource. The geographic area for cumulative electricity, natural gas, and telecommunication services is the State of California. If a project is determined to have a significant energy impact, it is concluded that the impact is a cumulative impact. As discussed in Section 3.6, *Energy*, the project would not result in a significant energy impact. In addition, the cumulative projects are within urban areas already served by existing electricity, natural gas, and telecommunication infrastructure. Redevelopment of the cumulative project sites (including the project sites) would not require new or expanded electricity, natural gas, and telecommunication infrastructure. The project, therefore, would not result in a considerable contribution to a significant cumulative impact to electricity, natural gas, and telecommunication infrastructure. **(Less than Significant Cumulative Impact)**

Solid Waste

The geographic area for cumulative landfill impacts is the County because the CIWMP evaluates countywide landfill capacity. According to the IWMP, the County has adequate disposal capacity beyond 2030.[123] For this reason, the cumulative projects in the City (including the proposed project) would not result in significant cumulative landfill impacts. The project, therefore, would not result in a considerable contribution to a significant cumulative landfill impact. **(Less than Significant Cumulative Impact)**

[123] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* June 2016.

3.20 Wildfire

3.20.1 Environmental Setting

3.20.1.1 *Regulatory Framework*

State

Fire Hazard Severity Zones

CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZs), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. FHSZs are divided into areas where the state has financial responsibility for wildland fire protection, known as state responsibility areas (SRAs), and areas where local governments have financial responsibility for wildland fire protection, known as local responsibility areas (LRAs). Homeowners living in an SRA are responsible for ensuring that their property is in compliance with California's building and fire codes. Only lands zoned for very high fire hazard are identified within LRAs.

California Fire Code Chapter 47

Chapter 47 of the California Fire Code sets requirements for wildland-urban interface fire areas that increase the ability of buildings to resist the intrusion of flame or burning embers being projected by a vegetation fire, in addition to systematically reducing conflagration losses through the use of performance and prescriptive requirements.

California Public Resources Code Section 4442 through 4431

The California Public Resources Code includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment that uses an internal combustion engine; specify requirements for the safe use of gasoline-powered tools on forest-covered land, brush-covered land, or grass-covered land; and specify fire suppression equipment that must be provided onsite for various types of work in fire-prone areas. These regulations include the following:

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code Section 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period, from April 1 to December 1 (Public Resources Code Section4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor would maintain appropriate fire suppression equipment (Public Resources Code Section 4427); and

- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (Public Resources Code Section 4431).

California Code of Regulations Title 14

The California Board of Forestry and Fire Protection has adopted regulations, known as SRA Fire Safe Regulations, which apply basic wildland fire protection standards for building, construction, and development occurring in a SRA. The future design and construction of structures, subdivisions and developments in SRAs are required to provide for the basic emergency access and perimeter wildfire protection measures discussed in Title 14.

Fire Management Plans

CAL FIRE has developed an individual Unit Fire Management Plan for each of its 21 units and six contract counties. CAL FIRE has developed a strategic fire management plan for the San Clara Unit, which covers the project area and addresses citizen and firefighter safety, watersheds and water, timber, wildlife and habitat (including rare and endangered species), unique areas (scenic, cultural, and historic), recreation, range, structures, and air quality. The plan includes stakeholder contributions and priorities and identifies strategic areas for pre-fire planning and fuel treatment as defined by the people who live and work with the local fire issues.

Local

San José Fire Department Wildland-Urban Interface Fire Conformance Policy

Buildings proposed to be built within the SJFD WUI shall comply with all WUI materials and construction methods per CBC Chapter 7A and CRC Section R337.[124] The applicant shall, prior to construction, provide sufficient detail to demonstrate that the building proposed to be built complies with this policy. Building Permit Plans are also to be approved by the SJFD.

3.20.1.2 *Existing Conditions*

As described above in Section 3.20.1.1, CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as FHSZs, these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. Based on CAL FIRE's FHSZ Map, the subject parcels are not located within a FHSZ area.[125] The closest FHSZ is located approximately seven miles to the east in the East Foothills of the Diablo Mountains.

