Draft Environmental Impact Report

Five Wounds Urban Village Plan

State Clearinghouse No. 2024030360

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Prepared for

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

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EXECUTIVE SUMMARY

a. Introduction

The City of San José (City) is proposing to adopt the Five Wounds Urban Village Plan (Project) to guide future growth and development in the area encompassing the Five Wounds, Little Portugal, Roosevelt Park, and 24th & William neighborhoods surrounding the future 28th Street/Little Portugal BART Station. The Project would implement the Envision San José 2040 General Plan Urban Village Strategy by concentrating new housing, employment, services, and public amenities in a transit-oriented, walkable, and mixed-use environment centered on regional transit access.

The Project area includes approximately one-half mile surrounding the future BART station and consolidates four previously adopted Urban Village Plans into a single planning framework. The Project is intended to accommodate substantial housing growth, support transit ridership, improve multimodal transportation options, preserve cultural and historic resources, expand open space opportunities, and foster an equitable and resilient community.

Preparation of the Project was informed by extensive community outreach conducted between 2022 and 2025, including public workshops, surveys, transportation-focused outreach, environmental scoping, and coordination with City departments, VTA, BART, community organizations, businesses, and residents.

The City, as CEQA lead agency has determined that the Project is subject to CEQA, and requires the preparation of an Environmental Impact Report (EIR). This EIR has been prepared as a Program EIR (PEIR) pursuant to CEQA Guidelines Section 15168 to evaluate the environmental impacts associated with implementation of the Project. This EIR is designed to fully inform decisionmakers in the City, responsible and trustee agencies, and the public regarding the potential environmental consequences of approval and implementation of the Project. A detailed description of the proposed project, including its components and characteristics, objectives, and how the EIR will be used, is provided in **Chapter 2, Project Description**. This chapter presents a summary of the EIR in accordance with State CEQA Guidelines Section 15123 and identifies areas of controversy and issues to be resolved, in addition to conclusions of each of the analysis contained in **Chapter 3, Environmental Setting, Impacts, and Mitigation**, of the EIR. It also includes a summary of the alternatives to the proposed project that would reduce or avoid significant effects. For a detailed discussion of alternatives to the proposed project, please see **Chapter 7, Alternatives**, of this EIR.

b. Summary of the Project

The proposed project consists of the adoption and implementation of the Five Wounds Urban Village Plan. The Project establishes a comprehensive framework for land use, urban design, circulation, open space, placemaking, public art, and implementation strategies for the area surrounding the future 28th Street/Little Portugal BART Station.

The Project would accommodate a total planned capacity of approximately:

- 8,022 residential units, including approximately 6,000 new units beyond existing planned capacity;
- 2,500 jobs; and
- 750,000 square feet of commercial and employment-generating development.

Planned growth is concentrated within the Four Districts and the East Julian Street/McKee Road corridor, where mixed-use and transit-oriented development would occur at the highest intensities. The greatest development intensity is planned adjacent to the future BART station in the Five Wounds District, where building heights may reach up to 270 feet and allowable uses would include high-density residential, commercial, office, and mixed-use development.

Key elements of the Project include:

- Transit-oriented land use and development patterns.
- Expansion of housing opportunities, including affordable housing.
- Creation of a public plaza and mobility hub at the future BART station.
- Development of the Five Wounds Trail and connections to the Coyote Creek and Lower Silver Creek trail systems.
- Streetscape and circulation improvements prioritizing walking, bicycling, and transit.
- Preservation of historic and cultural resources.
- Public art, placemaking, and wayfinding enhancements.
- Anti-displacement and business retention strategies.
- Approval of funding and transactional activities (e.g., purchase/sale agreements, contracts, negotiations, land assembly, etc.) that implement the proposed project.

c. Project Objectives

The primary project objectives are to:

- Preserve the neighborhood character of each of the existing four Districts as part of the consolidated Five Wounds Urban Village Plan.
- Incorporate land use policies that support anti-displacement efforts and preserve existing small businesses and affordable housing as new development occurs around the future BART station.
- Update General Plan land use designations to support and organize new development to create a mix of housing and employment opportunities.
- Facilitate and support affordable housing efforts for current and future residents.
- Incorporate parking management and Transportation Demand Management strategies to reduce parking impacts, optimize parking supply, and support multimodal access for residents, businesses, and visitors.
- Promote pedestrian-oriented, bicycle-friendly, and transit-centric communities within the Plan area that reduce reliance on driving.
- Implement the recommendations of the Valley Transit Authority's Transit Oriented Community Playbook.
- Promote community health and wellness through equitable access to health care; bicycle, pedestrian, and transit infrastructure; and a variety of high-quality local parks, trails, community centers, recreational opportunities, and regional open space.
- Identify and protect cultural, historical, archaeological and paleontological resources that are important to the community.
- Support business continuity by strategically locating new commercial land uses in appropriate locations and intensities.

d. Summary of Significant Impacts

Based on the analysis and conclusions of this EIR, implementation of the Project would result in the following impacts that are less than significant with mitigation measures:

- Air Quality – Future development under the Five Wounds Urban Village Plan could result in a significant impact to sensitive receptors if the projects exceed 258,000 square feet of floor area, would include subterranean parking, and/or require significant excavation or grading.
- Air Quality – The average daily and annual emissions of ROG and NOx associated with buildout of the Five Wounds Plan Update would exceed the Bay Area Air District project-level significance thresholds.
- Air Quality – The Project would expose sensitive receptors to substantial pollutant concentrations.
- Biological Resources - Construction activities associated with future development that would be allowed under the Project could result in significant impacts on nesting birds and raptors.
- Biological Resources - Construction activities associated with future development that would be allowed under the Project could result in significant impacts on special-status bats.
- Cultural Resources – Construction associated with future development that would be allowed under the Project could result in accidental destruction or disturbance of archaeological resources, which would be considered a significant impact.
- Hazards and Hazardous Materials - Soil and groundwater contamination within the Project area may expose construction workers and the public to significant health risks during potential future construction.
- Tribal Cultural Resources – Future development under the Five Wounds Urban Village Plan could result in a significant impact to sensitive tribal cultural resources.

Additionally, implementation of the Project would result in the following significant and unavoidable impacts:

- Cultural Resources – Future development that would be allowed by the Project could result in physical changes to historical resources or their immediate surroundings, such that the resources' ability to convey their significance would be materially impaired, resulting in a significant impact.

e. Summary of Project Alternatives

Alternative 1: No Project (Current General Plan Buildout) Alternative

Under the No Project Alternative, the Five Wounds Urban Village Plan would not be adopted, and future development would occur under the existing General Plan, zoning regulations, state housing laws, and the four adopted Urban Village Plans. Development would still occur within the Plan Area, but at lower residential densities and intensities, accommodating approximately 2,022 dwelling units and 4,855 jobs rather than the substantially greater housing capacity proposed by the Project. Because redevelopment incentives would be lower and less high-intensity development would occur near the future BART station, this alternative could reduce the potential for demolition or alteration of historic resources. However, it would not achieve the Project's objectives related to transit-oriented development, housing production, anti-displacement strategies, multimodal circulation improvements, or implementation of the VTA Transit-Oriented Communities framework. Impacts to historical resources would be less than significant.

Alternative 2: Reduced Intensity/Lower Height Alternative

The Reduced Intensity/Lower Height Alternative would retain the overall vision of the proposed Plan, including consolidation of the four Urban Village Plans and a transit-oriented development framework centered on the future BART station, but would reduce total residential capacity from approximately 8,022 dwelling units to approximately 6,000 dwelling units while maintaining the planned employment capacity of 2,500 jobs. This alternative would lower maximum residential densities, reduce allowable building heights in key growth areas, and decrease the overall development envelope while preserving the Plan's land use, circulation, and urban design framework. By reducing the amount of redevelopment and construction activity, the alternative would lessen the likelihood of impacts to historical resources. However, redevelopment would still occur in areas containing historic buildings, and future projects could still result in demolition or substantial adverse changes to historical resources.

Therefore, impacts to historical resources would remain potentially significant, although reduced when compared to the proposed Project.

Alternative 3: Historic Preservation Overlay Alternative

The Historic Preservation Overlay Alternative would retain the proposed Plan's consolidated Urban Village framework and transit-oriented development strategy while establishing mandatory preservation requirements for identified and future-discovered historical resources. Under this alternative, properties designated as City Landmarks, Candidate City Landmarks, or listed or eligible for listing in the California Register of Historical Resources and the National Register of Historic Places would be protected from demolition or relocation and would be required to undergo adaptive reuse consistent with the Secretary of the Interior's Standards. Historic preservation requirements would also apply to resources identified through future project-level reviews. This alternative would eliminate significant impacts to historical resources by requiring preservation rather than allowing demolition when preservation is deemed infeasible. While it would better achieve the Project's historic preservation objectives, it could reduce redevelopment flexibility and make it more difficult to achieve the full housing and transit-oriented development potential envisioned by the proposed Plan. Impacts to historical resources would be reduced to less than significant.

f. Areas of Known Controversy

CEQA Guidelines Section 15123 requires the Draft EIR to identify areas of known controversy known to a lead agency, including issues raised by the agencies and the public. The issues raised by agencies, which include Valley Water, DTSC, and the Amah Mutsun Tribal Band of San Juan Bautista Tribe, during outreach activities are described in **Subsection 1.2.1, Notice of Preparation and Scoping** (please also refer to **Appendix A** of this EIR, which includes the NOP and public and agency comments received on the NOP).

g. Executive Summary Matrix

Pursuant to CEQA Guidelines Section 15123(b)(1), **Table ES- 1** below summarizes the impacts, mitigation measures, and resulting level of significance after mitigation for the relevant environmental issue-areas evaluated for the implementation of the Project. **Table ES- 1** is intended to provide an overview; narrative discussion and analysis for specific environmental topics are included in the corresponding sections of this EIR.

Table ES- 1 Executive Summary Matrix

Impact	Mitigation Measures	Level of Significance After Mitigation
Impact AQ-1: Future development under the Five Wounds Urban Village Plan could result in a significant impact to sensitive receptors if the projects exceed 258,000 square feet of floor area , would include subterranean parking, and/or require significant excavation or grading.	**MM AQ-1: Project-Level Construction Emissions Modeling** This measure applies to all discretionary projects implemented under the Five Wounds Urban Village Plan Update that involve demolition, grading, excavation, building construction, or infrastructure construction. Prior to issuance of grading permits or building permits (whichever occurs first), the applicant shall provide either: ▪ A construction emissions analysis (e.g., CalEEMod and/or Bay Area Air District's recommended methods) shall be prepared by a qualified air quality consultant to quantify and demonstrate project emissions. If emissions exceed applicable thresholds, the project applicant shall submit a construction operations plan to the Director of Planning, Building and Code Enforcement or Director's designee that includes specifications of the equipment to be used during construction. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying that the equipment included in the plan meets the standards set forth below: ○ All construction equipment larger than 25 horsepower operating at the site for more than two continuous days or 20 hours total shall meet U.S. Environmental Protection Agency (EPA) Tier 4 final emission standards for particulate matter (PM10 and PM2.5). ○ If Tier 4 equipment is not available, all construction equipment larger than 25 horsepower operating at the site for more than two continuous days or 20 hours total shall meet U.S. EPA emission standards for Tier 2 or 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that together achieve the required percent or greater reduction in particulate matter exhaust in comparison to uncontrolled equipment. ○ Use of alternatively fueled or electric equipment. ○ Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment. ○ Stationary cranes, personnel/material hoist, and welders shall be powered by electricity.	Less than Significant Impact with Mitigation Incorporated

Impact	Mitigation Measures	Level of Significance After Mitigation
	○ Implement Bay Area Air District's enhanced best management practices to control fugitive dust emissions. ▪ The project applicant shall incorporate all required measures into construction plans/specifications and shall implement monitoring/recordkeeping sufficient to demonstrate compliance (e.g., equipment lists, tier certifications, logs of dust control, and complaint response procedures). The documentation shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee. The City shall require corrective action if visible dust emissions or diesel exhaust nuisance conditions are reported.	
Impact AQ-2: The average daily and annual emissions of ROG and NOx associated with buildout of the Five Wounds Plan Update would exceed the Bay Area Air District project-level significance thresholds.	**MM AQ-2: Project-Level Operations Emissions Modeling** As part of future development application review, if a project does not meet the VMT screening thresholds established by the City (see Transportation Section), the applicant shall submit a project-level analysis of the criteria pollutant emissions associated with operations to the satisfaction of the Director of Planning, Building, and Code Enforcement or the Director's designee. Should either ROG and/or NOx emissions exceed Bay Area Air District thresholds, additional mitigation measures shall be required. Specifically: ▪ Proposed development within the Five Wounds Planning Area shall incorporate additional green building measures such as rooftop solar photovoltaic (PV) systems, rough-ins for electric vehicle charging, use of efficient lighting and irrigation, and recycled water, as feasible, to the satisfaction of the Director of Planning, Building, and Code Enforcement or the Director's designee. ▪ Developed parcels shall require within their covenants, conditions, and restrictions ("CC&Rs") and/or ground leases requirements for all future interior spaces to be repainted only with architectural coatings that meet the "Low-VOC" or "Super-Compliant" requirements. "Low-VOC" refers to paints that meet the more stringent regulatory limits in Air District Regulation 8, Rule 3; however, many manufacturers have reformulated to levels well below these limits. These are referred to as "Super-Compliant" Architectural Coatings. Prior to issuance of building permits, the Building Official shall confirm that building plans and specifications stipulate that all architectural coating phases shall implement low/zero VOC coating unless project specific modeling shows higher VOC coating would emit emissions below 50g/L VOC for all interior coatings and 50g/L VOC for all exterior coatings.	Less than Significant with Mitigation Incorporated

Impact	Mitigation Measures	Level of Significance After Mitigation
Impact AQ-3: The Project would expose sensitive receptors to substantial pollutant concentrations.	**MM AQ-3: Health Risk Assessment for Single and Cumulative Source** Prior to issuance of grading permits, the Project proponent/applicant shall conduct a health risk assessment that shall compare estimated health risks for projects introducing new sensitive receptors within the Project area to applicable Air District single source and cumulative source thresholds. Based on the results of the health risk assessment, appropriate measures shall be implemented to reduce cancer risk and annual PM2.5 concentrations to below Air District thresholds. Measures to achieve this may include but not limited to: ▪ Install air filtration at units that have predicted PM2.5 concentrations above 0.3 µg/m3. Air filtration devices shall be rated MERV13 or higher. Alternately, at the approval of the City, equivalent control technology may be used if it is shown by a qualified air quality consultant or heating, ventilation, and air conditioning (HVAC) engineer that it would reduce risk below Air District significance thresholds. ▪ As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system, prepared by the applicant and monitored by City Building Officials with scheduled and/or random maintenance checks during operation, shall be required. ▪ Ensure that any lease agreements and other property documents (1) require cleaning, maintenance, and monitoring of the affected units for air flow leaks; (2) include assurance that new owners and tenants are provided information on the ventilation system; and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed. The required health-protection measures on the lease and/or property agreements would be monitored by the property owner and City Building Officials with scheduled and/or random checks during operation. ▪ Require that, prior to issuance of grading permit, the Project proponent/applicant shall provide proof that an authorized air pollutant consultant or HVAC engineer has verified the installation of all necessary measures, including the use of central systems, portable air purifiers, and the facilitation of increased natural ventilation to reduce PM2.5 concentrations above 0.3 µg/m3 for any source and 0.8 µg/m3 for all sources. ▪ Design the site to limit exposure from sources of TACs and fine particulate matter (PM2.5) emissions. Locate operable windows and air intakes as far as possible from arterial roadways and US 101.	Less than Significant with Mitigation Incorporated

Impact	Mitigation Measures	Level of Significance After Mitigation
	▪ To the greatest degree possible, plant vegetation along roadway boundaries. This barrier would include trees and shrubs that provide a dense vegetative barrier.	
Impact BIO-1: Construction activities associated with future development that would be allowed under the Project could result in significant impacts on nesting birds and raptors.	**MM BIO-1: Bat Habitat Assessment** Prior to any tree removal, grading, demolition or building permits (whichever comes first), a bat habitat assessment survey shall be conducted by a qualified biologist. If the habitat assessment determines that habitat for bats is absent from the project site, then no further surveys or mitigations shall be required. However, if habitat for bats and/or individual bats are determined to be present, additional pre-construction surveys shall be required within 48 hours prior to project activities that include tree removal, grading, or building permits (whichever comes first), and the following additional measures shall be required: ▪ If the habitat assessment concludes that any trees proposed for removal provide potential roosting, winter torpor, and/or maternity habitat for special status bats, tree removal shall only be conducted during seasonal periods of bat activity, i.e., March 1 and April 15 or August 15 and October 15, under the supervision of a qualified bat biologist. Tree removals shall occur via a two-phased removal conducted over two consecutive days. In the afternoon of the first day, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures shall be avoided, and only branches or limbs without those features shall be removed. On the second day, the entire tree shall be removed. ▪ If a maternity colony is detected in a tree, then a construction-free buffer shall be established around the tree that would remain in place until it has been determined by the qualified biologist that the nursery is no longer active. Trees shall be removed between March 1 and April 15 or August 15 and October 15 to avoid interfering with an active nursery. ▪ Prior to the issuance of any tree removal, grading, or building permits (whichever comes first), the qualified biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building, and Code Enforcement or the Director's designee.	Less than Significant with Mitigation Incorporated
Impact BIO-2: Construction activities associated with future development that would be allowed under the Project could	**MM BIO-1: Bat Habitat Assessment**	Less than Significant with Mitigation Incorporated

Impact	Mitigation Measures	Level of Significance After Mitigation
result in significant impacts on special-status bats.		
Impact CUL-1: Future development could result in a substantial adverse change in the significance of a historical resource (CEQA Guidelines §15064.5), including direct physical impacts and/or indirect impacts to a resource's setting, such that the resource's ability to convey its significance would be materially impaired.	**MM CUL-1: Mitigation of Historic Resources Impacts** This measure applies only when the City determines that demolition, relocation, or material impairment of a historical resource cannot feasibly be avoided. Prior to issuance of any demolition, grading, tree removal, or building permits (whichever occurs first), as specified below. ▪ Historic American Buildings Survey (HABS) Documentation. The permittee shall submit HABS-level documentation prepared by a qualified architectural historian meeting SOI Professional Qualifications Standards, consistent with the Secretary of the Interior's Standards for Architectural and Engineering Documentation, including: ○ Drawings: sketch floor plans; ○ Photographs: exterior and interior digital photography (35mm equivalent) depicting each elevation, key architectural details, and prominent interior spaces/features keyed to plans; ○ Written data: narrative HABS documentation. After City approval, documentation shall be filed with the San José Library California Room, History San José, and the Northwest Information Center (Sonoma State University/CHRIS repository). ▪ 3D Laser Scanning. The permittee shall submit 3D laser scans (as-built exterior survey using 3D laser scanning to create a 3D point cloud model) for digital archival purposes. After approval, the scans shall be filed with the same repositories (California Room, History San José, and NWIC/CHRIS). ▪ Relocation/Salvage. The permittee shall offer relocation/salvage (minimum 60 days). The permittee/applicant shall advertise availability of the building(s) for relocation or salvage for at least 60 days, including: 1. notice in a newspaper of general circulation, 2. on a website, and 3. placing a sign on-site adjacent to the public right-of-way. Proof of compliance (publication, web documentation, time-stamped photos) shall be provided to the Director/designee.	Significant and Unavoidable Impact

Impact	Mitigation Measures	Level of Significance After Mitigation
	○ If the permittee or third party agrees to relocate, then: 1. the Director/designee, in consultation with the Historic Preservation Officer, must determine the receiver site is feasible; 2. prior to relocation, a historic preservation architect and structural engineer shall prepare existing conditions study documenting character-defining features; City HPO approval required; 3. the move must be conducted by an experienced mover with structural engineering stabilization; 4. following relocation, repair/rehabilitation must conform to SOI Standards; a qualified historian/architect shall prepare a letter report documenting conformance prior to occupancy permits. ○ If relocation does not occur. If no relocation agreement is reached during the advertising period, the building(s) shall be made available for salvage to third parties for reuse of materials/features; salvage shall not occur before the advertising period ends. ▪ Commemoration and Public Interpretation. Concept prior to, and final design + installation prior to occupancy permits. ○ Prior to demolition/grading/building permits (whichever occurs first) the permittee shall retain a historic preservation professional meeting Secretary of the Interior's Professional Qualifications to conceptually develop on-site commemoration and interpretation for the impacted historical resource (e.g., exhibit/display with text and photos; public art; video/interactive media; oral histories) for City review and approval. ○ Prior to occupancy, the permittee shall submit the fully developed design for City approval and implement the approved program in coordination with the City. The commemoration/ interpretation shall be installed in a suitable publicly accessible location on-site, on private property, as agreed upon by the City.	
Impact CUL-2: Construction associated with future development that would be	**MM CUL-2: Archaeological Resources Protection Measures** For discretionary projects that could have significant adverse impacts to potentially significant archaeological resources, including those which are tribal cultural resources, or	Less than Significant Impact with Mitigation Incorporated

Impact	Mitigation Measures	Level of Significance After Mitigation
allowed under the Project could result in accidental destruction or disturbance of archaeological resources, which would be considered a significant impact.	are associated with a tribal cultural resource, one or more of the following steps, or those determined to be equally as effective by the City, are required: ▪ Retention of a Qualified Archaeologist for Archaeological/Native American Monitoring. Prior to issuance of any demolition, tree removal, grading, or building permits, whichever occurs first, the permittee shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology (codified in 36 Code of Federal Regulations Part 61; 48 Federal Register 44738-44739) to monitor all ground disturbance and ensure that any required measures related to archaeological resources are carried out. The permittee shall provide the contract agreement with the Archaeologist to the Director of Planning, Building and Code Enforcement or the Director's designee to demonstrate compliance. ▪ Tribal Cultural Resources Awareness Training and Monitoring. Prior to issuance of any tree removal, demolition or grading permits, whichever occurs first, the permittee shall be required to submit evidence that a Cultural Awareness Training has been provided to construction personnel prior to ground disturbance, such as copies of worker sign-in sheets to confirm attendance. 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 including training attendance logs and training materials shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee. Cultural Awareness Training shall be provided to any construction personnel who join the project after the original training session in accordance with the requirements of this condition. In addition, a qualified archaeologist in collaboration with a Native American monitor registered with the NAHC 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 be present during applicable earthmoving activities (e.g., trenching, initial or full grading, lifting of foundation, boring on site, or major landscaping, etc.). If the consulting tribe or Native American representative registered with the NAHC for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in PRC Section 21080.3 does not respond to a request for monitoring within 30 days, then earthmoving activities can proceed.	

Impact	Mitigation Measures	Level of Significance After Mitigation
	▪ Final Disposition of Cultural Materials. For any archaeological materials recovered from the projects site during construction, the following shall apply: ○ Disposition of Native American archaeological materials shall be determined through 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, the Director of Planning, Building and Code Enforcement or the Director's designee, and the Qualified Archaeologist. Disposition of human remains and associated grave goods shall be determined through consultation between the Most Likely Descendant and the landowner. ○ Disposition of significant historic-era archaeological materials shall include the following options, in order of preference. Final disposition of these materials shall take into account input from descendant communities. ○ Curation at a repository accredited by the American Association of Museums that meets the standards outlined in 36 CFR 79.9. ○ Curation at a non-accredited repository as long as it meets the minimum standards set forth by 36 CFR 79.9. ○ Donation of the collection to a public, non-profit institution with a research interest in the materials. ○ Donation to a local school or historical society in the area for educational purposes.	
Impact HAZ-1: Soil and groundwater contamination within the Project area may expose construction workers and the public to significant health risks during potential future construction.	**MM HAZ-1: Environmental Site Assessment and Remediation.** For discretionary projects that could have significant adverse impacts with regard to any soil contamination or site conditions, the applicant/permittee shall implement the following condition: Prior to the issuance of any demolition or grading permits, the permittee shall retain a qualified environmental professional to conduct a Phase I Environmental Site Assessment (ESA) to identify risks due to hazardous materials, past spills, or other environmental concerns associated with the project site. If further investigation is necessary based on the result of the Phase I ESA, the permittee shall retain a qualified environmental	Less than Significant Impact with Mitigation Incorporated

Impact	Mitigation Measures	Level of Significance After Mitigation
	professional to conduct a Phase II soil, soil vapor and/or groundwater investigation to determine if the soil, soil vapor, and groundwater from former uses of the site have resulted in contamination concentrations above established Regional Water Quality Control Board (RWQCB) Environmental Screening Levels (ESLs). If the Phase II results indicate soil, soil vapor and/or groundwater contamination above ESLs, the permittee shall enter into a regulatory oversight agreement with the Santa Clara County Department of Environment Health (SCCDEH), RWQCB, or the Department of Toxic Substances Control (DTSC). The permittee shall meet with the regulatory oversight agency and perform additional soil, soil gas and/or groundwater sampling and testing, as required, to adequately define the known and suspected contamination. A Site Management Plan (SMP), Corrective Action Plan (CAP), Remedial Action Plan (RAP), or other equivalent plan shall be prepared and submitted to the regulatory oversight agency for their approval. The plan shall include a Health & Safety Plan (HASP) and shall establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future workers and visitors. Evidence of regulatory oversight and the approved plan shall be provided for review to the Director of the City of San José Department of Planning, Building and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.	
Impact TCR-1: Future development under the Five Wounds Urban Village Plan could result in a significant impact to sensitive tribal cultural resources.	**MM TCR-1: Retention of a Qualified Archaeologist and Tribal Monitor.** Prior to issuance of any demolition, tree removal, grading, or building permits, whichever occurs first, the permittee shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology (codified in 36 Code of Federal Regulations Part 61; 48 Federal Register 44738-44739) and shall retain one or more Native American monitors designated by the consulting tribe(s) that are traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 to monitor all ground disturbance and ensure that any required measures related to archaeological and tribal cultural resources are carried out. The Native American monitor(s) shall have authority equal to that of the Qualified Archaeologist to halt or redirect ground-disturbing work upon the discovery of archaeological or tribal cultural resources. The monitoring program shall be developed in collaboration with the consulting tribe(s). The permittee shall provide the contract agreement with the and the Native American monitor(s) to the Director of Planning, Building and Code Enforcement or the Director's designee to demonstrate compliance.	Less than Significant Impact with Mitigations Incorporated

Impact	Mitigation Measures	Level of Significance After Mitigation
	MM TCR-2: Tribal Cultural Resources Awareness Training and Monitoring. Prior to issuance of any tree removal, demolition or grading permits, whichever occurs first, the permittee shall be required to submit evidence that a Cultural Awareness Training has been provided to construction personnel prior to ground disturbance, such as copies of worker sign-in sheets to confirm attendance. The training shall be facilitated by a qualified project archaeologist in collaboration with a Native American monitor designated by the consulting tribe(s) that are 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 including training attendance logs and training materials shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee. Cultural Awareness Training shall be provided to any construction personnel who join the project after the original training session in accordance with the requirements of this condition. In addition, a qualified archaeologist in collaboration with a Native American monitor registered with the NAHC for the City of San José and that is designated by the consulting tribe(s) that are traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall be present during applicable earthmoving activities (e.g., trenching, initial or full grading, lifting of foundation, boring on site, or major landscaping, etc.). If a consulting tribe does not provide a monitor within 30 days of a written request, the permittee shall document its good-faith efforts to secure tribal monitoring, including the dates and methods of all contacts, and shall provide that documentation to the Director of Planning, Building and Code Enforcement or the Director's designee. In the absence of a tribal monitor, the qualified archaeologist shall monitor all earthmoving activities and shall halt work in the immediate vicinity of any discovery of archaeological or tribal cultural resources until the consulting tribe(s) have been notified and afforded a reasonable opportunity to consult. If archaeological or tribal cultural resources are encountered during any ground-disturbing activity, all such work shall stop within 100 feet of the find and shall not resume until the find has been evaluated and cleared by both the Qualified Archaeologist and the consulting tribe(s). Upon discovery, the consulting tribe(s) shall be contacted, and a treatment plan for the find shall be developed in collaboration with the consulting tribe(s). The consulting tribe(s) shall determine what constitutes a significant tribal cultural resource.	

Impact	Mitigation Measures	Level of Significance After Mitigation
	MM TCR-3: Final Disposition of Cultural Materials. This measure applies to all discretionary projects implemented under the Five Wounds Urban Village Plan Update that involve demolition, grading, excavation, building construction, or infrastructure construction. For any archaeological materials recovered from the projects site during construction, the following shall apply: a) Disposition of Native American archaeological materials shall be determined through consultation with the consulting tribe(s) that are traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, the Director of Planning, Building and Code Enforcement or the Director's designee, and the Qualified Archaeologist. Native American archaeological materials shall be repatriated to, or reinterred under the direction of, the consulting tribe(s), in or as near as feasible to their original place of recovery, and shall not be curated, accessioned, donated, or subjected to destructive analysis without the prior written consent of the consulting tribe(s). Disposition of human remains and associated grave goods shall be determined through consultation between the Most Likely Descendant and the landowner, in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. The Most Likely Descendant's recommendations shall provide for the dignified treatment and reinterment of the human remains and associated grave goods, which shall not be curated, subjected to destructive analysis, or photographed without the consent of the Most Likely Descendant. b) Disposition of significant historic-era archaeological materials shall include the following options, in order of preference. Historic-era archaeological materials of Native American origin or association are tribal cultural resources governed by subpart (a) above and shall not be curated. Final disposition of these materials shall be made in consultation with, and with the concurrence of, the consulting tribe(s). Return of the materials to the consulting tribe(s) for repatriation, reinterment, or disposition under tribal direction.	

1 INTRODUCTION

1.1 Purpose of the Program Environmental Impact Report

The City prepared this Program environmental impact report (EIR) for the Project in compliance with the California Environmental Quality Act CEQA Guidelines, including Sections 15120 through 15132. The decision to prepare an EIR is based on substantial evidence and considering the whole of the record before the lead agency.

As described in CEQA Guidelines Section 15121(a), an EIR is an informational document that assesses potential environmental impacts of a project, as well as identifies mitigation measures and alternatives to the Project that could reduce or avoid adverse environmental impacts (CEQA Guidelines 15121[a]). A Program EIR, as outlined in CEQA Section 15168 and discussed further below in **Subsection 1.1.1, Program Level Environmental Review and Tiering**, of this EIR, is an environmental review document that assesses the cumulative impacts of a series of related projects or actions under a single, broad analysis, streamlining future environmental reviews and reducing redundancy for subsequent projects within the program. As the CEQA Lead Agency for this project, the City 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, environmental impacts, mitigation measures, cumulative impacts, alternatives, and growth-inducing impacts. It is not the intent of an EIR to recommend either approval or denial of a project.

1.1.1 Program-Level Environmental Review and Tiering

This Draft EIR evaluates areas of the Five Wounds Urban Village Plan on both program- and project level analyses. The program-level analysis considers the proposed project's urban design strategy and future buildout of the Project. The analysis is consistent with CEQA Guidelines Section 15168 that states that a program EIR may be prepared in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program. The program EIR can be used in the future to simplify the task of preparing environmental documents as subsequent activities in the study area would be examined in the light of the program EIR.

As noted in CEQA Guidelines Section 15146, the degree of specificity in an EIR will correspond to the degree of specificity in the underlying activity described in the EIR. As described in CEQA Guidelines Section 15162, further environmental review could be required if subsequent development plans contain new information of substantial importance or substantial changes to the Project, or if the surrounding circumstances change or other new information is available, which will result in a new significant impact, a change in mitigation measures, or a change in the level of significance of impacts identified in this Draft EIR.

1.2 EIR Process

1.2.1 Notice of Preparation and Scoping

In accordance with Sections 15063 and 15082 of the CEQA Guidelines, the City prepared a Notice of Preparation (NOP) for the EIR. The NOP was circulated for a 30-day period beginning on March 8, 2024, which concluded on April 7, 2024. **Appendix A** of this EIR includes the NOP and comments received on the NOP. **Table 1.2-1** below lists the NOP comments received by the City, and summarizes the main concerns raised in each letter. The section in which the topics are analyzed and described relevant to the comment is provided in parentheses. The City also held a public scoping meeting on March 21, 2024 to discuss the Project and solicit public input as to the scope and contents of this EIR.

Table 1.2-1 Comments Received on the Notice of Preparation

Date	Commenter	Summary of Comments
03/19/2024	Irenne Zwierlein - The Amah Mutsun Tribal Band of San Juan Bautista & A.M.T.B. Inc.	▪ Commenter recommends that searches through Sacred Lands Files (SLF) and California Historical Resource Information

Date	Commenter	Summary of Comments
		Systems (CHRIS) and communications with the Native American Heritage Commission (NAHC) to be conducted to determine if the Project has cultural and/or historic sensitivity. (**Section 3.7, Cultural Resources**) ▪ Commenter recommends all personnels moving any earth to be Cultural Sensitivity Trained and a Qualified California Trained Archaeological/ Native American Monitor to be present during earth movement, if the Project is cultural or historic sensitive. (**Section 3.7, Cultural Resources**)
3/22/2024	Tamara Purvis – Department of Toxic Substances Control (DTSC)	▪ Commenter raises concerns that construction activities in the Project area may encompass active and nonactive mitigation and clean-up sites where oversight has been conducted and may lead to impacts to human health and the environment. (**Section 3.11, Hazards and Hazardous Materials**). ▪ Commenter recommends further information to be provided on the Project and areas that may fall under DTSC's oversight within future environmental documents. (**Section 3.11, Hazards and Hazardous Materials**)
4/9/2024	Kevin Thai - Santa Clara Valley Water District (Valley Water)	▪ Commenter requests that any planned trails and recreational facilities noted in the Draft EIR within Valley Water lands should conform to Valley Water's 2021 Trails Policy Criteria and Guidance and are subject to Valley Water's encroachment permit process. ▪ Commenter requests that the Draft EIR shall include a discussion of existing flood hazards, while all development should adhere to the City's Floodplain Ordinance and the National Flood Insurance Program (NFIP) requirements, with a flood risk analysis conducted. (**Section 3.12, Hydrology and Water Quality**) ▪ Commenter requests that existing and planned Valley Water flood protection improvements, and any impacts with potential mitigation measures to these improvements caused by the Project, to

Date	Commenter	Summary of Comments
		be noted in the Draft EIR. (**Section 3.12, Hydrology and Water Quality)** ▪ Commenter requests that a Water Supply Assessment shall be prepared by the water retailer to evaluate water supply availability, with all available water conservation measures to be required. (**Section 3.21, Utilities and Service Systems**) ▪ Commenter suggests that dewatering of future underground development or structures may be required as groundwater in the Project area is typically shallow, and that the need of dewatering should be minimized or avoided. (**Section 3.12, Hydrology and Water Quality**) ▪ Commenter requests that unused or abandoned wells on the Project site to be properly destroyed in accordance with Water Valley Ordinance. (**Section 3.12, Hydrology and Water Quality**)

1.2.2 Draft EIR Public Review and Comment Period

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

City of San José, Department of Planning, Building and Code Enforcement
Attn: Tina Garg, Supervising Planner
200 East Santa Clara Street, 3rd Floor Tower
San José CA 95113-1905
Email: tina.garg@sanjoseca.gov

1.2.3 Final EIR/Responses to Comments

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

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

1.2.4 Notice of Determination

If the Project is approved, the City will file a Notice of Determination (NOD) with the State Clearinghouse, which would be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations.

1.3 Intended Use of this EIR

This EIR is intended to inform the decision makers and the general public of the environmental impacts associated with adopting and implementing the Five Wounds Urban Village Plan.

This EIR is a program-level EIR and does not evaluate individual development projects that may be allowed under the proposed Five Wounds Urban Village Plan Update at a site-specific level. The Plan establishes goals and policies for the overall growth envisioned that may or may not be built on any particular site. Therefore, the environmental review is general. The CEQA Guidelines instruct that environmental review of a planning-level document need not contain the level of detail required for review of a specific construction project (CEQA Guidelines, Section 15146 ("[t]he degree of specificity required … will correspond to the degree of specificity involved in the underlying activity").

Future development proposals would be reviewed to determine whether their impacts fall within the scope of analysis in this EIR or if additional site-specific environmental review is required. As provided for in CEQA Guidelines Sections 15152 and 15385, any subsequent environmental document that might be required for a development project could "tier" from this EIR and focus its analysis on any new or more severe significant impacts. A future project could be ministerial (requiring no discretionary action) or may require review and approval by the by the Director of Planning Building and Code Enforcement, City Council, and/or Planning Commission, as needed.

1.3.1 Program-Level Environmental Review

This EIR provides a programmatic level of environmental review under CEQA for future development allowed under the Project that is consistent with the Project's goals and policies. This EIR will provide the basis for tiering the subsequent environmental review of future actions.

1.4 Report Organization

This Draft EIR is organized into the following sections:

- **Chapter 1, Introduction**, provides an introduction and overview describing the purpose of the Draft EIR, scope of topics addressed in this Draft EIR, and the environmental review process.
- **Chapter 2, Project Description**, describes the Five Wounds Urban Village Plan, its location, project objectives, and required approvals.
- **Chapter 3, Environmental Analysis**, describes the environmental setting for each resource topic, including applicable plans and policies as appropriate; provides a brief description of the environmental effects that were found not to be significant and, therefore, not evaluated in further detail; provides an analysis of the potential environmental impacts of the Project and cumulative impacts; identifies mitigation measures to reduce significant impacts; and provides a list of references used to prepare each resource section.
- **Chapter 4, Growth-Inducing Impacts**, evaluates the potential for the Project to foster or stimulate significant economic or population growth in the surrounding environment.
- **Chapter 5, Significant and Irreversible Environmental Changes**, identifies significant irreversible environmental changes that would be caused by the proposed project such as current or future

commitments to the use of non-renewable resources, or secondary or growth-inducing impacts that commit future generations to similar uses.

- **Chapter 6, Significant and Unavoidable Impacts**, summarizes each significant impact that would occur from the Project, including those where no feasible mitigation measures exist to reduce impacts to a less-than-significant level.
- **Chapter 7, Alternatives**, summarizes alternatives to the Project and the comparative environmental consequences and benefits of each alternative. This section includes an analysis of the No Project Alternative, among others, as required by CEQA.
- **Chapter 8, Lead Agency and Consultants**, provides a list of the individuals involved in the preparation of the Draft EIR.
- **Chapter 9, Acronyms and Abbreviations**, provides a list of acronyms and abbreviations and their definitions used in the Draft EIR.
- **Chapter 10, References**, provides a list of citations of each reference document used to support the Draft EIR.

Appendices to this Draft EIR include the NOP, comment letters, and information from the technical reports used in the analysis contained in this Draft EIR.

2 PROJECT DESCRIPTION

2.1 Background

This Program EIR has been prepared for the Five Wounds Urban Village Plan Project, in accordance with the requirements of CEQA and the City. The purpose of this EIR is to inform the public agency decision makers and the public of the Plan's potentially significant environmental effects and to identify ways to mitigate or avoid impacts of the Project. Additionally, the EIR will identify a range of reasonable Project alternatives that would reduce Project impacts while attaining Project objectives. This EIR includes a description of the physical environment in and around the Project area as those conditions existed at the time the NOP for the Project was issued, which was on March 8, 2024.

The City defines an Urban Village as a walkable, bicycle-friendly, transit-oriented development in a mixed-use setting that offers both housing and jobs. Urban Villages are integral to the San José Envision 2040 General Plan, which was adopted by the City Council in November 2011. Urban Villages aim to reduce greenhouse gas emissions by decreasing car trips and placing jobs near housing to promote local walking, biking, and transit use. Urban Villages are designated as key hubs for concentrated growth, with a vision of creating 60 such communities across the City's 180-square-mile area. They are intended to foster vibrant, sustainable neighborhoods that prioritize accessibility to public transit and existing infrastructure. **Figure 2.9-1** illustrates the boundaries and location of the Urban Villages identified in the 2040 General Plan.

2.1.1 Existing Urban Village Plans

On November 19, 2013, San José City Council approved four Urban Village Plans in the vicinity of the future 28th Street/Little Portugal BART Station: the Five Wounds Urban Village Plan, Little Portugal Urban Village Plan, Roosevelt Park Urban Village Plan, and the 24th and William Urban Village Plan (each amended December 13, 2022). These plans established a framework to transition their respective areas into more mixed-use, pedestrian-oriented districts. **Figure 2.9-2** depicts the location of the existing Urban Village Plan areas that would be consolidated as part of the proposed project.

In general, the four existing plans sought to support reinvestment and redevelopment near major corridors and planned transit investments, while improving multimodal connectivity and public realm condition.

2.2 Proposed Five Wounds Urban Village Plan Project

The Project consists of adoption and implementation of the Five Wounds Urban Village Plan (Plan), a policy-level document that establishes land use, urban design, circulation, and development framework for the Plan Area through approximately 2040. The new Plan would consolidate the four previously approved Urban Village Plans: Five Wounds, Roosevelt Park, Little Portugal, and 24th and William into a single Urban Village Plan that reflects the anticipated development potential of the area following construction of the future 28th Street/Little Portugal BART Station. For the purposes of this "umbrella plan", each distinct urban village within the Plan would be referred to as a "District." The Plan's Districts are a planning framework used to describe subareas; they are not zoning districts and do not have a direct regulatory relationship to zoning district designations. The previously approved Five Wounds, Roosevelt Park, Little Portugal, and 24th and William Urban Village plans would be retired following adoption of the new Plan.

The Project includes goals, policies, standards, and implementation measures that guide future development and public and private investment within the Plan Area. The Plan includes the following chapters:

- **Chapter 1 Introduction:** Describes the planning area and project purpose, provides an overview of the planning process, and describes the relationship of the Project to other plans and policies.
- **Chapter 2 Vision:** Conveys the five principles of the Project, which informs the formulation of all policies, standards, and development guidelines of the Project. The five principles also shape future development and investment in the area plan.

- **Chapter 3 Land Use:** The Land Use Chapter describes how the Project accommodates the housing and job capacities assigned in the General Plan. This Chapter also contains land use goals and policies specific to the Plan. These goals and policies supplement the general goals and policies of the General Plan, and are intended to further implement the General Plan's Urban Village Strategy for the Plan. A comprehensive list of all the land use policies is provided in **Appendix B** of this EIR. Applicable policies that help reduce or eliminate potential impacts and impacts of the Project are described in each topical section of this EIR.
- **Chapter 4 Urban Design:** The Urban Design Chapter describes goals, design standards and guidelines that shape site design, urban form, building design, and the bicycle and pedestrian environment in the Project area.
- **Chapter 5 Open Space and Placemaking:** The Open Space and Placemaking Chapter guides the improvement and creation of publicly accessible recreational open spaces within the Project area and the future 28th Street/Little Portugal BART Station.
- **Chapter 6 Circulation and Streetscape:** The Circulation and Streetscape Chapter describes the existing and previously planned transportation network of the Project area.
- **Chapter 7 Implementation:** The Implementation Chapter identifies funding mechanisms to fund the construction of physical infrastructure, improvements, programs and amenities identified in the Project.
- **Chapter 8:** This Chapter identifies parking and transportation demand management (TDM) measures designed to achieve the Project's objective of promoting a more balanced transportation system and will improve mobility and safety and help maintain a high standard of living as the City grows. TDM refers to a set of strategies, policies, and programs intended to inform and encourage people to use more sustainable travel modes.

The Project's goals, policies, standards, and guidelines are summarized in this Project Description and incorporated by reference. These provisions function as regulatory controls, assumptions used in environmental analysis, and, where applicable, embedded mitigation measures. Relevant policies and standards are identified and applied within each environmental topic in Chapter 3.

2.2.1 Project Location and Existing Setting

The Project Area encompass a 427-acre within roughly a 0.5-mile radius of the future 28th Street and Little Portugal BART Station. The area is generally bounded by King Road to the east, Lower Silver Creek to the north, Coyote Creek to the west, and East San Fernando Street, East William Court, and East San Antonio Street to the south. East Santa Clara Street and Alum Rock Avenue bisect the north and south areas of the Urban Village and the former Union Pacific Railroad (UPRR). **Figure 2.9-3** shows the location of the Project area and project boundaries.

The Plan Area includes a mix of residential, commercial, industrial, and institutional uses. Existing development is characterized by predominantly single-family residential neighborhoods, commercial corridors along East Santa Clara Street and Alum Rock Avenue, and underutilized industrial uses concentrated along the Union Pacific Railroad corridor. Several sites within the Plan Area contain vacant or underutilized parcels with redevelopment potential. Plan area also has a few structures that are of historic significance.

2.2.2 Land Use

The Project implements the 2040 General Plan's vision by establishing an Urban Village in accordance with Major Strategy #5 – Urban Villages. The Plan involves consolidating these Urban Villages to optimize development potential, particularly in anticipation of the construction and operation of the future 28th Street/Little Portugal BART Station. Positioned at the approximate center of these four existing Urban Villages, the BART station is poised to serve as a focal point for transit-oriented development and community activity, catalyzing growth and enhancing connectivity across the area. By consolidating the Urban Villages around this strategic transit hub, the Project seeks to maximize the efficiency and effectiveness of future development efforts, creating a cohesive and dynamic urban environment that aligns with the goals of the 2040 General Plan.

The Project would accommodate the housing and job capacities assigned in the 2040 General Plan by establishing land use designations, intensity ranges, and implementing policies for development in the Plan Area. Compared to the combined planned capacity of the four existing Urban Village plans, the Project would modify the planned growth capacity in the Plan Area from approximately 4,855 jobs and 2,022 housing units to approximately 2,500 jobs and 8,022 housing units. This represents a net decrease of approximately 2,355 jobs[1] and a net increase of approximately 6,000 housing units within the Plan Area. These development capacities represent the maximum buildout assumptions evaluated in this EIR.

To implement these changes, the Project would include General Plan amendments and Zoning Code amendments for sites within the Plan Area, as described further below in **Section 2.2.3, 2040 General Plan Amendments and Zoning Code Amendments** of this EIR. The Project would reallocate planned job and housing capacity within the City's General Plan growth areas such that the total Citywide planned capacity would remain unchanged. Proposed changes in General Plan capacity are summarized in **Table 2.2-1.**

Table 2.2-1 Proposed Changes to General Plan Growth Capacity Areas

Existing General Plan Growth Areas			Proposed General Plan Growth Areas		
General Plan Growth Area	**Job Capacity**	**Dwelling Unit Capacity**	**General Plan Growth Area**	**Net Job Capacity**	**Net Dwelling Units Capacity**
Five Wounds	4,050	845	Five Wounds District	2,000	2,904
Roosevelt Park	605	650	Roosevelt Park District	167	1,647
Little Portugal	100	310	Little Portugal District	107	1,110
24th Street and William	100	217	24th and William District	133	815
East Santa Clara – Alum Rock Corridor	N/A	N/A	N/A	N/A	N/A
East Julian/McKee Corridor	N/A	N/A	East Julian/McKee Corridor	93	1,162
Neighborhood Quadrants in Five Wounds UV	N/A	N/A	Neighborhood Quadrants in Five Wounds UV	0	384
Race Street Light Rail UV Area A (West of Sunol)	N/A	1,937	A (West of Sunol)	N/A	-1000
Race Street Light Rail UV Area B (Reed & Graham Site)	N/A	675	B (Reed & Graham Site)	N/A	-675
Oakridge Mall UV Area A (Cambrian/Pioneer)	N/A	1,050	A (Cambrian/Pioner)	N/A	-400

[1] Envision San José 2040 General Plan, Appendix 6. Website: 638828345723130000. Accessed January 9, 2026.

Existing General Plan Growth Areas			Proposed General Plan Growth Areas		
General Plan Growth Area	Job Capacity	Dwelling Unit Capacity	General Plan Growth Area	Net Job Capacity	Net Dwelling Units Capacity
Oakridge Mall UV Area B (Edenvale)	N/A	2,000	B (Edenvale)	N/A	-925
Blossom Hill Road/Calahan Avenue UV	N/A	533	VR18 - Blossom Hill Road/Calahan Avenue	N/A	-300
Blossom Hill Road/Snell Avenue UV	N/A	908	VR19 - Blossom Hill Road/Snell Avenue	N/A	-500
Southwest Expressway UV	N/A	3007	CR21 - Southwest Expressway	N/A	2,200
Saratoga UV	1,500	N/A	Saratoga UV	+1302	N/A
S. De Anza UV	2,140	N/A	SDA UV	+ 533	N/A
S. Bascom South UV	500	N/A	SBS UV	+ 260	N/A
N. Capitol Av / McKee Rd UV	1,000	N/A	VR15	+ 45	N/A
S. Capitol Av / Capitol Expy ELA	100	N/A	VR16	+15	N/A
Blossom Hill Rd / Cahalan Av UV	500	N/A	VR8	+ 50	N/A
Race Street Light Rail UV	1,200	N/A	VR9	+ 60	N/A
Capitol / 87 Light Rail UV	650	N/A	VR10	+ 40	N/A
Oakridge Mall and Vicinity UV	2,375	N/A	VR17	+ 50	N/A
			EXISTING TOTALS	**4,855**	**2,022**
			DELTA	**-2,355**	**+6,000**
			UPDATED TOTALS:	**2,500**	**8,022**

Source: City of San José. 2024. *Envision San José 2040 General Plan*. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.
Notes: N/A = not applicable; UV = Urban Village; ELA = Employment Land Area

2.2.2.1 Districts Framework and Growth Distribution

The Project uses "Districts" as a planning framework to describe subareas and organize growth within the Plan Area. Districts do not constitute zoning districts and do not independently regulate land use; land use regulation would occur through General Plan designations and Zoning Code amendments adopted as part of the Project. The District framework is intended to concentrate most new growth in areas with the greatest redevelopment potential while supporting neighborhood preservation objectives in the broader Plan Area.

In addition to the four Districts, the Plan identifies the East Julian Street and McKee Road corridor as an area with significant redevelopment potential, and it identifies residential neighborhood quadrants outside the Districts where the Plan anticipates more limited, neighborhood-compatible infill over the long term, depending on market conditions.

A description of each District, corridors and neighborhood quadrants are described below and proposed changes to maximum density, floor-area ratios (FAR), and maximum heights for development within the Project area are depicted in **Table 2.2-2** below.

Table 2.2-2 Proposed Changes to General Plan Maximum Density, FAR, and Height for Development within the Project Area

Area	Minimum Density (DU/AC)	Maximum Density (DU/AC)	Minimum FAR Commercial Only Projects	Maximum FAR Commercial Only Projects	Maximum Height
Five Wounds District					
Between East Julian and Five Wounds Lane and East of 28th Street	120 DU/AC	250 DU/AC	10	30	270 Feet
Between East Julian and East Santa Clara Street, and between 28th Street and 27th Street	75 DU/AC	200 DU/AC	5	7	85 feet
Between East Julian and Saint Jones Street, and between 27th Street and 26th Street	65 DU/AC	90 DU/AC	5	6	75 feet
North of East Julian and West of Wooster Avenue	55 DU/AC	70 DU/AC	4	5	65 feet
Little Portugal District					
North of Alum Rock	75 DU/AC	120 DU/AC	4	6	85 feet
South of Alum Rock	75 DU/AC	120 DU/AC	4	6	85 feet
Roosevelt Park District					
North of East Santa Clara	75 DU/AC	120 DU/AC	4	6	85 feet
South of East Santa Clara	55 DU/AC	70 DU/AC	3	5	65 feet
24th and William District					
All areas	55 DU/AC	70 DU/AC	3	5	65 feet
East Julian and McKee Corridors					
Along East Julian Corridor	95 DU/AC	150 DU/AC	5	8	85 feet
Along McKee Road	85 DU/AC	120 DU/AC	4	6	75 feet

Source: City of San José. 2024. *Envision San José 2040 General Plan*. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.

Five Wounds District

The boundaries of the Five Wounds District are 30th Street to the east, East Santa Clara to the south, and Lower Silver Creek to the north, including a triangular vacant parcel to the north of the creek and one row of parcels to

the west of Wooster Avenue and 26th Street. Existing land uses include industrial, residential, and public/quasi-public uses. This District would accommodate the Project's most intense growth and would support a mix of high-intensity residential and commercial development, including development associated with the station-area context.

Little Portugal District

The Little Portugal District runs along Alum Rock Avenue between US 101 and King Road and includes a corridor characterized by older, pedestrian-oriented commercial uses and some mixed-use buildings with ground-floor commercial and residential above. The Project would allow mid- to high-intensity residential and/or mixed-use development in this District while maintaining the corridor's role as a community-serving commercial area.

Roosevelt Park District

The Roosevelt Park District is located between the US 101 and 17th Street along East Santa Clara Street. The area contains older commercial and mixed-use building stock, institutional uses, and proximity to Roosevelt Park and other community amenities. The Project would retain and expand the existing mix of neighborhood-serving commercial uses and integrate new residential, commercial, or mixed-use development over time, with an emphasis on walkability and multimodal access.

24th and William District

The 24th & William District is generally bounded by Shortridge Avenue to the north, 28th Street to the east, 22nd Street and McLaughlin Avenue to the west, and extends south of Sunny Court. Existing conditions include a predominantly low-scale residential neighborhood with neighborhood-serving commercial uses, as well as some industrial and auto-related uses. The Project would support mixed-use development at low-to-medium intensity, including mid-rise residential buildings with neighborhood-serving uses on the ground floor where appropriate.

East Julian Street and McKee Road Corridor

East Julian Street connects to McKee Road and functions as an east–west corridor in the northern portion of the Plan Area. Existing development includes one-story commercial uses and larger parcels with redevelopment potential. The Plan anticipates mid- to high-density residential and/or mixed-use development along this corridor, depending on market conditions, and would provide an additional location for growth outside the four Districts.

Residential Neighborhood Quadrants

Outside the District boundaries and extending to the Plan Area boundary, the Plan identifies residential neighborhoods organized as northwest, northeast, southwest, and southeast quadrants. The Plan anticipates that, depending on market conditions, these areas could accommodate low-scale (one- to three-story) neighborhood-compatible residential infill, broadly described as "Small Multi-family Housing," including duplexes/fourplexes, townhome-scale projects, and small multiplexes.

2.2.3 2040 General Plan Amendments and Zoning Code Amendments

The Project includes General Plan amendments and Zoning Code amendments within the Plan Area to facilitate the planned job and housing capacity shift and to implement the Plan's land use framework and development intensities. Most of the planned development would occur within the four Districts and along the East Santa Clara, East Julian, Alum Rock, and McKee roadway corridors. The Project would shift most of the employment uses (equivalent to approximately 2,000 jobs) to parcels immediately adjacent to the future 28th Street/Little Portugal BART Station, with roughly an additional 500 jobs allocated along the roadway corridors where development will occur. Residential growth would be focused within the four Districts, particularly in the areas adjacent to the future BART station, and along these roadway corridors.

The existing land use and zoning designations for the Project area are shown on **Figure 2.9-4** and **Figure 2.9-5** respectively. The proposed land use and zoning designations for the Project area are shown on **Figure 2.9-6** and

Figure 2.9-7. The proposed land use and zoning changes by acreage are summarized in **Table 2.2-3** and **Table 2.2-4**, respectively.

The Plan's land use designations include ranges of allowed residential density and commercial floor area ratio (FAR). District-level housing and job capacities are intended as planning targets within these ranges and are not parcel-level entitlements. This EIR evaluates impacts based on the total development capacity of the Plan Area rather than parcel-level entitlements. Projects may propose densities and FARs within the allowed ranges, and cumulative development over time is expected to "average" toward the Plan's capacity targets. If a future development proposal would cause a District's planned capacity to be exceeded, updated environmental review and discretionary Plan amendment action may be required.

Table 2.2-3 Proposed Changes to Land Use Designations by Acreage

Existing General Plan Land Use Designation			Proposed General Plan Land Use Designation		
General Plan Land Use	Total Acres within Project Area (approx.)	General Plan Maximum Density/ FAR	General Plan Land Use	Acres of Existing GPLU that changed to Proposed GPLU within Project Area	General Plan Maximum Density/ FAR
Combined Industrial/Commercial, CIC	5.13	0/12.0	Urban Village, UV	5.13	250/10.0
Light Industrial, LI	10.16	0/1.5	Urban Village, UV	7.60	250/10.0
Mixed Use Commercial, MUC	6.28	50/4.5	Urban Village, UV	0.13	250/10.0
Mixed Use Commercial, MUC	6.28	50/4.5	Urban Residential, UR	5.65	95/4.0
Mixed Use Neighborhood, MUN	53.25	30/2.0	Urban Village, UV	4.32	250/10.0
Mixed Use Neighborhood, MUN	53.25	30/2.0	Urban Residential, UR	7.40	95/4.0
Neighborhood Community Commercial, NCC	21.03	0/3.5	Urban Village, UV	20.27	250/10.0
Neighborhood Community Commercial, NCC	21.03	0/3.5	Urban Residential, UR	0.23	95/4.0
Open Space, Parklands, and Habitat, OSPH	28.55	N/A	Urban Village, UV	2.15	250/10.0
Residential Neighborhood, RN	186.18	8/0.7	Urban Village, UV	35.02	250/10.0

Existing General Plan Land Use Designation			Proposed General Plan Land Use Designation		
General Plan Land Use	Total Acres within Project Area (approx.)	General Plan Maximum Density/ FAR	General Plan Land Use	Acres of Existing GPLU that changed to Proposed GPLU within Project Area	General Plan Maximum Density/ FAR
Residential Neighborhood, RN	186.18	8/0.7	Urban Residential, UR	4.64	95/4.0
Residential Neighborhood, RN	186.18	8/0.7	Open Space, Parklands, and Habitat, OSPH	0.09	N/A
Residential Neighborhood, RN	186.18	8/0.7	Mixed Use Neighborhood, MUN	146.07	30/2.0
Transit Employment Center, TEC	4.01	0/12.0	Urban Village, UV	4.01	250/10.0
Transportation and Utilities, TU	2.85	N/A	Open Space, Parklands, and Habitat, OSPH	2.85	N/A
Urban Residential, UR	0.97	95/4.0	Urban Village, UV	0.97	250/10.0
Urban Village, UV	57.85	250/10.0	Neighborhood Community Commercial, NCC	1.66	0/3.5
Urban Village, UV	57.85	250/10.0	Open Space, Parklands, and Habitat, OSPH	0.02	N/A

Source: City of San José. 2024. *Envision San José 2040 General Plan*. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.

Table 2.2-4 Proposed Changes to Zoning Districts by Acreage

Existing Zoning District		Proposed Zoning District	
Zoning District	Total Acres within Project Area (approx.)	Zoning District	Acres of Existing Zoning that changed to Proposed District within Project Area
Planned District, A(PD)	31.79	Mixed Use Neighborhood, MUN	19.13
Planned District, A(PD)	31.79	Open Space, OS	0.47
Planned District, A(PD)	31.79	Public/Quasi-Public District, PQP	0.62
Planned District, A(PD)	31.79	Urban Residential, UR	3.30

Existing Zoning District		Proposed Zoning District	
Zoning District	Total Acres within Project Area (approx.)	Zoning District	Acres of Existing Zoning that changed to Proposed District within Project Area
Planned District, A(PD)	31.79	Urban Village, UV	8.26
Commercial General District, CG	15.59	Open Space, OS	0.29
Commercial General District, CG	15.59	Public/Quasi-Public District, PQP	2.16
Commercial General District, CG	15.59	Urban Village, UV	12.29
Commercial General District, CG	15.59	Commercial Neighborhood District, CN	0.85
Commercial/Industrial Center, CIC	0.30	Urban Village, UV	0.30
Commercial Neighborhood District, CN	0.91	Urban Residential, UR	0.23
Commercial Neighborhood District, CN	0.91	Urban Village, UV	0.68
Commercial Office District, CO	0.77	Urban Village, UV	0.77
Commercial Pedestrian District, CP	16.78	Mixed Use Neighborhood, MUN	1.23
Commercial Pedestrian District, CP	16.78	Urban Residential, UR	0.12
Commercial Pedestrian District, CP	16.78	Urban Village, UV	15.03
Commercial Pedestrian District, CP	16.78	Commercial Neighborhood District, CN	0.40
Commercial Pedestrian District, CP(PD)	3.68	Urban Village, UV	3.68
Heavy Industrial District, HI	15.91	Mixed Use Neighborhood, MUN	0.13
Heavy Industrial District, HI	15.91	Open Space, OS	1.34
Heavy Industrial District, HI	15.91	Public/Quasi-Public District, PQP	2.08

Existing Zoning District		Proposed Zoning District	
Zoning District	Total Acres within Project Area (approx.)	Zoning District	Acres of Existing Zoning that changed to Proposed District within Project Area
Heavy Industrial District, HI	15.91	Urban Village, UV	12.36
Light Industrial District, LI	38.72	Mixed Use Commercial, MUC	0.13
Light Industrial District, LI	38.72	Mixed Use Neighborhood, MUN	0.97
Light Industrial District, LI	38.72	Open Space, OS	6.77
Light Industrial District, LI	38.72	Public/Quasi-Public District, PQP	1.64
Light Industrial District, LI	38.72	Urban Residential, UR	3.82
Light Industrial District, LI	38.72	Urban Village, UV	22.84
Mixed Use Neighborhood, MUN	31.16	Urban Residential, UR	4.10
Mixed Use Neighborhood, MUN	31.16	Urban Village, UV	3.49
Public/Quasi-Public District, PQP	42.74	Mixed Use Neighborhood, MUN	0.14
Residence District (8DU/Acre), R-1-8	67.90	Mixed Use Neighborhood, MUN	54.58
Residence District (8DU/Acre), R-1-8	67.90	Open Space, OS	0.09
Residence District (8DU/Acre), R-1-8	67.90	Public/Quasi-Public District, PQP	0.91
Residence District (8DU/Acre), R-1-8	67.90	Urban Residential, UR	0.07
Residence District (8DU/Acre), R-1-8	67.90	Urban Village, UV	12.14
Residence District (2DU/Lot), R-2	127.71	Mixed Use Commercial, MUC	0.38
Residence District (2DU/Lot), R-2	127.71	Mixed Use Neighborhood, MUN	83.17
Residence District (2DU/Lot), R-2	127.71	Open Space, OS	16.81
Residence District (2DU/Lot), R-2	127.71	Public/Quasi-Public District, PQP	2.24
Residence District (2DU/Lot), R-2	127.71	Urban Residential, UR	4.56

Existing Zoning District		Proposed Zoning District	
Zoning District	Total Acres within Project Area (approx.)	Zoning District	Acres of Existing Zoning that changed to Proposed District within Project Area
Residence District (2DU/Lot), R-2	127.71	Urban Village, UV	20.30
Residence District (Multiple Unit/Lot), R-M	8.10	Mixed Use Neighborhood, MUN	4.35
Residence District (Multiple Unit/Lot), R-M	8.10	Public/Quasi-Public District, PQP	0.36
Residence District (Multiple Unit/Lot), R-M	8.10	Urban Residential, UR	1.71
Residence District (Multiple Unit/Lot), R-M	8.10	Urban Village, UV	1.68
Urban Residential, UR	0.82	Mixed Use Neighborhood, MUN	0.33
Urban Residential, UR	0.82	Urban Village, UV	0.50
Urban Village, UV	22.42	Commercial Neighborhood District, CN	0.94
Urban Village, UV	22.42	Open Space, OS	0.02

Source: City of San José. 2024. *Envision San José 2040 General Plan*. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.

2.3 Urban Design

Development under the Project would be subject to objective urban design standards and applicable Citywide development standards. These standards regulate building height and massing, transitions to adjacent lower-density areas, ground-floor design and activation, site layout, and parking location. The standards are enforceable through zoning and development review and are intended to ensure compatibility, support pedestrian-oriented development, and reduce potential aesthetic and land use impacts. Appendix B of this EIR includes the Plan's Urban Design goals, policies, and standards. Standards in the Plan supersede other City policies and standards where conflicts appear.

2.4 Open Space & Placemaking

Implementation of the Five Wounds Urban Village Plan would increase demand for parks, trails, and publicly accessible open space as new housing and mixed-use development occurs. The Plan's open space strategy relies on a combination of (1) improvements to and better connectivity between existing park and recreation resources, (2) development of a planned trail and open space network (including the Five Wounds Trail concept), and (3) integration of smaller publicly accessible open spaces into new development through privately owned, publicly accessible open space (POPOS) and privately owned park space (POPS), where feasible.

The Plan also identifies up to three "Floating Park" priority areas intended to signal general locations where a future publicly accessible park space should be prioritized. The Floating Park symbols identify general areas only; the specific site, size, configuration, and final timing would be determined through future site acquisition and/or future development implementation. According to the Land Use Plan, the three proposed locations for floating parks include:

- St John Street and 28th Street intersection in the Five Wounds District;
- Mclaughlin Avenue and 24th Street intersection in the 24th and William District;
- St James Street and 33rd Street intersection east of the Five Wounds District.

Until a Floating Park site is acquired and developed as publicly accessible open space, parcels within those priority areas may be developed consistent with the underlying land use designation. The Program EIR evaluates adoption and implementation of the Plan and the reasonably foreseeable development and associated improvements that could occur over time. Specific park sites, final trail alignments, and the design and programming of POPOS/POPS and Floating Park spaces would be established through subsequent City actions and project-level approvals, as applicable and are not evaluated on project level in this Program EIR.

2.5 Circulation and Streetscape

The Project includes circulation and streetscape policies and planned multimodal improvements intended to improve access to the future BART station area and enhance safety and connectivity for pedestrians, bicyclists, transit riders, and motorists. The Plan also includes parking and TDM policies intended to support reduced reliance on single-occupant vehicles and to improve multimodal mobility as the area grows. The Plan identifies a potential new pedestrian/bicycle overcrossing of US-101 between the Alum Rock/Santa Clara interchange area and the McKee/Julian interchange area as a multimodal connectivity improvement. At the time of Plan adoption, the overcrossing is a conceptual implementation action; the final location, footprint, structural type, right-of-way needs, and funding/programming have not been finalized and are not approved by adoption of the Plan.[2] If advanced, the overcrossing would be subject to separate design, engineering, right-of-way, and permitting approvals (including Caltrans approvals, as applicable) and subsequent CEQA review. Relevant network maps and planned improvements are shown in the Plan's Circulation and Streetscape figures (e.g., existing/planned transit and bikeway maps) and are incorporated by reference for program-level analysis. Refer to **Appendix B** of this EIR, which includes the goals and policies including those of Chapter 6, Circulation and Streetscape of the Urban Village Plan.

2.6 Implementation

The Plan's Implementation chapter identifies infrastructure improvements, programs, amenities, and potential funding mechanisms intended to implement the Plan over time. Implementation would occur incrementally over time and is not tied to a specific construction schedule.

2.7 Environmental Standard Permit Conditions

The City of San José applies Environmental Standard Permit Conditions (SPC) to both public and private projects to reduce environmental impacts. These conditions are uniformly applied development standards applied to projects regardless of the project's CEQA determination and are incorporated as project requirements when the City approves a project. The City selects which conditions apply based on factors such as the project's characteristics, location, zoning, applicable plans, and required permits, with certain conditions applied only in specific contexts, such as creek protection requirements for creekside properties. The conditions are based on adopted plans, regulations, codes, and ordinances that have been found to effectively mitigate environmental impacts, and if they are not sufficient in a particular case, the City evaluates whether additional feasible mitigation is needed through the CEQA review process. The City recently adopted environmental standard permit conditions on May 19, 2026 (Resolution # 2026-136). These conditions are incorporated in this EIR as applicable.

[2] For purposes of this Program EIR, the overcrossing is identified as a potential improvement but is not assumed as a committed project for operational modeling unless separately approved.

2.8 Project Objectives

CEQA Guidelines Section 15124(b) requires an EIR to include the objectives sought by the Project. The Project objectives include:

- Preserve the neighborhood character of each of the existing four Districts as part of the consolidated Five Wounds Urban Village Plan.
- Incorporate land use policies that support anti-displacement efforts, and preserve existing small businesses and affordable housing as new development occurs around the future BART station.
- Update General Plan land use designations to support and organize new development to create a mix of housing and employment opportunities.
- Facilitate and support affordable housing efforts for current and future residents.
- Incorporate parking management and Transportation Demand Management strategies to reduce parking impacts, optimize parking supply, and support multimodal access for residents, businesses, and visitors.
- Promote pedestrian-oriented, bicycle-friendly, and transit-centric communities within the Plan area that reduce reliance on driving.
- Implement the recommendations of the Valley Transit Authority's Transit Oriented Community Playbook.
- Promote community health and wellness through equitable access to health care; bicycle, pedestrian, and transit infrastructure; and a variety of high-quality local parks, trails, community centers, recreational opportunities, and regional open space.
- Identify and protect cultural, historical, archaeological and paleontological resources that are important to the community.
- Support business continuity by strategically locating new commercial land uses in appropriate locations and intensities.

2.9 Required Approvals

The City is the Lead Agency for the Project, consistent with CEQA Guidelines Section 15065(b). As such, this EIR would be used by the City to evaluate the potential environmental impacts that could result from implementation of the Project and develop conditions of approval and adopt mitigation measures which would address those impacts. Specifically, the City would take the following actions:

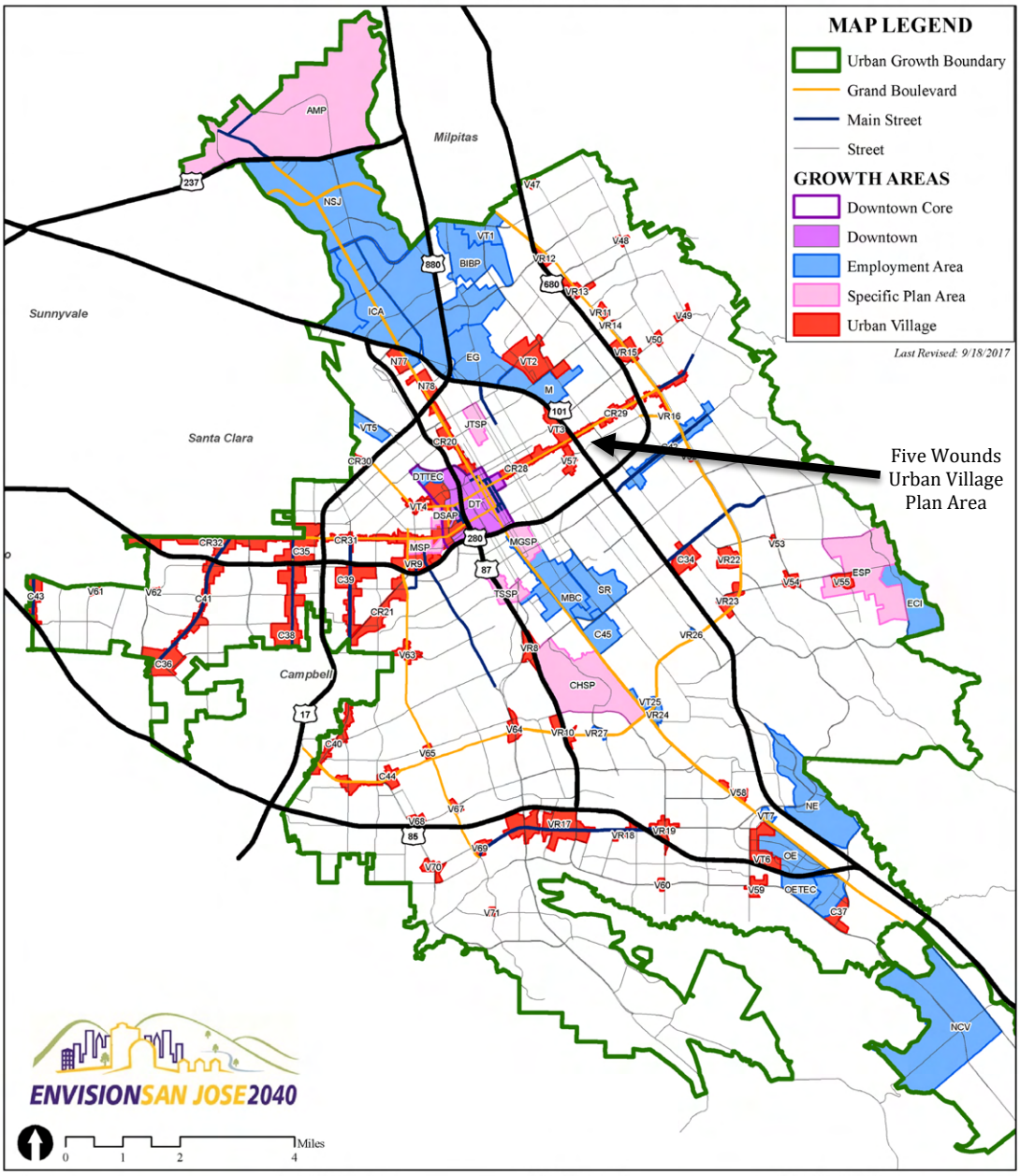
- Certification of the Program EIR and adoption of CEQA findings, as applicable (including adoption of mitigation measures and the MMRP).
- Adoption of the new Five Wounds Urban Village Plan and retirement of the four existing Urban Village plans.
- Approval of 2040 General Plan amendments, which may include changes to the Land Use/Transportation Diagram and updates to planned job and housing capacities within applicable General Plan growth capacity tables/appendices.
- Approval of Zoning Code amendments (zoning map and/or text amendments) to implement the Plan's land use framework and development intensities.

In addition to the Lead Agency, there are state and local agencies that may have discretionary or other authority over the Project and/or specific aspects of development pursuant to the proposed Five Wounds Urban Village Plan. Responsible agencies would also rely on this EIR when acting on such subsequent specific projects. Those state or local agencies that would rely upon the information contained in this EIR when considering approval may include, but are not limited to, the following:

- Bay Area Air District

- San Francisco Regional Water Quality Control Board (National Pollutant Discharge Elimination System [NPDES] permit)
- California Department of Toxic Substances Control
- California Department of Fish and Wildlife

ENVISION SAN JOSE 2040 GENERAL PLAN
PLANNED GROWTH AREAS DIAGRAM



Downtown
DT = Downtown
DTTEC = Downtown Transit Employment Center
DSAP = Diridon Station Area Urban Village

Specific Plan Areas
AMP = Alviso (Master Plan)
CHSP = Communications Hill
ESP = Evergreen Specific Plan
JTSP = Jackson-Taylor (Residential Strategy)
MGSP = Martha Gardens
MSP = Midtown
TSSP = Tamien Station Area

Employment Area
BIBP = Berryessa International Business Park
ECI = Evergreen Campus Industrial
EG = East Gish
ICA = Industrial Core Area
M = Mabury
MBC = Monterey Business Corridor
NCV = North Coyote Valley
NE = New Edenvale
NSJ = North San José
OE = Old Edenvale
OETEC = Old Edenvale Transit Employment Center
SR = Senter Road

Employment Areas (cont.)
C42 = Story Road
C45 = County Fairgrounds

VR16 = S. Capitol Av/Capitol Ex
VR24 = Monterey Hy/Senter Rd
VR26 = E. Capitol Ex/McLaughlin Av
VR27 = W. Capitol Ex/Vistapark Dr

VT1 = Lundy/Milpitas BART
VT5 = Santa Clara/Airport West (FMC)
VT7 = Blossom Hill Rd/Monterey Rd
VT25 = W. Capitol Ex/Vistapark Dr

Urban Villages
C34 = Tully Rd/S. King Rd
C35 = Valley Fair/Santana Row
C36 = Paseo de Saratoga
C37 = Santa Teresa Bl/Bernal Rd
C38 = Winchester Bl
C39 = S. Bascom Av (North)
C40 = S. Bascom Av (South)
C41 = Saratoga Av
C43 = S. De Anza Bl
C44 = Camden Av/Hillsdale Av

Urban Villages (cont.)
CR20 = N. 1st St
CR21 = Southwest Ex
CR28 = E. Santa Clara St
CR29 = Alum Rock Av
CR30 = The Alameda (West)
CR31 = W. San Carlos St
CR32 = Stevens Creek Bl

N77 = Rincon South 1
N78 = Rincon South 2

V47 = Landess Av/Morrill Av
V48 = Piedmont Rd/Sierra Rd
V49 = McKee Rd/Toyon Av
V50 = McKee Rd/White Rd
V52 = E. Capitol Ex/Foxdale Dr
V53 = Quimby Rd/S. White Rd
V54 = Aborn Rd/San Felipe Rd
V55 = Evergreen Village
V57 = S. 24th St/William Ct
V58 = Monterey Rd/Chynoweth Av
V59 = Santa Teresa Bl/Cottle Rd
V60 = Santa Teresa Bl/Snell Av
V61 = Bollinger Rd/Miller Av
V62 = Bollinger Rd/Lawrence Ex
V63 = Hamilton Av/Meridian Av

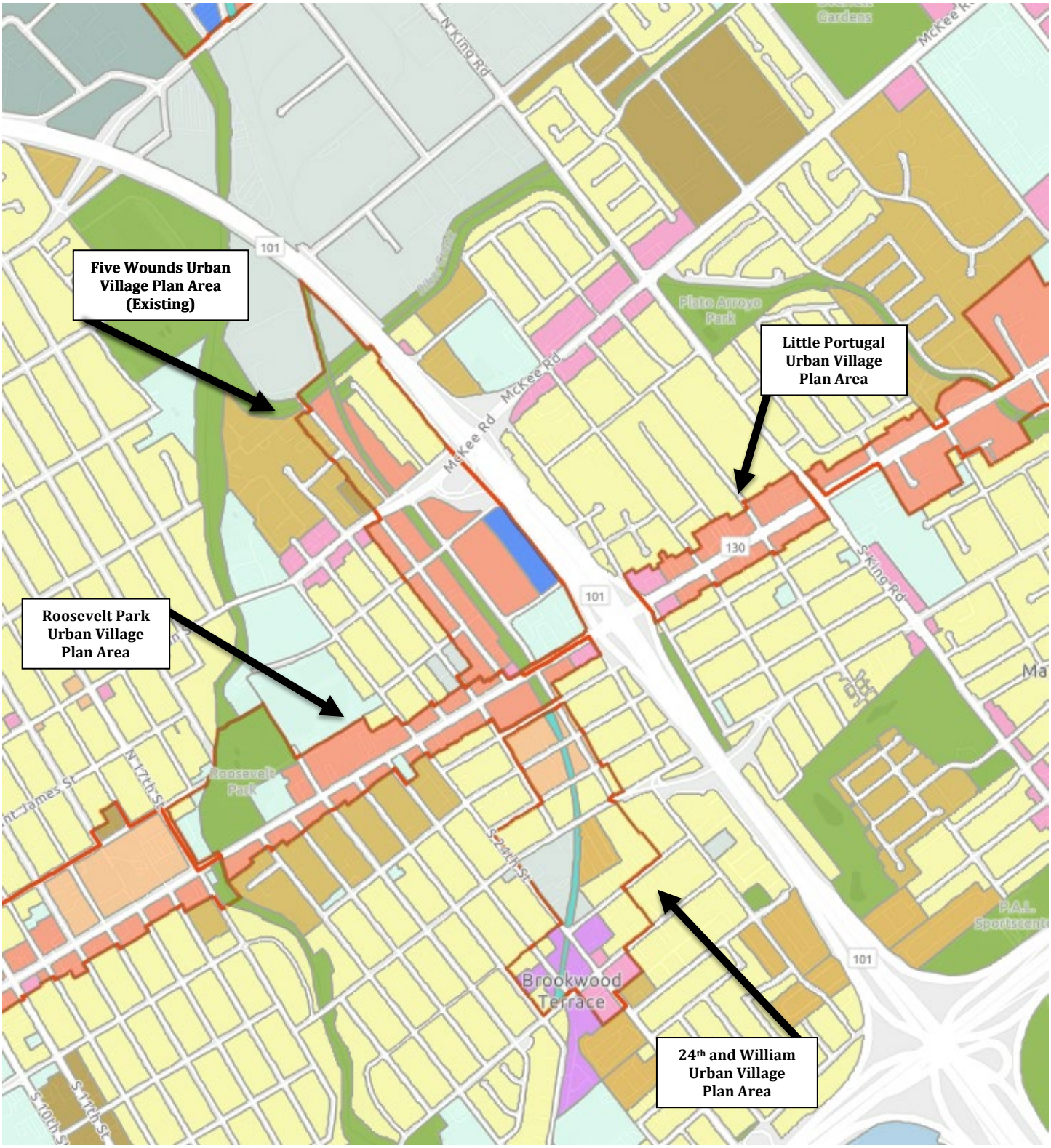
Urban Villages (cont.)
V64 = Almaden Ex/Hillsdale Av
V65 = Foxworthy Av/Meridian Av
V67 = Branham Ln/Meridian Av
V68 = Camden Av/Branham Ln
V69 = Kooser Rd/Meridian Av
V70 = Camden Av/Kooser Rd
V71 = Meridian Av/Redmond Av

VR8 = Curtner Light Rail/Caltrain
VR9 = Race St Light Rail
VR10 = Capitol Ex/Hy 87 Light Rail
VR11 = Penitencia Creek Light Rail
VR12 = N. Capitol Av/Hostetter Rd
VR13 = N. Capitol Av/Berryessa Rd
VR14 = N. Capitol Av/Mabury Rd
VR15 = N. Capitol Av/McKee Rd
VR17 = Oakridge Mall and Vicinity
VR18 = Blossom Hill Rd/Cahalan Av
VR19 = Blossom Hill Rd/Snell Av
VR22 = Arcadia/Eastridge
VR23 = E. Capitol Ex/Silver Creek Rd

VT2 = Berryessa BART
VT3 = Five Wounds BART
VT4 = The Alameda (East)
VT6 = Blossom Hill Rd/Hitachi

Envision San José 2040 General Plan Planned Growth Areas Diagram Figure **2.9-1**

Source: City of San José, 2024



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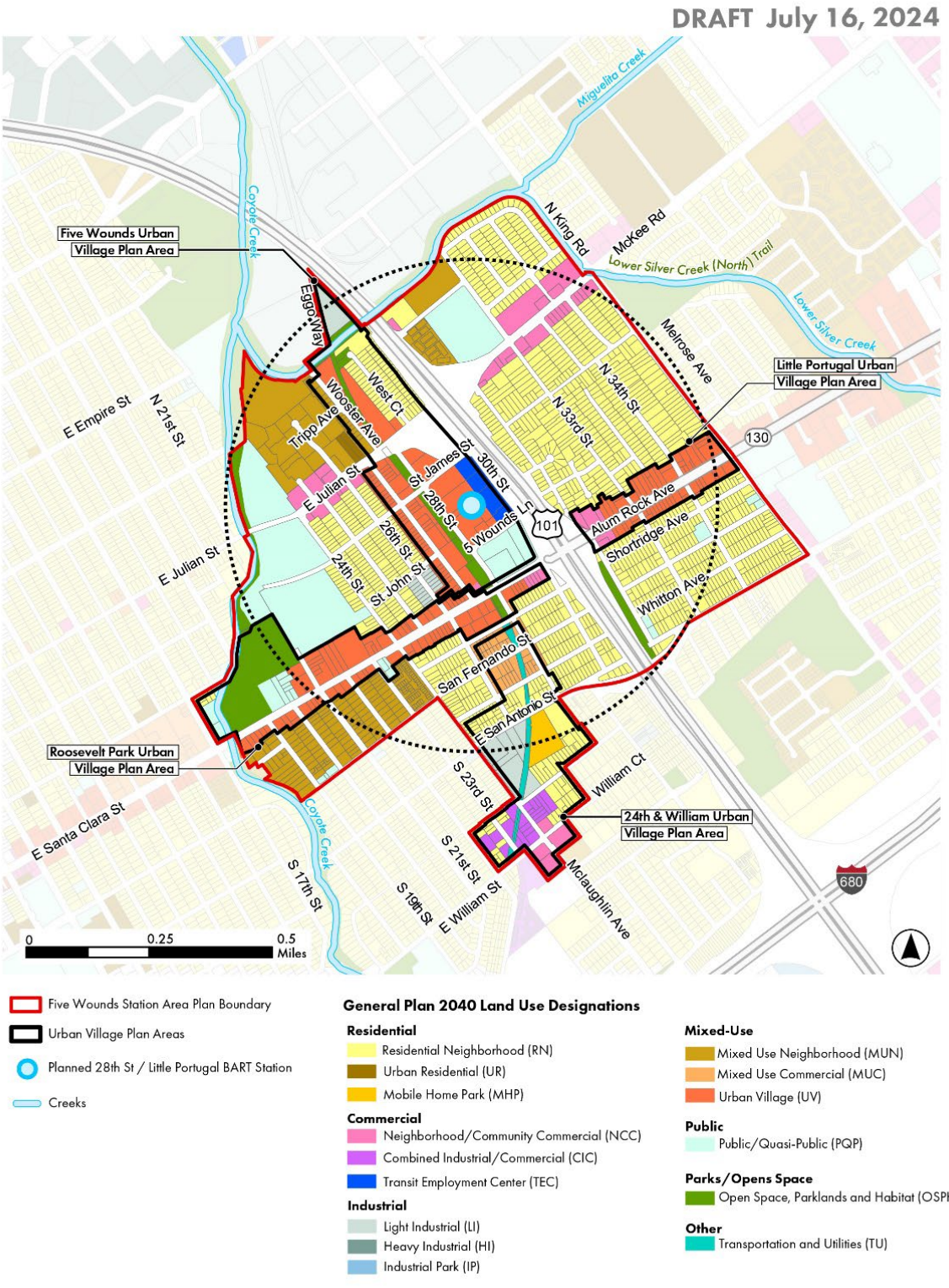
Existing Urban Village Plan Map Figure **2.9-2**