[124] San José Fire Department. *Wildland-Urban Interface (WUI) Fire Conformance Policy.* January 1, 2017. https://www.sanjoseca.gov/Home/ShowDocument?id=9345.
[125] CALFIRE. "FHSZ Viewer." Accessed December 6, 2023. http://egis.fire.ca.gov/FHSZ/.

3.20.2 Impact Discussion

For the purpose of determining the significance of the project's impact on wildfire, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

1) Substantially impair an adopted emergency response plan or emergency evacuation plan?
2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

3.20.2.1 *Project Impacts*

The subject parcels are not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **(No Impact)**

3.20.2.2 *Cumulative Impacts*

The subject parcels are not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, implementation of the project would not result in cumulative wildfire impacts. **(No Cumulative Impact)**

Section 4.0 Growth-Inducing Impacts

Would the project foster or stimulate significant economic or population growth in the surrounding environment?

The CEQA Guidelines require that an EIR identify the likelihood that a proposed project could "foster" or stimulate "economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment" (Section 15126.2(d)). This section of the EIR is intended to evaluate the impacts of such growth in the surrounding environment.

As summarized in Table 2.4-2, proposed/allowed land uses onsite as a result of the project's Planned Development rezoning would not include residential development. Therefore, the project would not induce substantial unplanned population growth by providing new housing. The allowed land uses that could be developed as a result of the project would be locally serving businesses. Other than the small maintenance facility for the City of San José Parks, Recreation, and Neighborhood Services Department located on a portion of Parcel 5, the project site is currently undeveloped land with no employees. Therefore, development as a result of the project would result in an increase of jobs in the City of San José. The project would stimulate the economy and the increase in jobs would incrementally decrease the overall jobs/housing imbalance within the City, as discussed in Section 3.14, *Population and Housing*.

Development of the project site would expand commercial development in the middle of a commercial/industrial area in the central part of San José. The proposed project would be compatible with the surrounding land uses and would not pressure adjacent industrial, office, and commercial properties to redevelop with new or different land uses.

The project does not include new land uses and/or infrastructure that would lead to development in areas that are not planned for growth in the adopted *Envision San José 2040 General Plan*.

Based on the above discussion, the project would not have a significant growth-inducing impact. **(Less than Significant Impact)**

Section 5.0 Significant and Irreversible Environmental Changes

This section was prepared pursuant to CEQA Guidelines Section 15126.2(c), which requires a discussion of the significant irreversible changes that would result from the implementation of a proposed project. Significant irreversible changes include the use of nonrenewable resources, the commitment of future generations to similar use, irreversible damage resulting from environmental accidents associated with the project, and irretrievable commitments of resources. Applicable environmental changes are described in more detail below.

5.1 Use of Nonrenewable Resources

The proposed project, during construction and operation, would require the use and consumption of nonrenewable resources. Renewable resources, such as lumber and other wood byproducts, could also be used. Unlike renewable resources, nonrenewable resources cannot be regenerated over time. Nonrenewable resources include fossil fuels and metals.

Energy would be consumed during both the construction and operational phases of any development resulting from the proposed project. The construction phase for future developments would require the use of nonrenewable construction material, such as concrete, metals, plastics, and glass. Nonrenewable resources and energy would also be consumed during the manufacturing and transportation of building materials, preparation of the site, and construction of any buildings. The operational phase of any development on the project site would consume energy for multiple purposes including building heating and cooling, lighting, appliances, and electronics. Energy, in the form of fossil fuels, would be used to fuel vehicles traveling to and from the project site.

The GPA and rezoning would allow for an intensification of the land uses on-site, leading to an increased use of nonrenewable resources. However, any development allowed under the proposed project would be subject to the standard California Code of Regulations Title 24 Part 6 and CALGreen energy efficiency requirements.