Source: City of San José, 2024



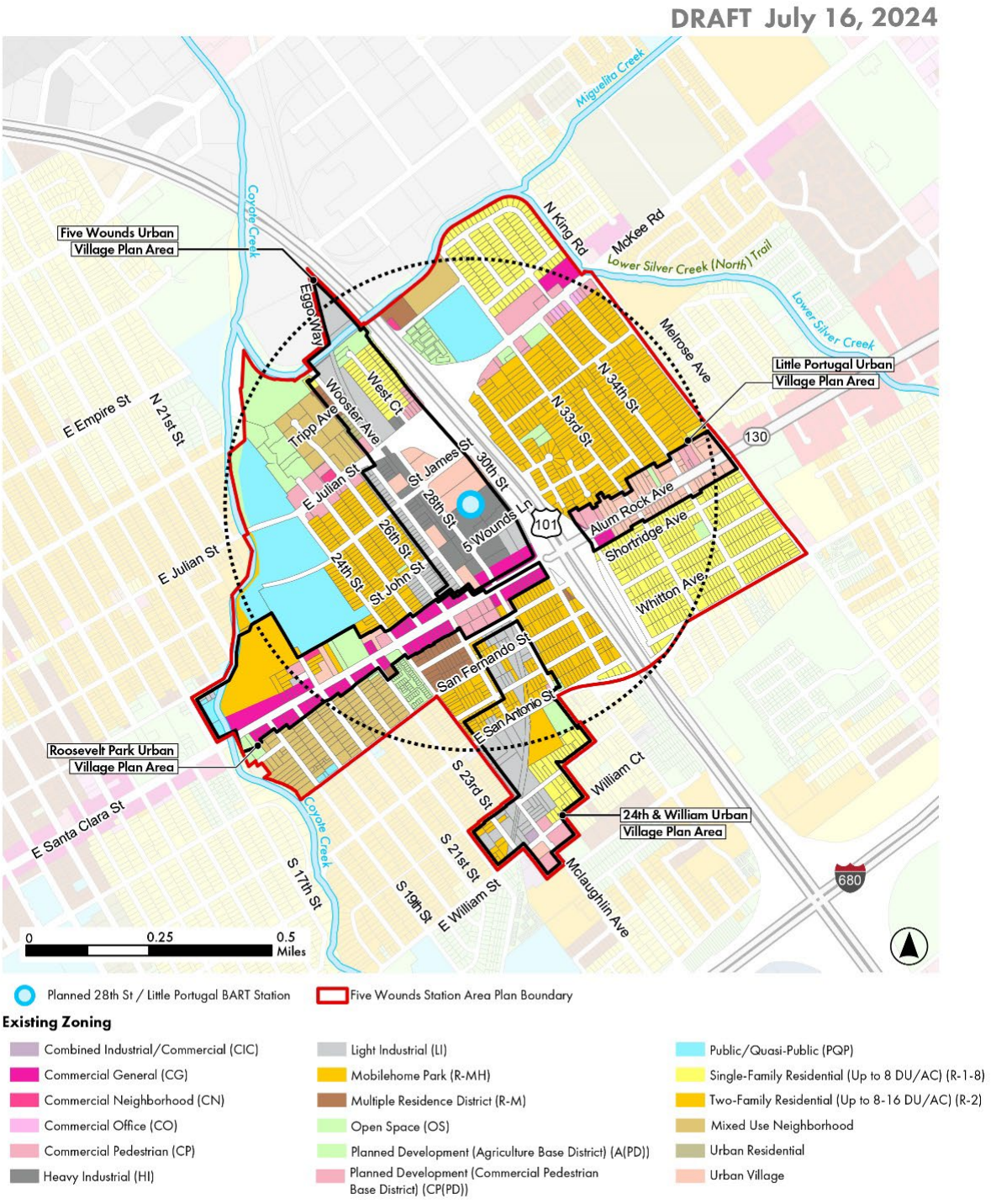
Proposed Five Wounds Urban Village Plan Area Figure **2.9-3**

Source: City of San José, 2024



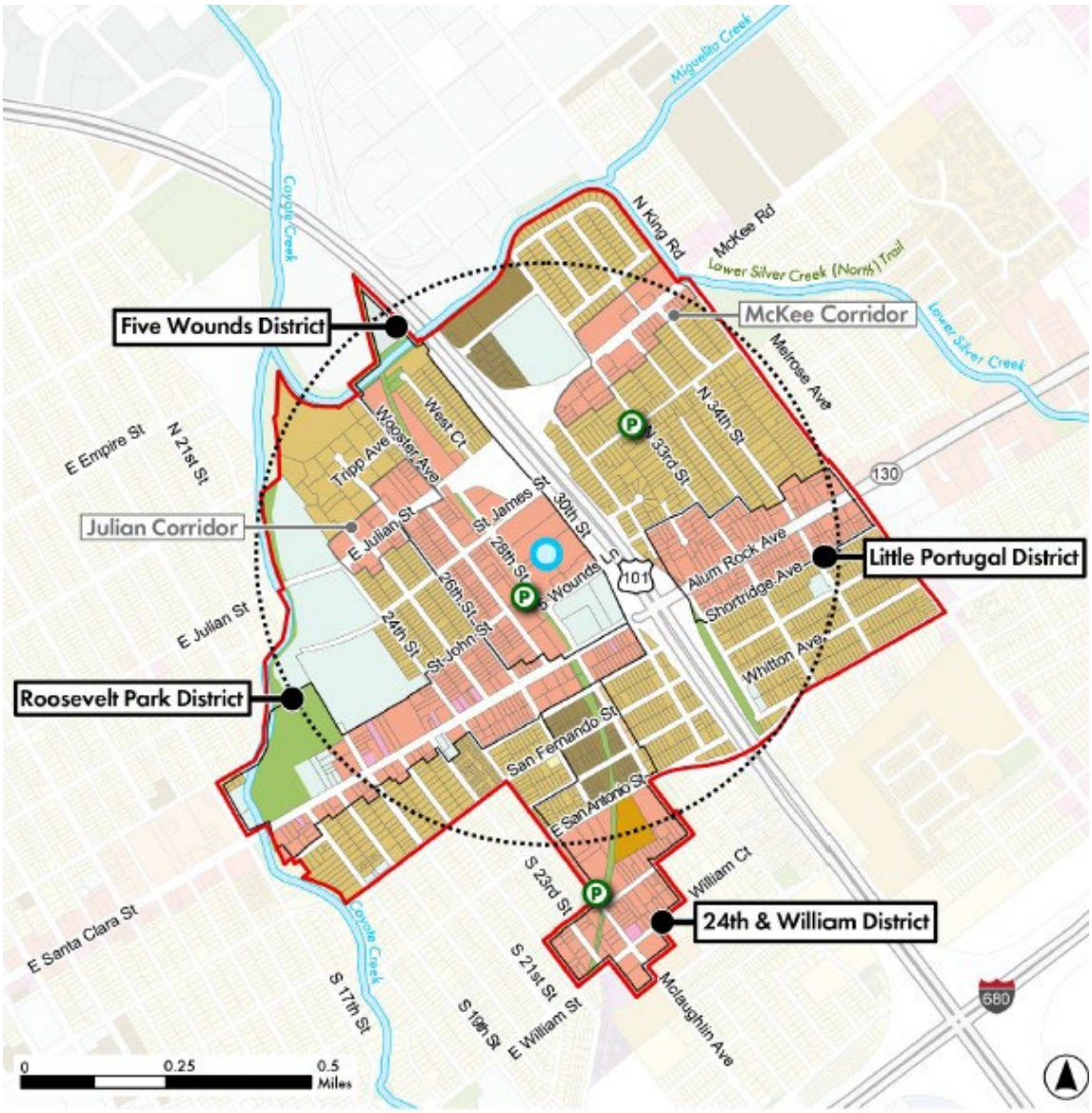
Existing General Plan Land Use Designations Figure **2.9-4**

Source: City of San José, 2024



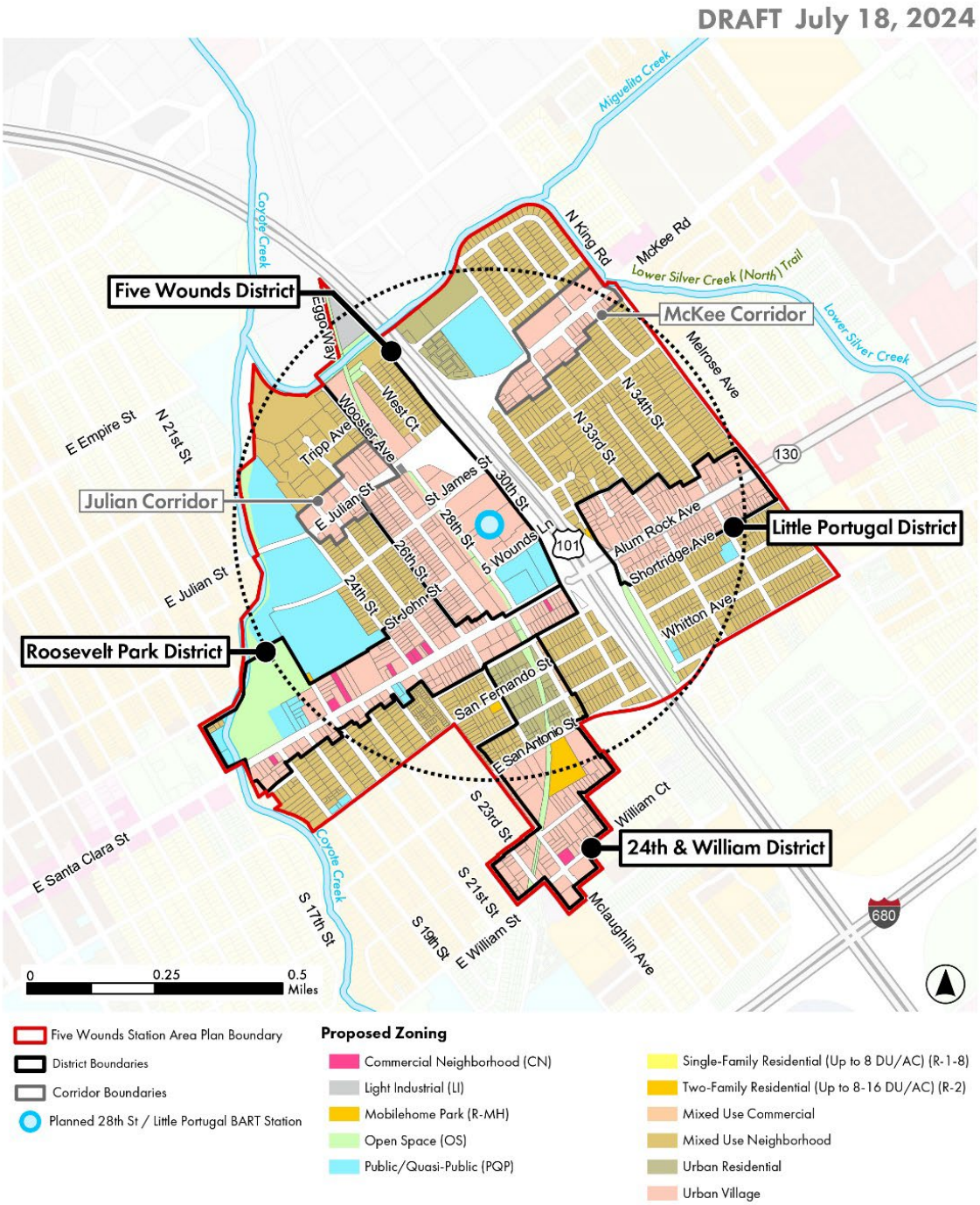
Existing Zoning Districts Figure **2.9-5**

Source: City of San José, 2024



Proposed Land Use Designations Figure **2.9-6**

Source: City of San José, 2024



Proposed Zoning Districts Figure **2.9-7**

Source: City of San José, 2024

3 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION

This Draft Program EIR evaluates environmental impacts that could result from the buildout of the Plan. Consistent with a program-level document, the analysis emphasizes: (1) identification of impact mechanisms; (2) use of regulatory and adopted significance criteria; and (3) identification of plan-wide mitigation measures and performance standards.

This chapter contains the analysis of the following resource topics:

- Section 3.3 Aesthetics
- Section 3.4 Agricultural and Forestry Resources
- Section 3.5 Air Quality
- Section 3.6 Biological Resources
- Section 3.7 Cultural Resources
- Section 3.8 Energy
- Section 3.9 Geology and Soils
- Section 3.10 Greenhouse Gas Emissions
- Section 3.11 Hazards and Hazardous Materials
- Section 3.12 Hydrology and Water Quality
- Section 3.13 Land Use and Planning
- Section 3.14 Mineral Resources
- Section 3.15 Noise and Vibration
- Section 3.16 Population and Housing
- Section 3.17 Public Services
- Section 3.18 Recreation
- Section 3.19 Transportation
- Section 3.20 Tribal Cultural Resources
- Section 3.21 Utilities and Service Systems
- Section 3.22 Wildfire

3.1 Resource Section Format

The analysis of each resource topic consists of four subsections: Environmental Setting, Regulatory Framework, Impacts and Mitigation Measures, and Cumulative Impacts. An overview of the information included in these sections is provided below.

- **Environmental Setting -** The Environmental Setting subsection describes the environmental setting within the Project area, and in the relevant vicinity of the Project area boundaries, accordance with CEQA Guidelines Section 15125(a)(1). This is to provide a baseline for comparing "before the Project" and "after the Project" conditions.
- **Regulatory Framework -** The Regulatory Framework subsection provides a description of the relevant regulations, plans, policies, ordinances and guidelines that pertain to the topical area and Project.
- **Impacts and Mitigation Measures -** This subsection lists significance criteria that are used to evaluate impacts, followed by a discussion of the impacts that would result from implementation of the Project, in accordance with the CEQA Guidelines (Sections 15125 and 15143). Significance criteria defines and lists specific thresholds used to determine whether an impact is or is not considered to be significant, in accordance with CEQA. The impact evaluation in this Draft EIR takes into account the whole action associated with the Project, including direct and indirect effects, construction and operational periods, and potential cumulative impacts. Where necessary, this subsection also includes a methodology discussion that describes the approach to the impact analysis.

  Mitigation Measures to avoid, minimize, rectify, reduce, or compensate for significant and potentially significant impacts of the proposed project, in accordance with the CEQA Guidelines (Sections 15370, 15002[a][3], 15021[a][2], and 15091[a][1]), where feasible, are recommended for each significant and potentially significant impact. If implementation of feasible mitigation measures is not sufficient to reduce an impact to a "less-than-significant" level, or no feasible mitigation measures are available, the impacts are described as "significant and unavoidable."

Classification of Impacts

Impacts are classified as follows:

- A **"no impact"** indicates that a project would not have any direct or indirect impacts to the environment.
- A **"less-than-significant"** impact is a project-related effects that would not exceed a significance criterion and no mitigation measures are needed.
- A **"less-than-significant with mitigation"** is an impact that could potentially cause a substantial change in any physical conditions within a project area. Mitigation measures would be required to reduce impacts to below the significance threshold level, if feasible mitigation measures are available.
- A **"significant and unavoidable impact"** designation is used where the environmental impacts cannot be reduced to below the significance threshold level with implementation of reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the Project is approved per Section 15093 of the CEQA Guidelines."

3.2 Cumulative Impacts

Basis for Cumulative Impacts

Cumulative impacts, as defined by CEQA, refer to two or more individual effects, which when combined, are considerable or which compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant projects taking place over a period of time. CEQA Guidelines 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 CEQA Guidelines Section 15130 provides the following guidance with regard to cumulative impacts:

- An EIR shall discuss cumulative impacts of a project when the Project's incremental effect is cumulatively considerable, as defined in section 15065(a)(3). Where a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable.
- An EIR should not discuss impacts which do not result in part from the Project evaluated in the EIR.
- When the combined cumulative impact associated with the Project's incremental effect and the effects of other projects is not significant, the EIR shall briefly indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR.
- A project's contribution is less than cumulatively considerable and therefore not significant if the Project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact.

The purpose of the cumulative analysis is to allow decision-makers to better understand the potential impacts which might result from approval of past, present, and reasonably foreseeable future projects, in conjunction with the proposed project addressed in this EIR. Cumulative analyses are based on the premise that impacts of specific actions may be less than significant when viewed on a project-by-project basis, but when considered along with the impacts of other projects involving similar activities, these specific actions may be cumulatively considerable.

Approach to Cumulative Impacts

CEQA Guidelines Section 15130(b)(1) states that the approach to the cumulative impact analysis may be based on either a list of past, present, and probable future projects producing related or cumulative impacts ("list" approach), or a summary of projections contained in an adopted general plan or related planning document that describes or evaluates conditions that contribute to the cumulative effect ("plan" approach). This analysis utilizes

the plan approach. Relevant development projects and the assumptions used for the cumulative analysis are identified in **Table 3.2-1**.

Table 3.2-1 Approved and Pending Future Development Within the Project Area

Project Name (File #)	Project Description	Status	Assumptions
1860 Alum Rock (CP20-017)	SB 35 Streamlined Ministerial Permit to demolish two commercial structures of 5,760 square feet and construct a 5-story 100 percent affordable housing development with 60 units and 3,190 square feet of commercial space, with a State Density Bonus Request for three Incentives and three Waivers, and the removal of one ordinance-size and three non-ordinance size trees on an approximately 0.66 gross acre site.	Under Construction	Construction would be completed prior to any development allowed under the Project.
Roosevelt Park Apartments (SP17-027)	Special Use Permit to allow the construction of an eight-story affordable housing development with 80 dwelling units, 10,417 square feet of commercial uses, and a density bonus to allow three concessions (rear setback, common open space reduction, and parking reduction) on an approximately 0.47-gross acre site.	Under Construction	Construction would be completed prior to any development allowed under the Project.
Hawthorn Sr. Housing (MP21-002)	SB 35 Ministerial Permit to allow the construction of a 103-unit, 100 percent affordable residential development with a 48-space parking garage and the removal of 15 ordinance-size and 5 non-ordinance-size trees, including a State Density Bonus for three additional dwelling units and multiple Incentives/Concessions, on an approximately 1.11 gross-acre site.	Under Construction	Construction would be completed prior to any development allowed under the Project.
Little Portugal Village (H21-050, H22-001)	**(H21-050)** Site Development Permit to allow the demolition of four residential buildings (a 12-unit multifamily residential building, a 28-unit multifamily residential building, and two single-family residences) totaling 42 units, the removal of 10 trees (two ordinance-size and eight non-ordinance-size), and the construction of a six-story mixed-use building with up to 235 units (100 percent affordable) and approximately 820 square feet of commercial space and	Approved	Construction will happen concurrently with project buildout

Project Name (File #)	Project Description	Status	Assumptions
	associated basement garage parking, landscaping, and amenities, located on an approximately 1.49-gross-acre site. The Project utilizes the State Density Bonus Law for its parking ratio and to exceed the allowed height, and State Density Bonus Law provisions are granted, including one waiver (unlimited density) and four concessions (floor area ratio, building stepdowns, minimum width of private open space, common open space). **(H22-001)** Site Development Permit to allow the removal of 11 trees (one ordinance-size and 10 non-ordinance-size) and the construction of a six-story mixed-use building with up to 45 units (100 percent affordable) and approximately 2,454 square feet of commercial space with associated parking and landscaping, located on an approximately 0.52-gross-acre site. The Project utilizes the State Density Bonus Law to exceed the allowed height, and State Density Bonus Law provisions are granted, including three concessions (requirements for commercial space, building step-downs, and common open space).		
HC Investments/198 Resi (SP22-004)	Special Use Permit to allow the demolition of an existing two-story commercial building (21,454 square feet), the removal of 15 trees (three ordinance-size and 12 non-ordinance), and the construction of a new six-story multifamily residential building with podium parking and 198 residential units, including either 5 percent of the units restricted as affordable to very-low income households or 10 percent for low-income households, subject to the State Density Bonus Law, with alternative parking (mechanical lift stackers), a 14-foot-wide Privately-Owned Public Open Space (POPOS), and associated landscaping and amenities.	Approved	Construction will happen concurrently with project buildout

Project Name (File #)	Project Description	Status	Assumptions
1271 East Julian Street Affordable (H24-013)	Site Development Permit to demolish two single-family houses and remove 50 trees, including 18 ordinance-size trees, for the construction of a seven-story building with 305 units, including two manager's units and 303 units affordable to low-income households subject to the state Density Bonus Law, with a request for unlimited density and one concession to eliminate required private open space, on an approximately 0.97-gross-acre site.	Approved	Construction will happen concurrently with project buildout
Algarve Reed (H20-001)	Ministerial permit to allow the demolition of an existing vacant 3,276 square foot commercial building and the construction of an 8-story, 66,249 Sq.ft. 100 percent affordable apartment development of 91 units. The Project will provide a community room, a food pantry for residents, and offices for support staff. Site improvements include bioretention for both on and off-site stormwater, 12 parking spaces, and one EV charging station. There would be open parking in the exterior of the building.	Approved	Construction will happen concurrently with project buildout
995 East Santa Clara Street (H21-029)	AB2162 Streamlined Ministerial Permit to allow the demolition of existing building (17,112-sf) and construct a 100 percent affordable, 6-story building with 74-residential units with supportive housing services, including three (3) Density Bonus concessions (reduction in private/common open space, reduction in commercial requirement, and reduction in side setback) and one waiver (reduction in front setback), and removal of one (1) non-ordinance sized tree, on an approximately 0.42-gross acre site.	Approved	Construction will happen concurrently with project buildout
Milestone East Santa Clara (MP22-013)	AB 2162 Ministerial Permit to demolish two existing commercial buildings totaling14,300 SF and construct a 6-story, 100 percent affordable, 103-unit building, with 52 units reserved for permanent supportive housing, removal	Approved	Construction will happen concurrently with project buildout

Project Name (File #)	Project Description	Status	Assumptions
	of 29 non-ordinance-size trees, and a State Density bonus request for concessions/waivers on a 0.44-acre site.		
675 E. Santa Clara St (MP23-008)	SB 35 Ministerial Permit (MP23-008) for the partial demolition of a commercial building (16,965-sf), construction of three, 100 percent affordable residential projects: a 5-story, senior housing development with 64 units, an 8-story, multifamily development with 114 apartment units, and 36 for-sale, attached townhomes; a request for State Density Bonus (5) concessions and (20) waivers (from various development standards), and the removal of 90 trees, including 15 ordinance-size trees, on an approximately 3.10-gross-acre-site.	Approved	Construction will happen concurrently with project buildout
Villa Del Sol Mixed-Use Residential (CP20-015, AD23-658)	Conditional Use Permit to allow the construction of a six-story mixed-use building with 3,000 square feet of commercial and podium parking on the ground floor and 194 units of 100 percent affordable multi-family units on the upper floors in the Alum Rock Urban Village Plan and the MS-G Zoning District.	Approved	Construction will happen concurrently with project buildout
Kentucky Place (MP22-008)	AB2162 Ministerial Permit to allow demolition of a 25-unit affordable residential development and construction of a 5-story, 100 percent affordable apartment project consisting of 55 units, 14 units of which would be permanent supportive housing units. The ground floor amenities include bicycle parking, a mail room, a laundry room and 24 new ground floor covered parking spaces.	Approved	Construction will happen concurrently with project buildout
BART Silicon Valley Phase II Extension	VTA's BART Silicon Valley Phase II Extension (BSVII) Project is a six-mile, four-station extension of the regional BART system from Berryessa/North through downtown San José to the City of Santa Clara. The BSVII Project includes a six-mile extension from the existing Berryessa/North San José BART Station, with three underground station	Approved	Construction will happen concurrently with project buildout

Project Name (File #)	Project Description	Status	Assumptions
	platforms, one ground-level station, and a new maintenance and storage facility. The alignment of the extension and the proposed 28th Street/Little Portugal BART Station would intersect the Project area.		
Vila De Camila (H22-012)	Site Development Permit to allow the removal of five ordinance-size trees, and the construction of four, ten-story mixed-use buildings with a combined total of up to 633 units (20 percent affordable (127 units) deed-restricted units) and approximately 11,437 square feet of commercial space with associated parking and landscaping, located on an approximately 2.79-gross-acre site.	Pending	Construction will happen concurrently with project buildout

Sources: City of San José. "Approved Development Projects." ArcGIS. Accessed April 4, 2025. https://csj.maps.arcgis.com/apps/Shortlist/index.html?appid=c4051ffa5efb4f4dbf8b6d8ec29cfabd.
City of San José. "Public Information Search Tool". SJPermits.org. Accessed April 4, 2025. https://permits.sanjoseca.gov/search/

Santa Clara Valley Transportation Authority. BART Silicon Valley Phase II Extension Project Final Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report and Section 4(f) Evaluation. February 2018. In addition to the Projects identified in **Table 3.2-1**, the cumulative analysis for long-term air quality, GHG, noise/vibration, and transportation impacts uses a projection approach that utilizes traffic data from the 2040 General Plan model that projected traffic conditions at full buildout of the 2040 General Plan. The model anticipates future land use changes and roadway improvements within the Project area and greater region that are expected to occur by 2040.

The analysis of cumulative impacts is included at the end of each impact section. For each resource topic, the following aspects of cumulative impacts are discussed:

- Would the effects of the Project when combined with the effects of all past, present, and pending development result in a cumulatively significant impact on the resources in question?
- If a cumulative impact is likely to be significant, would the contribution of the proposed project to that impact be cumulatively considerable?

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 and provide a reasonable explanation for the geographic limitation used. For example, the Project effects on air quality would combine with the effects of projects in the entire San Francisco air basin, whereas noise impacts would primarily be localized to the surrounding area. The Project would primarily contribute to the cumulative effects of development in the area surrounding the Project area; therefore, the cumulative discussion mainly refers to the environmental impact analysis in the 2040 General Plan EIR with consideration given to the difference of the Project as proposed in this EIR and as analyzed in the 2040 General Plan. In regard to cumulative analysis, this EIR focuses on the potential for the Project to result in a new cumulative impact or make a cumulatively considerable contribution to a previously identified significant cumulative impact.

3.3 Aesthetics

This section describes the impacts on aesthetics and visual quality that would result from implementation of the Project.

3.3.1 Environmental Setting

3.3.1.1 Existing Conditions

Project Area

The Plan Area is an established urbanized area of San José developed with a mix of older, lower-scale commercial corridors, residential neighborhoods, industrial/light manufacturing uses, and institutional/community facilities. The neighborhood is divided into distinct districts, each with unique land use patterns and characteristics that contribute to the area's urban fabric.

The Five Wounds District is predominantly industrial, with large two- to three-story non-manufacturing and manufacturing buildings concentrated between 28th Street and 30th Street. These industrial uses historically benefited from Union Pacific Railroad access, influencing the area's development patterns. Residential land uses, including one story single-family homes and two-story apartments, are located north of Julian Street, along with public facilities such as Rocketship Discovery Prep Elementary School and Hacienda Park. The district also features prominent public and cultural landmarks, including the historic Five Wounds National Parish and the adjacent Cristo Rey San José Jesuit High School.

In the Little Portugal District, land use is primarily commercial, with one- to two-story retail, office, and community-serving commercial buildings fronting Alum Rock Avenue. This corridor is characterized by pedestrian-oriented development, including restaurants, ethnic markets, medical offices, and small businesses that cater to the local community. Some properties feature older mixed-use buildings with ground-floor commercial space and apartments above, contributing to the area's vibrant cultural identity.

The Roosevelt Park District is a mixed-use area with one- to two-story retail, small office, and community-serving commercial buildings along East Santa Clara Street. The district also includes isolated residential uses, institutional buildings, and the Roosevelt Community Center, enhancing its community-oriented character. Roosevelt Park, the largest park in the Urban Village, is located at the district's western edge, providing recreational amenities and open space.

The 24th and William District is primarily a low-scale residential neighborhood with a mix of retail, commercial, and office uses that blend seamlessly into the community. Residential buildings are typically one-story, while commercial structures maintain similar heights, contributing to the neighborhood's cohesive streetscape. This district also includes light industrial, auto-related, and small manufacturing uses, providing employment opportunities and maintaining the area's historic "gritty" character.

Along the East Julian and McKee Corridor, land use is predominantly commercial, with one-story strip malls featuring street-fronting parking lots. These parcels, particularly those west of US 101 and north of East Julian Street, offer significant redevelopment opportunities due to their size and proximity to mid-density residential complexes.

Outside of these districts, the Residential Neighborhood Quadrants in the northwest, northeast, southwest, and southeast portions of the Urban Village consist primarily of single-family homes with some duplexes and low-to-mid-density residential uses. These neighborhoods maintain a low-scale residential character, with historic structures and decades-old homes contributing to the area's architectural identity.

The Five Wounds Portuguese National Church (also referenced as the Portuguese National Parish) is a visual and cultural landmark in the Plan Area. The Project area also includes public and quasi-public uses such as Five Wounds Portuguese National Church, Rocketship Discovery Prep, Roosevelt Park playground and skate park, and Roosevelt

Community Center. Vacant, disturbed parcels are also located within the Project area, specifically the planning areas of Central, towards the east end, and Alum Rock, towards the west end, this included the abandoned Union Pacific Railroad that previously operated along the west side of North 28th Street.[3] The Five Wounds Trail corridor serves as a primary gateway to the heart of the Project area. It navigates through the center of the area, connecting surrounding neighborhoods with key US Highway 101 (US 101) runs north-south through the Project area and separates Rosevelt Park Urban Village on the westside of the highway from Little Portugal Urban Village on the eastside. East Santa Clara Street which becomes Alum Rock Avenue on the eastern portion is the major thoroughfare that runs east-west through the Project area. Coyote Creek runs north-south through the East Santa Clara Urban Village portion of the Project area. The Project area is developed with a mix of land uses and architectural styles, including Victorian, Mission, Art Deco, and Craftsman-style homes and storefronts.[4]

Residential

Single-Family residences are typically one- to two-stories in height with often feature sloping roofs, porches, and detailed façades. Common building materials include stucco, wood siding, and terracotta roofing, which contribute to the neighborhood's distinct visual identity.

Multi-Family residences are generally two- to four-stories in height and exhibit a blend of traditional and contemporary design elements. These buildings are designed with segmented volumes and balconies to enhance street interaction and reduce visual mass. The use of stone, tile, and terracotta on façades maintains continuity with the neighborhood's historical materials while introducing modern functionality and urban density.

Commercial

Existing commercial buildings are predominantly one- to two-stories in height, maintaining a pedestrian-friendly scale that complements the surrounding residential areas.

The architectural styles of these commercial properties are varied, ranging from traditional storefronts with large display windows and decorative moldings to more modern facades with clean lines and minimal ornamentation. Common materials used in commercial buildings include stucco, brick, and stone, which enhance the visual continuity with nearby residential structures. In some areas, tile and terracotta accents are utilized to reflect the cultural heritage of the community, adding color and texture to the façades.

Many commercial properties are adapted from older residential structures, preserving the historic essence while supporting new uses. This adaptive reuse maintains the neighborhood's architectural integrity and contributes to its eclectic character.

Scenic Vistas

San José is in the Santa Clara Valley and is bounded by the foothills of the Santa Cruz Mountains to the west, the Santa Teresa Hills to the south, and the Diablo Mountain Range to the east. High-rise buildings and landmarks in downtown San José to the west of the Project area are considered scenic resources. Given that the topography of the Project area is relatively flat, prominent viewpoints of the mountains are limited, as buildings, trees, and infrastructure (e.g., utility lines, elevated roadways, etc.) obscure viewpoints. Views of the Diablo Mountain Range to the east and the downtown buildings to the west, however, are available where roadways provide a break in the built environment or are elevated, such as along US 101. Additionally, the 2040 General Plan identifies the Five Wounds Portuguese National Church as a scenic vista within the Project area.

The Five Wounds Trail corridor serves as a primary gateway to the heart of the Project area. It navigates through the center of the area, connecting surrounding neighborhoods with key destinations within the Urban Village. The

3 City of San José. 2015. City of San José Vacant Land Inventory. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/23961/636689411679770000. Accessed on October 31, 2024.

4 City of San José. 2015. *Urban Village Planning: E Santa Clara Street Assessment.* https://www.sjsu.edu/urbanplanning/docs/community-planning-reports/ESantaClaraReport_FINAL.pdf

trail's linear alignment would offer long views that guide pedestrians and bicyclists through the Project area. The corridor also presents an opportunity for wayfinding and cultural expression through public art, contributing to the area's identity and visual interest. As a gateway, the Five Wounds Trail, which is a planned trail as a part of the Five Wounds Urban Village Plan, would enhance scenic vistas while reinforcing the area's cultural character.

East Santa Clara Street and Alum Rock Avenue corridors are also considered gateways within the Project area. These corridors serve as prominent entry points that define the visual character of the neighborhood and provide a sense of arrival.[5] These corridors contribute to the visual continuity and cultural identity of the Urban Village, enhancing the scenic experience for motorists, bicyclists, and pedestrians alike.

Light and Glare

The Project area is primarily built out. Therefore, a substantial amount of nighttime ambient light from urban uses already exists. Typical sources of nighttime lighting in the Project area include indoor lighting visible through windows and outdoor lighting of signs, streetlamps in residential areas, various types of light fixtures used in commercial areas, lights from parks or sports fields, buildings, walkways, parking lots, and parking structures.

Lick Observatory, located on Mt. Hamilton approximately 14 miles east of San José, is a major research facility for the University of California. Illumination of the night sky by electric lights throughout Santa Clara Valley can interfere with astronomical observation at the Lick Observatory.

During the day, the primary source of glare is sunlight reflected by highly reflective surfaces such as glass and metal on buildings and cars typical for an urban setting.

3.3.2 Regulatory Framework

3.3.2.1 State

Senate Bill 743

Senate Bill (SB) 743 was adopted in 2013 and requires lead agencies to use alternatives to level of service (LOS) for evaluating transportation impacts, specifically VMT. SB 743 also included changes to CEQA that apply to transit-oriented developments, as related to aesthetics and parking impacts. Under SB 743, a project's aesthetic impacts will no longer be considered significant impacts on the environment if:

- The Project is a residential, mixed-use residential, or employment center project; and
- The Project is located on an infill site within a transit priority area. SB 743 also states that aesthetic impacts do not include impacts on historical or cultural resources. Further, it clarifies that local governments retain their ability to regulate a project's transportation, aesthetics, and parking impacts outside of the CEQA process.

According to the existing ABAG data, much of the Project area is located within the designated transit priority area along the East Santa Clara Street corridor and the South King Road corridor. However, the northwestern section of the Project area is not located within any designated transit priority area.

State Scenic Highways Program

The State Scenic Highways Program is managed by the California Department of Transportation ("Caltrans") and is designed to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. There are no state-designated or eligible scenic highway within 10 miles of the Project area.

[5] City of San José. 2022. East Santa Clara Street Urban Village Plan. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/38449/638410212346470000. Accessed on February 23, 2025

3.3.2.2 Local

City Council Policy 4-2: Lighting

Council Policy 4-2 requires dimmable, programmable lighting for new streetlights, which would control the amount and color of light shining on streets and sidewalks. Light is to be directed downward and outward. New and replacement streetlights should also offer the ability to change the color of the light from full spectrum (appearing white or near white) in the early evening to a monochromatic light in the later hours of the night and early morning. At a minimum, full-spectrum lights should be able to be dimmed by at least 50 percent in late night hours.

City Council Policy 4-3: Outdoor Lighting Policy

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

San José Citywide Design Standards and Guidelines

The San José Citywide Design Standards and Guidelines help the City facilitate growth, set expectations for high-quality site and building design, and maintain and enhance the character of its neighborhoods and communities. Compliance with the San José Citywide Design Standards and Guidelines is mandatory in the Design Review process for all applicable developments. The Design Standards and Guidelines work in conjunction with other City documents and regulations to ensure that buildings throughout San José have a high-quality design and are appropriate for their site, function, and neighborhood.

Envision San José 2040 General Plan

The 2040 General Plan includes several policies and goals that are relevant to an evaluation of the visual quality of the Project area. Policies and goals applicable to the Project are identified below in **Table 3.3-1**.

Table 3.3-1 Envision San José 2040 Relevant Visual Resources Goals and Policies

Goal and Policy	Description
Goal CD-1 - Attractive City	Create a well-designed, unique, and vibrant public realm with appropriate uses and facilities to maximize pedestrian activity; support community interaction; and attract residents, business, and visitors to San José.
Policy 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.
Policy CD-1.2	Install and maintain attractive, durable, and fiscally and environmentally sustainable urban infrastructure to promote the enjoyment of space developed for public use. Include attractive landscaping, public art, lighting, civic landmarks, sidewalk cafes, gateways, water features, interpretive/way-finding signage, farmers markets, festivals, outdoor entertainment, pocket parks, street furniture, plazas, squares, or other amenities in spaces for public use. When resources are available, seek to enliven the public right- of-way with attractive street furniture, art, landscaping and other amenities.

Goal and Policy	Description
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City.
Policy CD-1.9	Give the greatest priority to developing high-quality pedestrian facilities in areas that will most promote transit use and bicycle and pedestrian activity. In pedestrian-oriented areas such as Downtown, Villages, Corridors, or along Main Streets, commercial and mixed-use building frontages should be placed at or near the street-facing property line with entrances directly to the public sidewalk. In these areas, strongly discourage parking areas located between the front of buildings and the street to promote a safe and attractive street façade and pedestrian access to buildings.
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-1.13	Use design 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.
Policy CD-1.17	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
Policy CD-1.19	Encourage the location of new and relocation of existing utility structures into underground vaults or within structures to minimize their visibility and reduce their potential to detract from pedestrian activity. When above-ground or outside placement is necessary, screen utilities with art or landscaping.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees

Goal and Policy	Description
	through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the Project to maintain and enhance our Community Forest.
Policy CD-1.26	Apply the Historic Preservation Goals and Policies of this Plan to proposals that modify historic resources or include development near historic resources.
Policy CD-1.27	When approving new construction, require the undergrounding of distribution utility lines serving the development. Encourage programs for undergrounding existing overhead distribution lines. Overhead lines providing electrical power to light rail transit vehicles and high tension electrical transmission lines are exempt from this policy.
Policy CD-1.28	To maintain and protect the integrity, character, and aesthetic environment of the streetscape in industrial, commercial, and residential neighborhoods, new billboards should be permitted only through a discretionary review process and only where they do not create visual clutter and blight. The relocation of existing billboards from impacted areas to locations where they would have a less visually blighting effect should be encouraged.
Policy CD-1.29	Provide and implement regulations that encourage high quality signage, ensure that business and organizations can effectively communicate though sign displays, promote way finding, achieve visually vibrant streetscapes, and control excessive visual clutter.
Goal CD-4 – Compatibility	Provide aesthetically pleasing streetscapes and new development that preserves and builds on the unique characteristics of the local area and contributes to a distinctive neighborhood or community identity.
Policy CD-4.1	Maintain and upgrade design guidelines adopted by the City and abide by them in the development of projects.
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Goal CD-7 – Urban Villages Design	Create thriving, attractive Urban Villages that reflect unique urban characteristics of an area and provide complete neighborhoods for residents, workers, and visitors.
Policy CD-7.1	Support intensive development and uses within Urban Villages, while ensuring an appropriate interface with lower-intensity development in surrounding areas and the protection of appropriate historic resources**.**
Policy CD-7.3	Review development proposed within an Urban Village Area prior to approval of an Urban Village Plan for consistency with General Plan design policies and any other applicable design policies pertaining to the proposed use. Following adoption of an Urban

Goal and Policy	Description
	Village Plan, review new development for consistency with design goals, policies, standards, and guidelines included within the Urban Village Plan.
Policy CD-7.4	Identify a vision for urban design character consistent with development standards, including but not limited to building scale, relationship to the street, and setbacks, as part of the Urban Village planning process. Accommodate all planned employment and housing growth capacity within each Urban Village and consider how to accommodate projected employment growth demand by sector in each respective Urban Village Plan.
Policy CD-7.9	Build new residential development within Urban Village areas at a minimum of four-stories in height with a step down in height when building new residential development immediately adjacent to single-family residential sites that have a Residential Neighborhood designation. Individual Urban Village Plans may establish more specific policies or guidelines to ensure compatibility with adjacent single family neighborhoods, and development should be consistent with these policies and guidelines, established in approved Urban Village Plans.
Goal CD-8 – Building Height	Regulate the height of new development to avoid adverse land use incompatibility while providing maximum opportunity for the achievement of the Envision General Plan goals for economic development and the provision of new housing within the identified Growth Areas.
Policy 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.
Goal CD-10 – Attractive Gateways	Create and maintain attractive Gateways into San José and attractive major roads through San José, including freeways and Grand Boulevards, to contribute towards the positive image of the City.
Policy CD-10.2	Require that new public and private development adjacent to Gateways and freeways (including 101, 880, 680, 280, 17, 85, 237, and 87), and Grand Boulevards consist of high-quality materials, and contribute to a positive image of San José.
Policy CD-10.3	Require that development visible from freeways (including US 101, I-880, I-680, I-280, SR17, SR85, SR237, and SR87) be designed to preserve and enhance attractive natural and man-made vistas.

Source: City of San José. 2024. *Envision San José 2040 General Plan*. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.

3.3.1 Impacts and Mitigation

3.3.1.1 Thresholds of Significance

For the purposes of this analysis and in accordance with CEQA Guidelines, a project impact to aesthetics would be considered significant if the Project would:

a) Have a substantial effect on a scenic vista;

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the Project area and its surroundings. (Public views are those that are experienced from publicly accessible vantage point.), or, if the Project is in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality; or

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

3.3.1.2 Methodology

Impacts related to aesthetics were evaluated first through examination of SB 743 qualification. If the Project is a residential, mixed-use residential, or employment center project; and the Project is located on an infill site within a transit priority area a project's aesthetic impacts (except those on historical or cultural resources) will no longer be considered significant impacts on the environment

Impacts related to aesthetics were also evaluated by qualitatively identifying the Project's demand of parks and recreational facilities and analyzing the Five Wounds Urban Village Plan policies related to the preservation of aesthetics.

3.3.1.3 Project Impacts

a) Would the Project have a substantial effect on a scenic vista?

A project would have a substantial effect on a scenic vista if it results in a scenic vista being fully or significantly blocked from public views in a public area. According to the 2040 General Plan, scenic vistas would be preserved in areas designated as 'gateways', including the segment of East Santa Clara Street and Alum Rock Avenue located within the Project area. Scenic vistas would be preserved within the Project area in accordance with Standard UD-1.1 through UD-1.5 in the Five Wounds Urban Village Plan.

The Project would enable intensification of redevelopment within an urbanized setting, including maximum heights up to 300 feet in the station-area portion of the Five Wounds District and heights generally ranging from approximately 65 to 85 feet in other areas and corridors. New mid-to high-rise buildings, could alter or obstruct views of hillsides from areas within Project area boundaries including the Five Wounds Portuguese National Church, and along gateways and view corridors such as the Five Wounds Trail.

The Plan includes multiple objective standards and policies to protect key visual resources such as the Church while accommodating higher development near the BART station than what currently exists, while accommodating taller development near the future station. The Plan includes goals and stands noted below which limits building heights in specific blocks in the neighborhood adjacent to the Church to protect the visual integrity and prominence of the church, as well as includes requirement for massing study and visual simulations showing heights.

The Project would implement the following design guidelines and principles to ensure the adequate preservation of aesthetics:

- **Policy PA-1.6:** Designate spaces within active pedestrian areas and plazas to support pop-up entrepreneurs, temporary vendors, and community-serving activities.
- **Goal PA-3:** Establish gateways and identity elements that define key entrances to the Five Wounds Urban Village, the future 28th Street/Little Portugal BART Station, and major community destinations.
- **Policy PA-3.1:** When new development occurs at key gateway locations, work with property owners and developers to incorporate community-serving uses, gateway elements, and signature design features such as public art, plazas, landscaping, architectural features, signage, and other identity elements.

  Potential gateway locations include:

  - North 28th Street near East Julian Street and East Santa Clara Street.
  - The western side of the intersection of Alum Rock Avenue and King Road, to signify entry into Little Portugal.
  - The western edge of Roosevelt Park near Coyote Creek.
  - Highway 101 overpass at East Santa Clara Street/Alum Rock Avenue.
- **Goal UD-1:** Concentrate taller and higher density development near the future 28th Street/Little Portugal BART Station to minimize impacts of new development on adjacent existing neighborhoods' character, while protecting the visual integrity and prominence of the Five Wounds Portuguese National Church structure.
- **Standard UD-1.1:** New development within the Five Wounds Urban Village Plan shall not exceed the maximum heights established in Figure UD-5 Building Height Limits.
- **Standard UD-1.2:** Within the Roosevelt Park District, all portions of new development over 65 feet in height shall be stepped back 5 feet minimum from the lower portion of the building so that the massing of the building does not overwhelm the sidewalk and the street.
- **Standard UD-1.3:** New development shall be designed such that views of the front side of Five Wounds Portuguese National Church from the south and southwest of the site would be maintained. New development on the two blocks between East Santa Clara Street, 26th Street, Shortridge Avenue, and the interchange 101 should be restricted to a height of 60 feet. Buildings over 60 feet in height proposed within this area shall provide a massing study, and detailed height visualizations to demonstrate how the views of the Church would be maintained, particularly from the south and southwest viewpoints.
- **Standard UD-1.4**: Buildings on the future BART station block and along Five Wounds Lane between 28th Street and 30th Street, and buildings on the block on the north side of East Santa Clara Street between 27th Street and 28th Street, shall stepback 60 feet at a building façade height of 60 feet.
- **Standard UD-1.5:** Limited projections of non-habitable architectural elements, mechanical and equipment rooms, and special architectural treatments (e.g., chimneys, weathervanes, cupolas, pediments, etc.) shall be permitted up to 17 feet above the maximum height limit established**.** Such projections shall not effectively create an overall building elevation that is greater than the established height limit. Only limited projections of non-habitable architectural elements, mechanical and equipment rooms, and architectural treatments to extend over the maximum height limit are allowed per San José Municipal Code Section 20.85.040, as may be amended in the future.
- **Goal UD-2:** Design of new development is of a high standard that contributes to the positive image and vitality of the Five Wounds Urban Village and creates a comfortable and visually engaging pedestrian environment.
- **Goal UD-3:** Ensure that new development is designed with a consistent "building-defined" street edge with street-facing development while integrating design elements that contribute to the pedestrian environment and public realm.