As discussed in *Section 3.6, Energy*, the project would be consistent with the City's General Plan policies regarding energy use, which fosters development that reduces the use of nonrenewable energy resources in transportation, buildings, and urban services (utilities).

Section 6.0 Significant and Unavoidable Impacts

A significant unavoidable impact is an impact that cannot be mitigated to a less than significant level if the project is implemented as it is proposed. Based on the analyses contained in Section 3 of this EIR, the proposed project would not result in any significant unavoidable environmental impacts.

Section 7.0 Alternatives

7.1 Introduction

CEQA Guidelines Section 15126.6(a) states, "an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason."

This section of CEQA also provides guidance regarding what the alternatives analysis should consider. Subsection (b) further states the purpose of the alternatives analysis, as follows: Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code [PRC] Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

The CEQA Guidelines further require that the alternatives be compared to the project's environmental impacts and that the "no project" alternative be considered (CEQA Guidelines Section 15126.6[d] [e]). In defining "feasibility" (e.g.," … feasibly attain most of the basic objectives of the project…"), CEQA Guidelines Section 15126.6(f) (1) states, in part: Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives.

7.2 Objectives of the Project

As identified in Section 2.3, the applicant's objectives for the project are as follows:

- Comply with FAA regulations and grant restrictions that pertain to the subject parcels.
- Generate revenue on Airport lands to support aviation services at SJC.
- Allow land uses on the subject parcels that would be compatible with the primary function of the land, which is airport approach protection and aircraft noise abatement.

7.3 Significant Impacts of the Project

Based on the analyses contained in Sections 3.1 through 3.20 of this EIR, the project would not result in significant unavoidable environmental impacts. Mitigation measures were identified in the EIR that would reduce significant impacts to less than significant levels. This fact notwithstanding, alternatives may also be considered if they would further reduce impacts that are already less than significant because of identified mitigation. The project would result in potentially significant impacts in the following areas, but mitigation measures have been identified that would reduce the impacts to less than significant levels:

- Biological Resources: Construction activities on the subject parcels could impact burrowing owls. Additionally, development of the proposed project could result in impacts to nesting birds, if present on the site at the time of construction. **(Less than Significant with Mitigation)**
- Cultural Resources: Construction activities on the project site could impact undiscovered buried prehistoric or historic archaeological materials. **(Less than Significant with Mitigation)**
- GHG Emissions: Development on the subject parcels *could* result in GHG emissions considered significant because compliance with the electric vehicle requirements of BAAQMD Threshold A has not been determined. **(Less than Significant with Mitigation)**
- Hazards and Hazardous Materials: A UST and pipelines associated with a former gasoline service station could be located on Parcel 6, exposing workers and members of the public to hazardous materials during construction activities. Additionally, residual soil, groundwater and VOC contamination could expose construction workers and members of the public, including the surrounding residential uses, to hazardous materials during construction activities as well as pose potential public health risks to future site visitors. **(Less than Significant with Mitigation)**
- Noise: Construction activities could expose nearby commercial receptors within 200 feet of the subject parcels to noise levels that exceed the exterior threshold of 85 dBA Leq, and could cause significant ground borne vibration impacts to adjacent structures. Additionally, noise levels produced by operation of the project could exceed 60 dBA at the nearest commercial uses. Further, development of the subject parcels could be incompatible with the CLUP noise policies and expose people working in the project area to excessive noise levels. **(Less than Significant with Mitigation)**
- Transportation: Future development resulting from the proposed project would result in an increase in VMT above the City's impact threshold. **(Less than Significant with Mitigation)**

All of these impacts would be mitigated to less than significant with the implementation of the identified mitigation measures. Therefore, the proposed project would not have any significant, unavoidable environmental impacts.

7.4 Alternatives Evaluated but Rejected

7.4.1 Location Alternative

CEQA Guidelines Section 15126.6(2)(A) provides: "The key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location." Here, the project would not result in any significant unavoidable impacts. Even so, the possibility of an alternate project location was analyzed and determined to be infeasible for the following reasons.

As described previously, the primary objectives of the project are to comply with FAA policies and grant restrictions pertaining to the Airport-owned lands that are the subject of the proposed project, such lands that were purchased with FAA grants. The FAA has directed airport owners and operators to use airport lands purchased with federal dollars for aviation revenue-generating purposes to the extent that such uses are appropriate at a given location and that the lands are not needed for airport facilities (e.g., runways, terminals, navigation aids, etc.). In this case, vacant Airport-owned parcels along Coleman Avenue that are not directly under the flight path, and which are sandwiched between existing commercial development, are viewed as suitable for revenue generation to support aviation services at SJC.

The project, therefore, is limited to Airport-owned lands, which include the Airport itself and parcels within the Guadalupe Gardens. The Airport is already managed in such a manner to maximize revenue generation, and vacant areas of the Airport are either master planned for future Airport uses or are unsuitable for commercial development. As a result, alternative locations for the project are limited to the Airport-owned parcels within the Guadalupe Gardens.

Since the proposed project is already located in the Guadalupe Gardens, any alternative locations would be in proximity to the seven parcels comprising the project site. Additionally, roadway and utility access are required for future development, limiting commercially viable parcels to those near or adjacent to Coleman Avenue and Hedding Street. As a result, development on alternative parcels within Guadalupe Gardens would result in similar, if not identical, impacts compared to the proposed project.

Based on the above facts, discussion of an alternative location for the proposed project is not required or useful and this alternative is rejected from further consideration.

7.4.2 Alternatives Carried Forward for Further Consideration

7.4.2.1 *No Project Alternatives*

CEQA Guidelines Section 15126.6(e) states that an EIR must specifically discuss a "No Project" alternative, which shall address both the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project is not approved, based on current plans and consistent with available infrastructure and community services.

No Project Alternative #1: No Changes from Existing Conditions

The No Project Alternative #1 is defined as no changes from existing conditions. This alternative would retain the existing land uses on the subject parcels, which except for a small City of San José parks maintenance facility on a portion of Parcel 5, are all currently vacant and undeveloped. If the subject parcels were to remain undeveloped, the impacts associated with construction and operation of the proposed project would not occur, and the baseline conditions described throughout this EIR would remain.

While the No Project Alternative #1 would meet the project objective of maintaining airport approach protection and aircraft noise abatement, it would not meet the objective of complying with FAA policies and grant restrictions, including the provision for generating revenue on Airport-owned lands to support aviation services at SJC.

No Project Alternative #2: Develop per Existing Land Use and Zoning Designations

The No Project Alternative #2 is defined as development of the parcels per the existing General Plan land use designation of Open Space Parks Habitat and in accordance with the Guadalupe Gardens Master Plan (GGMP) within which the parcels are located. The subject parcels could be developed in the future with passive recreational uses consistent with the GGMP, which envisions pathways and landscaping on Parcels 1, 2, and 5, community gardens on Parcels 3 and 4, and no development on Parcels 6 and 7. Development of these uses on the subject parcels would be less intensive than the proposed project, thereby reducing or avoiding the environmental impacts associated with construction and operation of the proposed project, such impacts that include traffic, noise, air quality, biology, hazardous materials, and GHG emissions.

While the No Project Alternative #2 would meet the project objective of maintaining airport approach protection and aircraft noise abatement, it would not meet the objective of complying with FAA policies and grant restrictions, including the provision for generating revenue on Airport-owned lands to support aviation services at SJC.

7.4.2.2 *Reduced Scale Alternative*

The Reduced Scale Alternative is defined as a smaller/less intense version of the proposed project. Under the assumption that smaller projects typically have lesser environmental effects, the purpose of evaluating reduced scale alternative(s) is to determine if the significant impacts of the project can be avoided while at the same time achieving the project objectives.