For a complete list of all objectives, policies, or guidelines included in the Project, please refer to **Appendix B** of this EIR.

All future development within the Five Wounds Urban Village would undergo review through the City of San José's planning review process. This process is managed by the City's Planning, Building, and Code Enforcement Department to ensure that new buildings are consistent with the 2040 General Plan policies as well as the proposed Plan.

With implementation of 2040 General Plan policies and policies, guidelines, goals, and design standards included in the Project, buildout and future development under the Project would not result in a substantial adverse effect on a scenic vista. Therefore, this impact would be less than significant. **(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?

No state scenic highways are located within 10 miles of the Project area. Therefore, buildout of future development under the Project would have no impact on scenic resources within a state scenic highway. **(No Impact)**

c) Would the Project, in non-urbanized areas, 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 Project area is located within an urbanized area in the city, fully developed with one to three-story buildings of varying uses. The Plan would facilitate long-term transition of the Project area from portions of existing industrial/light manufacturing and auto-oriented development to mixed-use, higher-density residential and employment-supporting uses, particularly near the future BART station. This could alter visual character of the area with regard to neighborhood scale, skyline, and streetscape character. This change could be perceived as a significant change in visual character especially in areas adjacent to lower-scale neighborhoods.

The proposed Plan includes urban design polices and objective standards to ensure future development is cohesive, visually compatible, and pedestrian oriented and that transition between new higher density development and existing neighborhoods is not visually degrading. Standards include maximum heigh, stepbacks, and screening where higher density development abuts lower-scale parcels, as well as frontage requirements along key corridors (e.g., East Santa Clara Street, Alum Rock Avenue, and 28th Street) to create consistent street edges and active ground-floor zones.

Goal UD-1 emphasizes minimizing the impacts of new development on adjacent existing neighborhoods' character, while protecting the visual integrity and prominence of the structures in the area such as the Five Wounds Portuguese National Church. Additionally, Goal UD-2 promotes new development that contributes to the vitality of the Project area, and creates visually engaging pedestrian environment. Other goals such as Goal UD-3 through UD-6 minimize visual impacts through urban design strategies on parking design, street-facing development, trail frontage, landscaping, and publicly accessible areas.

Future development would also be subject to the Citywide Design Standards and Guidelines and the City's design review process to ensure compatible scale and massing and consistency with applicable 2040 General Plan design policies (including CD-1.1, CD-1.23, CD-4.9, and CD-8.1) and the Plan's goals, guidelines, and standards.

Although the Plan would change the visual character of parts of the Plan Area by enabling higher-intensity development near transit, the Plan includes multiple objective standards, policies, and other regulations governing scenic quality. Therefore, the buildout of the Project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. This impact would be less than significant. **(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?

New structures proposed under the Project would be taller than current buildings within the Project area and include reflective surfaces that could create additional sources of glare. Development under the Project may also result in new sources of lighting on building exteriors and along streets and sidewalks. Though existing industrial/commercial uses in the vicinity currently generate light and glare from streetlights and exterior lighting, the volume of light and glare from the proposed developments could be substantially greater than existing conditions.

This development would be subject to the City Council's adopted Lighting Policy 4.2 and Outdoor Lighting Policy 4.3. Development would also be subject to Municipal Code controls for lighting of signs and development adjacent to residential properties, which require lighting to be directed away from residential uses. Adherence to the San José Citywide Design Standards and Guidelines, City policies, and regulations as part of the design review process will protect the night sky and control the amount of light shining on streets, sidewalks, and residential properties. Implementation of City policies regarding light land glare, to future development that would be facilitated throughout the buildout of the Project, would reduce the impact of glare. Although the Project would result in new sources of lighting in the Santa Clara Valley, the change would not be substantial to the lighting condition of the whole Valley and would not interfere with astronomical observation at the Lick Observatory. Implementation of policies above would minimize light and glare resulting from the development under the Project. **(Less than Significant Impact)**

3.3.1.4 Cumulative Impacts

Future development has the potential to contribute to cumulative aesthetic impacts. However, aesthetics impacts are largely site-specific and would require evaluation on a case-by-case basis in accordance with each proposed project. The 2040 General Plan policies and existing regulations would apply to all the future development in the Project area. In addition, the policies, guidelines, goals, and design standards included in the Projects listed in **Chapter 3, Table 3-1** of this EIR**,** would protect and minimize impacts to scenic views. A large part of the Project, is located within the designated transit priority area, which qualifies for SB 743 and would be exempt from aesthetic impacts to resources. Compliance with design standards and guidelines, the 2040 General Plan and the policies and guidelines included in the Five Wounds Urban Village Plan, the Project would not have a substantial adverse effect on a scenic vista or the existing visual character or quality of the Project area and its surroundings. These design standards would also ensure the aesthetic compatibility of future development projects with the City's vision for development in the Project area. Therefore, past, present, and foreseeable projects, including the Project, would not result in a cumulative impact to visual resources**.**

3.4 Agricultural and Forestry Resources

This section analyzes the potential for the Project to impact agricultural and forestry resources.

3.4.1 Environmental Setting

3.4.1.1 Existing Conditions

The Project area is designated as Urban and Built-up Land by the Farmland Mapping and Monitoring Program (FMMP).[6] The FMMP defines the Urban and Built-up Land category as land used for industrial and commercial purposes, golf courses, landfills, airports, sewage treatment, and water control structures. The existing zoning of the Project area includes Neighborhood Community Commercial, Mixed-Use Neighborhood, Urban Residential, Residential Neighborhood, Light Industrial, Combined Industrial/Commercial, and Mixed-Use Commercial. No portion of land within the Project area is zoned for agricultural use.

The Project area does not contain any forest land as defined in Public Resource Code (PRC) Section 12220(g), timberland as defined by PRC Section 4526, or property zoned for Timberland Production as defined by Government Code Section 51104(g).

3.4.2 Regulatory Framework

3.4.2.1 State

California Land Conservation Act

The Williamson Act, officially designated as the California Land Conservation Act of 1965, enables local governments to enter into contracts with private landowners, for the purpose of restricting specific parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments that are based on farming and open space as opposed to full market value. Regulations and rules regarding implementation of Williamson Act contracts are established by local participating cities and counties, as guided by the Williamson Act.

Land Evaluation and Site Assessment

The California Agricultural Land Evaluation and Site Assessment (LESA) was developed by the California Department of Conservation to provide a standardized point-based approach for the rating of relative importance of agricultural land. The LESA model ensures that an optional methodology is available for lead agencies to determine if a project will result in potentially significant effects on the environment as a result of agricultural land conversion. The LESA model is based on specific measurable features, including project size, soil quality, surrounding agricultural and/or protected resource lands, and water resource availability, which are weighted, rated and combined to provide a numeric score. The score serves as the basis for making a determination of potential significance for a project.

Farmland Mapping and Monitoring Program

The California Department of Conservation prepares and maintains farmland map data for Counties throughout the state, including for Santa Clara County, through the FMMP. The FMMP produces statistical data and maps for the purpose of analyzing potential impacts on agricultural resources. The FMMP is designed to regulate the conversion of agricultural land to permanent non-agricultural uses. The FMMP contains a rating system based on soil quality and irrigation status, with the best quality land being designated as “Prime Farmland”. Maps are updated every two years using computer mapping, aerial photography, public review, and field reconnaissance. The FMMP for Santa Clara County has data from 1984 to the present day, including historical land use conversion, PDF maps, and GIS data.

6 California Department of Conservation. “Division of Land Resource Protection.” Farmland Mapping & Monitoring Program. Available at: https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed June 11, 2024

3.4.2.2 Local

Envision San José 2040 General Plan

Policies in the 2040 General Plan have been adopted for the purpose of avoiding or mitigating agricultural impacts from development projects. The following policies in **Table 3.4-1** are applicable to the Project.

Table 3.4-1 Envision San José 2040 Relevant Agricultural Resources Policies

Policy	Description
Policy LU-12.3	Protect and preserve the remaining farmlands within San José's sphere of influence that are not planned for urbanization in the timeframe of the Envision General Plan through the following means: Limit residential uses in agricultural areas to those which are incidental to agriculture. Restrict and discourage subdivision of agricultural lands. Encourage contractual protection for agricultural lands, such as Williamson Act contracts, agricultural conservation easements, and transfers of development rights. Prohibit land uses within or adjacent to agricultural lands that would compromise the viability of these lands for agricultural uses. Strictly maintain the Urban Growth Boundary in accordance with other goals and policies in this Plan.
Policy LU-12.4	Preserve agricultural lands and prime soils in non-urban areas in order to retain the aquifer recharge capacity of these lands.

Source: City of San José. 2024. *Envision San José 2040 General Plan*. Available: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.

3.4.3 Impact and Mitigation

3.4.3.1 Thresholds of Significance

For the purposes of this analysis and in accordance with CEQA Guidelines, a project impact to agricultural and forestry resources would be considered significant if the Project would:

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

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract;

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220[g]), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104[g])

d) Result in the loss of forest land or conversion of forest land to non-forest use; or

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

3.4.3.2 Methodology

The evaluation of potential impacts to agricultural and forestry resources was conducted through a review of existing land use data, regulatory classifications, and resource maps from federal, state, and local sources. The

analysis identifies whether the Project area contains important agricultural lands, land under Williamson Act contracts, or lands designated as forest land or timberland.

Primary data sources reviewed for this analysis include:

- California Department of Conservation FMMP, which classifies lands as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Grazing Land, and Urban and Built-Up Land;
- Williamson Act maps and enrollment data, obtained from the California Department of Conservation and county assessor records;
- General Plan Land Use Maps and zoning ordinances identifying lands designated for agricultural or forestry use;
- Relevant city and county plans or resource conservation policies.

The analysis assesses whether implementation of the Project would result in the direct or indirect conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, or conflict with existing zoning or land use designations intended to protect agricultural or forestry uses. It also evaluates potential conflicts with Williamson Act contracts or zoning for timberland production.

The Project does not include any relevant objectives, policies, or guidelines related to agricultural and forestry resources.

3.4.3.3 Project Impacts

a) Would the Project 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?

The Project area is not designated by the California Natural Resources Agency as farmland of any type. Additionally, no land adjacent to the Project area is designated as farmland. Therefore, buildout of the Project would not impact farmland and would not conflict with zoning for agricultural use. **(No Impact)**

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

The existing zoning of the Project area includes Neighborhood Community Commercial, Mixed-Use Neighborhood, Urban Residential, Residential Neighborhood, Light Industrial, Combined Industrial/Commercial, and Mixed-Use Commercial zoning districts. The proposed zoning for the Project area includes Urban Village, Urban Residential, and Mixed-Use Neighborhood zoning districts. Neither the existing nor proposed zoning districts are intended for agricultural uses. Furthermore, the Project area does not contain lands under Williamson Act contract; therefore, no conflicts with existing zoning for agricultural uses or a Williamson Act contract would occur with buildout of the Project.[7] **(No Impact)**

c) Would the Project 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))?

The existing zoning of the Project area includes Neighborhood Community Commercial, Mixed-Use Neighborhood, Urban Residential, Residential Neighborhood, Light Industrial, Combined Industrial/Commercial, and Mixed-Use Commercial and the proposed zoning of the Project area includes Urban Village, Urban Residential, and Mixed-Use Neighborhood. The Project would not impact forest resources since the Project area does not contain any forest

7 County of Santa Clara. "Williamson Act Properties." Available at: https://experience.arcgis.com/experience/034e46f2f4bc44d1ada505dd92940ff7. Accessed May 4, 2025.

land as defined in PRC Section 12220(g), timberland as defined by PRC Section 4526, or property zoned for Timberland Production as defined by Government Code Section 51104(g). Therefore, no impact would occur with buildout of the Project. **(No Impact)**

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

See **c)** above. No other changes to the environment would occur from the Project that would result in the loss of forest land or conversion of forest land to non-forest uses. Therefore, no impact would occur with buildout of the Project. **(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?

The Project area is a fully urbanized environment and the Project would not involve changes in the existing environment which, due to their location or nature, could result in conversion of farmland or forest land, since none are present within the Project area or surrounding areas. The 2040 General Plan concluded that s a significant impact to Prime Farmland would occur in areas which are located within of the Urban Growth Boundary (UGB) but because the Project area does not include Prime Farmland then this does not apply to the Project. Therefore, no impact would occur. **(No Impact)**

3.4.3.4 Cumulative Impacts

The 2040 General Plan EIR concluded that buildout of the 2040 General Plan in the north Coyote Valley area in conjunction with other planned or proposed development would be a cumulatively considerable contribution to cumulative impacts to agricultural resources resulting in a significant cumulative impact. Please refer to **Chapter 3**, **Table 3-1** of this EIR, for a list of past, present, and foreseeable projects considered for this analysis. No feasible mitigation measures are available to offset the cumulative loss of agricultural land, especially prime agricultural land, within areas previously planned and designated for development within the City's UGB or areas of the County already planned and approved for development. Therefore, the 2040 General Plan would have a cumulative loss agricultural land resulting in a significant and unavoidable cumulative impact. However. the Project would not impact agricultural and forestry resources and would therefore not contribute to cumulative impacts to these resources.

3.5 Air Quality

This section describes the impacts on air quality that would result from implementation of the Project. This section is based on an Air Quality and Greenhouse Gas Assessment prepared for the Project by Illingworth & Rodkin, Inc., dated June 18, 2024, (see **Appendix C** of this EIR).

3.5.1 Environmental Setting

3.5.1.1 Existing Conditions

The Project area is in the City of San José, in Santa Clara County, which is in the San Francisco Bay Area Air Basin. Ambient air quality standards have been established at both the State and federal level that apply to the air basin and the area meets all ambient air quality standards except for ground-level ozone, respirable particulate matter (PM_{10}), and fine particulate matter ($PM_{2.5}$).

Climate

The climate of the Project area is classified as Mediterranean, characterized by warm, dry summers and mild, wet winters. This climate contributes to seasonal variations in pollutant dispersion and accumulation. During summer months, temperatures range from the mid-70s to low 90s °F (24–34 °C), with stagnant air patterns and limited rainfall contributing to potential buildup of ground-level ozone and other pollutants. In winter, temperatures range from the mid-40s to mid-60s °F (7–18 °C), with occasional rain events and cooler temperatures aiding in pollutant dispersion.[8]

Criteria Air Pollutants of Concern

High ozone levels are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxides (NO_X). These precursor pollutants react under certain meteorological conditions to form high ozone levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce ozone levels. The highest ozone levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources. High ozone levels aggravate respiratory and cardiovascular diseases, reduce lung function, and increase coughing and chest discomfort.

Particulate matter is another problematic air pollutant of the Bay Area. Particulate matter is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM_{10}) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

As required by the federal Clean Air Act, National Ambient Air Quality Standards (NAAQS) have been established for six major air pollutants: carbon monoxide (CO), nitrogen dioxide (NO_2), ozone (O_3), particulate matter, including respirable particulate matter (PM_{10}) and fine particulate matter ($PM_{2.5}$), sulfur oxides (SO_X), and lead (Pb). Pursuant to the California Clean Air Act, the state has established the California Ambient Air Quality Standards (CAAQS). Both state and federal standards are summarized in **Table 3.5-1**.

[8] Climate-Data. "Climate: San Jose." Available at: https://en.climate-data.org/north-america/united-states-of-america/california/san-jose-6398/. Accessed November 4, 2024

Table 3.5-1 Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards	National Standards[a]	
			Primary[b,c]	Secondary[b,d]
Ozone (O_3)	8-hour	0.07 ppm	0.07 ppm	Same as primary
	1-hour	0.09 ppm	---	Same as primary
Carbon Monoxide (CO)	8-hour	9.0 ppm	9.0 ppm	---
	1-hour	20 ppm	35 ppm	---
Nitrogen Dioxide (NO_2)	Annual	0.030 ppm	0.053 ppm	Same as primary
	1-hour	0.18 ppm	0.100 ppm[e]	---
Sulfur Dioxide (SO_2)	Annual	---	---	---
	24-hour	0.04 ppm	---	---
	3-hour	---	---	0.5 ppm
	1-hour	0.25 ppm	0.075 ppm	---
Respirable Particulate Matter (PM_{10})	Annual	20 µg/m^3	---	Same as primary
	24-hour	50 µg/m^3	150 µg/m^3	Same as primary
Fine Particulate Matter ($PM_{2.5}$)	Annual	12 µg/m^3	12 µg/m^3	15 µg/m^3
	24-hour	---	35 µg/m^3	---
Lead (Pb)	Calendar quarter	---	1.5 µg/m^3	Same as primary
	30-day average	1.5 µg/m^3	---	---

Source: Illingworth & Rodkin, 2024

Notes: ppm = parts per million, µg/m3 = micrograms per cubic meter.

a California standards for O3, CO, sulfur dioxide, nitrogen dioxide, and particulate matter (PM10, PM2.5, and visibility reducing particles), are not to be exceeded. National standards (other than O_3, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year.

b Concentrations are expressed first in units in which they were promulgated.

c Primary Standards: the levels of air quality necessary, with an adequate margin of safety to protect the public health. Each state mush attain the primary standards no later than three years after that state's implementation plan is approved by the United States Environmental Protection Agency (USEPA).

d Secondary Standards: the levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

e The form of the 1-hour NO2 standard is the three-year average of the 98th percentile of the daily maximum 1- hour average concentration.

Toxic Air Contaminants

Toxic air contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality, often because they cause cancer. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, 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). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, State, and federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three- quarters of the cancer risk from TACs (based on the Bay Area average). According to the California Air Resources Board (CARB),

diesel exhaust is a complex mixture of gases, vapors, and fine particles. This makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the CARB, and are listed as carcinogens either under the State's Proposition 65 or under the Federal Hazardous Air Pollutants programs. Health risks from TACs are estimated using the Office of Environmental Health Hazard Assessment (OEHHA) risk assessment guidelines, which were published in February of 2015.

Sensitive Receptors

There are groups of people more affected by air pollution than others. CARB has identified the following people who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, 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. For cancer risk assessments, children are the most sensitive receptors, since they are more susceptible to cancer causing TACs. Residential locations are assumed to include the most sensitive individuals, infants, and small children. Existing sensitive receptors in the Project area include residential areas and elementary schools including Anne Darling Elementary School. Existing sensitive receptors in the vicinity of the Project area include residential areas, elementary schools including Olinder, McKinley, San Antonio, LUCHA, and Empire Gardens Elementary School, and hospitals such as Santa Clara Valley Medical Center.

3.5.2 Regulatory Framework

3.5.2.1 Federal

Federal Clean Air Act and United States Environmental Protection Agency

The federal Clean Air Act governs air quality in the United States. The United States Environmental Protection Agency (EPA) is responsible for implementation and enforcement of the Clean Air Act. The Clean Air Act establishes federal National Ambient Air Quality Standards (NAAQS) and specifies future dates for achieving compliance. It also requires the USEPA to designate areas as attainment, nonattainment, or maintenance. The Clean Air Act also mandates that the state submit and implement a state implementation plan (SIP) for each pollutant criteria if the NAAQS for the pollutant has not been achieved. The SIP includes pollution control measures that demonstrate how the standards would be met.

In the past decade, the EPA has established several emission standards for on- and non-road heavy-duty diesel engines used in trucks and other equipment. This was done in part because diesel engines are a significant source of NO_X and particulate matter ($PM_{2.5}$) and because the EPA has identified DPM as a probable carcinogen. Implementation of the heavy-duty diesel on-road vehicle standards and the non-road diesel engine standards are estimated to reduce particulate matter and NO_X emissions from diesel engines up to 95 percent in 2030 when the heavy-duty vehicle fleet is completely replaced with newer heavy-duty vehicles that comply with these emission standards.

Additionally, the EPA has substantially reduced the amount of sulfur allowed in diesel fuels. The sulfur contained in diesel fuel is a significant contributor to the formation of DPM. Current standards reduced the amount of sulfur allowed by 97 percent for highway diesel fuel (from 500 parts per million by weight [ppmw] to 15 ppmw), and by 99 percent for off-highway diesel fuel (from about 3,000 ppmw to 15 ppmw). The low sulfur highway fuel (15 ppmw sulfur), also called ultra-low sulfur diesel (ULSD), is required for use by all vehicles in the U.S.

All of the above federal diesel engine and diesel fuel requirements have been adopted by California, in some cases with modifications making the requirements more stringent or the implementation dates sooner.

3.5.2.2 State

California Clean Air Act

The California Clean Air Act, signed into law in 1988, requires all areas of the State to achieve and maintain the CAAQS by the earliest practical date. CARB is the State air pollution control agency and is a part of CalEPA. CARB is the agency responsible for coordination and oversight of State and local air pollution control programs in California, and for implementing the requirements of the California Clean Air Act. CARB overseas local district compliance with California and federal laws, approves local air quality plans, submits the State Implementation Plans to the USEPA, monitors air quality, determines and updates area designations and maps, and sets emissions standards for new mobile sources, consumer products, small utility engines, off-road vehicles, and fuels.

California Air Resources Board

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. A significant component of the plan involves application of emission control strategies to existing diesel vehicles and equipment in addition to requiring more stringent emission standards for new on-road mobile, non-road (or off-road) mobile, and stationary diesel-fueled engine sources to reduce particulate matter emissions by 90 percent. Many measures have been approved and adopted, including the federal on-road and non-road diesel engine emission standards for new engines, and adoption of regulations for low sulfur fuel in California.

CARB has adopted and implemented several additional regulations for stationary and mobile sources to reduce emissions of DPM. Several of these regulatory programs affect medium and heavy-duty diesel trucks that represent the bulk of DPM emissions from California highways. CARB regulations require on-road diesel trucks to be retrofitted with particulate matter controls or replaced to meet 2010 or later engine standards that have much lower DPM emissions. While new trucks and buses will meet strict federal standards, CARB's program is intended to accelerate the rate at which the fleet either turns over or at which vehicles are retrofitted, so there are cleaner vehicles on the road. With this regulation, older, more polluting trucks would be removed from the roads sooner. CARB has also adopted and implemented regulations to reduce DPM and NO_X emissions from in- use (existing) and new off-road heavy-duty diesel vehicles (e.g., loaders, tractors, bulldozers, backhoes, off-highway trucks, etc.). The regulations apply to diesel-powered off-road vehicles with engines 25 horsepower (hp) or greater. The regulations are intended to reduce particulate matter and NO_X exhaust emissions by requiring owners to turn over their fleet (replace older equipment with newer equipment) or retrofit existing equipment to achieve specified fleet-averaged emission rates. Implementation of this regulation, in conjunction with stringent federal off-road equipment engine emission limits for new vehicles, will significantly reduce emissions of DPM and NO_X.

3.5.2.3 Regional and Local

Bay Area Air District

The Bay Area Air District (Air District) has jurisdiction over an approximately 5,600-square mile area, commonly referred to as the San Francisco Bay Area (Bay Area). The District's boundary encompasses the nine San Francisco Bay Area counties, including Alameda County, Contra Costa County, Marin County, San Francisco County, San Mateo County, Santa Clara County, Napa County, southwestern Solano County, and southern Sonoma County.

Air District is the lead agency in developing plans to address attainment and maintenance of the NAAQS and California Ambient Air Quality Standards (CAAQS). The District also has permit authority over most types of stationary emissions sources. The Air District is responsible for permitting and inspection of stationary sources, enforcement of regulations, including setting fees, levying fines, and enforcement actions, and ensuring that public nuisances are minimized.

Clean Air Plan

The Air District is responsible for developing a Clean Air Plan which guides the region's air quality planning efforts to attain both the NAAQS and CAAQS. The Air District's 2017 Clean Air Plan is the current Clean Air Plan which contains district-wide control measures to reduce ozone precursor emissions (i.e., ROG and NO_X), particulate matter (PM_{10} and $PM_{2.5}$) and greenhouse gas (GHG) emissions.

Community Air Risk Evaluation Program

The Community Air Risk Evaluation (CARE) program was initiated in 2004 to evaluate and reduce health risks associated with exposures to outdoor TACs in the Bay Area. The program examines TAC emissions from point sources, area sources, and on-road and off-road mobile sources with an emphasis on diesel exhaust. The CARE program is an on-going program that encourages community involvement and input. The technical analysis portion of the CARE program is implemented in three phases that includes an assessment of the sources of TAC emissions, modeling and measurement programs to estimate concentrations of TAC, and an assessment of exposures and health risks. Throughout the program, information derived from the technical analyses would be used to focus emission reduction measures in areas with high TAC exposures and high density of sensitive populations. Risk reduction activities associated with the CARE program are focused on the most at-risk communities in the Bay Area. The Air District has identified six communities as impacted as part of the CARE program: Vallejo, Concord, Richmond/San Pablo, Pittsburgh/Antioch, Western Alameda County, San José, and Eastern San Francisco. The Project area within the San José CARE area.

Overburdened Communities

Air District Regulation 2-1-24 identifies an overburdened community as an area located (i) within a Census tract identified by the California Communities Environmental Health Screening Tool ("CalEnviroScreen"), Version 4.0 implemented by OEHHA, as having an overall CalEnviroScreen score at or above the 70th percentile, or (ii) within 1,000 feet of any such census tract. The Project area involves five (5) Census tracts with scores above the 70th percentile as identified by CalEnviroScreen (see **Figure 3.5-1**). Therefore, the Project area would be considered an overburdened community.

Planning Healthy Places

Air District developed a guidebook that provides information intended to assist local governments in addressing potential issues related to exposure of sensitive receptors to local sources of air pollutants. The guidance provides tools and recommends best practices that can be implemented to reduce exposure. The information is provided as recommendations to develop policies and implement measures for city or county General Plans, neighborhood or specific plans, land use development ordinances, or into projects.

Air District Stationary Source Rules and Regulations

Combustion equipment associated with the Project development (that would be allowed), specifically new diesel engines that would be used to power emergency power generators and/or cooling towers, would be new sources of particulate matter and gaseous emissions. Therefore, they would be subject to Air District's stationary source Regulations and Rules and would require permits.

Envision San José 2040 General Plan

The 2040 General Plan includes several policies and goals that are relevant to an evaluation of the visual quality of the Project area. Policies and goals applicable to the Project are identified below in **Table 3.5-2**.

Table 3.5-2 Envision San José 2040 Relevant Visual Resources Goals and Policies

Policy	Description
Goal MS-10	Minimize emissions from new development.

Policy	Description
Policy MS-10.1	Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (Air District) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures.
Policy 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.
Policy MS-10.3	Promote the expansion and improvement of public transportation services and facilities, where appropriate, to both encourage energy conservation and reduce air pollution.
Policy MS-10.5	In order to reduce vehicle miles traveled and traffic congestion, require new development within 2,000 feet of an existing or planned transit station to encourage the use of public transit and minimize the dependence on the automobile through the application of site design guidelines and transit incentives.
Policy MS-10.7	Encourage regional and statewide air pollutant emission reduction through energy conservation to improve air quality.
Policy MS-10.11	Enforce the City's wood-burning appliance ordinance to limit air pollutant emissions from residential and commercial buildings.
Policy MS-10.13	As a part of City of San José Sustainable City efforts, educate the public about air polluting household consumer products and activities that generate air pollution. Increase public awareness about alternative products and activities that reduce air pollutant emissions.
Goal MS-11	Minimize exposure of people to air pollution and toxic air contaminants such as ozone, carbon monoxide, lead, and particulate matter.
Policy MS-11.1	Maintain and upgrade design guidelines adopted by the City and abide by them in the development of projects.
Policy MS-11.2	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).
Policy MS-11.4	Encourage the installation of appropriate air filtration at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources.
Policy MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
Action MS-11.6	Develop and adopt a comprehensive Community Risk Reduction Plan that includes baseline inventory of TACs and PM2.5, emissions from all sources, emissions reduction targets, and enforceable

Policy	Description
	emission reduction strategies and performance measures. The Community Risk Reduction Plan will include enforcement and monitoring tools to ensure regular review of progress toward the emission reduction targets, progress reporting to the public and responsible agencies, and periodic updates of the plan, as appropriate.
Action MS-11.7	Consult with Air District to identify stationary and mobile TAC sources and determine the need for and requirements of a health risk assessment for proposed developments.
Action MS-11.8	For new projects that generate truck traffic, require signage which reminds drivers that the State truck idling law limits truck idling to five minutes.
Goal MS-12	Minimize and avoid exposure of residents to objectionable odors.
Policy MS-12.1	For new, expanded, or modified facilities that are potential sources of objectionable odors (such as landfills, green waste and resource recovery facilities, wastewater treatment facilities, asphalt batch plants, and food processors), the City requires an analysis of possible odor impacts and the provision of odor minimization and control measures as mitigation.
Policy MS-12.2	Require new residential development projects and projects categorized as sensitive receptors to be located an adequate distance from facilities that are existing and potential sources of odor. An adequate separation distance would be determined based upon the type, size, and operations of the facility.
Goal MS-13	Minimize air pollutant emissions during demolition and construction activities.
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current Air District CEQA Guidelines for the relevant project size and type.
Policy MS-13.4	Adopt and periodically update dust, particulate, and exhaust control standard measures for demolition and grading activities to include on project plans as conditions of approval based upon construction mitigation measures in the Air District CEQA Guidelines.
Policy MS-13.5	Prevent silt loading on roadways that generates particulate matter air pollution by prohibiting unpaved or unprotected access to public roadways from construction sites.
Policy MS-13.6	Revise the grading ordinance and condition grading permits to require that graded areas be stabilized from the completion of grading to commencement of construction.

Source: City of San José. 2024. *Envision San José 2040 General Plan*. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.

3.5.3 Impacts and Mitigation

3.5.3.1 Thresholds of Significance

For the purposes of this analysis and in accordance with CEQA Guidelines, a project impact to air quality would be considered significant if the Project would:

a) Conflict with or obstruct implementation of an applicable air quality plan;

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation;

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors);

d) Expose sensitive receptors to substantial pollutant concentrations; or

e) Create objectionable odors affecting a substantial number of people.

3.5.3.2 Methodology

The discussion below presents the methods used for the air quality analysis and how the significance of air quality impacts was determined. Potential air quality impacts associated with short-term construction and long-term operations were evaluated in accordance with Air District's guidance and CARB-approved methodologies. Detailed model information, assumptions, inputs, and outputs are provided in **Appendix C** of this EIR (Air Quality and Greenhouse Gas Assessment, Illingworth & Rodkin, Inc., June 18, 2024).

Because the Five Wounds Urban Village Plan Update would be implemented through multiple individual projects over time, this Program EIR evaluates air quality impacts using a comparative scenario approach and a combination of quantitative modeling (for operational emissions) and program-level requirements that ensure project-level evaluation and controls are applied as specific projects are proposed. Appropriate emissions models and Bay Area Air District screening tools were used in the analysis. Emissions from the proposed land use scenarios were estimated using the latest version of the California Emissions Estimator Model (CalEEMod) (Version 2022.1.1.23) and the Caltrans version of CARB's latest on-road vehicle emissions model, EMFAC2021 (i.e., CT-EMFAC2021).

Construction Emissions

Construction activities associated with future demolition, grading, building construction, and infrastructure improvements would generate fugitive dust (PM_{10}/$PM_{2.5}$) and construction equipment exhaust (including NOx and ROG). At the plan level, the specific timing, intensity, and overlap of construction phases are unknown and would vary based on market conditions and individual project sequencing. Consistent with Air District's CEQA approach for planning-level documents, construction emissions are evaluated qualitatively and addressed through implementation requirements, including:

- compliance with City standard construction dust and exhaust controls (e.g., watering, trackout prevention, idling limits, covering haul trucks, and wind-related work practices);
- project-level construction emissions analysis where warranted, using Air District-recommended methods; and
- incorporation of enhanced controls where future projects would otherwise exceed applicable project-level thresholds.

Operational Emissions (Criteria Pollutants)

Long-term operational emissions would be generated by area sources (e.g., consumer products, landscaping equipment, architectural coatings), energy sources (e.g., natural gas combustion), mobile sources (vehicle travel), and potential stationary sources. Operational emissions were evaluated using Air District's recommended

significance approach for long-range plans. In addition, Air District project-level thresholds were used for informational purposes to identify whether future individual projects implemented under the Plan Update may require project-specific mitigation to reduce emissions.

3.5.3.3 Thresholds of Significance

For the purposes of this analysis and in accordance with CEQA Guidelines, a project impact to air quality would be significant if the Project would:

a) Conflict with or obstruct implementation of the applicable air quality plan;

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

c) Expose sensitive receptors to substantial pollutant concentrations; or

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

3.5.3.4 Project Impacts

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

The Air District, with assistance from the Metropolitan Transportation Commission (MTC), has prepared and implemented a plan, the Bay Area 2017 Clean Air Plan, to meet the applicable laws, regulations, and programs related to air quality, which are discussed in detail previously in **Subsection 3.5.2.3, Regional and Local** of the EIR. They have also developed CEQA guidelines to assist lead agencies in evaluating the significance of air quality impacts, which is reflected **Table 3.5-3** and **Table 3.5-4.** In formulating compliance strategies, Air District relies on planned land uses established by local general plans and specific area plans, like the Project. Land use planning affects vehicle travel, which in turn affects region-wide emissions of air pollutants and GHGs.

Clean Air Plan Control Measures

The consistency of the Project with the control measures in the Bay Area 2017 Clean Air Plan is demonstrated by assessing whether it implements the applicable Clean Air Plan control measures. The 2017 Clean Air Plan includes control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. The control measures are divided into five categories that include:

- 40 measures to reduce stationary and area sources;
- 8 mobile source measures;
- 23 transportation control measures (including land use strategies);
- building sector measures;
- 2 energy sector measures;
- agriculture sector measures;
- 3 natural and working lands measures;
- 4 waste sector measures;
- 2 water sector measures; and
- 3 super-GHG pollutants measures.

In developing the control strategy, Air District identified the full range of tools and resources available, both regulatory and non-regulatory, to develop each measure. Implementation of each control measure will rely on some combination of the following:

- Adoption and enforcement of rules to reduce emissions from stationary sources, area sources, and indirect sources
- Revisions to the Air District's permitting requirements for stationary sources
- Enforcement of CARB rules to reduce emissions from heavy-duty diesel engines
- Allocation of grants and other funding by the Air District and/or partner agencies
- Promotion of best policies and practices that can be implemented by local agencies through guidance documents, model ordinances, and other measures
- Partnerships with local governments, other public agencies, the business community, nonprofits, and other groups
- Public outreach and education
- Enhanced air quality monitoring
- Development of land use guidance and CEQA guidelines, and Air District review and comment on Bay Area projects pursuant to CEQA
- Leadership and advocacy

This approach relies upon lead agencies[9] to assist in implementing some of the control measures. A key tool for local agency implementation is the development of land use policies and implementing measures that address new development or redevelopment in local communities. To address this impact, the effect of implementation of the Clean Air Plan is evaluated based on consistency with Clean Air Planning projections (i.e., rate of increase in population versus vehicle travel).

The Project is consistent with the Clean Air Plan control measures because it would reduce the number of stationary and area sources by transitioning light industrial land uses to residential uses. It would also reduce mobile sources emissions through locating new residential units in proximity to existing and new enhanced public transportation facilities, encouraging active modes of transportation. The development of projects that would be allowed by the Project would also not disrupt or hinder the implementation of other Clean Air Plan control measures. Therefore, the buildout of the Project would not conflict with or obstruct implementation of the applicable air quality plan. **(Less than Significant Impact)**

Consistency with Clean Air Plan Projections

Regional transportation conformity is concerned with how well the regional transportation system supports plans for attaining the NAAQS. MTC develops regional transportation plans (RTPs) for the Bay Area, while Air District develops plans for attaining the NAAQS, CAAQS, and GHG emissions targets. MTC's RTPs are based on land use and growth assumptions, as are Air District's Clean Air Plans. Conformity of a RTP to a Clean Air Plan is based on emission analyses that use travel demand models and emission models to determine if traffic emissions from planned growth would conform to emission budgets or other tests detailed in the Clean Air Plan. If the analysis is successful, the federal government (Federal Highways Administration and Federal Transit Administration), make the determinations that the RTP conforms with the Clean Air Plan (i.e., State Implementation Plan).

[9] In the context of the California Environmental Quality Act (CEQA), a lead agency is the public agency with the principal responsibility for carrying out or approving a project. This agency determines whether a project is subject to CEQA and, if so, what type of environmental review (e.g., Environmental Impact Report, Mitigated Negative Declaration, Negative Declaration) is required.

The 2017 Clean Air Plan used MTC's Regional Long Range Transportation Plan (at the time it was Plan Bay Area 2040, and now it has been updated with Plan Bay Area 2050) as its basis for estimating emissions for the region. Plan Bay Area 2050 relied on growth and land use estimates provided by local governments (i.e., cities and transportation authorities) to provide its planning assumptions. The assumed growth of the Project is included in the 2040 General Plan, which was also included in Plan Bay Area 2050. Therefore, the Project would be consistent with Air District's Clean Air Plan 2017 and would be consistent with the corresponding updates.

Although the project would shift 6,000 residential units into the area and reduce the proposed jobs for the area from 10,604 to 8,366 compared to what was included in the 2040 General Plan, since the Project would result in fewer VMT compared to the assumptions in the 2040 General Plan as indicated in **Section 3.19, Transportation**, of this EIR, the Project would be consistent with the Clean Air Plan in realizing its targets. Therefore, the buildout of the Project would have a less than significant impact. **(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 considered a non-attainment area for ground-level ozone and $PM_{2.5}$ under both the Federal Clean Air Act (i.e., NAAQS) and the California Clean Air Act (i.e., CAAQS). The area is also considered non-attainment for PM_{10} CAAQS. To attain and maintain the NAAQS for ozone and $PM_{2.5}$ and the CAAQS for PM_{10}, the Air District has established thresholds of significance for these air pollutants and their precursors; ROG, NO_X, PM_{10}, and $PM_{2.5}$. Thresholds apply to both construction period and operational period emissions for plans and projects. As previously described, the 2040 General Plan includes Policies MS-10.1 and MS-10.2 that would serve to minimize air pollutant emissions.

Construction Emissions

Emissions commonly associated with construction activities include fugitive dust from soil disturbance, fuel combustion from mobile heavy-duty diesel- and gasoline-powered equipment, portable auxiliary equipment, and worker commute trips. During construction, fugitive dust, the dominant source of PM_{10} and $PM_{2.5}$ emissions, is generated when wheels or blades disturb surface materials. Uncontrolled dust from construction activities can become a nuisance.

The Air District has established a set of screening criteria for project construction. The construction of a project would result in a less-than-significant impact related to criteria air pollutants and precursors, if:

- The Project size is at or below the applicable screening level size.
- All best management practices as noted in the Air District's CEQA Air Quality Guidelines (see Table 5-2 in Chapter 5, "Project-Level Air Quality Impacts") are included in the Project design and implemented during construction.
- Construction-related activities would not overlap with operational activities.
- Construction-related activities would not include Demolition; Simultaneous occurrence of two or more construction phases (e.g., paving and building construction would occur simultaneously); Extensive site preparation (e.g., grading, cut and fill, or earth movement); Extensive material transport (e.g., soil import and export requiring a considerable amount of haul truck activity), or Stationary sources (e.g., backup generators) subject to Air District rules and regulations.

The Air District has not established quantified significance thresholds for construction. However, construction emissions thresholds of 54 pounds per average day for NO_x, ROG and $PM_{2.5}$ exhaust, and 82 pounds per average day for PM_{10} exhaust are used for projects to evaluate impacts. Unless controlled, the combination of temporary dust from activities and diesel exhaust from construction equipment may pose a nuisance and therefore, a significant impact to nearby receptors or exceed acceptable levels for projects. In addition, NO_X emissions during

grading and soil import/export for large projects may exceed the Air District NO_X emission threshold of 54 pounds per average day.

Construction emissions associated with the Project would be considered significant if full buildout were to occur all at the same time. However, the Project would be built over many years through 2040 as a series of individual development projects. The City of San José General Policy MS-10.1 specifies that individual construction projects should assess projected air emissions from new developments in conformance with the Air District CEQA Guidelines and relative to State and federal standards. Each project must identify and implement feasible air emission reduction measures including the BMPs recommended by Air District. Feasible air emission reduction measures have been adopted by the City as Standard Permit Conditions (per General Plan policies MS-10.1, MS-13.1, and MS-13.4) during all phases of construction to reduce dust and other particulate matter emissions. Therefore, all future developments that would be allowed by the Project would be required to meet the City's Standard Permit Conditions SPC AIR-1 during demolition and construction activities.

It is anticipated that future projects could exceed the Air District's screening thresholds for construction intensity and may have a significant impact to sensitive receptors during construction. The Standard Permit Conditions SPC AIR-2 and SPC AIR-3 would apply to all residential projects greater than 6 dwelling units (exclusive of accessory dwelling units); or 10,000 square feet of commercial/industrial space located within 1,000 feet of sensitive receptors; or projects that do not exceed 258,000 square feet of floor area for single-family and multi-family residential projects, mixed-use projects, commercial/office projects, or retail projects[10] and do not require significant excavation (such as that required for underground parking or a basement) will not have a significant construction air quality impact with implementation of SPC AIR-2 and SPC AIR-3. For projects that do not meet these criteria, applicants would implement mitigation measure AQ-1 that would require project- level analysis of construction-related emissions of criteria pollutants to demonstrate that emissions would be below the thresholds, as well as SPC AIR-3. Impacts would be less than significant with mitigation and standard permit conditions.

Standard Permit Conditions:

SPC AIR-1: Bay Area Air District Dust Control Best Management Practices. The permittee shall include the following measures on approved construction plans and implement the following Bay Area Air District (Air District) dust control requirements during construction of the project:

a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times a day.

b) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

d) All vehicle speeds on unpaved roads shall be limited to 15 miles-per-hour.

e) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

f) All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles-per-hour.

g) All trucks and equipment, including their tires, shall be washed off prior to leaving the site.

h) Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a six to 12-inch compacted layer of wood chips, mulch, or gravel.

[10] Illingworth & Rodkin, Inc. City of San José CEQA Guidance and Thresholds for Standard Conditions of Approval – Technical Air Quality Analysis. December 1, 2025.

i) Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than two minutes (a five-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.

j) Low volatile organic compounds (i.e., reactive organic gases) coatings that are used shall comply with the Air District's Regulation 8, Rule 3: Architectural Coatings.

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 telephone number and contact information for the City of San José Code Enforcement Division regarding dust complaints. If Code Enforcement determines a violation exists, the contractor shall take corrective action within 48 hours. The Air District's phone number shall also be included to ensure compliance with applicable regulations.

SPC AIR-2: Tier 4 Final Equipment. The permittee shall commit to using Tier 4 Final (or equivalent) equipment.

Construction Equipment Air Quality Controls. Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the permittee shall submit a Construction Operations Plan to the Director of Planning, Building and Code Enforcement or Director's designee that includes information in sufficient detail as to how the permittee and/or its contractor shall meet the following equipment requirements. The plan shall include the following information: 1) Type of equipment, 2) engine year and age, 3) number of years since rebuild of engine (if applicable), 4) type of fuel used, 5) engine horsepower, and 6) Verified Diesel Emission Control Strategy information, if applicable, and other related equipment data. The Construction Operations Plan shall be accompanied by a letter signed by a qualified air quality specialist confirming construction equipment will meet the criteria outlined below.

a) Engine Requirements: Verification that the equipment included in the plan meets the standards set forth below:

   i. All construction equipment (larger than 25 horsepower) shall, at a minimum, meet U.S. Environmental Protection Agency Tier 4 final or interim emission standards for particulate matter (PM10 and PM2.5).

   ii. Use of alternatively fueled or electric equipment that achieves a comparable reduction of diesel particulate matter, PM10, and PM2.5 as equipment that meets Tier 4 final or interim emission standards.

b) Exceptions: If Tier 4 equipment is not available, all construction equipment larger than 25 horsepower shall meet U.S. Environmental Protection Agency emission standards for Tier 3 engines and include particulate matter emissions control equivalent to California Air Resources Board Level 3 verifiable diesel emission control devices that altogether achieves a comparable reduction of diesel particulate matter, PM10, and PM2.5 as equipment that meets Tier 4 final or interim emission standards.

   i. As an alternative to the measures above, the permittee may request a plan from a qualified air quality specialist that reduces on- and near-site construction diesel particulate matter emissions from the project that would result in a comparable reduction of DPM, PM10, and PM2.5 as equipment that meets Tier 4 final or interim emission standards. The plan shall be submitted to the City of San José Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any tree removal, demolition, grading, or building permits (whichever occurs earliest).

c) Limits on Idling Time: The permittee shall require the idling time for off-road and on road equipment be limited to no more than two minutes, except as provided in exceptions to the applicable State regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in English

and Spanish in designated queuing areas and at the construction site to remind operators of the two-minute idling limit.

d) Certification: A Certification Statement shall be provided by the permittee for documentation of compliance and for future review by the Bay Area Air District and City of San José Director of Planning, Building and Code Enforcement or the Director's designee, as necessary. The Certification Statement shall state that the permittee will ensure that their construction contractor will comply with the conditions above and acknowledges that this requirement is also a condition of project approval.

SPC AIR-3: Implement Enhanced Dust Control Best Management Practices. The permittee shall implement the following Bay Area Air District enhanced best management practices for dust control measures and include the measures on all approved construction plans:

a) Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities.

b) b) Install wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.

c) Plant vegetative ground cover (e.g., fast-germinating native grass seed) in disturbed areas as soon as possible and watered appropriately until vegetation is established.

d) Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.

e) Minimize the amount of excavated material or waste materials stored at the site.

f) Hydroseed or apply non-toxic soil stabilizers to construction areas, including previously graded areas, that are inactive for at least 10 calendar days.

Impact AQ-1: Future development under the Five Wounds Urban Village Plan could result in a significant impact to sensitive receptors if the projects exceed 258,000 square feet of floor area[11], would include subterranean parking, and/or require significant excavation or grading. **(Potentially Significant Impact)**

MM AQ-1: **Project-Level Construction Emissions Modeling**

This measure applies to all discretionary projects implemented under the Five Wounds Urban Village Plan Update that involve demolition, grading, excavation, building construction, or infrastructure construction.

Prior to issuance of grading permits or building permits (whichever occurs first), the applicant shall provide either:

- A construction emissions analysis (e.g., CalEEMod and/or Bay Area Air District's recommended methods) shall be prepared by a qualified air quality consultant to quantify and demonstrate project emissions. If emissions exceed applicable thresholds, the project applicant shall submit a construction operations plan to the Director of Planning, Building and Code Enforcement or Director's designee that includes specifications of the equipment to be used during construction. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying that the equipment included in the plan meets the standards set forth below:
    - All construction equipment larger than 25 horsepower operating at the site for more than two continuous days or 20 hours total shall meet U.S. Environmental Protection Agency (EPA) Tier 4 final emission standards for particulate matter (PM10 and PM2.5).
    - If Tier 4 equipment is not available, all construction equipment larger than 25 horsepower operating at the site for more than two continuous days or 20 hours total shall meet U.S. EPA emission standards for Tier 2 or 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that together achieve the

[11] Illingworth & Rodkin, Inc. City of San José CEQA Guidance and Thresholds for Standard Conditions of Approval – Technical Air Quality Analysis. December 1, 2025.

required percent or greater reduction in particulate matter exhaust in comparison to uncontrolled equipment.

- Use of alternatively fueled or electric equipment.
- Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment.
- Stationary cranes, personnel/material hoist, and welders shall be powered by electricity.
- Implement Bay Area Air District's enhanced best management practices to control fugitive dust emissions.

- The project applicant shall incorporate all required measures into construction plans/specifications and shall implement monitoring/recordkeeping sufficient to demonstrate compliance (e.g., equipment lists, tier certifications, logs of dust control, and complaint response procedures). The documentation shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee. The City shall require corrective action if visible dust emissions or diesel exhaust nuisance conditions are reported.

This measure would reduce construction-related criteria pollutant emissions and localized dust/diesel effects and would ensure future projects evaluate and implement feasible controls, resulting in a less-than-significant construction emissions impact. **(Less than Significant Impact with Mitigation Incorporated)**

Operational Emissions

The Project changes would modify future air emissions in the Project area primarily due to changes in mobile emissions from vehicles driven by future residents, employees, customers, and vendors. Evaporative emissions from architectural coatings and maintenance products (classified as consumer products) are typical emissions from the types of uses proposed by the Project. CalEEMod and CT-EMFAC2021 were used to estimate emissions from the operation of the Project assuming full build-out. Similar to construction, the Air District does not have thresholds that apply to buildout of plans.

CalEEMod Modeling

The latest version of CalEEMod was used to estimate the increase in criteria pollutant emissions associated with buildout of the Project. Three scenarios were modeled for the area: existing conditions (2015), the current General Plan (2040), and the Current General Plan with the changes proposed by the Five Wounds Plan Update (2040).

Land Use Inputs

The City provided the number of residential units and jobs for each scenario. Residential units were modeled as single-family homes. Jobs were split between retail and non-retail categories. CalEEMod needs square footages of specific land use types instead of jobs to estimate emissions. Therefore, two land use types were selected to represent jobs in the area. Retail jobs were represented by the "Free Standing Discount Store" category and non-retail jobs by the "General Office Building" category. The estimated number of jobs provided was converted to square feet using the City's Market Overview and Employment Land Analysis. The land use inputs used for each scenario are summarized in **Table 3.5-3**.

Table 3.5-3 Operational Land Uses Entered into CalEEMod

Scenario	Land Uses		
	Residential (Number of Units)	Retail (1,000 sq.ft.)	Non-Retail (1,000 sq.ft.)
Existing (2015)	6,883	234	926

Scenario	Land Uses		
	Residential (Number of Units)	Retail (1,000 sq.ft.)	Non-Retail (1,000 sq.ft.)
General Plan (2040) with Individual Urban Village Plans	8,909	331	1,856
General Plan + Five Wounds Plan	14,909	302	1,464

Source: Illingworth & Rodkin, Inc. 2024

Energy

The Project area is served by San José Clean Energy (SJCE). However, service from SJCE was not available until 2019. Therefore, default emissions rates for Pacific Gas & Electric Company ("PG&E") were used for the 2015 analysis, and SJCE was used as the energy provider in 2040. Default GHG emissions rates were used for PG&E, while an emissions rate of 162 pounds CO_2e/MWh was used for SJCE. The analysis also assumes 2019 Building Code for building energy efficiency requirements.

PG&E was used as the natural gas provider for the area for all analysis years. The City does have a Reach Code that prohibits natural gas usage in new residential developments and most businesses. However, this was not in place in 2015 and in April 2023 a federal appeals court struck down a similar ordinance in the City of Berkeley. The ruling would become final unless the California Supreme Court decides to review the case. Once final, the City's reach code could be invalidated. Thus, both the General Plan and General Plan plus project analyses were conducted using default natural gas usage values and the anticipation of potential measures that would either make all new residential developments 100 percent electric or additional air quality measures if future developments are not all electric.

Wood Burning Fireplaces

CalEEMod default inputs assume no wood-burning fireplaces. However, it does assume natural gas fireplaces are present in a portion of all residential buildings. The analysis was conducted using CalEEMod defaults for natural gas fireplaces.

Waste

Default model assumptions for emissions associated with solid waste generation and water use were used. Wastewater treatment was estimated to be 100 percent aerobic conditions to represent City wastewater treatment plant conditions. No on-site septic tanks or facultative lagoons would be allowed as part of the Project.

Traffic and Vehicle Miles Traveled (VMT)

The traffic report prepared for the Project (see **Appendix D** of this EIR) includes traffic impacts for each scenario in VMT by 5 mile-per-hour speed bin format. Therefore, CalEEMod was not used to estimate emissions from traffic impacts; the Caltrans version of CARB's on-road vehicle emissions fact or model, CT-EMFAC was used. This allows for a more accurate comparison of the emissions impacts.

Mobile Source Modeling

The CT-EMFAC2021 model, the latest update to the EMFAC (Emission Factor) model for use by California state and local government to meet Clean Air Act requirements, was used to estimate traffic (or mobile source) emissions associated with the three scenarios: existing, General Plan, and General Plan with the Project.

Daily VMT forecasts from the City's travel demand forecasting model for each scenario were placed into 1 of 12 speed bins using increments of 5 mph. These were then input into Caltrans' CT-EMFAC2021 emissions model, which is based on CARB's EMFAC2021 emissions model. EMFAC2021 became available for use in January 2021 and

was approved by the EPA in November 2022. It includes the latest data on California's car and truck fleets and travel activity. CT-EMFAC2021 was run in both emissions rate mode and inventory mode for each of the analysis scenarios (Existing, General Plan, and General Plan with Five Wounds Plan Update) with a mix of vehicles in Santa Clara County. Hexagon provided the average truck percentages for the Project area using Caltrans traffic census data. It was estimated the truck percentage in the area is 5.8 percent. It was assumed this truck percentage would remain the same for each of the scenarios. The Air Quality and Green House Gas Assessment (see **Appendix C** of this EIR) provides the CT-EMFAC2021 emissions model outputs and emissions calculations.

Since EMFAC2021 was developed, CARB has adopted new rules that amended the Advanced Clean Cars regulation that are not reflected in EMFAC2021 modeling. This regulation will establish a year-by-year process, starting in 2026, so all new cars and light trucks sold in California would be zero-emission vehicles by 2035, including plug-in hybrid electric vehicles. Currently, 16 percent of new light-duty vehicles sold in California are zero emissions or plug-in hybrids. By 2030, 68 percent of new vehicles sold in California would be zero emissions.

Fugitive Road Dust

CT-EMFAC2021 calculates fugitive PM_{10}/$PM_{2.5}$ emissions based on CARB silt loading, tire wear, and brake wear factors and the daily VMT data provided. Emissions were modeled using the silt loading factor for a Major/Collector roadway. This value is in between the factor local urban roadways and Freeways. Freeways have the lowest factor, while local roadways have the highest factor. CT-EMFAC2021 emissions model outputs and emissions calculations are attached in the Air Quality and Greenhouse Gas Assessment (see **Appendix C** of this EIR).

Operational Emissions Analysis

Operational period emissions for the three scenarios are reported in **Table 3.5-3** in total tons and average daily emissions. CalEEMod calculates both annual and average daily emissions, while traffic data was provided for daily VMT only. Thus, to estimate annual mobile source emissions, daily emissions were multiplied by 365 days of operation per year. There are no emission thresholds that apply to potential emissions generated by the buildout of a plan, such as the Project. Instead, a plan is found to have a less-than-significant impact if it is consistent with current air quality plans (Air District's 2017 Clean Air Plan) and has a VMT increase less than or equal to projected population increases. The Project would reduce VMT in the Project area when compared to the 2040 General Plan. It would also conform with the 2017 Clean Air Plan, as discussed above. Therefore, the criteria pollutant impacts associated with the Project would be considered less than significant per Air District's plan-level CEQA thresholds.

The buildout of the plan would be conducted through a series of "projects" that must meet Air District's project-level CEQA thresholds. For that reason, the operational period emissions estimates are compared against project-level Air District thresholds to inform the City as to what mitigations may be needed at the Project-level as the Project is put into action.

As shown in **Table 3.5-4**, average daily and annual emissions of ROG and NO_x associated with buildout of the Project would exceed the Air District project-level significance thresholds. Likewise, the Project would increase annual and daily ROG and NO_x emissions when compared to the 2040 General Plan buildout. Air District project-level significance thresholds for PM_{10} and $PM_{2.5}$ would be exceeded by both the 2040 General Plan buildout and the Project. However, when the 2040 General Plan is compared to the Project, the Air District project-level significant thresholds for PM_{10} and $PM_{2.5}$ would not be exceeded. With the implementation of mitigation measures, the buildout of the Project would be less than significant. **(Less than Significant with Mitigation Incorporated)**

Table 3.5-4 Operational Period Emissions

Annual Criteria Pollutant Emissions (ton/year)					
Scenario	**Source**	**ROG**	**NOx**	**PM_{10}**	**$PM_{2.5}$**
Existing Conditions (2015)	Mobile	886	3,703	1,015	224
	Area	73	1	0.1	0.04
	Energy	1	16	1	1
	TOTAL	**959**	**3,719**	**1,016**	**225**
General Plan 2040	Mobile	431	705	1445	264
	Area	95	1	0.05	0.04
	Energy	1	21	2	2
	TOTAL	**527**	**727**	**1,447**	**266**
Project	Mobile	431	705	1,445	264
	Area	150	1.0	0.06	0.05
	Energy	2	34	3	3
	TOTAL	**583**	**739**	**1,448**	**267**
Difference Between Existing and Project		-376	-2,980	+431	+41
Difference Between General Plan and Project		+56	+13	+1	+1
Air District Project-Level Thresholds *(tons per year)*		10 tons project	10 tons project	15 tons project	10 tons project

Annual Criteria Pollutant Emissions (ton/year)					
Scenario	**Source**	**ROG**	**NOx**	**PM_{10}**	**PM2.5**
Existing Conditions (2015)	Mobile	4,854	20,293	5,560	1,230
	Area	397	3	0.3	0.2
	Energy	5	87	7	7
	TOTAL	**5,256**	**20,383**	**5,567**	**1,237**
General Plan 2040	Mobile	2,364	3,865	7,919	1,445
	Area	521	3	0.25	0.21
	Energy	7	116	9	15
	TOTAL	**2,892**	**3,985**	**7,929**	**1,460**
Project	Mobile	2,363	3,864	7,916	1,445
	Area	820	5.4	0.35	0.29
	Energy	11	184	15	15
	TOTAL	**3,194**	**4,054**	**7,931**	**1,460**

Annual Criteria Pollutant Emissions (ton/year)					
Scenario	**Source**	**ROG**	**NOx**	**PM_{10}**	**$PM_{2.5}$**
Difference Between Existing and Project		*-2,062*	*-16,329*	*+2,364*	*+223*
Difference Between General Plan and Project		*+302*	*+69*	*+2.5*	*-0.5*
Air District Project-Level Thresholds *(tons per year)*		*54* lbs. *project*	*54* lbs. *project*	*82* lbs. *project*	*54* lbs. *project*

Source: Illingworth & Rodkin, Inc. 2024

Impact AQ-2: The average daily and annual emissions of ROG and NOx associated with buildout of the Five Wounds Plan Update would exceed the Bay Area Air District project-level significance thresholds. **(Potentially Significant Impact)**

MM AQ-2: **Project-Level Operations Emissions Modeling**

As part of future development application review, if a project does not meet the VMT screening thresholds established by the City (see Transportation Section), the applicant shall submit a project-level analysis of the criteria pollutant emissions associated with operations to the satisfaction of the Director of Planning, Building, and Code Enforcement or the Director's designee. Should either ROG and/or NOx emissions exceed Bay Area Air District thresholds, additional mitigation measures shall be required. Specifically:[12]

- Proposed development within the Five Wounds Planning Area shall incorporate additional green building measures such as rooftop solar photovoltaic (PV) systems, rough-ins for electric vehicle charging, use of efficient lighting and irrigation, and recycled water, as feasible, to the satisfaction of the Director of Planning, Building, and Code Enforcement or the Director's designee.
- Developed parcels shall require within their covenants, conditions, and restrictions ("CC&Rs") and/or ground leases requirements for all future interior spaces to be repainted only with architectural coatings that meet the "Low-VOC" or "Super-Compliant" requirements. "Low-VOC" refers to paints that meet the more stringent regulatory limits in Air District Regulation 8, Rule 3; however, many manufacturers have reformulated to levels well below these limits. These are referred to as "Super-Compliant" Architectural Coatings. Prior to issuance of building permits, the Building Official shall confirm that building plans and specifications stipulate that all architectural coating phases shall implement low/zero VOC coating unless project specific modeling shows higher VOC coating would emit emissions below 50g/L VOC for all interior coatings and 50g/L VOC for all exterior coatings.

ROG and NOx Emissions during Project Operation

Ozone is not emitted directly from pollution sources. Instead, it is formed in the atmosphere through complex chemical reactions in the presence of sunlight between ROG and NO_X. As air temperatures rise, the formation of ground level ozone increases at an accelerated pace. Ozone levels are usually highest on clear, hot, windless summer afternoons, especially in inland valleys that are downwind of pollution sources.

Ozone is a powerful oxidant that is harmful to public health at high concentrations. At high levels, ozone can damage the tissues of the lungs and respiratory tract, irritate the nose, throat, and respiratory system and constrict the airways. Elevated ozone concentrations can aggravate other respiratory conditions such as asthma, bronchitis, and emphysema, causing increased hospital admissions. Repeated exposure to high ozone levels can make people more susceptible to respiratory infection and lung inflammation and permanently damage lung

[12] TDM plan would also be considered a mitigation measure. However, TDM plans are also required mitigation for traffic impacts. Thus, the TDM plan sufficient to mitigate traffic/VMT impacts would be sufficient to mitigate air quality impacts associated with a project's increase in traffic.

tissue. Ozone exposure can also have negative cardiovascular impacts, including chronic hardening of the arteries and acute triggering of heart attacks. Children are most at risk, as they tend to be active and outdoors in the summer, when ozone levels are highest. Seniors and people with respiratory illnesses are also especially sensitive to ozone's effects. Even healthy adults, working or exercising outdoors during high ozone levels, can be affected.

Ozone is a regional pollutant. Emissions in one part of the region can impact air quality miles downwind. Thus, efforts to reduce ozone levels focus on reducing emissions of ROG and NO_X throughout the region. The relationship between ROG and NO_X in ozone formation is complex; the ratio between the precursor pollutants influences how ozone forms. Air District's ozone modeling indicates that the Bay Area is "ROG-limited" for ozone formation. This means that reducing ROG emissions in the Bay Area would be more productive in reducing ozone concentration. However, modeling also suggests that large reductions in NO_X emissions would be needed to achieve the ozone reductions required to attain the current health-based ozone standards (NAAQS and CAAQS). A certain amount of ozone formation occurs naturally, even in the absence of anthropogenic emissions of ROG and NO_X.

When evaluated using the Air District CEQA thresholds, the Project would have significant emissions of ozone precursor pollutants (ROG and NO_X) at buildout. However, these emissions can be feasibly reduced further as the proposed plan update includes features and mitigation measures to minimize these emissions. Such features include mix-use developments near transit, implementation of an enhanced TDM plan, and mitigation measure **MM AQ-2** to reduce evaporative ROG emissions from architectural coatings. Emissions of ROG associated with consumer product use are the overwhelming contributor to ROG emissions, which cannot be controlled by the Project. Emissions associated with traffic would be the overwhelming contributor of NO_X. A TDM plan would be implemented as part of the plan's buildout to assist in the control of emissions from traffic, to assist further reduction of NO_X.

Emissions of ROG and NOX result in a cumulatively considerable net increase of criteria pollutants for which the region is in nonattainment under an applicable ambient air quality standard. As a result, the Five Wounds Plan Update would result in a cumulatively considerable net increase in pollutant emissions that contribute to elevated ozone concentrations that exceed ambient air quality standards.

As stated in the Air Ditrict's CEQA Guidelines, air pollution by its nature is largely a cumulative impact. Large development plans, like the Five Wounds Plan Update, often have significant and unavoidable adverse air quality impacts related to the cumulative impacts of growth on air quality. In addition, plans generally have implementation horizons of 20 years or more. For these reasons, it is essential for plans to incorporate all feasible strategies and measures to reduce air quality impacts.

Mitigation measures for plans are often broad in scope because of the long timeframe and comprehensive nature of plan policies and programs. Plans are the appropriate place to establish communitywide air quality policies that reinforce regional air quality plans, establish requirements for new construction to support continued improvements in local and regional air quality, and avoid inhibiting attainment of the NAAQS and CAAQS. No single development project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a development's individual emissions contribute to existing cumulatively significant adverse air quality impacts

The emissions from buildout of the Project are compared against regional emissions in **Table 3.5-5**. By comparing the Project's emissions to regional emissions, the magnitude of the Project's significance on regional air quality can be estimated. Operational emissions in **Table 3.5-5** are a small portion of the regional inventory Thus, despite being above Air District significance thresholds, the effect of the Project would not cause regional pollutant levels to measurably change. As a result, the Project would not substantially increase regional ozone levels. The health effects associated with the Project's ROG and NOx emissions would not be significant.

In conclusion, the Project would not result in a cumulatively considerable net increase of any criteria pollutant under the federal or state ambient air quality standards with mitigations during the operation stage and buildout

of the Project would have a less than significant impact after mitigation. **(Less than Significant with Mitigation Incorporated)**

Table 3.5-5 Comparison of Project Emissions to Air Basin Emissions

Scenario	ROG	NOx
Bay Area Air Basin in 2020	238 tons/day	172 tons/day
Bay Area Air Basin in 2035[1]	238 tons/day	140 tons/day
Project Operation (i.e., Buildout)	1.6 tons/day (583 tons/year)	2.0 tons/day (739 tons/year)
Percent of Basin in 2035	0.84%	1.43%

Source: Illingworth & Rodkin, Inc. 2024

Notes:[1]Closest year of analysis to the Project's operational year of 2040.

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

To address exposure of sensitive receptors to substantial pollutant levels, the Air District CEQA Guidelines developed thresholds that address health risk impacts associated with single sources of TACs and the cumulative impacts of all nearby TAC sources. These include increased cancer risk, non-cancer hazards, and increased annual concentrations of $PM_{2.5}$. Sources of TACs and $PM_{2.5}$ from development projects (both construction and operation) can lead to increased risks. DPM is the predominant TAC in the area. As previously described, the 2040 General Plan includes Policies MS-11.1, MS-11.2, MS-11.7 and MS-11.8 that would serve to minimize exposure of people to air pollution and toxic air contaminants such as ozone, carbon monoxide, lead, and particulate matter.

Health Risk Impacts Associated with Project Construction and Operation

Project Construction

Implementation of the Project would include short-term construction sources of TACs during the development of future projects. There are existing sensitive receptors within the Project area and adjacent to most of the Project area boundary. In addition, additional residents would be added to the area by the time the Project is fully built out. Thus, current, and future residents could potentially be exposed to TACs during construction activity of future development allowed by the Project.

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust (i.e., DPM), which is a known TAC, and $PM_{2.5}$ (i.e., fugitive dust). These emissions may pose community risks for sensitive receptors such as nearby residents. The primary health risk impacts associated with construction emissions are cancer risk from DPM and exposure to $PM_{2.5}$. Project- level health risk assessments are necessary to address the potential health risk impacts associated with construction.

The General Plan Policies MS-11.1 and MS-11.2 require each construction project, including those plans for development by the Project within the Project area, to conduct a health risk assessment using modeling methodologies recommended by Air District and approved by the City. Health risk impacts predicted for each construction project would be estimated and compared against Air District project-level thresholds as noted in MM AQ-3. Projects that have health risks exceeding the thresholds would be required to implement enhanced measures, such as using Tier 4 construction equipment, to manage construction emissions to achieve health risks below the thresholds.

Project Operation

The types of land uses that would be allowed by the Project are not anticipated to include significant sources of TACs or $PM_{2.5}$. Additionally, any permanent sources of air pollution that operate in accordance with Air District

rules and regulations would not cause significant exposure for on- or off-site sensitive receptors. Stationary sources, such as diesel power generators would require permitting by Air District and health risks would be assessed through the permitting process.

Traffic generated by the Project would add to existing traffic in the Project area and within the City of San José. VMT is anticipated to increase by 2040. However, with the increased access to transit and other active modes of transportation, residents in the Project area would generate shorter trips, resulting in a VMT decrease of 9,733 miles per day when compared to the buildout of the 2040 General Plan scenario.

However, the 2040 General Plan Policies MS-11.1 and MS-11.2 require each project included in Project area to conduct a health risk assessment using modeling methodologies recommended by Air District and approved by the City. Health risk impacts predicted for each project (i.e., combination of both construction and project operations impacts) would be estimated and compared against Air District project-level thresholds. Projects that have health risks exceeding the thresholds would be required to mitigate their impacts.

Health Risks to New Sensitive Receptors in the Urban Village

The number and type of nearby stationary sources of TACs (e.g., emergency back-up generators and gas stations, and traffic on local roadways) affect the health of residents. The Project includes locating new sensitive receptors (i.e., residences) within the Project area. While there are no quantified Air District CEQA plan-level thresholds associated with new resident health risks, Air District has established quantified health risk thresholds for new residents at the Project-level. In 2015, the Supreme Court determined that an analysis of the impacts of the environment on a project – known as "CEQA-in-reverse" – is only required under two limited circumstances: (1) when a statute provides an express legislative directive to consider such impacts; and (2) when a proposed project risks exacerbating environmental hazards or conditions that already exist (Cal. Supreme Court Case No. S213478).

Additionally, Air District's Clean Air Plan has the goal of reducing population exposure to TACs and protecting public health in the Bay Area. Therefore, the potential health risk impacts to future residents within the Project area need to be considered. The 2040 General Plan includes policy MS-11.1, described above, requires appropriate site planning when developing new sensitive land uses near sources of air pollutants. In addition, General Plan Policies MS-11.4 and MS-12.2 require addressing impacts on sensitive receptors, including schools, daycares, hospitals, convalescent homes in addition to residential development, and would be used as policies for future development in the Project.

To help prevent the exposure of new sensitive receptors to significant levels of TACs, the Air District established qualitative significance thresholds at the plan level and quantitative significance thresholds at the Project (development) level. To be considered less than significant, the Project must establish overlay zones around existing and planned sources of TACs (including adopted Risk Reduction Plan areas) and overlay zones of at least 500 feet from all freeways (i.e., US 101) and high-volume roadways (i.e., Julian Street, McKee Road, Santa Clara Street, Alum Rock Avenue).

Quantitative project-level health risk thresholds for sources of TACs apply to new residential projects. Impacts from a single source of TACs are considered significant to new residents if they have an increased cancer risk of more than ten in one million, a non-cancer hazard index of 1.0 or greater, and increased annual concentrations of $PM_{2.5}$ greater than 0.30 $\mu g/m^3$. Cumulative impacts are considered significant if all the TAC sources within a 1,000-foot radius of the Project have an increased cancer risk of more than 100 in one million, a non-cancer hazard index of 10.0 or greater, and increased annual concentrations of $PM_{2.5}$ greater than 0.80 microgram per cubic meters ($\mu g/m^3$).

Stationary Source TAC Impacts

Figure 3.5-2 shows the Project area and the stationary sources located within 1,000-feet of the Project area. Permitted stationary sources of air pollution in and near the Project area were identified using Air District's Stationary Source Screening Analysis Tool. This mapping tool uses geographic information systems (GIS) to identify

the locations of stationary sources and their estimated risk and hazard impacts. Approximately ten existing sources of TACs are located within the Project area, with an additional five sources located within the 1,000-foot buffer area. **Table 3.5-6** lists the stationary sources that could affect new residents in the Project area and their potential health risks. The Air Quality and Greenhouse Gas Assessment (see **Appendix C** of this EIR) provides the report generated using Air District's screening tool.

Table 3.5-6 Maximum Stationary Source Risk Levels for the Project Area

Facility (Air District ID#)	Source Type	Lifetime Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Acute or Chronic Hazard Index
Eggo Company (5582)	Food Manufacturing	2.91	0.29	<0.01
Pacific Auto Body (6351)	Auto Body Repair & Maintenance	---	---	<0.01
Verizon Wireless (18356)	Generator	1.14	<0.01	---
San José Fire Dept (18486)	Generator	18.40	0.02	<0.01
San José Water Company (19802)	Generator	144.49	0.19	0.07
Tough Auto Body (21375)	Auto Body Repair & Maintenance	---	---	<0.01
Tac Auto Repair (21945)	Auto Body Repair & Maintenance	---	---	---
Downtown San José - Valley Health Clinic (23495)	Generator	0.94	<0.01	<0.01
Gas & Shop (100630)	Gasoline Stations	66.02	---	0.29
Valero Refining Co SS#7760 (110368)	Gasoline Stations	7.13	---	0.03
Speedway No. 4068 (110689)	Gasoline Stations	0.03	---	---
Therma LLC (110854)	Gasoline Stations	2.70	---	0.01
Arco (110970)	Gasoline Stations	48.30	---	0.21
Shell SS#68202 (111830)	Gasoline Stations	35.94	---	0.16
Gas and Shop (112363)	Gasoline Stations	13.96	---	0.06
	Total	341.95	<0.52	<0.85
	Single-Source Threshold	*>10.0*	*>0.3*	*>1.0*
	Air District Cumulative Source Threshold	*>100.0*	*>0.8*	*>10.0*
Exceed Thresholds?	*Single:*	*Yes*	*No*	*No*
	Cumulative:	*Yes*	*No*	*No*

Source: Air Quality and Greenhouse Gas Assessment, Illingworth & Rodkin, Inc. 2024

Note: Bold values indicate values above Air District threshold. The actual cumulative level would be less than presented as this value represents the sum of the maximum impacts even though the maximum from each source does not occur at any one location.

Summary of Stationary-Source Health Risks

Six of the stationary sources (two diesel emergency power generators and four gasoline stations) were reported to have maximum individual cancer risks over the Air District project-level single TAC source threshold of 10 in 1 million. However, none of the sources were reported by Air District to have $PM_{2.5}$ concentrations or non-cancer hazards index (HI) over the Project-level single source thresholds. Cumulatively, cancer risks from the existing stationary sources exceeded the Air District project-level threshold of 100 in 1 million but did not exceed the thresholds for $PM_{2.5}$ or HI. Therefore, any new development projects introducing additional sensitive receptors (i.e., residential units) to the Project would potentially expose them to a significant increased cancer risk, depending on their proximity to the TAC sources shown on **Figure 3.5-2**.

Major roadways and railways can pose health risks both as individual sources (i.e., individual roadways and rail line segments) and as cumulative sources (i.e., all roadways and railways in an area). Risks from mobile sources of TACs are quantitatively assessed at the individual project-level.

Health risk impacts associated with DPM and $PM_{2.5}$ from traffic and railways in the Project area were estimated using Air District screening values provided via GIS data files (i.e., raster files). Air District raster files provide screening-level cancer risk, $PM_{2.5}$ concentrations, and HI for all roadways and rail lines within the Bay Area and were produced using AERMOD and 20x20-meter emissions grid. The raster file uses EMFAC2021 data for vehicle emissions and fleet mix for roadways, 2021 train schedules and 2020 fuel consumption rates for rail activities. Risks were estimated based on the methodologies documented in Appendix E of the Air District's CEQA Air Quality Guidance. Note that Air District's screening values are considered higher than values that would be obtained with refined modeling methods. And the risks are considered cumulative, as they do not identify impacts from specific roadways or rail lines.

The Air District raster data showed no health risk impacts from railroad operations in the Project area. Cumulative impacts from Air District's roadway screening data are provided on **Figure 3.5-3** through **Figure 3.5-5**. Cancer risks are highest adjacent to US 101, where they range from 235 chances in one million to 80 chances in one million. Cancer risks in much of the Project area range from less than one in one million to 80 chances in one million. The Air District project-level cumulative threshold for cancer risk significance is 100 chances in one million. Thus, cancer risks from mobile sources at individual development projects in the Project area would likely be considered less-than-significant at the Project-level, except in those locations adjacent to US 101, where projects with a residential component could expose new residents to a cumulatively significant project-level health risk impact.

Annual $PM_{2.5}$ concentrations mirror impact from cancer risks. The majority of the Project area is below the Air District project-level cumulative source threshold of 0.8 $\mu g/m^3$. However, along US 101, $PM_{2.5}$ concentrations are likely to exceed 0.8 $\mu g/m^3$. Thus, potential projects with a residential component located adjacent to US 101 are likely to have cumulative $PM_{2.5}$ concentrations that exceeds Air District's project-level significance threshold.

HI from mobile sources in the Project area are not likely to exceed Air District's project-level significance thresholds of less than 1.0 for a single TAC source or less than 10 for all (cumulative) TAC sources. The highest HI values within the Project area are found along US 101 and are conservatively estimated by Air District to be less than 1.0.

Mitigations for Health Risks to Sensitive Receptors

Assuming the Project would include appropriate overlay zones[13] near sources of existing TACs that exceed Air District's single-source thresholds no mitigation is needed at the program level. Since the Project includes significant housing component, the potential health risks and impacts to sensitive receptors nearby still need to be evaluated and analyzed under CEQA. However, given the possibility of potentially significant health risk impacts at

[13] Overlay zones are based on potential for TAC sources to result in impacts above the project-level single-source thresholds for health risks and hazards. See Table 2 in Appendix C

the Project-level to existing and new residents in the Project area, the following mitigation measures are proposed for project implementation:

Impact AQ-3: The Project would expose sensitive receptors to substantial pollutant concentrations. **(Potentially Significant Impact)**

MM AQ-3: Health Risk Assessment for Single and Cumulative Source

Prior to issuance of grading permits, the Project proponent/applicant shall conduct a health risk assessment that shall compare estimated health risks for projects introducing new sensitive receptors within the Project area to applicable Air District single source and cumulative source thresholds. Based on the results of the health risk assessment, appropriate measures shall be implemented to reduce cancer risk and annual $PM_{2.5}$ concentrations to below Air District thresholds. Measures to achieve this may include but not limited to:

- Install air filtration at units that have predicted $PM_{2.5}$ concentrations above 0.3 µg/m^3. Air filtration devices shall be rated MERV13 or higher. Alternately, at the approval of the City, equivalent control technology may be used if it is shown by a qualified air quality consultant or heating, ventilation, and air conditioning (HVAC) engineer that it would reduce risk below Air District significance thresholds.
- As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system, prepared by the applicant and monitored by City Building Officials with scheduled and/or random maintenance checks during operation, shall be required.
- Ensure that any lease agreements and other property documents (1) require cleaning, maintenance, and monitoring of the affected units for air flow leaks; (2) include assurance that new owners and tenants are provided information on the ventilation system; and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed. The required health-protection measures on the lease and/or property agreements would be monitored by the property owner and City Building Officials with scheduled and/or random checks during operation.
- Require that, prior to issuance of grading permit, the Project proponent/applicant shall provide proof that an authorized air pollutant consultant or HVAC engineer has verified the installation of all necessary measures, including the use of central systems, portable air purifiers, and the facilitation of increased natural ventilation to reduce $PM_{2.5}$ concentrations above 0.3 µg/m^3 for any source and 0.8 µg/m^3 for all sources.
- Design the site to limit exposure from sources of TACs and fine particulate matter ($PM_{2.5}$) emissions. Locate operable windows and air intakes as far as possible from arterial roadways and US 101.
- To the greatest degree possible, plant vegetation along roadway boundaries. This barrier would include trees and shrubs that provide a dense vegetative barrier.

Implementation of mitigation measure **MM AQ-3** above, would reduce potentially significant impacts to a less than significant level with health risk assessments and $PM_{2.5}$ emission mitigations. **(Less than Significant with Mitigation Incorporated)**

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

Air District has identified a variety of land uses and types of operations that produce emissions that may lead to odors in Air District CEQA Air Quality Guidelines. The identified land uses include wastewater treatment plants. According to the Air District CEQA Guidelines, an odor source with five or more confirmed complaints per year averaged over three years is considered to cause frequent odor complaints and therefore would result in a significant impact. Residences who are subjected to objectionable odors are most likely to complain.

Air District CEQA Air Quality Guidelines include screening distances for various odor sources. In addition, projects in the Project area are subject to Air District rules and regulations, specifically, Rule 1-301 (Public Nuisance), Rule 7 (Odorous Substances), Rule 8-8 (Wastewater Collection and Separation Systems), and Rule 9-2 (Inorganic Gaseous Pollutants: Hydrogen Sulfide). Air District Regulation 7 prohibits the discharge of odorous substances to ambient air that results in frequent odor complaints.

The Project would increase localized emissions of diesel exhaust during construction equipment operation and truck activity during construction of future development allowed by the Project. These emissions may be noticeable from time to time by adjacent receptors. However, they would be localized and are not likely to adversely affect people off site by resulting in confirmed odor complaints**.**

The City's General Plan has two policies, Policy MS-12.1 and MS-12.2 as described above, which are applicable to odor impacts associated with new developments.

The Project does not identify any specific sources of odors that could lead to frequent odor complaints. Although various uses within the Project area could be developed that produce localized odors, including restaurants, they would have negligible scales and are not likely to adversely affect residents off site. Since the Project would not have extensive industry uses or wastewater treatment facilities within the area, odor emissions are not anticipated from these facilities.

With implementation of 2040 General Plan policies and City regulations, future development under the Project would not expose sensitive receptors to significant odor impacts. **(Less than Significant Impact)**

3.5.3.5 Cumulative Impacts

By its very nature, air pollution is largely a cumulative 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. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. However, the Project would only be considered to have a significant cumulative impact if its contribution accounts for a significant proportion of the cumulative total emissions (i.e., it represents a "cumulatively considerable contribution" to the cumulative air quality impact). Please refer to **Table 3.2-1** and the General Plan buildout for a list of past, present, and foreseeable projects considered for this analysis.

Operational Emissions of Regional Criteria Pollutants

In developing thresholds of significance for air pollutants, Air District 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 existing air quality conditions.

As stated in the Air Quality and Greenhouse Gas Assessment (see **Appendix C** of this EIR), the Project would be consistent with the Air District's Clean Air Plan control measures and would be consistent with the City's General Plan in reducing emissions. The Project was found to have a significant impact from operational ROG and NO_x emissions prior to mitigation. With Mitigation Measure **MM AQ-1** and **MM AQ-2**, the impact would be reduced to a less than significant level. While mitigations are needed at both the Project and individual development level, potentially significant health risk impacts at the individual development level to existing and new residents in the Project area are possible. Mitigation Measures **MM AQ-3** would reduce cancer risk and annual $PM_{2.5}$ concentration to below Air District thresholds.

The 2040 General Plan EIR states that a project's cumulative impact on air quality would be considered significant if a project's contribution to the cumulative impact is considerable and indicates a significant unavoidable

cumulative impact due to the increased growth in VMT and VMT per capita.[14] However, as described above, the VMT projections for the Project would not exceed the growth of General Plan VMT. VMT per capita by service population would decrease due to mode shifts and sustainable transportation, while the VMT growth rate in the Project area is projected to be smaller than the rate of population growth. The extension of BART through the Project area would further help reduce emissions and improve air quality by reducing VMT. In addition, the Project, which adds more residential development and reduces commercial development, would not increase the overall development capacity in the City.

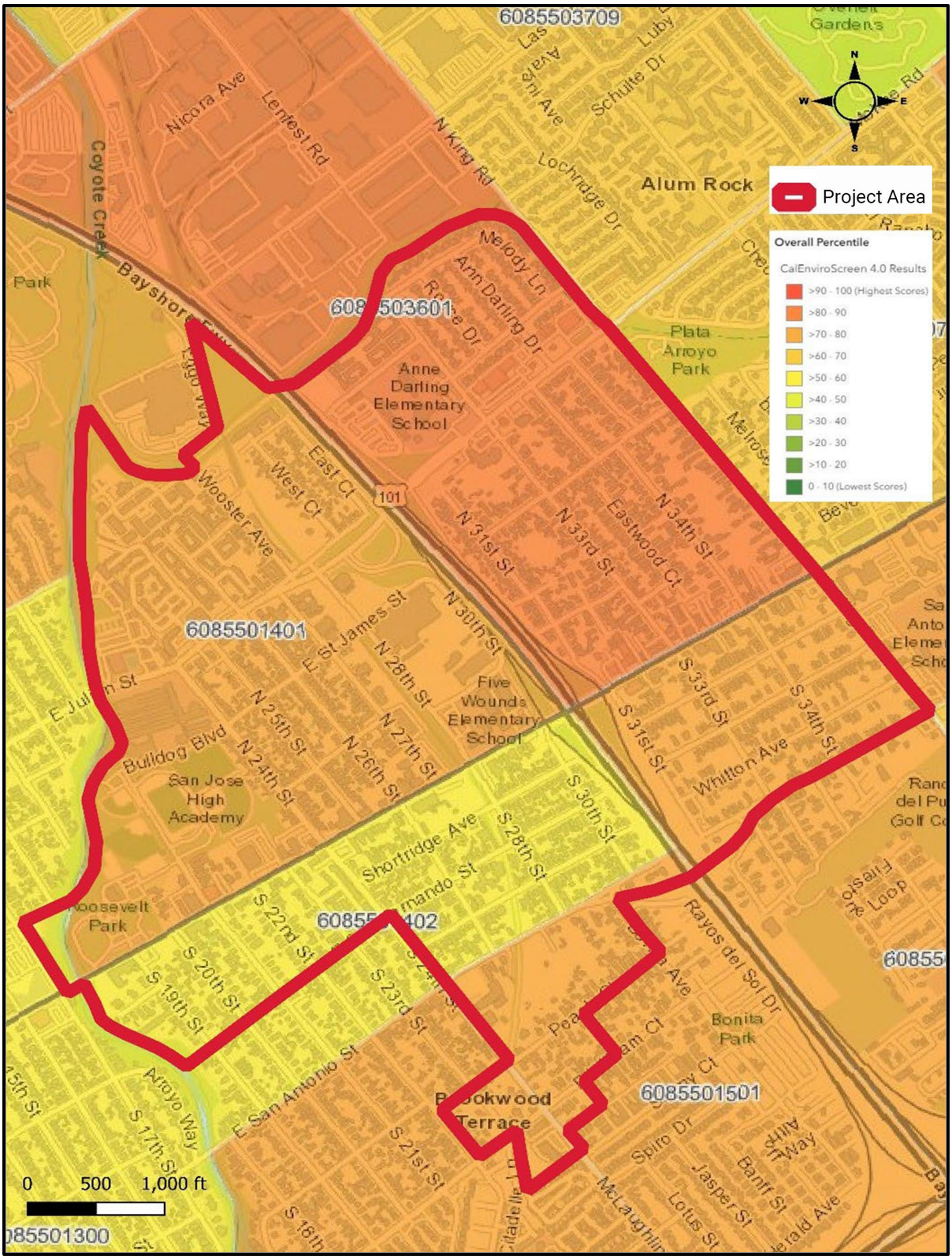
The four mitigation strategies ensure that the Project's construction single-source and cumulative-source risks would not exceed the significance thresholds. Therefore, there would be no significant cumulative health risk impact with mitigation incorporated.

Construction-related Impacts

The Project could contribute to cumulative impacts on sensitive receptors by generating substantial construction emissions (i.e., dust, TACS, and odors) that affect sensitive receptors within and surrounding the Project area. When combined with emissions from other construction sites in the vicinity of the Project area, the Project could result in average daily emissions that exceed Air District's significance thresholds for criteria pollutants. Construction emissions could also combine to result in significant short-term impacts to sensitive receptors due to dust fall or elevated concentrations of TACs. The potential for construction activities to cause a local air quality impact would be greatest if multiple construction projects occur simultaneously in the vicinity.