In this case, under the proposed project, the scale of the proposed development on the subject parcels is already substantially limited by restrictions associated with the grant agreements between the FAA and the City when the parcels were purchased, as well as the policies of the California Airports Land Use Handbook and the ALUC's CLUP for SJC. See Section 2.4, *Project Description*, for the list of such restrictions and reductions in scale. As a result, reducing the scale of the maximum allowable development on the subject parcels would do little to reduce or avoid environmental

impacts. Furthermore, as discussed in Section 7.2, all of the significant environmental effects of the project will be mitigated by measures included in the project.

Reducing the overall number of parcels to be developed could result in reduced impacts, especially where impacts are specific to a certain parcel. For example, a UST and associated pipelines could be located on Parcel 6, exposing workers and members of the public to hazardous materials during construction activities. Reducing the scale of the project to eliminate development on Parcel 6 would avoid this impact. Similarly, construction activities, and future operation of certain noise-generating land uses, on Parcels 3 through 7 could result in significant noise impacts on adjacent commercial uses. Eliminating one or more of these parcels from the project would reduce or avoid these impacts.

Additionally, certain subject parcels could remain undeveloped to preserve open space as part of this alternative, however each subject parcel is adjacent to or surrounded by development and does not represent valuable open space land. The subject parcels were selected for development because they are located near major transportation corridors and close to existing development, away from the interior parcels within the GGMP area that provide more valuable open space.

An overall reduction in development associated with the project would also reduce construction and operational impacts in general. However, as described previously, all impacts that would occur from implementation of the project will be mitigated to less than significant levels. While reducing the scale of the project by eliminating development on certain parcels may avoid the need for mitigation, it is not necessary to avoid any significant unavoidable impacts that would otherwise occur with implementation of the project.

To summarize, while the Reduced Scale Alternative would be consistent with the project objectives, it would do so to a lesser degree than the proposed project. Further, neither the Reduced Scale Alternative nor the proposed project would result in any significant unavoidable impacts.

7.4.2.3 *Municipal Land Use Alternative*

The project is designed in such a manner to allow for the development of a wide range of commercial and/or industrial land uses on the subject parcels (refer to Table 2.4-2, *Listing of Potential Uses on the Project Sites*). The intent of the project is to encompass the full range of commercially viable land uses that can be developed on the subject parcels while maintaining compatibility with the restrictions associated with the grant agreements between the FAA and the City when the parcels were purchased, the policies of the California Airports Land Use Handbook, and the ALUC's CLUP.

Since residential uses are not permitted on the subject parcels, and the project itself encompasses the full range of permitted commercial and industrial land uses, alternative land uses would be limited to municipal land uses such as City-operated storage or maintenance facilities. These facilities would likely require construction activities similar in scale and nature to the proposed project and, therefore, would not substantially reduce or avoid construction-related impacts. Operational impacts would also be similar in nature to the proposed project, with the possible exception of noise impacts if the municipal facilities are not substantial noise generators.

While the Municipal Land Use Alternative would meet the project objective of maintaining airport approach protection and aircraft noise abatement, it would not meet the objectives of complying with FAA policies and grant restrictions pertaining to the generation of revenue on Airport lands to support aviation services at SJC.

7.5 Environmentally Superior Alternative

The CEQA Guidelines state that an EIR shall identify an environmentally superior alternative. If the environmentally superior alternative is the "No Project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives (Section 15126.6€(2)).

Based on the above discussion, the environmentally superior alternative is the No Project Alternative #1. The No Project Alternative #1 would retain the subject parcels in their current condition. Retaining the status quo on the subject parcels would avoid all of the identified construction and operational impacts associated with the project. Therefore, the No Project Alternative #1 is the environmentally superior alternative. However, while the No Project Alternative #1 would be consistent with the project objective to protect approach/departure areas, it would not meet the objectives of complying with FAA policies and grant restrictions pertaining to the generation of revenue on Airport lands to support aviation services at SJC.

Beyond No Project Alternative #1, No Project Alternative #2 would be the environmentally superior alternative. This conclusion is based on the fact that development under the existing General Plan Land Use Designation and the GGMP would be limited to passive recreational uses (e.g., pathways, landscaping, community gardens, etc.) The environmental impacts associated with such uses would be substantially reduced, as compared to those of the proposed project.