Furthermore, all future development and transportation projects would be required to implement dust and exhaust control measures during demolition and construction activities (per GP Policy MS-13.1 and Air District CEQA Guidelines). For these reasons, the project would not result in a new cumulative impact or make a cumulatively considerable contribution to a previously identified construction-related air quality impact. Therefore, the Project would not have cumulative impact on air quality during construction.

[14] Envision San José 2040 General Plan Draft Program Environmental Impact Report, page 847-848.



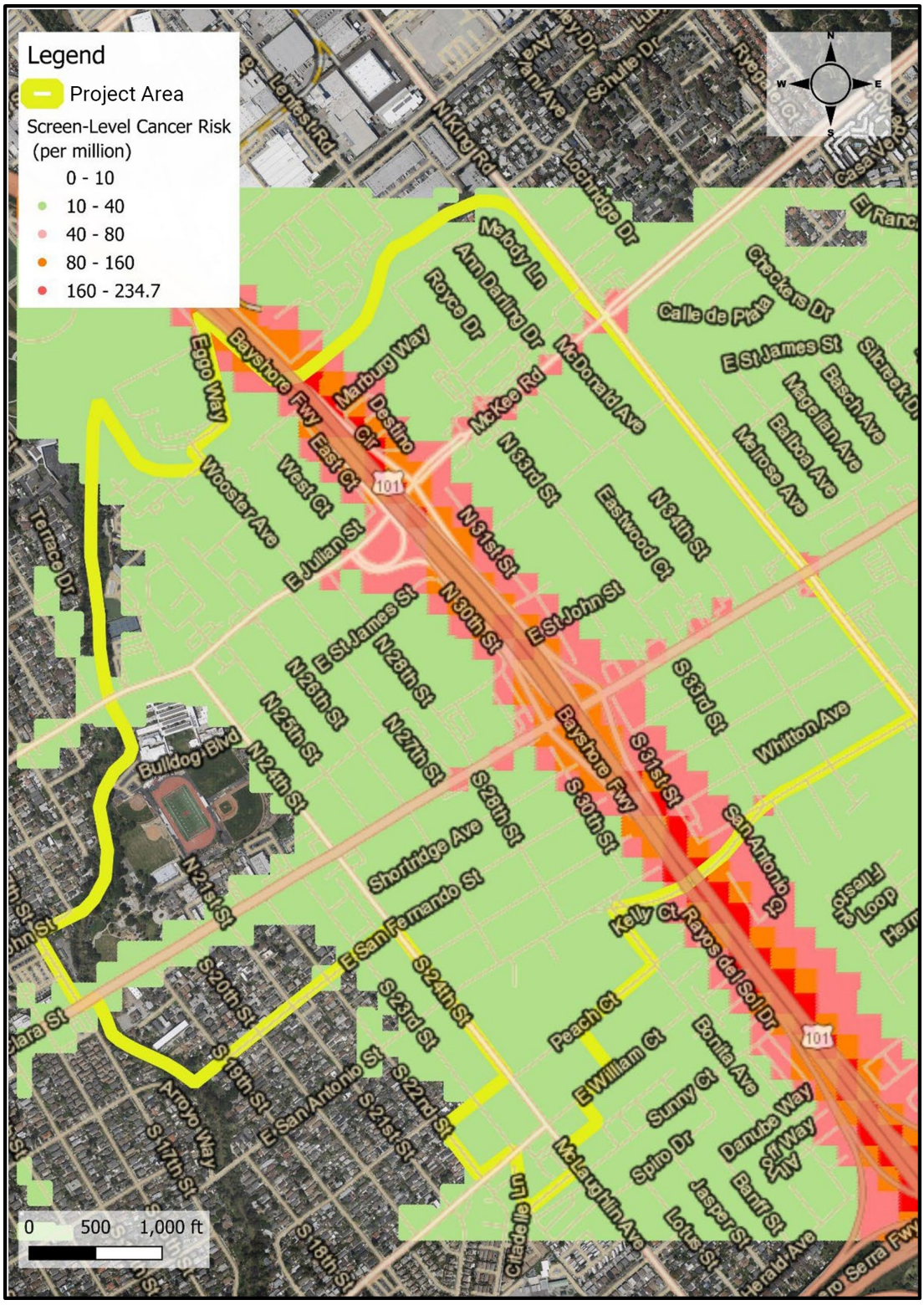
CalEnviroScreen 4.0 Results for the Project Area and Surrounding Areas Figure **3.5-1**

Source: Illingworth &Rodkin Inc., 2024



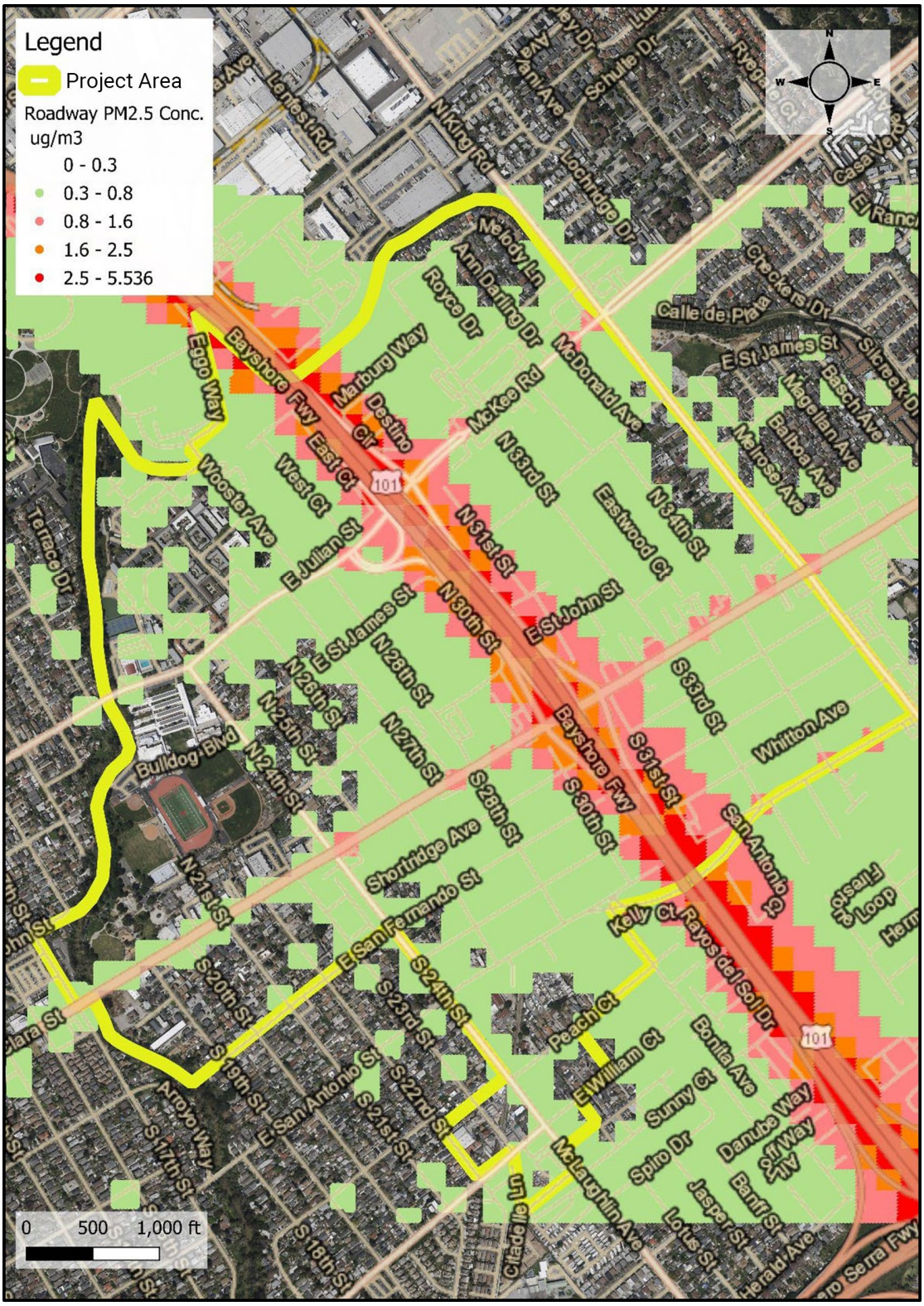
Project Area and Stationary Resources Figure **3.5-2**

Source: Illingworth &Rodkin Inc., 2024



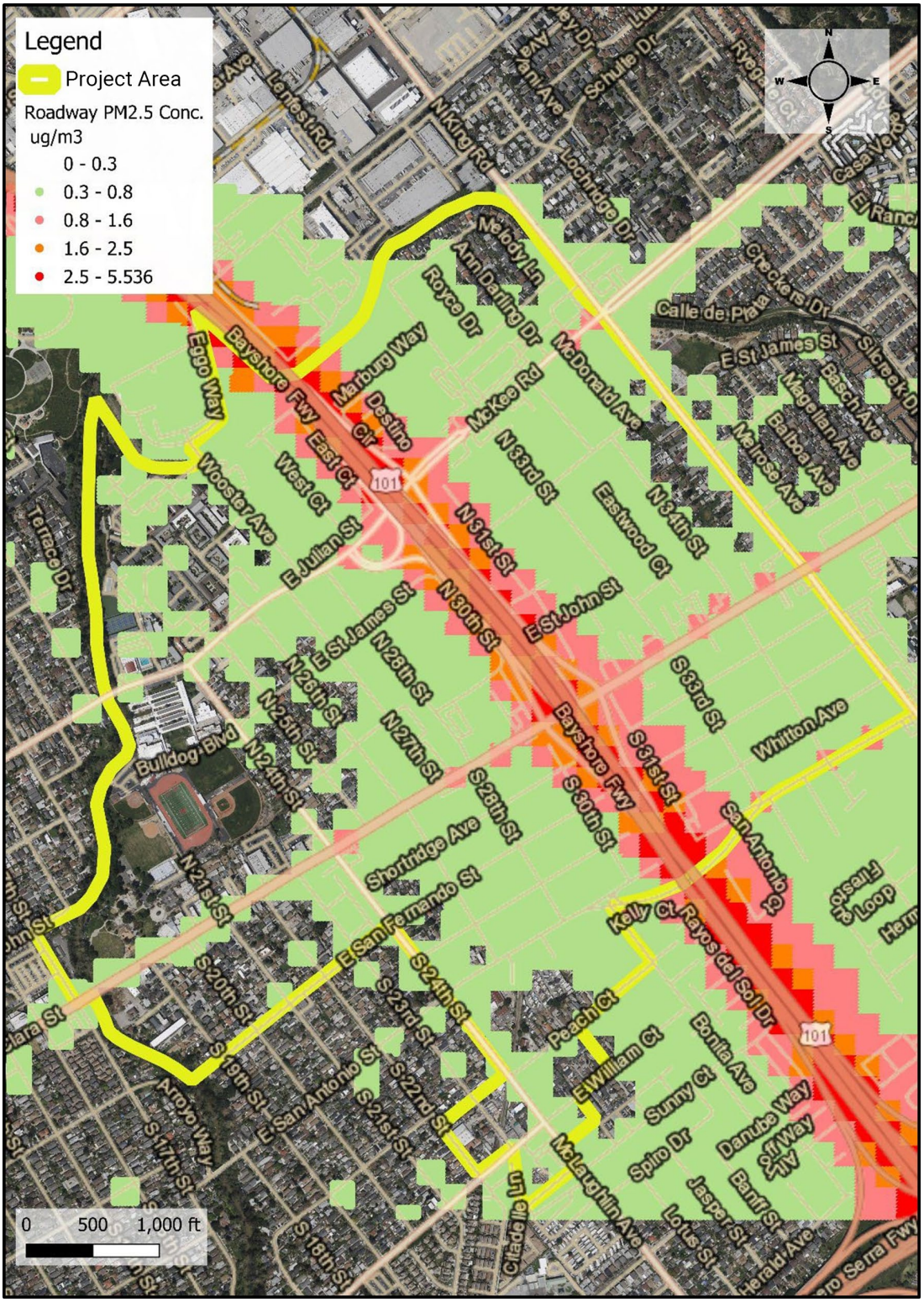
Project Area Roadway Screen-Level Cancer Risks Figure **3.5-3**

Source: Illingworth &Rodkin Inc., 2024



Project Area Roadway Screen-Level Annual $PM_{2.5}$ Concentrations Figure **3.5-4**

Source: Illingworth &Rodkin Inc., 2024



Project Area Roadway Screen-Level Non-Cancer Health Index

Figure **3.5-5**

Source: Illingworth &Rodkin Inc., 2024

3.6 Biological Resources

This section analyzes the potential for the Project to impact biological resources. No comments related to biological resources were received during the public scoping process.

3.6.1 Environmental Setting

3.6.1.1 Existing Conditions

Most of the Project area is paved, with some small pockets of vegetated or bare ground. Mature native and ornamental trees are scattered throughout the Project area, particularly along streets and within parking lots. Developed habitats typically support common wildlife species that are tolerant of periodic human disturbance such as Rock Dove (*columba livia*), western gray squirrel (*sciurus griseus*), and raccoon (*procyon lotor*). Native bird species commonly found in developed habitats in San José include the house finch (*haemorhous mexicanus*), northern mockingbird (*mimus polyglottos)*, Anna's hummingbird (*calypte anna*), and California towhee (*melozone crissalis)*. San José is also located along the Pacific Flyway for migratory birds, and species such as bald eagles (*haliaeetus leucocephalus*), tricolored blackbirds (*agelaius tricolor*), and California Thrashers (*toxostoma redivivum)* may seasonally pass through the Project area.[15]

Silver Creek is a small creek that flows directly into Coyote Creek. The only natural habitats within the Project area are the riparian corridors of Coyote Creek and Miguelita Creek. Miguelita Creek flows into Coyote Creek at the confluence along Lower Silver Creek Trail. Coyote Creek runs alongside the entire western border of the Project area. The segments of Coyote Creek within and along the Project area lie within the boundary of the Coyote Creek Flood Protection Project. This federally authorized project continues a Safe, Clean Water project in partnership with the U.S. Army Corps of Engineers (USACE) to plan, design, and construct improvements along Coyote Creek.[16] Improvements include installing an interim floodwall and embankment along the creek, repairing a 150-foot levee, installing flood gauges on bridges, and removing invasive vegetation in flood-prone parts of the creek.

The creek/river corridors include mixed riparian forest, aquatic, and shaded riverine aquatic habitats. Shaded riverine aquatic habitat consists of overhanging and in-stream vegetation, which provides organic matter and insects to the aquatic food chain, protective cover from predators, and shade that helps maintain water temperatures. Riparian habitats generally support diverse animal communities and serve as important corridor for wildlife movement, particularly for birds and fish. Native fish species that could occur in Coyote Creek and Miguelita Creek include chinook salmon (*Oncorhynchus tshawytscha*), Sacramento sucker (*catostomus occidentalis*), coastal rainbow trout (*oncorhynchus mykiss irideus)*, and inland three spine stickleback (*gasterosteus aculeatus*).[17]

The Project area is located within the Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (HCP) study area, and most of the area is designated as Urban-Suburban land. Urban-Suburban land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as having one or more structures per 2.5 acres. The portions of the Project area surrounded by Coyote Creek and Miguelita Creek are designated as, Willow Riparian Forest and Scrub and Golf Courses/Urban Parks (see **Figure 3.6-1**).[18] Willow Riparian Forest and Scrub consists of shrubs and younger trees, representing an early successional stage of riparian woodland. These land cover types are dominated by

15 Sacramento Fish and Wildlife Office. "Migratory Birds." Information for Planning and Consultation. Available: https://ipac.ecosphere.fws.gov/. Accessed June 19, 2024.

16 Santa Clara Valley Water District. "E1: Coyote Creek Flood Protection." Accessed: https://www.valleywater.org/project-updates/creek-river-projects/E1-coyote-creek-flood-protection. Accessed June 19, 2024.

17 University of California Agriculture and Natural Resources. "Fish Species by Watersheds: 'Coyote Creek-18040012091'." California Fish Website. Available: https://web.archive.org/web/20220616050800/https://calfish.ucdavis.edu/location/?ds=698&reportnumber=1293&catcol=4712&categorysearch=%27Coyote%20Creek%2D180400120901%27. Accessed June 19, 2024.

18 Santa Clara Valley Habitat Agency. "GIS Data and Key Maps". Available: https://www.scv-habitatagency.org/228/Key-Maps. Accessed October 30, 2024.

woody vegetation associated with permanent water resources. The major canopy species throughout the HCP study area for these land cover types include willows and Fremont cottonwood. Associated trees and shrubs include species of willow, California blackberry, poison oak, toyon, and Mexican elderberry. Golf Courses/Urban Parks land cover typically serve as neighborhood or community parks, provide limited habitat for native wildlife, and are unlikely to support special-status species.

Special Status Species

Special status plant species are legally protected under the federal Endangered Species Act (ESA), the California Endangered Species Act (CESA), or species that are considered sufficiently rare and may qualify for such listing (CEQA Guidelines Section 15380). The Project area is highly urbanized with very little undisturbed habitat and does not support special status plant species.[19]

The federal ESA and CESA protect listed wildlife species from harm or "take," which can include habitat modification or degradation that directly results in death or injury to a listed wildlife species. The Project area lacks suitable habitat for most special status wildlife species present in Santa Clara County, such as the California red-legged frog (*rana draytonii*), California tiger salamander (*ambystoma californiense)*, and California Condor (*gymnogyps californianus).*

According to the 2040 General Plan EIR, it is possible that the federally threatened Central California Coast steelhead (*Oncorhynchus mykiss*) and the Fall-run Chinook salmon (*Oncorhynchus tshawytscha*) are anadromous fish that spawn in several of streams in San José, including Coyote Creek, Upper Penitencia Creek, the Guadalupe River, and Los Gatos Creek. Amphibians such as the western toad (*Anaxyrus boreas*), Pacific treefrog (*Pseudacris regilla*), and the nonnative bullfrog (*Rana catesbeiana*) are also present in these creeks. Waterbirds such as the mallard (*Anas platyrhynchos*), green heron (*Butorides virescens*), great egret (*Ardea alba*), and belted kingfisher (*Megaceryle alcyon*) forage in these waters. Bats, including the Yuma bat (*Yuma myotis*) and big brown bat (*eptesicus fuscus*), forage aerially on insects over these streams. Western pond turtle (*actinemys marmorata*), a California species of special concern, may occur in the riparian vicinity of Project area near Coyote Creek and Miguelita Creek, although the Project area has poor quality aquatic and upland nesting habitat near Los Gatos Creek and Guadalupe River.[20] The federally threatened Central California coast steelhead are known to occur in Coyote Creek. A complete list of species with the potential to occur in the Project area is provided in **Appendix E** of this EIR.

3.6.2 Regulatory Framework

3.6.2.1 Federal

The Federal Endangered Species Act (FESA) and the Migratory Bird Treaty Act (MBTA) are the primary federal planning, treatment, and review mechanisms for biological resources in the study area (i.e., the Project area). Each is summarized below.

Endangered Species Act

The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) are the designated federal agencies responsible for administering the FESA. The FESA defines species as "endangered" and "threatened" and provides regulatory protection for any species thus designated. FESA Section 9 prohibits the "take" of species listed by USFWS as threatened or endangered. As defined in the FESA, taking means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in such conduct." Recognizing that take cannot always be avoided, FESA Section 10(a) includes provisions for takings that are incidental to, but not the purpose of, otherwise lawful activities.

19 City of San Jose, *Envision San Jose 2040 General Plan EIR,* Table 3.5-2. 2011
20 City of San Jose, *Envision San Jose 2040 General Plan EIR*, Table 3.5-3. 2011

FESA Section 7(a)(2) requires all federal agencies, including USFWS, to evaluate projects authorized, funded, or carried out by federal agencies with respect to any species proposed for listing or already listed as endangered or threatened and the species' critical habitat, if any is proposed or designated. Federal agencies must undertake programs for the conservation of endangered and threatened species and are prohibited from authorizing, funding, or carrying out any action that would jeopardize a listed species or destroy or modify its "critical habitat."

As defined in the FESA, "individuals, organizations, states, local governments, and other nonfederal entities are affected by the designation of critical habitat only if their actions occur on federal lands, require a federal permit, license, or other authorization, or involve federal funding."

Migratory Bird Treaty Act

The MBTA is the domestic law that affirms and implements a commitment by the U.S. to four international conventions (with Canada, Mexico, Japan, and Russia) for the protection of a shared migratory bird resource. One species protected under this act is the burrowing owl *(Athene cunicularia)*. It is classified as a priority two California Species of Special Concern by the CDFW. The habitat of the burrowing owl is typically within open, dry grassland and deserts and is also found in grass, forb, and open shrub habitats. Unless and except as permitted by regulations, the MBTA makes it unlawful at any time, by any means, or in any manner to intentionally pursue, hunt, take, capture, or kill migratory birds anywhere in the U.S. The law also applies to the intentional disturbance and removal of nests occupied by migratory birds or their eggs during the breeding season.

On December 22, 2017, the U.S. Department of the Interior redefined incidental take under the MBTA such that "the MBTA's prohibition on pursuing, hunting, taking, capturing, killing, or attempting to do the same applies only to direct and affirmative purposeful actions that reduce migratory birds, their eggs, or their nests, by killing or capturing, to human control." Thus, the federal MBTA definition of take does not prohibit or penalize the incidental take of migratory birds that results from actions that are performed without motivation to harm birds. This interpretation differs from the prior federal interpretation of take, which prohibited all incidental take of migratory birds, whether intentional or incidental. However, California state regulations protect bird nests with eggs or young from incidental take, as discussed below.

United States Army Corps of Engineers (USACE) Jurisdiction

Areas meeting the regulatory definition of "Waters of the U.S." (jurisdictional waters) are subject to the jurisdiction of the USACE under provisions of Section 404 of the 1972 Clean Water Act (Federal Water Pollution Control Act) and Section 10 of the 1899 Rivers and Harbors Act. These waters may include all waters used, or potentially used, for interstate commerce, including all waters subject to the ebb and flow of the tide, all interstate waters, all other waters (intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds, etc.), all impoundments of waters otherwise defined as "Waters of the U.S.," tributaries of waters otherwise defined as "Waters of the U. S.," the territorial seas, and wetlands (termed Special Aquatic Sites) adjacent to "Waters of the U.S." (33 CFR, Part 328, Section 328.3). Wetlands on non-agricultural lands are identified using the Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory 1987).

Construction activities within jurisdictional waters are regulated by the USACE. The placement of fill into such waters must be in compliance with permit requirements of the USACE. No USACE permit would be effective in the absence of state water quality certification pursuant to Section 401 of the Clean Water Act. The State Water Resources Control Board (SWRCB) is the state agency (together with the Regional Water Quality Control Boards [RWQCBs]) charged with implementing water quality certification in California.

3.6.2.2 State

In addition to CEQA, the primary state planning, treatment, and review mechanisms for biological resources in the study area are the CESA; California Fish and Game Code (CFGC) Sections 16001603 and 3503, 3503.5, and 3511; and the NPDES General Permit. Each is summarized below.

California Endangered Species Act

The CESA closely parallels the conditions of the FESA; however, it is administered by CDFW. CESA prohibits the "taking" of listed species except as otherwise provided in state law. Unlike the FESA, CESA applies the take prohibitions to species petitioned for listing (state candidates). State lead agencies are required to consult with CDFW to ensure that any actions are not likely to jeopardize the continued existence of any state-listed species or result in destruction or degradation of required habitat. CDFW is required to coordinate with USFWS for actions that involve both federally listed and state-listed species.

Under CFGC Section 2081, CDFW may authorize individuals or public agencies to import, export, take, or possess any endangered, threatened, or candidate species in the state of California. These acts that are otherwise prohibited may be authorized through permits or memoranda of understanding if:

- The take is incidental to an otherwise lawful activity;
- Impacts of the authorized take are minimized and fully mitigated;
- The permit is consistent with any regulations adopted pursuant to any recovery plan for the species; and
- The Project applicant ensures adequate funding to implement the measures required by CDFW.

CDFW makes this determination based on the best scientific and other information that is reasonably available and includes consideration of the species' capability to survive and reproduce.

California Fish and Game Code Sections 1600-1603

All diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California that supports fish or wildlife resources are subject to the regulatory authority of CDFW under CFGC Sections 1600–1603. Under the CFGC, a stream is defined as a body of water that flows at least periodically, or intermittently, through a bed or channel having banks and supporting fish or other aquatic life. Included are watercourses with surface or subsurface flows that support or have supported riparian vegetation. Specifically, CFGC Section 1603 governs private-party individuals, and CFGC Section 1601 governs public projects.

CDFW jurisdiction in altered or artificial waterways is based on the value of those waterways to fish and wildlife. CDFW must be contacted by the public or private party for a streambed alteration agreement for any project that might substantially affect a streambed or wetland. CDFW has maintained a "no net loss" policy regarding potential impacts and has required replacement of lost habitats on at least an acre-for-acre basis.

California Fish and Game Code Sections 3503, 3503.5, and 3513

Under these Fish and Game Code sections, a project operator is not allowed to conduct activities that would result in the taking, possessing, or destroying of any birds of prey; the taking or possessing of any migratory non-game bird; the taking, possessing, or needlessly destroying of the nest or eggs of any raptors or non-game birds; or the taking of any non-game bird under CFGC Section 3800. CFGC Section 3513 adopts the U.S. Department of the Interior's take provisions under the MBTA. As described above, in 2017, the U.S. Department of the Interior redefined incidental take under the MBTA; however, CDFW subsequently issued an advisory that affirms that California law continues to prohibit incidental take of migratory birds.

Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, as amended in 1959, 1962, and 1972) prohibits the take (pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb) of bald eagles and golden eagles, including their parts, nests, or eggs. The act further defines "disturb" as ""to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or

sheltering behavior". These prohibitions extend to human-induced alterations in proximity to a previously used nest site during a time when eagles are not present, if, upon the eagle's return, such alterations agitate or bother an eagle to a degree that interferes with or interrupts normal breeding, feeding, or sheltering habits, and causes injury, death or nest abandonment. The USFWS issues permits for take of bald and golden eagles related to scientific collecting, falconry (golden eagles only), raptor propagation, depredation, taxidermy, Native American religious purposes, and education purposes.

3.6.2.3 Regional and Local

Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan

The HCP was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, the SCVWD, Santa Clara Valley Transportation Authority (VTA), USFWS, and the CDFW. The HCP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The Project area is located within the boundaries of the HCP and is designated as follows: [21]

- Area 4: Urban Development Equal to or Greater than 2 Acres Covered
- Land Cover: Urban-Suburban, Urban Parks
- Land Cover Fee Zone: Fee Zone B (Mostly Agricultural and Valley Floor Residential Lands) and No Land Cover Fee (Urban Areas)

Santa Clara Valley Habitat Plan Conditions

The Santa Clara Valley Habitat Plan developed a guide to assist co-permittees, such as a lead agency, and private applicants in implementing conditions that apply to covered activities under the Habitat Plan. The relevant conditions are as follows:[22]

- Avoid Direct Impacts on Legally Protected Plant & Wildlife Species
- Maintain Hydrologic Conditions and Protect Water Quality
- Avoidance and Minimization Measures for In-Stream Operations and Maintenance
- Stream and Riparian Setbacks
- Wetland and Pond Avoidance and Minimization

Envision San José 2040 General Plan

Policies in the 2040 General Plan have been adopted for the purpose of avoiding or mitigating biological resource impacts from development projects. The following policies in **Table 3.6-1** are applicable to the Project.

Table 3.6-1 Envision San José 2040 Relevant Agricultural Resources Policies

Policy	Description
Community Design Policies – Attractive City	
Policy CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the Project to maintain and enhance our Community Forest.

21 Santa Clara Valley Habitat Agency. "GIS Data and Key Maps".
22 Santa Clara Valley Habitat Agency. "Santa Clara Valley Habitat Plan".

Policy	Description
Riparian Corridors	
Policy ER-2.1	Ensure that new public and private development adjacent to riparian corridors in San José are consistent with the provisions of the City's Riparian Corridor Policy Study and any adopted Santa Clara Valley Habitat Conservation Plan/ Natural Communities Conservation Plan (HCP/NCCP).
Policy ER-2.2	Ensure that a 100-foot setback from riparian habitat is the standard to be achieved in all but a limited number of instances, only where no significant environmental impacts would occur.
Policy ER-2.3	Design new development to protect adjacent riparian corridors from encroachment of lighting, exotic landscaping, noise and toxic substances into the riparian zone.
Policy ER-2.4	When disturbances to riparian corridors cannot be avoided, implement appropriate measures to restore and/or mitigate damage and allow for fish passage during construction.
Policy ER-2.5	Restore riparian habitat through native plant restoration and removal of non- native/invasive plants along riparian corridors and adjacent areas.
Special Status Plants and Animals	
Policy 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.,
Policy ER-4.2	Limit recreational uses in wildlife refuges, nature preserves and wilderness areas in parks to those activities which have minimal impact on sensitive habitats.
Policy ER-4.3	Prohibit planting of invasive non-native plant species in natural habitats that support special-status species.
Policy ER-4.4	Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.
Migratory Birds	
Policy ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
Urban Natural Interface	
Policy 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 would be placed as close to the ground as possible and directed downward or away from natural areas.
Policy ER-6.5	Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of a proposed development.

Policy	Description
Policy 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.
Policy ER-6.8	Design and construct development to avoid changes in drainage patterns across adjacent natural areas and for adjacent native trees, such as oaks.
Wildlife Movement	
Policy ER-7.2	In areas important to terrestrial wildlife movement, design new or improved existing roads so that they allow wildlife to continue to move across the roads (e.g., either over the road surface or through undercrossings or overcrossings designed for the animals moving through the areas). Enhance undercrossings used for wildlife movement (e.g., by enlargement) when roads are improved.
Policy ER-7.3	Where new road crossings of streams are constructed, or existing culverts are replaced or improved, design all culverts to allow movement of aquatic species present in any watercourse crossed by the road. Use clear-span bridges in place of culverts where feasible.
Sustainable Parks and Recreation	
Policy 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.
Community Forest	
Policy 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.
Policy 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.
Policy 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 effects 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.
Policy 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.
Policy MS-21.8	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require

Policy	Description
	landscaping including the selection and planting of new trees to achieve the following goals: 1. Avoid conflicts with nearby power lines. 2. Avoid potential conflicts between tree roots and developed areas. 3. Avoid use of invasive, non-native trees. 4. Remove existing invasive, non-native trees. 5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species. 6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.
Policy 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).
General Provision of Infrastructure	
Policy IN-1.11	Locate and design utilities to avoid or minimize impacts to environmentally sensitive areas and habitats.

Source: City of San José. 2024. *Envision San José 2040 General Plan*. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.

City of San José Tree Ordinance

The City's Municipal Code includes tree protection measures (Municipal Code Title 13, Chapters 13.28 [Street Trees, Hedges and Shrubs] and 13.32 [Tree Removal Controls]) that regulate the removal of trees. An "ordinance-sized tree" on private property is defined as any tree having a main stem or trunk, 12 inches in diameter (38 inches or more in circumference) at a height measured 54 inches (4.5 feet) above ground. For multi-trunk trees, the circumference is measured as the sum of the circumferences of all trunks at 54 inches above grade. On single-family or duplex lots, a permit is required to remove ordinance-sized trees, even if they are unhealthy or dead. On multi-family, commercial, or industrial lots, a permit is required to remove a tree of any size. The Code defines a "heritage tree" as any tree that because of factors including but not limited to its history, girth, height, species or unique quality, has been found by the City Council to have a special significance to the community. Pruning or removing a heritage tree is illegal without first consulting the City Arborist and obtaining a permit. Finally, street trees are those that are located in the public right-of-way between the curb and sidewalk. A permit is required before pruning or removing a street tree.

Council Policy 6-34: Riparian Corridor Protection and Bird-Safe Design

The City's Riparian Corridor Policy Study analyzed streams and riparian corridors in the City and addresses how development should protect and preserve these riparian corridors. Furthermore, the City's Riparian Corridor Protection and Bird-Safe Design Policy (Council Policy 6-34) supplements the regulations for riparian corridors and provides guidance for project design that protects and preserves these riparian corridors.[23] The Riparian Corridor Policy applies to projects within 300 feet of a riparian corridor's top of bank or edge of vegetation, whichever is greater. The Riparian Corridor Protection and Bird-Safe Design Policy establishes a standard of a 100-foot riparian

[23] City of San José. 2016. Council Policy: Riparian Corridor Protection and Bird-Safe Design. Available: https://www.sanjoseca.gov/home/showpublisheddocument/12815/636669915138100000 Accessed: May 28, 2025.

corridor setback, with an exception for projects where no significant environmental impact will occur. The policy also includes guidance to reduce the incidence of avian collisions with windows and other reflective surfaces.

3.6.3 Impacts and Mitigation

3.6.3.1 Thresholds of Significance

For the purposes of this analysis and in accordance with CEQA Guidelines, a project impact to biological resources would be considered significant if the Project would:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

3.6.3.2 Methodology

Impacts related to biological resources were evaluated by utilizing GIS and desktop research, including information provided in 2040 General Plan, as well as analyzing the Five Wounds Urban Village Plan policies related to biological resource conservation.

3.6.3.3 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 California Department of Fish and Game or U.S. Fish and Wildlife Service?

The Project area is in an urban area developed with buildings, pavements, and trees. The only sensitive natural communities in the vicinity of the Project area are the riparian forest and aquatic habitats within the corridors of Coyote Creek and Miguelita Creek. Coyote Creek runs north-south along the western edge of the Project area. Miguelita Creek is a tributary of Coyote Creek and runs east-west through the northern part of the Project area before merging with Coyote Creek near King Road and Schulte Drive. These waterways have moderate to steep banks with moderately dense vegetation consisting of a mix of native and non-native understory and trees. While sensitive plant species may be found in the area surrounding Coyote Creek and Miguelita Creek, no critical habitat for these species is included in the Project area.[24]

24 City of San Jose, Envision San Jose 2040 General Plan EIR, Table 3.5-2. 2011

Although the Project area does not provide suitable habitat for special status plants, several special status wildlife species, as well as protected bird species, are known to occur in the Project area. This is described in further detail below.

Fish

Future development that would be allowed by the Project could have the potential to indirectly impact the survival rates of aquatic species including special-status fish species, such as the delta smelt (*hypomesus transpacificus*), the federally threatened Central California Coast steelhead (*Oncorhynchus mykiss*) and the Fall-run Chinook salmon (*Oncorhynchus tshawytscha*) by degrading the quality of Coyote Creek. The degradation of water quality could occur if sediment, construction debris, chemicals, and/or other materials discharge into the waterways during construction and operation of future developments. Future development would be subject to development setbacks established in accordance with San José City Council Policy 6-34 "Riparian Corridor Protection and Bird-safe Design".

As described in **Section 3.10, Hydrology and Water Quality** of this EIR, any future projects would have developed in compliance with applicable regulatory requirements including compliance with SWRCB NPDES General Construction Activities Permit and the City's Grading Ordinance during construction and Council Policy 6-29 Post-Construction Urban Runoff Management and Council Policy 8-14 Post-Construction Hydromodification Management during operations. Potential indirect impacts to water quality resulting from construction activities would also be minimized through use of BMPs for erosion control, such as installation of orange and silt fencing to delineate riparian areas and prevent sediment and construction debris from entering the creek. Additionally, in accordance with Policy OS-5.4 included in the Project, development would not involve the removal of existing riparian vegetation overhanging the creeks. In addition, for specific projects adjacent to the riparian corridor, a setback exception (if needed) would be established in accordance with San José City Council Policy 6-34 "Riparian Corridor Protection and Bird-safe Design." This policy aims to protect natural riparian corridors by enforcing development setbacks to minimize land use related operational impacts like lighting, noise, and the use of toxic substances. Developers proposing new projects in areas with riparian corridors are required to demonstrate compliance with the policy during the City's project review process. Adherence with these regulations and policies would reduce impacts to aquatic species and impacts would be less than significant.

Nesting Raptors and Birds

Hawks, owls, and other tree nesting raptors such as cooper's hawks (*accipiter cooperii)* could nest in the larger trees and forage in the riparian corridors and nearby open areas within and adjacent to the Project area. The trees present in the Project area represent a small portion of the suitable nesting and foraging habitat available for these species regionally. Therefore, it is anticipated that the removal of existing trees resulting from development activities associated with the Project would have no measurable effect on regional populations. Raptors and migratory birds are, however, protected under the Federal MBTA and/or the California Fish and Game Code. Construction-related disturbances (such as the generation of loud noises) have the potential to "take" nests, eggs, or individuals, and otherwise lead to the abandonment of nests.

In compliance with the Federal MBTA and/or the California Fish and Game Code, projects in the Project area shall incorporate the City's standard permit condition to avoid impacts to nesting migratory birds, described below. For specific projects adjacent to the riparian corridor, a setback would be established in accordance with San José City Council Policy 6-34 "Riparian Corridor Protection and Bird-safe Design." This policy aims to protect natural riparian corridors by enforcing development setbacks to minimize land use related operational impacts like lighting, noise, and the use of toxic substances. Adherence with these regulations and policies would reduce impacts from future projects allowed by the Project to nesting raptors**.**

Impact BIO-1: Construction activities associated with future development that would be allowed under the Project could result in significant impacts on nesting birds and raptors. **(Potentially Significant Impact)**

Standard Permit Condition

Nesting Bird Surveys. Demolition, removal of vegetation (including trees), grading, and construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay area, extends from February 1st through August 31st, inclusive.

If demolition, vegetation removal, and construction cannot be scheduled outside of nesting season, a qualified biologist shall complete pre-construction surveys to identify active raptor nests (i.e., nests containing eggs or young) of protected bird species that may be disturbed during project implementation. This survey shall be completed no more than seven (7) days prior to the initiation of demolition/vegetation removal/grading, and construction activities. During this survey, the qualified biologist shall inspect all vegetation, structures, trees and other possible nesting habitats substrate (including the ground) in and immediately adjacent to the construction areas, and within 300 feet (for raptors) and 100 feet (for non-raptors) of construction areas to the extent access permits, for active nests (i.e., nests with eggs or young). If an active nest is found in an area that would be disturbed by construction, the ornithologist biologist shall designate a construction-free buffer zone (typically 250 feet but the buffer zone depends on the species and project site conditions) to be established around the nest. The buffer zone is typically 300 feet for raptors and 100 feet for non-raptors, though the buffer zone may be modified by the biologist depending on the species and project site conditions. The buffer would ensure that active nests of raptors and other protected birds or migratory bird nests shall not be disturbed directly or indirectly during project construction.

Prior to any vegetation removal, or approval of any demolition or grading permits (whichever occurs first), the applicant shall submit the biologist's report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement (PBCE) or *the* Director's designee.

During the nesting seasons, if demolition/vegetation removal/grading or construction activities are delayed or paused and the time period between the pre-construction survey and start or restart of demolition/construction activities exceeds seven (7) days (or any shorter period recommended by the *biologist*), a new pre-construction survey shall be performed prior to resuming any work on the site. The results of this survey shall be provided to the Director of PBCE or the Director's designee.

Implementation of City's standard permit condition would ensure impacts from development allowed under the Project on nesting birds and raptors would be reduced and/or avoided by ensuring construction and tree removal during nesting season is avoided. **(Less than Significant)**

Bats

Although special status bats species (i.e., big brown bat [*eptesicus fuscus*], Pallid bat [*antrozous pallidus*], and Townsend's big-eared bat [*corynorhinus townsendii])* are not likely to occur in the Project area, impacts to trees, tree hollows, or structures such as bridges, overpasses, building attics, or abandoned buildings with large enclosed spaces have the potential to adversely affect bats, if present.[25] Direct impacts could include injury to individual bats and indirect disturbances that could lead to the abandonment of roosts or colonies.

Future development in the Project area would incorporate mitigation measure **MM BIO-1** to avoid and minimize impacts to special-status bat species by avoidance or pre-construction surveys. This would apply to future development allowed by the Project. **(Less than Significant with Mitigation)**

Impact BIO-2: Construction activities associated with future development that would be allowed under the Project could result in significant impacts on special-status bats. **(Potentially Significant Impact)**

MM BIO-1: Bat Habitat Assessment

- Prior to any tree removal, grading, demolition or building permits (whichever comes first), a bat habitat assessment survey shall be conducted by a qualified biologist. If the habitat assessment determines that

25 City of San Jose, *Envision San Jose 2040 General Plan EIR*, Appendix E Biological Resources. 2011

habitat for bats is absent from the project site, then no further surveys or mitigations shall be required. However, if habitat for bats and/or individual bats are determined to be present, additional pre-construction surveys shall be required within 48 hours prior to project activities that include tree removal, grading, or building permits (whichever comes first), and the following additional measures shall be required:

- If the habitat assessment concludes that any trees proposed for removal provide potential roosting, winter torpor, and/or maternity habitat for special status bats, tree removal shall only be conducted during seasonal periods of bat activity, i.e., March 1 and April 15 or August 15 and October 15, under the supervision of a qualified bat biologist. Tree removals shall occur via a two-phased removal conducted over two consecutive days. In the afternoon of the first day, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures shall be avoided, and only branches or limbs without those features shall be removed. On the second day, the entire tree shall be removed.
- If a maternity colony is detected in a tree, then a construction-free buffer shall be established around the tree that would remain in place until it has been determined by the qualified biologist that the nursery is no longer active. Trees shall be removed between March 1 and April 15 or August 15 and October 15 to avoid interfering with an active nursery.
- Prior to the issuance of any tree removal, grading, or building permits (whichever comes first), the qualified biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building, and Code Enforcement or the Director's designee.

Implementation of **MM BIO-1** would ensure impacts from development allowed under the Project on special-status bats and roosts would be reduced to a less than significant level. **(Less than Significant with Mitigation)**

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 California Department of Fish and Game or U.S. Fish and Wildlife Service?

Native vegetation along Coyote Creek and Miguelita Creek includes riparian and shaded riverine aquatic cover vegetation. The habitat along the river and creek was originally classified as sycamore-alluvial woodland, but alterations to the water flow have transformed this into riparian forest.[26] The riparian vegetation corridor extends from the river's edge to the top of the banks with a usual width of approximately 50 to 100 feet.

The wildlife currently inhabiting the riparian corridors in the Project area is habituated to high levels of disturbance due to the proximity of urban development. Even though the riparian habitat is relatively degraded due to urbanization, these areas are important because they offer natural cover, food, water, and nesting sites for a variety of birds and mammals, as well as protect, cool, and enrich aquatic habitats. The riparian habitats also support special status species and serve as important migration corridors for birds and fish. Due to the sensitivity of riparian habitat, intensification of urban development in the vicinity of Coyote Creek and Miguelita Creek has the potential to result in a substantial adverse effect.

In general, the intensity, proximity, and duration of human activity determine the magnitude of effects on riparian resources, including vegetation, wildlife, and water quality. Potential disturbances resulting from human activity could include increased litter, noise, inadvertent trampling of native vegetation, harassment of wildlife, and predation from pets (mainly cats). Increased night lighting from new development could affect the quality of riparian habitats by changing the behavior of wildlife (e.g., causing them to avoid well-lighted areas or alter dispersal routes) and amplifying predation pressure on some species. Although the Project area is currently

26 Coyote Outdoor Classroom. "Trees and Shrubs of Coyote Creek." Santa Clara County Creeks Coalition. Accessed June 19, 2024. https://sbcleancreeks.com/wp-content/uploads/2024/07/Trees-and-Shrubs-of-Coyote-Creek.pdf

urbanized and nocturnal animals are habituated to some night lighting, the proposed intensification of land uses would increase the sources of artificial light.