However, while the No Project Alternative #2 would be consistent with the project objective to protect approach/departure areas, it would not meet the objectives of complying with FAA policies and grant restrictions pertaining to the generation of revenue on Airport lands to support aviation services at SJC.

Section 8.0 References

The analysis in this Environmental Impact Report is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references:

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Section 10.0 Acronyms and Abbreviations

AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACM	Asbestos-Containing Material
ALUC	Airport Land Use Commission
APN	Assessor's Parcel Number
ATCM	Asbestos Airborne Toxic Control Measure
BAAQMD	Bay Area Air Quality Management District
Bay Area	San Francisco Bay Area
Btu	British Thermal Unit
CAAQS	California Ambient Air Quality Standard
CAL FIRE	California Department of Forestry and Fire Protection
Cal/OSHA	California Department of Industrial Relations, Division of Occupational Safety and Health
CalARP	California Accidental Release Prevention
CalEPA	California Environmental Protection Agency
CALGreen	California Green Building Standards
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Standards Code
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFC	Chlorofluorocarbon
CFR	Code of Federal Regulations
CGS	California Geological Survey
CH_4	Methane
CLUP	Comprehensive Land Use Plan
CNEL	Community Noise Equivalent Level
CO	Carbon Monoxide
CO_2	Carbon Dioxide

CO_2e	Carbon Dioxide Equivalents
CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agency
dBA	A-weighted decibel
DNL	Day/Night Average Sound Level
DPM	Diesel Particulate Matter
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulations
FHSZ	Fire Hazard Severity Zone
FMMP	Farmland Mapping and Monitoring Program
GHG	Greenhouse Gases
GHGRS	Greenhouse Gas Reduction Strategy
GWh	Gigawatt Hour
GWP	Global Warming Potential
Habitat Plan	Santa Clara Valley Habitat Plan
HSWA	Hazardous and Solid Waste Amendments
L_{eq}	Energy-Equivalent Sound/Noise Descriptor
L_{max}	Maximum A-weighted noise level during a measurement period
LOS	Level of Service
LRA	Local Responsibility Area
MBTA	Migratory Bird Treaty Act
$MMTCO_2e$	Million Metric Tons of Carbon Dioxide Equivalent
MND	Mitigated Negative Declaration
mpg	Miles per Gallon
MSL	Mean Sea Level
MTC	Metropolitan Transportation Commission

N_2O	Nitrous Oxide
NAAQS	National Ambient Air Quality Standard
NAHC	Native American Heritage Commission
NCP	National Contingency Plan
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO_2	Nitrogen Dioxide
NOA	Naturally Occurring Asbestos
NOD	Notice of Determination
NO_x	Nitrogen Oxides
NRHP	National Register of Historic Places
O_3	Ozone
PCB	Polychlorinated Biphenyls
PCF	Perfluorocarbon
PDA	Priority Development Areas
PG&E	Pacific Gas and Electric Company
PM	Particulate Matter
PM_{10}	Particulate matter with a diameter of 10 microns or less
$PM_{2.5}$	Particulate matter with a diameter of 2.5 microns or less
PPV	Peak Particle Velocity
R&D	Research and Development
RAP	Removal Action Plan
RCRA	Resource Conservation and Recovery Act
ROG	Reactive Organic Gases
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SB	State Bill
SCS	Sustainable Communities Strategy
SF_6	Sulfur Hexafluoride
SHMA	Seismic Hazards Mapping Act
SMARA	Surface Mining and Reclamation Act
SMGB	State Mining and Geology Board

SMP	Site Management Plan
SO_x	Sulfur Oxides
SR	State Route
SRA	State Responsibility Area
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminants
Title 24	Title 24, Part 6 of the California Code of Regulations
TSCA	Toxic Substances Control Act
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
VMT	Vehicle Miles Traveled
Williamson Act	California Land Conservation Act
WUI	Wildland-Urban Interface
ZNE	Zero Net Carbon Emission