Riparian corridors may also experience invasions of common landscaping species, such as iceplant, ivies, and periwinkle, from nearby developments. These plants are lower quality sources of food and tend to limit the growth of other plants in the understory that are better sources of food and cover for wildlife. Implementation of the 2040 General Plan policies and existing regulations described, would substantially reduce direct and indirect impacts to riparian habitat resulting from increased human activity. For example, prohibiting the use of species known to be invasive to riparian habitats in new landscaping throughout the Project area in accordance with General Plan Policy ER-4.3 would help maintain the quality of riparian habitat in Coyote Creek and Miguelita Creek corridors.

The Project includes Mixed Use Neighborhood and Public/ Quasi-Public land use designations near the riparian corridors and would allow future development to be constructed in those areas. For individual development projects adjacent to the riparian corridor, a setback would be established in accordance with the development guidelines in City Council Policy 6-34 "Riparian Corridor Protection and Bird-safe Design" Policy and General Plan Policy ER-2.2.36. This policy establishes a 100-foot minimum setback for buildings developed in riparian corridors unless a reduced setback is approved by the City. Buffering future development from creeks would minimize human-induced disturbances such as lighting, noise, and use of toxic substances. At the time individual development projects proposed near creeks in the Project area were evaluated for project-level environmental impacts, a detailed evaluation would be required to determine impacts to riparian habitat and identify any necessary mitigation. Given this, buildout of the Project would have a less than significant impact. **(Less than Significant Impact)**

c) Would the Project 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?

The closest wetlands to the Project area located around Alviso Slough and Guadalupe Slough south of the San Francisco Bay, approximately 10 miles northwest. Therefore, the Project would not have direct or indirect impacts on protected wetlands.[27]

Indirect impacts may occur to wetland habitat types as a result of increased hardscape within uplands leading to an increase in runoff, a decrease in infiltration and groundwater recharge, and possible increases in anthropogenic contaminants such as petrochemicals, brake dust, fuel, fertilizer, pesticides, herbicides, mercury, and unmetabolized drug compounds.[28] Increasing population pressure may also lead to a greater demand being placed on reservoirs for either recreation (e.g., boating) or for water supply, while increased well installation in expanding rural residential areas (if vacant lands or entitled parcels are developed in such areas) may contribute to decreased groundwater reserves. Increased night lighting and increased noise from developed areas may also affect the quality of wetland habitats in areas close to new development.

As discussed, in **Section 3.12, Hydrology and Water Quality** of this EIR, the Project would not substantially alter existing drainage patterns, would not result in substantial additional sources of polluted runoff, and would not result in a significant impact to groundwater quality. Furthermore, the Project would not increase the overall population capacity of the City beyond what was planned for in the 2040 General Plan. Therefore, similarly as was concluded in the 2040 General Plan EIR, indirect impacts to protected wetlands would be less than significant. **(Less than Significant Impact)**

27 City of San José, Envision San Jose 2040 General Plan EIR. 2011.
28 City of San José, Envision San Jose 2040 General Plan EIR. 2011.

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?

The Project area is located along the Pacific Flyway, which is a major migration route along the western coast of North America that provides habitat for migratory birds. Because birds migrating at night are often attracted to sources of artificial light, they can collide with buildings. Even during the day, birds may collide with windows or with tall, glass-covered buildings. New development would be required to comply with the building height restrictions laid out in Goal US-1. However, new development in the Project area could be as tall as 120 feet. Thus, intensification of development within the Project area may result in additional bird collisions.

According to the 2040 General Plan EIR, the species known to occur in the Project area are regionally abundant and adapted to urban development.[29] As such, possible collisions with new buildings would not result in substantial impacts on regional bird populations. Furthermore, the planting of replacement trees and additional landscaping could improve the ability for birds and wildlife to move through the Project area. In accordance with 2040 General Plan Action ER-7.6, the City updated the Riparian Corridor Policy Study and City design guidelines by implementing the Riparian Corridor Protection and Bird Safe Design Policy to reflect best practices for avoiding and minimizing bird strikes at new tall buildings in August 2016.[30] These best practices include the use of materials and lighting to reduce light and glare impacts to ensure bird-safe design.

Future development that would be allowed under the Project would also be subject to the City's Tree Ordinance, which safeguards mature and significant trees that serve as habitat and movement corridors for local wildlife, especially in urban areas where green spaces are limited. In addition, future development projects on properties adjacent to Coyote Creek and the planned construction would be subject to the guidelines of the Riparian Corridor Policy Study.

Coyote Creek and Miguelita Creek and their riparian habitats serve as important migration corridors for birds and fish, including steelhead and Chinook salmon. The Project does not include any features that would serve as barriers to fish migration such as culverts or other in-stream structures. If future projects require the work within any of the creeks, supplemental environmental review would be required and a Lake or Streambed Alteration Agreement, issued by CDFW, may be required. Implementation of the 2040 General Plan policies, existing regulations, and measures related to riparian habitat and special status species (described above) would minimize indirect effects on wildlife movement in the riparian corridor. With implementation of the 2040 General Plan policies, existing regulations, and measures related to riparian habitat and special status species, development allowed under the project would not substantially interfere with migratory wildlife corridors or with the movement of native fish or birds.

With implementation of 2040 General Plan policies and existing regulations, included in the Project to protect special status species such as Policy OS-5.3 and OS-5.4, the Project would not conflict with local policies or ordinances protecting biological resources or the provisions of an adopted or pending habitat conservation plan. Therefore, buildout of the Project would have a less than significant impact. **(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 projects allowed under the Project would be subject to the City's Tree Ordinance. In addition, future development projects on properties adjacent to the creek and the planned community park would be subject to

29 City of San José, Envision San Jose 2040 General Plan EIR. 2011.
30 City of San José. 2016. Riparian Corridor Protection and Bird Safe Design Policy. Available: https://www.sanjoseca.gov/home/showpublisheddocument/12815/636669915138100000. Accessed on November 2024.

the guidelines of the Riparian Corridor Policy Study. Supplemental environmental and design review processes would ensure compliance with these policies.

Standard Permit Condition

In compliance with current regulations including the San José Municipal Code, all future public and private projects within the Project area would be required to incorporate the following measures into project design or as conditions of approval:

1. Tree Replacement. Trees removed for the Project shall be replaced at ratios required by the City, as stated in **Table 3.6-2** below, as amended:

Table 3.6-2 Tree Replacement Ratios

Circumference of Tree to be Removed	Replacement Ratios Based on Type of Tree to be Removed			Minimum Size of Each Replacement Tree**
	Native	Non-Native	Orchard	
38 inches or more	5:1*	4:1	3:1	15-gallon
18 up to 38 inches	3:1	2:1	None	15-gallon
Less than 19 inches	1:1	1:1	None	15-gallon

x:x = tree replacement to tree loss ratio
Note: Trees greater than or equal to 38-inch circumference measured at 54 inches above natural grade shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial and Industrial properties, a permit is required for removal of trees of any size.
A 38-inch tree equals 12.1 inches in diameter.
A 24-inch box replacement tree = two 15-gallon replacement trees
Single Family and Two-dwelling properties may replace trees at a ratio of 1:1.

- [##] trees onsite would be removed. ## trees would be replaced at a #:1 ratio, ## trees would be replaced at a #:1 ratio, ## trees would be replaced at a #:1 ratio, and the remaining ## trees would be replaced at a #:1 ratio. The total number and size of replacement trees required to be planted on-site is ##. The permittee has paid Off-Site Tree Replacement Fees to the City for ## replacement trees that could not be planted on-site because of insufficient area.
- Prior to the issuance of building permit(s), the permittee shall pay Off-Site Tree Replacement Fee(s) to the City for ## off-site replacement trees in accordance with the City Council approved Fee Resolution in effect at the time of payment.
- If there is insufficient area on the Project site to accommodate the required replacement trees, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee. Changes to an approved landscape plan requires the issuance of a Permit Adjustment or Permit Amendment
    - The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the Project site.
    - Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of building permit(s), in accordance with the City Council approved Fee Resolution in effect at the time of payment. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

With implementation of the standard measures listed above, 2040 General Plan policies, and existing regulations such as the Municipal Code, development allowed under the project would not result in a significant impact to conflict with any local policies or ordinances protecting biological resources including tree preservation policies or ordinances. **(Less than Significant Impact)**

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

The Project area is located within the Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan study area, and most of the area is designated as Urban-Suburban land. Urban-Suburban land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as having one or more structures per 2.5 acres. The portions of the Project area surrounded by Coyote Creek and Miguelita Creek are designated as, Willow Riparian Forest and Scrub and Golf Courses/Urban Parks. Future projects in the Project area would comply with the provisions of the Habitat Plan, and would not conflict with local policies or ordinances protecting biological resources or the provisions of an adopted habitat conservation plan. **(Less than Significant Impact)**

Standard Permit Condition:

Santa Clara Valley Habitat Plan. The project may be subject to applicable Santa Clara Valley Habitat Plan (SCVHP) conditions and fees (including the nitrogen deposition fee) prior to issuance of any ground disturbance permits. The project applicant shall submit the SCVHP Coverage Screening Form to the Director of Planning, Building and Code Enforcement or the Director's designee for approval and payment of all applicable fees prior to the issuance of a ground disturbance permit. The SCVHP and supporting materials can be viewed at https://link.edgepilot.com/s/23d34438/Rbm8XqWQcUW6Ep20CmsdNQ?u=https://scv-habitatagency.org/.

3.6.3.4 Cumulative Impacts

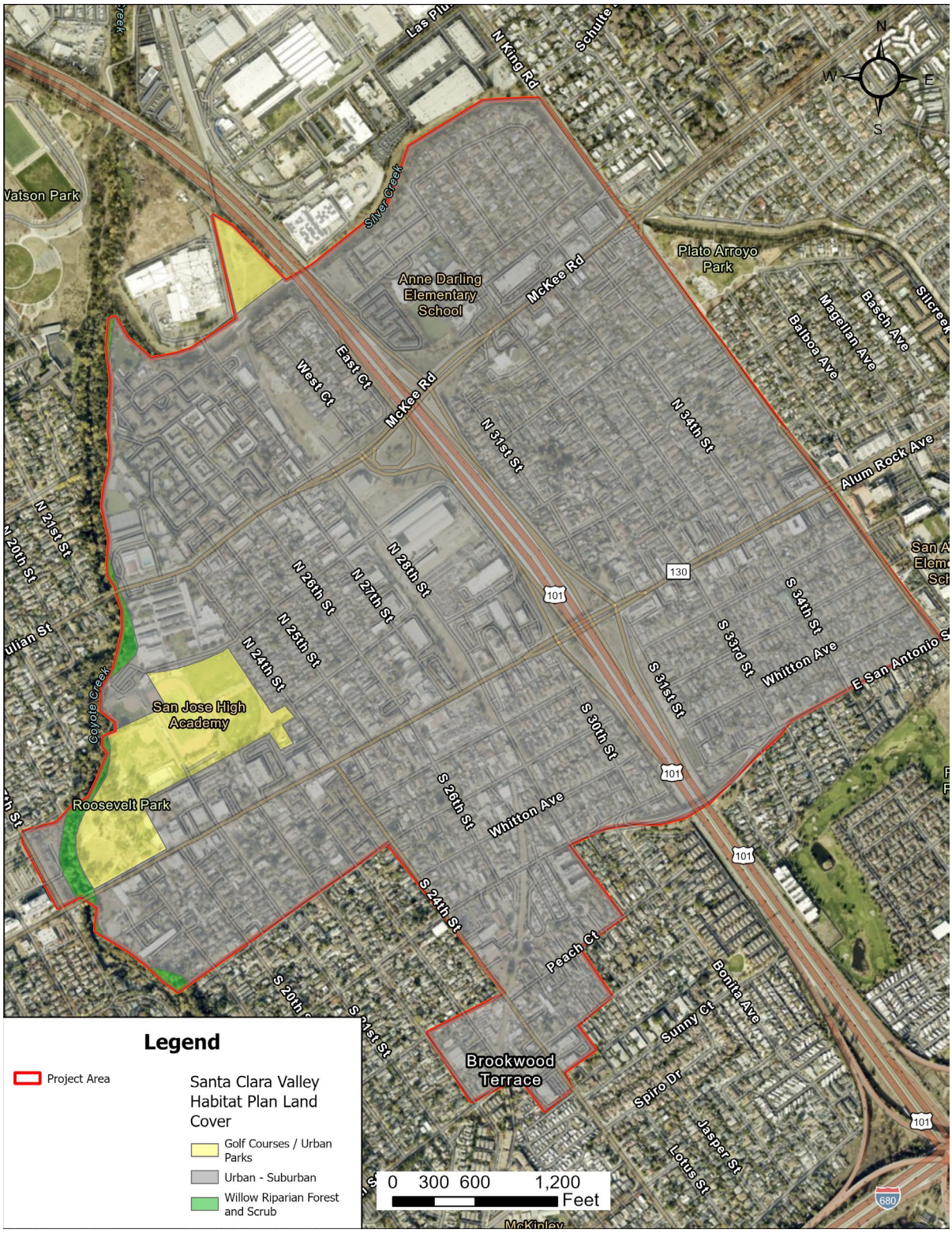
The cumulative context for adverse effects on any species identified as candidate, sensitive or special status species is past, existing, and foreseeable development within the General Plan area. The Plan area is nearly fully developed with few undeveloped areas remaining. Past development has resulted in the loss and degradation of natural communities, wetlands, and riparian or other sensitive habitats. Open spaces such the Five Wound trails and parks are not subject to future development or future development under the cumulative projects; therefore, no cumulative impact would occur to natural communities, wetlands, riparian areas, or other sensitive habitats.

As described throughout this section, with implementation of 2040 General Plan policies and existing regulations such as the Riparian Corridor Policy and Municipal Code, future development under the Project would not result in a significant impact to sensitive riparian and aquatic habitats, trees, special status species, or wildlife migratory corridors. Additionally, the stretches of Coyote Creek and Miguelita Creek that could be affected by development in the Project area are small (approximately 1 total mile) relative to the total length of each waterway (approximately 64 total miles). As described above, the Project would not have a significant impact on these creeks. With implementation of regulations, policies, and measures described throughout this section, the Project would not make a cumulatively considerable contribution to the previously identified impacts to special status species. Cumulative effects to sensitive habitats and special status plants and animals would be further avoided or offset by measures included in the HCP.

The 2040 General Plan EIR identified the potential for substantial cumulative impacts to sensitive serpentine grassland habitats in and outside of San José. Given the unique geologic, soil, and biotic conditions associated with serpentine soils, this habitat type supports rare plants and animals such as the Bay checkerspot butterfly. While serpentine habitat is not located in the Project area, future development associated with the Project could still result in indirect effects to this sensitive habitat. Due to the infertility of serpentine soils, the deposition of nitrogen (a plant fertilizer) could affect the species' composition and viability of serpentine grasslands (e.g., the displacement of rare plants with nonnative grasses).

Development allowed under the 2040 General Plan is expected to substantially increase nitrogen deposition due to the Projected increase in vehicle emissions. However, the Project is identified as a key land use strategy of the

2040 General Plan and is intended to reduce vehicle travel and associated emissions over the long-term (refer to **Section 3.5, Air Quality**, and **Section 3.10, Greenhouse Gase Emissions**, of this EIR). Therefore, the Project will help the City achieve the necessary reductions in nitrogen oxide deposition by participating in the HCP, which would require the Project to pay a nitrogen deposition fee based on the number of new trips generated. This approach ensures that the Project would not make a cumulatively considerable contribution to the significant impact to serpentine grasslands previously identified in the 2040 General Plan EIR.



Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan Land Cover Designations

Figure **3.6-1**

Source: Circlepoint, 2026; Santa Clara County, 2026

3.7 Cultural Resources

This section discusses the potential impacts on cultural resources that would result from implementation of the Project.

A CHRIS search was requested from the Northwest Information Center (NWIC) on July 12, 2024, and a response from NWIC was provided on January 31, 2025. Information in this section is also based on the Five Wounds Urban Village Update Historic Resources Survey and Final Survey Report prepared by Garavaglia Architecture, Inc., dated June 7, 2024.[31] The Five Wounds Historic Resources Survey only covered the four districts and did not include the updated Plan area outside of the districts. The report is confidential and is on file with the City

3.7.1 Environmental Setting

3.7.1.1 Existing Conditions

Archaeological Resources

As described in the San José 2040 General Plan EIR, the Native American people who originally inhabited the Santa Clara Valley belong to a group known as the "Costanoan" or Ohlone. The Ohlone people historically inhabited a vast region from San Francisco Bay to Monterey Bay, renowned for their rich basketry and semi-sedentary villages. The Tamien Nation, a linguistic division of the Ohlone, lived in the Santa Clara Valley, practicing hunting, fishing, and gathering. Prehistoric era sites associated with Native Americans include habitation sites (e.g., large villages or temporary campsites) and non-habitation sites such as stone tool and other manufacturing areas, cemeteries, isolated burial locations, rock art sites, and trails. Most prehistoric archaeological sites have been found along or very near fresh water sources adjacent to the major Native American trails, and near stone sources in the foothills.

Based on the CHRIS search results for the Project, there is a moderate to high potential of identifying unrecorded Native American archaeological resources, and a high potential of identifying unrecorded historic-period archaeological resources within the Project area. Areas within 0.5 miles walking distance of a water source have heightened sensitivity. These water sources include Coyote Creek, which borders the west of the Project area, Silver Creek, located in the northern part of the Project area, and Miguelita Creek, which flows into Coyote Creek at the confluence along Lower Silver Creek Trail.

Historic Era Resources

The Project area contains four urban village plan areas ("Districts"), each with their own distinct character and development history. The 24th and William area is characterized by early twentieth century commercial and industrial development mixed with residential neighborhood development bisected by the railroad. Prior to that the area was developed with fruit orchards. The Five Wounds area is characterized by a mix of religious, industrial, commercial, and residential buildings developed over three distinct periods, with its initial buildings being built in the early twentieth century by the Azorean and Portuguese communities immigrating to the area, culminating in the construction of the Five Wounds Portuguese National Church. The Little Portugal area is a commercial corridor that was historically the heart of the Portuguese community in East San José. This area is characterized by fewer residential buildings, with some converted for commercial use. The Roosevelt Park area is the oldest of the four areas and the closest in proximity to downtown San José. It contains the majority of buildings listed in the San José Historic Resources Inventory and is characterized by Roosevelt Park itself, more prominent commercial buildings, and diverse residential uses including mixed-use multi-family, mid-rise apartment buildings, and a small area on North 17th Street that contains some of the oldest extant homes in the neighborhood.

Putting these four Districts into historical context, San José was founded by Lieutenant José Joaquín Moraga in November 1777 under orders from Governor Felipe de Neve, and had the first courthouse in the region, an adobe known as the juzgado, built in 1783. This courthouse was moved to higher ground five years later due to flooding.

[31] City of San José. 2023. "Five Wounds Urban Villages Update – Historic Resources Survey". Accessed May 2, 2025. Available: Microsoft Word - 240607-Five Wounds-Survey Report-FINAL.docx

A new Santa Clara County courthouse was constructed 1866-1868 on St. James Square following California's statehood in 1850.

In addition to the pueblo lands, there were three major Spanish land grants in the San José area: Rancho de Santa Teresa, Rancho El Potrero de Santa Clara, and Rancho Los Coches. Rancho de Santa Teresa was originally granted to Joaquín Bernal, while Rancho El Potrero de Santa Clara, initially part of the Mission Santa Clara lands, was later granted to British vice-consul for California, James Alexander Forbes. Rancho Los Coches was granted to Roberto, a Christianized Indian of Mission Santa Clara, who subsequently sold it to the Suñol family and Henry M. Naglee. The Suñols constructed an adobe that is now a local landmark on Lincoln Avenue, while Naglee built his residence on a 140-acre tract between Eleventh Street and Coyote Creek, located today in Naglee Park.

San José briefly served as California's first capital from November 1849 to May 1851. The city's initial residential development was integral to the commercial core just east of the Guadalupe River with adobe homes located on Market Street. Residential development gradually expanded north, south and east as gas, water, sewer and transportation lines were constructed and agricultural and industrial development grew. Land continued to be subdivided and developed, and the early adobes were replaced by late nineteenth residential development in the popular architectural styles of the time like Victorian and other revival styles. Many historic homes remain in downtown, the Northside and Reed City Landmark historic district to name a few.

In the late nineteenth century San José was heavily marketed as the "Garden City" by the Chamber of Commerce which was targeting the national market to draw people from the Eastern United States. The beginning of the twentieth century saw an explosion of industrial development associated with the local fruit dry-pack and canning industry and related residential growth beyond the limits of the city as World War I approached. With new immigrants flowing into the area to work in the orchards and canneries most of the remaining undeveloped land within the Original City was developed with houses and new residential tracts were established during the second decade in suburban areas. Immigrants from Japan, Italy, Portugal, and other Mediterranean countries came to the agricultural region. Much of the Portuguese community in the Bay Area came from the Azorean islands, many Portuguese in particular settled in East San José. The Mexican immigrants were also attracted to the area in the 1920's and small neighborhood communities began to develop including the Mayfair area, named after the Mayfair packing plant.

World War II contributed greatly to the growth of San José which became a military tech center with the first western IBM campus established on the western side of Coyote Creek in 1958. The Santa Clara Valley population grew significantly in the 1950's due to the increasing job market, return of GIs from World War II and the resulting baby boom. From 1950 to 1970 the City of San José expanded in area from 17 square miles to over 120 square miles, and subdivision and residential and commercial development began replacing orchards. This extensive growth is attributed to the appointment of City Manager Dutch Hamann in 1950 by a pro-growth city council. [32]

Historic-era archaeological resources from the Spanish, Mexican, and American periods include remains of buildings, wells, privies, trash deposits, and transportation-related features. These resources, dating from the 1830s to the 1930s, are tied to San José's historical development and are often found near former agricultural, industrial, business, and residential sites. The potential for buried historic resources is high due to past residential and commercial activities, which may include trash pits, wells, foundations, privies, or other structural remnants. However, it is probable that many potential resources, including foundations, wells, privies, and trash deposits, have been impacted or removed due to grading, excavation, filling, and other construction and development activities over the past century.

[32] City of San José. 2023. "Five Wounds Historic Resource Survey". Accessed May 5, 2025. Available: https://www.sanjoseca.gov/home/showdocument?id=108575&t=638422075873345324.

Five Wounds Urban Village Update Historic Resources Survey

In 2024, the City of San Jose completed the Five Wounds Urban Village Update Historic Resource Survey to inform decision-making during the Urban Village Plan Update planning process and to consider the future treatment of buildings that are identified as eligible for listing on the San José Historic Resources Inventory (HRI). The historic resources survey was conducted to identify potential historical resources within the existing boundaries of the four Districts - Five Wounds, Little Portugal, Roosevelt Park, and 24th and William urban village areas. The historic resources survey included a reconnaissance-level ("windshield") survey followed by an intensive-level field survey of select properties that appeared potentially eligible for listing at the local, state, and/or national levels. Garavaglia Architecture Inc. recorded a total of 480 properties in the reconnaissance-level survey; 31 of these properties were selected for intensive level documentation and evaluation because they represent different types of buildings found in the survey area. Of the 31 properties documented, one (1) was found to be individually eligible for listing in the NRHP, CRHR, and in the San José HRI as a Candidate City Landmark. Nine (9) properties were found to be locally significant and individually eligible for listing in the HRI as Candidate City Landmarks. Forty-three (43) properties were classified as "Structures of Merit" in accordance with the 2040 Envision San José General Plan.[33] In addition, some properties were classified as Identified Structures when potential historic significance was noted and further documentation and evaluation is still needed to determine eligibility for on the San José HRI.

The San José HRI identifies known and potential historic resources of varying significance, including properties listed on or eligible for listing on the National Register of Historic Places (NRHP) and California Register of Historical Resources (CRHR), and/or the San José HRI as City Landmarks and Historic Districts, Candidate City Landmarks and Historic Districts, Structures of Merit, Contributing Structures, Identified Sites/Structures, and Conservation Areas.

City Landmarks

A City Landmark is a highly significant historical resource designated by the City Council as meeting the criteria for landmark designation as defined in the Historic Preservation Ordinance, and it is considered a significant historical resource under CEQA. A designated City Landmark must conform to the General Plan, and have special historical, architectural, cultural, aesthetic, or engineering value of a historic nature. In making a recommendation to the City Council on a proposed City Landmark, the Historic Landmarks Commission may consider many relevant factors such as: (1) its character, interest or value as part of the local, regional, state or national history, heritage or culture; (2) its location as a site of a significant historic event; (3) its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history; (4) its exemplification of the cultural, economic, social or historic heritage of the City of San José; (5) its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style; (6) its embodiment of distinguishing characteristics of an architectural type or specimen; (7) its identification as the work of an architect or master builder whose individual work has influenced the development of the City of San José; and (8) its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique. Properties that have been documented and evaluated as eligible for City Landmark designation (Candidate City Landmarks) are also significant historical resources under CEQA.

Table 3.7-1 identifies properties that were surveyed within the four Districts and were determined to be eligible for listing in the San Jose Historic Resources Inventory as Candidate City Landmarks. The Plan area also contain three designated City Landmarks including the San José Academy at 275 North 24th Street (APN 467-11-039), the East San José Carnegie Library at 1102 East Santa Clara Street (APN 467-11-039), and the Church of the Five Wounds, also known as Five Wounds National Portuguese National Church/Parish, at 1375 East Santa Clara Street (APN 467-08-009).

[33] City of San José. 2025. "Five Wounds Historic Resource Survey Memorandum". Accessed May 5, 2025. Available: https://www.sanjoseca.gov/home/showdocument?id=108645&t=638423081194078239

Table 3.7-1 Five Wounds Historic Resources Survey – Candidate City Landmarks

Property Address	APN	District	HRI Status
101 South 26th Street - Magetti House	467-35-090	24th and William	Eligible
398 South 24th Street –residence (significantly altered since survey, no longer eligible)	472-04-009	24th and William	Ineligible
1350 East St. James Street - San José Steel Company (VTA/BART site)	467-08-010	Five Wounds	Eligible
884 East Santa Clara Street - Blakely Pharmacy	467-30-005	Roosevelt Park	Listed as Eligible for NRHP, CRHR and CCL
98 North 17th Street – G.A. Flach House	467-13-005	Roosevelt Park	Eligible
1001 East Santa Clara Street - Chapparral Supermarket	467-11-038	Roosevelt Park	Listed as Identified Structure
1047 East Santa Clara Street - Neal Cassady House	467-11-028	Roosevelt Park	Listed as Identified Structure
1121 East Santa Clara Street – Friendship Hall	467-11-037	Roosevelt Park	Listed as Identified Structure
1161 East Santa Clara Street - Dulceria Mi Carnaval	467-10-047	Roosevelt Park	Eligible
1402 East Santa Clara Street - Community Service Organization Building	467-34-006	Roosevelt Park	Listed as Identified Structure

Source: Garavaglia Architecture, Inc., June 7, 2024

Structures of Merit

Structures of Merit are recognized as contributing to a sense of place and community identity for San José but are considered structures of lesser significance. They are not considered historical resources under CEQA, although documentation and evaluation in the future may be required when site-specific development is proposed if there is no existing documentation or the documentation and evaluation is more than five (5) years old. Refer to **Table 3.7-2**, which identifies properties in the four Districts that were surveyed and determined to the eligible for listing in the San Jose Historic Resources Inventory as Structures of Merit.

Table 3.7-2 Five Wounds Historic Resources Survey - Structures of Merit

Property Address	APN	District	HRI Status
208 South 24th Street - Quonset Hut	472-05-026	24th and William	Eligible
1051 East William Street - House	467-36-060	24th and William	Eligible
1206 Whitton Avenue - House	467-35-081	24th and William	Eligible
1243 Peach Court - House	472-05-016	24th and William	Eligible

Property Address	APN	District	HRI Status
1269 Peach Court - Houseesidence	472-05-053	24th and William	Eligible
1312 Whitton Avenue - House	467-35-092	24th and William	Eligible
1320 East San Fernando Street - commercial	467-350-88	24th and William	Eligible
1320 Whitton Avenue - House	467-35-020	24th and William	Eligible
1336 Whitton Avenue - House	467-35-101	24th and William	Eligible
1358 East San Fernando Street - Industrial	467-34-120	24th and William	Eligible
175 South 28th Street - House	467-35-100	24th and William	Eligible
299 South 24th Street – Commercial	467-36-015	24th and William	Eligible
380 South 22nd Street – Commercial	467-36-062	24th and William	Eligible
224 North 27th Street - Cobbledick- Kibbe Glass Company (burned since survey, no longer eligible)	467-07-055	Five Wounds	Listed as Identified Structure
121 North 27th Street – House	467-09-055	Five Wounds	Eligible
1357 East Julian Street – House	249-65-023	Five Wounds	Eligible
353 West Court – House	249-65-046	Five Wounds	Eligible
87 North 30th Street – Commercial/Industrial (VTA/BART property)	467-08-005	Five Wounds	Eligible
1504-1528 and 1530 Alum Rock Avenue - Multi-unit commercial/residential (evaluated together)	481-14-003, 481-14-001	Little Portugal	Listed as Identified Structure
1661 Alum Rock Avenue - La Guadalajara No. 1	481-12-070	Little Portugal	Listed as Identified Structure
1592 Alum Rock Avenue - House	481-14-007	Little Portugal	Eligible

Property Address	APN	District	HRI Status
1630 Alum Rock Avenue - Popular Bakery	481-15-094	Little Portugal	Eligible
1616 Alum Rock Avenue/1612 Alum Rock Avenue - Commercial	481-15-091 and 481-15-090	Little Portugal	Eligible
1644 Alum Rock Avenue - Commercial	481-15-097	Little Portugal	Eligible
15 South 20th Street – Polissar Building	467-30-060	Roosevelt Park	Listed as Identified Structure
86 North 17th Street - San José Water Works Building	467-13-001	Roosevelt Park	Eligible
990 East Santa Clara Street - Garden City Sanitarium #3	467-31-014	Roosevelt Park	Eligible
987 East Santa Clara Street - First National Bank	467-12-012	Roosevelt Park	Eligible
960 East Santa Clara Street - La Raza Supermarket	467-31-011	Roosevelt Park	Eligible
942 East Santa Clara Street - Commercial	467-30-059	Roosevelt Park	Listed as Identified Structure
1115 East Santa Clara Street - Portuguese Community Center/POSSO	467-11-024	Roosevelt Park	Eligible
1175 East Santa Clara Street - Haugh Commercial Building	467-10-045	Roosevelt Park	Eligible
1201 East Santa Clara Street - Vicari Building	467-10-012	Roosevelt Park	Listed as Identified Structure
1260 East Santa Clara Street - Empire Lumber Company	467-33-001	Roosevelt Park	Eligible
1390 East Santa Clara Street – House Commercial/Multi-family	467-34-004	Roosevelt Park	Eligible
1062 East Santa Clara Street - Commercial	467-32-012	Roosevelt Park	Eligible
1072 East Santa Clara Street - Bates Hall	467-32-013	Roosevelt Park	Listed as Identified Structure
1448 East Santa Clara Street - L&F Fish Market	467-34-011	Roosevelt Park	Eligible
16 South 24th Street - House	467-33-019	Roosevelt Park	Eligible
90 North 17th Street - House	467-13-004	Roosevelt Park	Eligible

Property Address	APN	District	HRI Status
896 East Santa Clara Street – Commercial	467-30-006	Roosevelt Park	Eligible
1026 East Santa Clara Street - House	467-31-040	Roosevelt Park	Eligible
1049 East Santa Clara Street – House	467-11-027	Roosevelt Park	Eligible
1098 East Santa Clara Street - Casa Do Benefica	467-32-015	Roosevelt Park	Eligible

Source: City of San José. 2024. Historical Resources Inventory. Available: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/historic-resources/historic-resources-inventory. Accessed June 20, 2024

Identified Structures

The San José Historic Resources Inventory (HRI) also contains Identified Structures which are known potential historic resources that could qualify under one or more of the HRI classifications pending further documentation and evaluation by a qualified historic resources consultant to determine eligibility. **Table 3.7-3** outlines Identified Structures that were studied as part of the historic resources survey of the four Districts. In addition, there are three properties located outside the four Districts that are listed on the HRI as Identified Structures including 185 North 24th Street (APN 467-11-003), 37 South 21st Street (APN 467-31-020) and 95 South 20th Street (APN 467-30-051).

Table 3.7-3 Five Wounds Historic Resources Survey – Identified Structures

Property Address	APN	District
226 South 24th Street - Industrial	472-05-074	24th and William
1165 Peach Court - Industrial	474-05-023	24th and William
24 North 26th/37 North 27th Street - S. F. Nova Aliança	467-09-079	Five Wounds
100 North 27th Street - commercial (Portuguese Band Building)	467-07-064	Five Wounds
1401 East Santa Clara Street - IES Hall	467-080-14	Five Wounds
11 South 19th Street - Mixed Use	467-30-037	Roosevelt Park
1220 East Santa Clara Street Sociedade Filharmónica União Popular	467-33-025	Roosevelt Park

Source: City of San José. 2024. Historical Resources Inventory. Available: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/historic-resources/historic-resources-inventory. Accessed June 20, 2024.
Notes:
N/A –listing/eligibility status was not determined at the time the survey report was prepared, these properties need further evaluation

Potential Districts/Conservation Areas Identified in Survey

The historic resources survey also identified areas for future study as noted below:

- Peach Court Conservation Area – due to the unique nature of its development pattern within the Five Wounds survey area.
- Five Wounds Industrial Historic District – due to large collection of industrial buildings and activities that contributed to development of the neighborhood.
- Five Wounds Portuguese National Church Complex Historic District – due to significance of Church complex within the community and its contributions to the development of the area

- Little Portugal Commercial Corridor Historic District – due to large collection of commercial buildings and activities that contributed to development of the neighborhood.
    - Roosevelt Park/East Santa Clara Street Commercial Corridor Historic District – due to large collection of commercial buildings and activities that contributed to development of the neighborhood.

Potential Historic Resources Located Outside the Four Districts

The Five Wounds Urban Village Update Historic Resources Survey was limited to the survey of properties within the four Districts – Roosevelt Park, Five Wounds, Little Portugal and 24th and Williams. Outside these districts there are approximately 1,190 properties that contain buildings that are 45 years or older or there is no known construction date recorded by the Santa Clara County Assessor's Office. This number includes approximately 31 parcels without a known construction date, and the following approximate number of parcels containing building age cited by decade range: 35 constructed 1880-1900; 87 constructed 1901-1920; 174 constructed 1911-1920; 209 constructed 1921-1930; 139 constructed 1931-1940; 184 constructed 1941-1950; 254 constructed 1951-1960; 59 constructed 1961-1970 and 18 constructed 1971-1981. There were approximately 480 properties surveyed in the four Districts and approximately 10 percent of those properties were identified as potential historic resources (including Structures of Merit and Identified Structures). The historical development of the areas surrounding the four Districts is comparable; therefore, it can be assumed that there would be additional potential historical resources that have not been identified to date that could be significantly impacted by the Project.

Sacred Land Files Search

A SLF search within the Project area was requested from the NAHC on July 2, 2024. NAHC replied on July 24, 2024, that a records search of the sacred land file did not indicate the presence of Native American cultural resources in the immediate study area. A copy of the NAHC correspondence, as well as a complete record of Native American contacts and comments on file with the City.

California Historical Resource Information Systems

A CHRIS search within the Project area was requested from the NWIC on July 12, 2024. NWIC replied on January 31, 2025. The CHRIS search results for the Project indicate that there have been 64 cultural resource studies in portions of the Project area. The Project area contains one recorded historic-period archaeological resource, P-43-002654 (CA-SCL-000945H), the Western Pacific Railroad, also listed below as a Historic Structure. The State Office of Historic Preservation Built Environment Resources Directory (OHP BERD), which includes listings of the NRHP, CRHR, California State Historical Landmarks, and California State Points of Historical Interest, lists 111 recorded buildings or structures within the proposed Five Wounds Urban Villages Plan.

3.7.2 Regulatory Framework

3.7.2.1 Federal

National Historic Preservation Act

The National Historic Preservation Act (NHPA), 16 U.S.C. Section 470a to 470w-6, is the primary federal law governing the preservation of cultural and historic resources in the United States. The law establishes a national preservation program and a system of procedural protections that encourage the identification and protection of cultural and historic resources of national, state, tribal and local significance. The NHPA directs roles and responsibilities for a federal historic preservation program. It authorizes several tools to carry out preservation activities. Among them is the NRHP, the official federal inventory of districts, sites, buildings, structures and objects significant on a national, State or local level in American history, architecture, archeology, engineering and culture.

National Register of Historic Places

The National Register of Historic Places (NRHP) is the nation's most comprehensive list of historic resources and includes historic resources significant in American history, architecture, archeology, engineering, and culture, at

the local, State, and national level. NRHP Bulletin Number 15, How to Apply the National Register Criteria for Evaluation, describes the Criteria for Evaluation as being composed of two factors. First, the property must be "associated with an important historic context" and second, the property must retain integrity of those features necessary to convey its significance. A resource is considered eligible for the NRHP if the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and:

a) are associated with events that have made a significant contribution to the broad pattern of our history; or

b) are associated with the lives of persons significant to our past; or

c) embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

d) yielded, or may be likely to yield, information important in prehistory or history.

Secretary of the Interior's Standards for the Treatment of Historic Properties

The 1995 U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties outlines specific standards and guidelines for the preservation, rehabilitation, restoration, and reconstruction of historic properties. Each set of standards provides specific recommendations for the proper treatment of specific building materials, as well as parts of building construction. CEQA references these standards relative to consideration of the significance of project impacts, or lack thereof, on historical resources.

3.7.2.2 State

California Health and Safety Code Sections 7050.5 and 7054

Section 7050.5 states that "[i]n the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the Project area or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined… that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation." The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC.

Section 7054 of the California Health and Safety Code regulates the disposal of human remains, classifying the disposal of human remains in any place, except in a cemetery, as a misdemeanor offense, punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding ten thousand dollars ($10,000), or both that imprisonment and fine. This section does not apply to the reburial of Native American remains.

California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA) requires public agencies to consider the effects of their actions on cultural resources – archaeological and historical (PRC, Section 21084.1). The CEQA Guidelines define a significant historical resource as any resource:

a) listed in or determined to be eligible for listing in the CRHR (see PRC, Section 21084.1 and CEQA Guidelines Section 15064.5 [a] and [b]).

b) included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code.

c) which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record.

The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in a historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) was created to identify resources deemed worthy of preservation and was modeled closely after the National Register of Historic Places (NRHP). The criteria are nearly identical to those of the NRHP, which includes resources of local, State, and regional and/or national levels of significance. Under California Code of Regulation Section 4852(b) and PRC Section 5024.1, an historical resource generally must be greater than 50 years old and must be significant at the local, State, or national level under one or more of the following four criteria:

a) It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the U.S.

b) It is associated with the lives of persons important to local, California, or national history.

c) It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or important creative individual or possesses high artistic values.

d) It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

California Code of Regulations Section 4852I addresses the definition of "integrity," which is necessary for eligibility for the CRHR. Integrity is defined as "the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." Section 4852(c) provides that historical resources eligible for listing in the CRHR must meet one of the criteria for significance defined by 4852(b)(1 through 4) and retain enough of their historic character of appearance to be recognizable as historical resources and to convey the reasons for their significance.

Native American Heritage Commission

The NAHC was created by statute in 1976, is a nine-member body appointed by the Governor to identify and catalog cultural resources (i.e., places of special religious or social significance to Native Americans and known graves and cemeteries of Native Americans on private lands) in California. The Commission is responsible for preserving and ensuring accessibility of sacred sites and burials, the disposition of Native American human remains and burial items, maintaining an inventory of Native American sacred sites located on public lands, and reviewing current administrative and statutory protections related to these sacred sites.

Archaeological Resources and Human Remains

Archaeological sites are protected by policies and regulations under the California PRC, California Code of Regulations (Title 14 Section 1427), and California Health and Safety Code. California PRC Sections 5097.9-5097.991 require notification of discoveries of Native American remains and identifies appropriate measures for the treatment and disposition of human remains and grave-related items.

Both State law and Santa Clara County Code (Sections B6-19 and B6-20) require that the Santa Clara County Coroner be notified if cultural remains are found. If the Coroner determines the remains are Native American, the NAHC and a most likely descendant (MLD) must also be notified.

Native American Burials

California law protects Native American burials, skeletal remains, and associated grave materials and provides for the sensitive treatment and disposition of those remains (Section 7050.5 [b] of the California Health and Safety code). CEQA Guidelines Section 15064.5(e) requires that excavation activities be stopped whenever human remains are uncovered and that the county coroner or medical examiner be contacted to assess the remains. If the county coroner or medical examiner determines that the remains are those of Native Americans, the NAHC must be contacted within 24 hours. The property owner is required to consult with the appropriate Native Americans identified by the NAHC as a "most likely descendant" to develop an agreement for the treatment and disposition of the remains.

Government Code Sections 6254(r) and 6254.10

These sections of the California Public Records Act were enacted to protect archaeological sites from unauthorized excavation, looting, or vandalism. Section 6254 (r) explicitly authorizes public agencies to withhold information from the public relating to "Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission." Section 6254.10 specifically exempts from disclosure requests for "records that relate to archaeological site information and reports, maintained by, or in the possession of the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a Native American tribe and a state or local agency."

Senate Bill 18

The intent of Senate Bill 18 (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.) and designation of open space. 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. The City in July 2018 consulted with the Ohlone tribal representative pursuant to SB 18.

3.7.2.3 Local

Envision San José 2040 General Plan

Policies in the 2040 General Plan have been adopted for the purpose of avoiding or mitigating impacts to cultural resource resulting from proposed development projects in San Jose. Policies applicable to the Project are presented in **Table 3.7-4.**

Table 3.7-4 Envision San José 2040 Relevant Cultural Resources Policies

Policy	Description
Policy LU-13.1	Preserve the integrity and fabric of candidate or designated Historic Districts.
Policy LU-13.2	Preserve candidate or designated landmark buildings, structures and historic objects, with first priority given to preserving and rehabilitating them for their historic use, second to preserving and rehabilitating them for a new use, or third to rehabilitation and relocation on-site. If the City concurs that no other option is

Policy	Description
	feasible, candidate or designated landmark structures should be rehabilitated and relocated to a new site in an appropriate setting.
Policy LU-13.3	For landmark structures located within new development areas, incorporate the landmark structures within the new development as a means to create a sense of place, contribute to a vibrant economy, provide a connection to the past, and make more attractive employment, shopping, and residential areas.
Policy LU-13.4	Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.
Policy LU-13.5	Evaluate areas with a concentration of historically and/or architecturally significant buildings, structures, or sites and, if qualified, preserve them through the creation of Historic Districts.
Policy LU-13.6	Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior's Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.
Policy LU-13.7	Design new development, alterations, and rehabilitation/remodels within a designated or candidate Historic District to be compatible with the character of the Historic District and conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties, appropriate State of California requirements regarding historic buildings and/or structures (including the California Historic Building Code) and to applicable historic design guidelines adopted by the City Council.
Policy LU-13.8	Require that new development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District be designed to be sensitive to its character.
Policy LU-13.10	Ensure City public works projects (street lights, street tree plantings, sidewalk design, etc.) promote, preserve, or enhance the historic character of Historic Districts.
Policy LU-13.11	Maintain and update an inventory of historic resources in order to promote awareness of these community resources and as a tool to further their preservation. Give priority to identifying and establishing Historic Districts.
Policy LU-13.13	Foster the rehabilitation of buildings, structures, areas, places, and districts of historic significance. Utilize incentives permitting flexibility as to the uses; transfer of development rights; tax relief for designated landmarks and districts; easements; alternative building code provisions for the reuse of historic structures; and financial incentives.
Policy LU-13.15	Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.

Policy	Description
Policy LU-13.20	Explore funding options and techniques to proactively conduct additional historic surveys and to maintain and update the City's Historic Resources Inventory. As funding allows, undertake comprehensive area-wide surveys of the city to identify potential Historic Districts, Cultural Landscapes at the City's edge, and significant buildings and/or structures, including Traditional Cultural Properties.
Policy LU-13.22	Require the submittal of historic reports and surveys prepared as part of the environmental review process. Materials shall be provided to the City in electronic form once they are considered complete and acceptable.
Policy LU-14.1	Preserve the integrity and enhance the fabric of areas or neighborhoods with a cohesive historic character as a means to maintain a connection between the various structures in the area.
Policy LU-14.3	Design new development, alterations, and rehabilitation/remodels in conservation areas to be compatible with the character of the Conservation Area. In particular, projects should respect character defining elements of the area that give the area its identity. These defining characteristics could vary from area to area and could include density, scale, architectural consistency, architectural variety, landscape, etc.
Policy LU-14.4	Discourage demolition of any building or structure listed on or eligible for the Historic Resources Inventory as a Structure of Merit by pursuing the alternatives of rehabilitation, re-use on the subject site, and/or relocation of the resource.
Policy LU-14.5	Continue and strengthen enforcement programs, such as those addressing vacant buildings, to promote the maintenance and survival of all classes of the city's historic and cultural resources.
Policy LU-14.6	Consider preservation of Structures of Merit and Contributing Structures in Conservation Areas as a key consideration in the development review process. As development proposals are submitted, evaluate the significance of structures, complete non-Historic American Building Survey level of documentation, list qualifying structures on the Historic Resources Inventory, and consider the feasibility of incorporating structures into the development proposal, particularly those structures that contribute to the fabric of Conservation Areas
Policy IP-10.3	In addition to a Site Development permit, require an Historic Preservation permit for modifications to a designated Historic Landmark structure. This permit process fosters the implementation of the Historic Preservation goals and policies of this 2040 General Plan.
Policy ER-9.2	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 their discovery during construction, development activity will cease until professional archaeological examination confirms whether the

Policy	Description
	burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the Project and then require, if needed, that appropriate mitigation measures be incorporated into the Project design.
Policy 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.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.
Policy ER-10.4	The City will maintain a file of archaeological and paleontological survey reports by location to make such information retrievable for research purposes over time.

Source: City of San José. 2024. *Envision San José 2040 General Plan*. Available: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.

Historic Preservation Ordinance: City of San José's Criteria for Local Significance

The City's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code) establishes significance criteria for the designation and/or listing in the San Jose HRI of resources as a designated City landmark, eligible Candidate City Landmark, designated City landmark historic district, or eligible Candidate City Landmark District. The City of San José uses the criteria outlined in Section 13.48.020, Section 13.48.110 (H) and Section 13.48.120 (H) to determine whether a resource qualifies as a historical resource under CEQA. Section 13.48.110 (H) outlines the significance criteria the City uses in considering whether a property has special historical, architectural, cultural, aesthetic, or engineering interest or value of a historical nature, as well as conformance with the goals and policies of the 2040 General Plan:

a) Its character, interest, or value as part of the local, regional, state or national history, heritage or culture;

b) Its location as a site of a significant historic event;

c) Its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history;

d) Its exemplification of the cultural, economic, social or historic heritage of the City of San José;

e) Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;

f) Its embodiment of distinguishing characteristics of an architectural type or specimen;

g) Its identification as the work of an architect or master builder whose individual work has influenced the development of the City of San José; and

h) Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation, or which is unique.

Section 13.48.120 (H) also provides significance criteria to evaluate a potential historic district which is: "a geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, building, structures or objects unified by past events or aesthetically by plan or physical development (Section 13.48.020 B).

3.7.3 Impacts and Mitigation

3.7.3.1 Thresholds of Significance

For the purposes of this analysis and in accordance with CEQA Guidelines, a project impact to cultural resources would be considered significant if the Project would:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 of the State CEQA Guidelines;

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the State CEQA Guidelines; or

c) Disturb any human remains, including those interred outside of dedicated cemeteries.

3.7.3.2 Methodology

The evaluation of cultural resources for this project was conducted in accordance with CEQA and other relevant state and federal laws. The analysis involved a review of existing data sources to identify any known cultural resources within the Project area. The Five Wounds Historic Resources Survey did not include the updated Plan area outside the four Districts. The following were consulted to gather information about archaeological, historical, and architectural resources that may be affected by the Project:

- Five Wounds Historic Resources Survey
- San Jose Historic Resources Inventory
- State and federal historic registers
- CHRIS search through the Northwest Information Center
- Sacred Lands File, this search was conducted with the California NAHC to identify potential tribal cultural resources
- Santa Clara County Assessor data

The significance of cultural resources within the Plan area was evaluated using criteria established under CEQA including state and federal frameworks and the City's Historic Preservation Ordinance.

3.7.3.3 Project Impacts

a) Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

The Project area contains a range of late nineteenth and early twentieth century designated, eligible, and potentially eligible historical resources, as identified in the Five Wounds Historic Resources Survey, as well as properties outside the four surveyed Districts that may contain previously unidentified historical resources. Known historical resources include properties listed in, or determined eligible for listing in, the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), and/or the San José Historic Resources Inventory (HRI) as a City Landmark or Candidate City Landmark. These properties may qualify as historical resources under CEQA, including pursuant to Public Resources Code Section 5024.1(g). These include prominent cultural, religious, and commercial resources such as the Five Wounds Portuguese National Parish, the

East San José Carnegie Library, and other properties associated with the area's historical and cultural development and immigrant history.

The Five Wounds Urban Village Update Historic Resources Survey evaluated approximately 480 parcels containing buildings 45 years or older or lacking construction data. At minimum, the Project area contains 1 property listed on the NRHP and CRHR, 4 properties eligible for listing on the NRHP and CRHR, 3 designated City Landmarks, 9 Candidate City Landmarks. In addition, there are 10 Identified Structures which are potential historical resources and 45 Structures of Merit which are not considered historical resources under CEQA (see **Table 3.7-1** through **Table 3.7-3**).

The historic resources survey did not document and evaluate all properties within the Project area because the survey's scope limitations precluded evaluation of properties outside the four Districts. Accordingly, additional properties within the Project area may qualify as historical resources under CEQA even though they have not been formally identified, evaluated, or included in the San José HRI (see **Figure 3.7-1**). The absence of a property from the NRHP, CRHR, or San José HRI does not, by itself, establish that the property is not a historical resource for purposes of CEQA.

The proposed Project is a policy-level document that would guide development within approximately a 427-acre area and accommodate substantial increases in residential capacity (approximately 8,022 units) and associated redevelopment activity through 2040. Implementation of the Project would facilitate dense redevelopment of underutilized and transitional properties, including industrial and commercial sites, as well as parcels within established neighborhoods outside the four Districts.

As a result, future development consistent with the Plan could result in demolition, relocation, or alteration of known or unknown historical resources that could be determined eligible under CEQA. Potential effects could include removal of an entire resource, alteration or removal of character-defining features, incompatible additions, relocation that changes the resource's historic context, or other physical changes that materially impair the characteristics conveying the resource's historical significance.

In addition, new development could introduce incompatible scale, massing, or design adjacent to historical resources, thereby materially impairing their significance or historic integrity. Because the Project establishes development capacity and land use and zoning changes without identifying specific development proposals, these potential impacts are programmatic but reasonably foreseeable because the Project would facilitate development and densification under which subsequent demolition, alteration, and redevelopment could occur.

The Project would implement the following goals, policies, and implementation measures to guide future development and support the conservation of cultural resources:

- **Policy LU-4.1:** Preserve, rehabilitate, and adaptively reuse significant historical resources identified in the San José Historic Resources Inventory as City Landmarks, Candidate City Landmarks, and properties listed or eligible for listing in the National Register of Historic Places and/or California Register of Historical Resources. Design new development, additions, and exterior alterations to preserve the historical resource's character-defining features and maintain its integrity and ability to convey its significance. New development, additions, and alterations should be compatible with the historical resource in scale, height, massing, proportion, setbacks, materials, and architectural character, while allowing new construction to remain distinguishable from the historical resource.

  Implementation Item 1: Require Historic Resource Review for Discretionary Projects

  As part of the City's project application review process and prior to approval of a project that proposes demolition, relocation, exterior alteration, a major addition, or new construction on a parcel containing a historical resource identified in the San José Historic Resources Inventory as a City Landmark or Candidate City Landmark, or a property listed or eligible for listing in the National Register of Historic Places or California Register of Historical Resources, require the applicant to complete historic resource review consistent with Action Items 2 through 6 below.

This review shall:

- Prioritize preservation in place;
- Evaluate potential project effects on the historical resource;
- Incorporate feasible measures to avoid or minimize impacts;
- Document project constraints where additional preservation measures cannot reasonably be incorporated; and
- Provide the historic resource analysis and proposed preservation measures to the decision-making body for consideration.

Implementation Item 2: Preserve in Place.

Design future development to retain historical resources in their existing locations and preserve the character-defining features and other physical characteristics that convey their historical significance. Preservation in place shall be the preferred approach for projects affecting historical resources.

- Preservation strategies may include, but are not limited to:
- Retaining the historical resource in its existing location;
- Retaining significant historic buildings and structures, including their character-defining features, in their entirety where feasible;
- Preserving character-defining architectural features and significant historic materials;
- Maintaining significant historic site features, landscape elements, setbacks, and spatial relationships; and
- Incorporating the historical resource into the proposed development through adaptive reuse or compatible additions.

Implementation Item 3: Evaluate Project Impacts to Historical Resources.

The applicant shall submit a written Historical Resource Impact Analysis as part of the discretionary project application. The Historical Resource Impact Analysis shall be prepared by a qualified historic resources consultant meeting the Secretary of the Interior's Professional Qualification Standards and shall include, at a minimum, the following:

- Identify the historical resource and summarize its historical significance;
- Identify the period of significance and applicable historic context;
- Identify character-defining features, significant historic materials, setting, and aspects of integrity that contribute to the resource's significance;
- Document the existing condition of the resource through photographs and other appropriate documentation;
- Describe all proposed demolition, relocation, exterior alterations, additions, new construction, site improvements, grading, and other work that could affect the resource;
- Evaluate how proposed changes would affect character-defining features, materials, height, massing, scale, proportion, setbacks, spatial relationships, setting, landscape features, and other characteristics that contribute to significance;
- Evaluate the proposed project for consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties;
- Identify specific project features or changes that are inconsistent with the Standards; and

- Provide a clear conclusion as to whether the proposed project would preserve, alter, or materially diminish the historical resource's significant historical and architectural characteristics, and identify the specific project features that support that conclusion.

- The Historic Resource Impact Analysis shall include plans, photographs, and other graphic documentation sufficient to illustrate the existing resource and the proposed changes. The analysis shall be based on the proposed project plans submitted for discretionary review and shall identify the specific physical changes that support the consultant's conclusions regarding consistency with the Secretary of the Interior's Standards and potential effects on the historical resource.

- For purposes of this Plan, a project would materially diminish a historical resource when proposed physical changes would materially alter or remove character-defining features or otherwise diminish the resource's ability to convey the historical or architectural characteristics for which it is significant.

Implementation Item 4: Minimize Impacts to Historical Resources.

Where the project-specific analysis identifies proposed changes that would materially diminish the historical resource's significant characteristics, require the applicant to modify the project design, in consultation with a qualified historic resources consultant, to avoid or minimize those effects to the maximum extent feasible.

- Design strategies may include, but are not limited to:

- Adaptive reuse of existing buildings;

- Retention of significant buildings and structures;

- Preservation of primary façades and significant historic materials and architectural features;

- Reduction of exterior alterations and demolition;

- Limiting demolition to non-character-defining features;

- Designing additions to be subordinate and compatible with the historical resource;

- Reducing the footprint, height, scale, or massing of additions or adjacent new construction, as appropriate to the historical resource

- Increasing setbacks between additions or new construction and the historical resource;

- Preserving important views, open space, landscape features, and historic site relationships; and

- Using reversible construction techniques where appropriate to avoid permanent alteration of historic fabric.

Implementation Item 5: Document Preservation Constraints.

When a project cannot reasonably be designed to preserve the historical resource's significant characteristics, require the applicant to document the project constraints that limit additional preservation or modification of the proposed design.

The applicant shall provide documentation, prepared in coordination with a qualified historic resources consultant, that:

- Identifies each proposed project component that would alter, remove, or otherwise affect a character-defining feature;

- Describes the resulting effect on the historical resource;

- Identifies the physical, structural, geotechnical, life-safety, accessibility, utility, infrastructure, operational, or other site-specific constraints that limit preservation;

- Explains how those constraints affect the ability to modify the project;

- Identifies the preservation and design measures incorporated into the proposed project; and
- Identifies additional preservation measures evaluated during project design and explains why they could not reasonably be incorporated while meeting the project's primary development objectives and applicable planning and development requirements.
- Where structural, geotechnical, accessibility, life-safety, utility, infrastructure, or other technical constraints are cited, the applicant shall provide supporting technical documentation prepared by an appropriately qualified professional identifying the constraint and explaining how it limits the ability to modify the proposed project.

Implementation Item 6: Consider Historic Resource Analysis in Project Decision-Making.

Require the historic resource documentation, project-specific impact analysis, proposed preservation measures, and preservation constraints documentation, as applicable, to be provided to the decision-making body as part of the discretionary project review.

The decision-making body shall consider this information when evaluating the proposed project's compatibility with the historical resource and when establishing appropriate project design or construction conditions to preserve or minimize impacts to the resource's significant historical and architectural characteristics

Where feasible and appropriate, conditions of approval shall incorporate measures identified through the historic resource analysis and project design review.

The project record shall identify the preservation measures incorporated into the project and, where applicable, the documented constraints that limit additional preservation.

- **Policy LU-4.2:** Properties of lesser significance listed on the City's Historic Resource Inventory including Structures of Merit and Identified Structures should be retained and preserved and incorporated into future development with the preservation of their character, a key consideration in project development.
- **Policy LU-4.6:** The significance of the Five Wounds Portuguese National Parish and views of the church from adjacent streets shall be preserved by conforming to the building height diagram in this Plan.
- **Goal LU-5:** Protect the historic and residential character of neighborhoods outside the four Districts that were not documented and evaluated as part of the Five Wounds Urban Village Update Historic Resources Survey.
- **Policy LU-5.1:** Identify and evaluate previously undocumented historical resources that may be affected by future development.

Implementation Item 7: Historic Resource Screening for Unidentified Properties.

As part of the City's project application review process, the applicant shall complete historic resource screening prior to approval of a future discretionary project that proposes demolition, relocation, exterior alteration, a major addition, or new construction on a parcel containing a structure that is 45 years old or older, or whose age cannot be determined, and that is not identified in the San José Historic Resources Inventory, require the applicant to complete historic resource screening.

- Documentation and Evaluation: The applicant shall retain a qualified historic resources consultant meeting the Secretary of the Interior's Professional Qualification Standards to document and evaluate the property for eligibility for listing in the California Register of Historical Resources and/or the San José Historic Resources Inventory as a Candidate City Landmark.

This requirement does not apply to properties with a DPR 523 form that the City determines remains adequate to evaluate the property's historical significance and eligibility.

If the property is determined to be a historical resource, subsequent project review shall comply with the applicable historic resource review implementation items under Policy LU-4.1.

- **Policy LU-5.2:** Allow infill development that is compatible with the existing residential uses.
- **Policy LU-5.3:** Restrict commercial development in the areas outside the four Districts to uses that are compatible with the existing residential character.
- **Policy LU-5.4:** Allow low to medium-density residential infill projects within the existing quadrants outside the four Districts but within the Urban Village boundary. Meet the development standards in accordance with the land use designation in which such parcels are located and urban design standards of this document and the Citywide Design Standards and Guidelines.
- **Policy LU-5.5:** Implement height policies which concentrate taller development near the future 28th Street/Little Portugal BART Station to minimize impacts of new development on adjacent existing neighborhoods' character. Utilize height policies to protect the visual integrity and prominence of the Five Wounds Portuguese National Parish. Implement step-back standards for new development that interface with lower scale neighborhoods.

These goals, policies, and implementation measures would provide preservation objectives and design direction for future development. Policy LU-4.1 directs the preservation, rehabilitation, and/or adaptive reuse of identified historical resources and calls for compatible alterations and new construction. Policy LU-4.6 would provide specific protection for the visual prominence of the Five Wounds Portuguese National Parish through implementation of the Plan's building-height diagram.

The policies applicable to neighborhoods outside the four Districts would also promote compatible infill development, lower development intensities, height transitions, and protection of existing neighborhood character. However, the policies do not categorically prohibit demolition, relocation, or material alteration of a historical resource. Moreover, some of the policies focus on resources already included in the San José HRI and therefore may not fully address properties outside the four surveyed Districts that have not yet been evaluated.

The implementation measures would establish a sequential review process for future discretionary projects and public improvements by requiring evaluation of structures 45 years of age or older, or of unknown age, that have not been previously documented; project-specific analysis of effects on listed or eligible historical resources, including conformance with the Secretary of the Interior's Standards; and, where significant impacts are identified, consideration of design modifications to avoid or minimize those impacts. If full conformance is infeasible, the applicant would be required to minimize impacts to the extent feasible, document the basis for that determination, and provide the supporting historical resource and feasibility analyses to the applicable decision-making body.

The Plan policies and implementation measures would improve identification and evaluation of historical resources, including properties not covered by the prior survey, and would require project-specific analysis and consideration of feasible design modifications. However, these provisions primarily establish procedural requirements and do not mandate conformance with the Secretary of the Interior's Standards, prohibit demolition or material alteration, establish minimum preservation requirements, or require denial where impacts cannot be avoided.

Accordingly, although the Plan provisions could reduce the likelihood and severity of impacts, they would not ensure avoidance of substantial adverse changes to known or subsequently identified historical resources. Implementation of the Project could therefore result in demolition, relocation, substantial alteration, or other material impairment, and the impact would remain significant. Mitigation measures **MM CUL-1** would require documentation, relocation, salvage opportunities and public interpretation where demolition, relocation, or material impairment cannot feasibly be avoided.

Impact CUL-1: Future development could result in a substantial adverse change in the significance of a historical resource (CEQA Guidelines §15064.5), including direct physical impacts and/or indirect impacts to a resource's

setting, such that the resource's ability to convey its significance would be materially impaired. **(Potentially Significant Impact)**

MM CUL-1: Mitigation of Historic Resources Impacts **-** This measure applies only when the City determines that demolition, relocation, or material impairment of a historical resource cannot feasibly be avoided. Prior to issuance of any demolition, grading, tree removal, or building permits (whichever occurs first), as specified below.

- **Historic American Buildings Survey (HABS) Documentation.** The permittee shall submit HABS-level documentation prepared by a qualified architectural historian meeting SOI Professional Qualifications Standards, consistent with the Secretary of the Interior's Standards for Architectural and Engineering Documentation, including:
    - Drawings: sketch floor plans;
    - Photographs: exterior and interior digital photography (35mm equivalent) depicting each elevation, key architectural details, and prominent interior spaces/features keyed to plans;
    - Written data: narrative HABS documentation. After City approval, documentation shall be filed with the San José Library California Room, History San José, and the Northwest Information Center (Sonoma State University/CHRIS repository).
- **3D Laser Scanning.** The permittee shall submit 3D laser scans (as-built exterior survey using 3D laser scanning to create a 3D point cloud model) for digital archival purposes. After approval, the scans shall be filed with the same repositories (California Room, History San José, and NWIC/CHRIS).
- **Relocation/Salvage.** The permittee shall offer relocation/salvage (minimum 60 days). The permittee/applicant shall advertise availability of the building(s) for relocation or salvage for at least 60 days, including:
    1. notice in a newspaper of general circulation,
    2. on a website, and
    3. placing a sign on-site adjacent to the public right-of-way.
    Proof of compliance (publication, web documentation, time-stamped photos) shall be provided to the Director/designee.

    - If the permittee or third party agrees to relocate, then:
        1. the Director/designee, in consultation with the Historic Preservation Officer, must determine the receiver site is feasible;
        2. prior to relocation, a historic preservation architect and structural engineer shall prepare existing conditions study documenting character-defining features; City HPO approval required;
        3. the move must be conducted by an experienced mover with structural engineering stabilization;
        4. following relocation, repair/rehabilitation must conform to SOI Standards; a qualified historian/architect shall prepare a letter report documenting conformance prior to occupancy permits.
    - If relocation does not occur. If no relocation agreement is reached during the advertising period, the building(s) shall be made available for salvage to third parties for reuse of materials/features; salvage shall not occur before the advertising period ends.

- **Commemoration and Public Interpretation.** Concept prior to, and final design + installation prior to occupancy permits.
    - Prior to demolition/grading/building permits (whichever occurs first) the permittee shall retain a historic preservation professional meeting Secretary of the Interior's Professional Qualifications to conceptually develop on-site commemoration and interpretation for the impacted historical resource (e.g., exhibit/display with text and photos; public art; video/interactive media; oral histories) for City review and approval.
    - Prior to occupancy, the permittee shall submit the fully developed design for City approval and implement the approved program in coordination with the City. The commemoration/ interpretation shall be installed in a suitable publicly accessible location on-site, on private property, as agreed upon by the City.

Implementation of **MM CUL-1** would reduce impacts to some extent they would not preclude demolition, relocation, or material impairment of a historical resource where no feasible alternatives or design modifications are available to avoid a substantial adverse change. In those circumstances, documentation, relocation opportunities, salvage, and public interpretation would reduce, but not eliminate, the loss of the historical resource. Because demolition or material impairment of a historical resource constitutes a substantial adverse change under CEQA Guidelines Section 15064.5, impacts would remain significant and unavoidable where feasible avoidance is not possible. Therefore, impacts to historical resources would remain significant and unavoidable. **(Significant and Unavoidable Impact)**

b) Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

As described above, the CHRIS search results for the Project determined there is a moderate to high potential of identifying unrecorded Native American archaeological resources, and a high potential of identifying unrecorded historic-period archaeological resources within the Project area.

Given the archaeological sensitivity within and adjacent to the Project area, previously unknown unrecorded archaeological deposits could be discovered during ground disturbing construction activities, including public improvement projects and future land use development. Construction activities such as grading and excavation may result in the accidental destruction or disturbance of archaeological sites, which could convey important information about San José's history. Therefore, implementation of the Project may result in substantial adverse effects on prehistoric or historic archaeological resources within and adjacent to the Project area.

The following Standard Permit Conditions would be applied to future development allowed by the Project that would require ground disturbing activities, in order to reduce impacts to unidentified archaeological resources:

Standard Permit Conditions

- **Subsurface Cultural Resources.** If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist in consultation with a Native American Tribal representative registered with the NAHC 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 examine the find. The archaeologist in consultation with the Tribal representative shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to the Director of PBCE

or the Director's designee, the City's Historic Preservation Officer and the NWIC (if applicable). Project personnel shall not collect or move any cultural materials.

Impact CUL-2: Construction associated with future development that would be allowed under the Project could result in accidental destruction or disturbance of archaeological resources, which would be considered a significant impact. **(Potentially Significant Impact)**

MM CUL-2: Archaeological Resources Protection Measures

For discretionary projects that could have significant adverse impacts to potentially significant archaeological resources, including those which are tribal cultural resources, or are associated with a tribal cultural resource, one or more of the following steps, or those determined to be equally as effective by the City, are required:

- **Retention of a Qualified Archaeologist for Archaeological/Native American Monitoring.** Prior to issuance of any demolition, tree removal, grading, or building permits, whichever occurs first, the permittee shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology (codified in 36 Code of Federal Regulations Part 61; 48 Federal Register 44738-44739) to monitor all ground disturbance and ensure that any required measures related to archaeological resources are carried out. The permittee shall provide the contract agreement with the Archaeologist to the Director of Planning, Building and Code Enforcement or the Director's designee to demonstrate compliance.
- **Tribal Cultural Resources Awareness Training and Monitoring.** Prior to issuance of any tree removal, demolition or grading permits, whichever occurs first, the permittee shall be required to submit evidence that a Cultural Awareness Training has been provided to construction personnel prior to ground disturbance, such as copies of worker sign-in sheets to confirm attendance. 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 including training attendance logs and training materials shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee. Cultural Awareness Training shall be provided to any construction personnel who join the project after the original training session in accordance with the requirements of this condition. In addition, a qualified archaeologist in collaboration with a Native American monitor registered with the NAHC 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 be present during applicable earthmoving activities (e.g., trenching, initial or full grading, lifting of foundation, boring on site, or major landscaping, etc.). If the consulting tribe or Native American representative registered with the NAHC for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in PRC Section 21080.3 does not respond to a request for monitoring within 30 days, then earthmoving activities can proceed.
- **Final Disposition of Cultural Materials.** For any archaeological materials recovered from the projects site during construction, the following shall apply:
    - Disposition of Native American archaeological materials shall be determined through 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, the Director of Planning, Building and Code Enforcement or the Director's designee, and the Qualified Archaeologist. Disposition of human remains and associated grave goods shall be determined through consultation between the Most Likely Descendant and the landowner.
    - Disposition of significant historic-era archaeological materials shall include the following options, in order of preference. Final disposition of these materials shall take into account input from descendant communities.

- Curation at a repository accredited by the American Association of Museums that meets the standards outlined in 36 CFR 79.9.
- Curation at a non-accredited repository as long as it meets the minimum standards set forth by 36 CFR 79.9.
- Donation of the collection to a public, non-profit institution with a research interest in the materials.
- Donation to a local school or historical society in the area for educational purposes.

The potential for archaeological resources to be impacted from construction associated with future development that would be allowed by the Project would be mitigated by the implementation of **MM CUL-2**. This would require preparation of a site-specific archaeological resources report for future projects allowed by the Project to address the potential for archaeological resources to be affected by construction. With implementation of **MM CUL-2**, Standard Permit Conditions, 2040 General Plan policies, and existing regulations, future development that would be allowed by the Project would not 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?

Previously undiscovered human remains could be discovered during ground disturbing construction activities, including public improvement projects and future land use development. Construction activities such as grading and excavation may result in the encountering or disturbance of human remains. Therefore, implementation of the Project may result in substantial adverse effects on undiscovered human remains within and adjacent to the Project area. If human remains are discovered during future development that would be allowed by the Project, the Project applicant for each future project would be required to comply with the California Health and Safety Code Section 7050.5 regarding human remains, and the PRC Section 5097.98 regarding the treatment of Native American human remains.

Furthermore, future projects would incorporate the following Standard Permit Conditions in the event of an unanticipated discovery of human remains:

Standard Permit Conditions

- **Human Remains** - 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 Project applicant 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:
    1. The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
    2. The MLD identified fails to make a recommendation; or

3. The landowner or their authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

With adherence to State regulations and Standard Permit Conditions described above, the disturbance of human remains discovered during construction activities would be avoided and any discovered human remains shall be treated appropriately. As such, the Project would not have a significant potential to result in the disturbance of human remains during construction. **(Less than Significant Impact)**

3.7.3.4 Cumulative Impacts

There are two types of potentially cumulative cultural resource impacts associated with the past, present, and foreseeable project in conjunction with buildout of the Project. These include direct and indirect impacts to cultural resources generated by project buildout in conjunction with buildout of the 2040 General Plan, as well as impacts generated by the construction and operation of past, present, and future development within and adjacent to the Project area. Please refer to **Table 3.2-1** of this EIR, for a list of past, present, and foreseeable projects considered for this analysis. These potential cumulative impacts are addressed below.

Cumulative Impacts to Historical Resources

The geographic area for cumulative historical resource impacts is the Project area, including areas visible from the Project area, and areas from where the Project area is visible, from where indirect impacts to historical resources such as changes in the historic building fabric or setting may occur.

The 2040 General Plan EIR found that buildout of the 2040 General Plan would result in a less than significant impact to historical resources with the implementation of proposed policies and existing regulations, including application of the California Historic Building Code, and the City's environmental and design review processes. Located within the Five Wounds project area are several properties listed in, or determined eligible for listing in the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), and/or the San José Historic Resources Inventory (HRI) as a City Landmark or Candidate City Landmark. As discussed in the above **Subsection 3.7.3**, **Impacts and Mitigation** of this EIR, with implementation of **MM CUL-1**, 2040 General Plan policies, and existing regulations, the potential for historical resources to be permanently lost from demolition and construction activities associated with the Project could still occur. Therefore, construction of the Project, in combination with past, present, and reasonably foreseeable future development, could result in a cumulatively significant adverse impact on historical resources.

Cumulative Impacts to Archaeological Resources

The geographic area for cumulative archaeological resource impacts is the Project area, from where future development allowed under the Project may encounter subsurface archaeological resources from ground-disturbing activities during construction.

The 2040 General Plan EIR found that buildout of the 2040 General Plan would result in a less than significant impact to archaeological resources with the implementation of proposed policies and existing regulations. As discussed in above **Subsection 3.7.3**, **Impacts and Mitigation** of this EIR, with implementation of Standard Permit Conditions, 2040 General Plan policies, and existing regulations, the potential for resources to be impacted during construction would be reduced to a less than significant level. Therefore, construction of the Project, in combination with past, present, and reasonably foreseeable future development, would not result in a cumulatively considerable impact on archaeological resources.

Cumulative Impacts on Human Remains

The geographic area for cumulative impacts pertaining to the disturbance of human remains is the Project area, from where future development allowed under the Project may encounter human remains from ground-disturbing activities during construction.

The 2040 General Plan EIR found that buildout of the 2040 General Plan would result in a less than significant impact to archaeological resources with the implementation of proposed policies and existing regulations. As discussed in above **Subsection 3.7.3**, **Impacts and Mitigation** of this EIR, with adherence to State regulations and Standard Permit Conditions, the potential for human remains to be disturbed during construction would be less than significant. Therefore, construction of the Project, in combination with past, present, and reasonably foreseeable future development, would not result in a cumulatively considerable impact on undiscovered human remains.



Resources Listed In the City Historic Resource Inventory Figure **3.7-1**

Source: Circlepoint, 2025; City of San José, 2025

3.8 Energy

This section discusses the impacts on energy and energy consumption that would result from implementation of the Project. No public scoping comments related to energy use were received.

3.8.1 Environmental Setting

3.8.1.1 Existing Conditions

Total energy usage in California was approximately 7,359 trillion British thermal units (Btu) in 2021, the most recent year in which this data was available. In 2021, California was ranked second in total energy consumption in the nation, and 48th in energy consumption per capita. Most of California's energy usage was attributed to the transportation sector, which used approximately 38 percent (2,785 trillion Btu), followed by 23 percent (1,704 trillion Btu) for industrial usage, 20 percent (1,473 trillion Btu) for residential usage, and 19 percent (1,397 trillion Btu) for commercial usage. Energy in California is primarily supplied as natural gas, petroleum, nuclear electric power, and hydroelectric power.[34]

In 2022, natural gas facilities provided 5 percent of Pacific Gas and Electric Company's ("PG&E") electricity delivered to retail customers; nuclear plants provided 49 percent; hydroelectric operations provided 8 percent; and renewable energy facilities including solar, geothermal, and biomass provided 38 percent.[35]

Electricity

Electrical energy is expressed in units of kilowatts (kW) and kilowatt-hours (kWh). Running for one hour, a 1,000 watt (1 kW) hair dryer would use one kilowatt-hour of electrical energy. Other measurements of electrical energy include the megawatt (1,000 kW) and the gigawatt (1,000,000 kW).

San José Clean Energy (SJCE) is the electricity provider for residents and businesses in the City. SJCE sources and supplies energy, and the PG&E delivers it to customers using existing PG&E utility lines. SJCE purchases their energy from several suppliers. Sources of renewable and carbon-free power include California wind, solar, and geothermal; Colorado wind; and hydroelectric power from the Pacific Northwest. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity, and 95 percent carbon free electricity.[36] Customers can choose to enroll in the TotalGreen program through SJCE and receive 100 percent electricity from renewable resources.[37]

Electricity in Santa Clara County in 2022 was consumed primarily by the commercial sector (75 percent), followed by the residential sector consuming 25 percent. Approximately 17,101 gigawatt hours (GWh) of electricity was consumed.[38]

Natural Gas

PG&E provides natural gas services within the City. In 2022, approximately 0.4 percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.[39] In 2022, residential customers in California used 26 percent of the state's natural gas, commercial customers used 11 percent, power plants used 32 percent, the industrial sector used 21 percent, and other uses used 9 percent.[40] Transportation accounted for one percent of natural gas use in California. In 2022, Santa Clara County used approximately 3.6 percent of the state's total consumption of natural gas.[41]

34 United States Energy Information Administration, California State Profile and Energy Estimates, 2024.
35 Pacific Gas & Electric (PG&E), Clean energy solutions, 2022.
36 City of San Jose, San Jose Clean Energy, 2024. Accessible at: https://sanjosecleanenergy.org/greensource/.
37 San Jose Clean Energy, Your Choices, 2024. Accessible at https://sanjosecleanenergy.org/your-choices/
38 CEC, Energy Consumption Data Management System: Electricity Consumption by County, 2022.
39 California Gas and Electric Utilities, 2023 California Gas Report Supplement, 2023.
40 Pacific Gas & Electric, 2022 California Gas Report, 2022.
41 CEC, Energy Consumption Data Management System: Gas Consumption by County, 2021.

3.8.2 Regulatory Framework

Many federal, State, and local statutes and policies address energy conservation. At the federal level, energy standards set by the EPA apply to numerous consumer and commercial products (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

3.8.2.1 Federal

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

3.8.2.2 State

California Renewable Energy Standards

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the State's electricity mix to 20 percent of retail sales by 2010. In 2006, California's 20 percent by 2010 RPS goal was codified under Senate Bill (SB) 107. Under the provisions of SB 107 (signed into law in 2006), investor-owned utilities were required to generate 20 percent of their retail electricity using qualified renewable energy technologies by the end of 2010. In 2008, Executive Order S-14-08 was signed into law and requires that retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. As described previously, PG&E's (the electricity provider to the Project area) 2015 electricity mix was 30 percent renewable.

In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 for retail sellers and publicly owned utilities requires them to procure 50 percent of the State's electricity from renewable sources by 2030. In 2018, SB 100 was signed into law, which again increases the RPS to 60 percent by 2030 and requires all the state's electricity to come from carbon-free resources by 2045.

California Building Codes

At the State level, 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. The latest California Building Standards Code (Title 24) is the 2025 edition, which became effective on January 1, 2026. It introduces major updates focusing on all-electric infrastructure, wildfire mitigation, and EV charging. [42]

The California Green Building Standards Code ("CALGreen") establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality.

3.8.2.3 Local

Greenhouse Gas Reduction Strategy

The City's Greenhouse Gas Reduction Strategy presents a statewide, interim greenhouse gas reduction goal for 2030 to meet the long-term target of carbon neutrality by 2045. This strategy aligns with SB 32, an expansion of AB 32, and requires a reduction in greenhouse gas emissions to at least 40 percent below the 1990 levels by 2030. This strategy includes two major approaches for greenhouse gas emissions reductions. The first involves specific City-sponsored initiatives and actions that are directly controlled by the City. The second includes policies to direct and influence actions of third parties so that they may implement and maintain consistency with the reduction strategy between each relevant project.

42 California Energy Commission (CEC), Building Energy Efficiency Standards for Residential and Nonresidential Buildings for the 2022 Building Efficiency Standards, 2023.

Council Policy 6-32 Private Sector Green Building Policy

At the local level, the City's green building standards are for municipal development. All projects are required to submit a Leadership in Energy and Environmental Design (LEED), GreenPoint, or Build-It-Green checklist as part of their development permit applications. [43;44] Council Policy 6-32 "Private Sector Green Building Policy," adopted in October 2008, establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It fosters practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water and other resources in the City. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32 and shown in **Table 3.8-1** below.

Table 3.8-1 Private Sector Green Building Policy Applicable Projects

Applicable Project Minimum Green Building Rating	Minimum Green Building Rating
Commercial/Industrial – Tier 1 (Less than 25,000 square feet)	LEED Applicable New Construction Checklist
Residential < 10 units - Tier 1	GreenPoint or LEED Checklist
Residential ≥ 10 units - Tier 2	GreenPoint Rated 50 points or LEED Certified
High Rise Residential (75' or higher)	LEED Certified

Source: City of San José. 2008. Council Policy: Private Sector Green Building Policy. Available: Accessed May 28, 2025.

Green Vision and Climate Smart San José

The Green Vision was a 15-year sustainability plan to steer economic growth and reduce greenhouse gas emissions. Through the Green Vision, adopted in 2007, the City made strides as a national leader in the sustainability movement. In 2017, the City began drafting the Green Vision's replacement, Climate Smart San José. Approved by the City Council in February 2018, Climate Smart San José builds upon the Green Vision with a people-focused approach, encouraging the entire San José community to join an ambitious campaign to reduce greenhouse gas emissions, save water and improve quality of life.

Municipal Code

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

Climate Smart San José

Climate Smart San José is a plan developed by the City to reduce air pollution, save water, and create a healthier community. The plan articulates how buildings, transportation/mobility, and citywide growth need to change to minimize impacts on the climate. The plan outlines strategies that City departments, related agencies, the private sector, and residents can take to reduce carbon emissions consistent with the Paris Climate Agreement. The plan recognizes the scaling of renewable energy, electrification and sharing of vehicle fleets, investments in public

43 Created by the U.S. Green Building Council, LEED is a certification system that assigns points for green building measures based on a 110-point rating scale.

44 Created by Build It Green, GreenPoint is a certification system that assigns points for green building measures based on a 381-point scale for multi-family developments and 341-point scale for single-family developments.

infrastructure, and the role of local jobs in contributing to sustainability. It includes detailed carbon-reducing commitments for the City, as well as timelines to deliver on those commitments.

Envision San José 2040 General Plan

Policies in the 2040 General Plan have been adopted for the purpose of avoiding or mitigating energy impacts from development projects. Policies applicable to the Project are presented in **Table 3.8-2** below.

Table 3.8-2 Envision San José 2040 Relevant Energy Policies

Policy	Description
Policy MS-1.6	Recognize the interconnected nature of green building systems, and, in the implementation of Green Building Policies, give priority to green building options that provide environmental benefit by reducing water and/or energy use and solid waste.
Policy MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
Policy MS-2.3	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy 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).
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions
Policy MS-14.1	Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.
Policy MS-14.3	Consistent with the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan, as revised and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use.
Policy MS-14.4	Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

Policy	Description
Policy MS-14.5	Consistent with State and Federal policies and best practices, require energy efficiency audits and retrofits prior to or at the same time as consideration of solar electric improvements.
Policy MS-14.6	Replace 100 percent of the City's traffic signals and streetlights with smart, zero emission lighting by 2022.
Policy MS-15.9	Train City code enforcement and development review staff in state-of-the-art Heating, Ventilation, and Air Conditioning (HVAC) and insulation industry standards, best practices, and resources to ensure buildings are constructed in compliance with those industry standards and best practices.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

Source: City of San José. 2024. *Envision San José 2040 General Plan*. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.

3.8.3 Impacts and Mitigation

3.8.3.1 Thresholds of Significance

For the purposes of this analysis and in accordance with CEQA Guidelines, a project impact to energy would be considered significant if the Project would:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

3.8.3.2 Methodology

Impacts related to energy resources were evaluated by qualitatively identifying the Project's energy demand and analyzing the Five Wounds Urban Village Plan policies related to energy consecration.

3.8.3.3 Project Impacts

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

A project's energy usage would be considered "wasteful, inefficient, and unnecessary" if the Project were to violate Title 24 of the California Code of Regulations, would be inconsistent with the energy-related measures in the City of San Jose's Climate Action Plan, or would otherwise consume a substantially greater amount of energy than projects of a similar size.

Future development that would be allowed by the Project would involve energy use (in the form of electricity, natural gas, and gasoline) during construction of infrastructure projects. Construction would require energy for off-road equipment operation, vendor and construction worker vehicle trips, and demolition haul trips. Once constructed, development under the Project would increase energy demand for electricity, natural gas, and gasoline for increased motor vehicle trips.

Future construction would adhere to the applicable energy conservation requirements in the San José Climate Action Plan, and the City's municipal code. Additionally, in accordance with 2040 General Plan Policy MS-14.3, the City would require all new residential and commercial construction to be designed for zero net energy use, as regulations are revised and technological advances make it feasible.

As described in the 2040 General Plan EIR, planned growth could substantially increase the demand for electricity and natural gas. Under the City's Green Building program, Climate Smart San José, and Greenhouse Gas Reduction Strategy, new development would be required to design for energy efficiency and conservation. Regulations that promote water conservation and recycling would also reduce energy demand associated with the built environment. Increased energy efficiency that lowers overall demand, including peak energy demands in the built environment, is also anticipated as a result of new technologies and energy efficiency requirements and incentives at the national, state, and local level. In addition, All future development within the Project area would be legally required to adhere to Title 24 of the California Code of Regulations.

2040 General Plan policies and regulations promote the use and expansion of renewable energy resources, including solar voltaic, solar hot water, wind, and biogas or biofuels. General Plan Policy MS-2.2 encourages alternative energy generation at existing and future development sites. The use of cogeneration technology and recovery of waste heat would provide additional sources of energy generation.

The 2040 General Plan EIR concluded that development allowed under the 2040 General Plan would not result in an exceedance in energy demand projected regionally. In addition, Implementation of 2040 General Plan policies and existing regulations such as Policy MS-2.2, would reduce energy consumption associated with the built environment such that new development would not consume energy in a manner that is wasteful, inefficient, or unnecessary.

The Project includes an amendment to the 2040 General Plan to increase residential and decrease commercial uses in the Project area. Nonetheless, the Project would not increase the total amount of development citywide beyond what was analyzed in the 2040 General Plan. Therefore, the Project would not increase the amount of energy projected to be consumed Citywide as part of the 2040 General Plan.

Compliance with regulations would reduce energy consumption associated with the built environment such that future development under the Project would not consume energy in a manner that is wasteful, inefficient, or unnecessary. Therefore, the Project would not result in a significant impact related to energy use associated with redevelopment and construction within the Five Wounds Urban Village Plan area. **(Less than Significant Impact)**

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

The Project would comply with various state and local guidelines that aim to regulate energy efficiency. Although the future development that would be allowed by the Project would increase the Project area's energy use, all future development projects would be required to comply with the energy efficiency standards set forth in Title 24, CALGreen, and the City's Municipal Code (i.e., Chapters 9.10, 11.105, 15.10, 17.84). The Project would also have to comply with Council Policy 6-32, which sets baseline green building standards for new construction in the City, and the Climate Smart San José program, which regulates growth in the City to minimize climate impacts. In addition, The Project would comply to the Five Wounds Urban Village Plan, which creates a transit node that reduce traffic congestion and result in reduced energy consumption.

With adherence to the state and local policies, the Project would be in compliance with various sustainable energy policies. The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency and would therefore not have an impact. **(No Impact)**

3.8.3.4 Cumulative Impacts

The potential energy impact associated with the past, present, and foreseeable project in conjunction with buildout of the Project includes cumulative wasteful, inefficient, or unnecessary consumption of energy resources which creates a significant impact. Please refer to **Table 3.2-1** of this EIR, for a list of past, present, and foreseeable projects considered for this analysis.

The 2040 General Plan EIR concluded that planned growth in the City of San José would not result in a significant impact related to energy, since implementation of the 2040 General Plan policies, existing regulations, and future technologies are expected to reduce energy consumption over business-as-usual conditions. Development under the Project would contribute to the increase in energy demand, but as a subset of planned growth and a key strategy for furthering the environmental goals of reducing greenhouse gas emissions from increased car trips and by placing jobs near housing to encourage more internalized, local walking, biking, and transit trips, the Project would not result in a new or more significant cumulative impact. All projects constructed within the City, including projects within the Project area as listed, would be required to comply with the polices of the General Plan, plus all applicable existing local, state, and federal regulations to prevent the inefficient use of energy within the City. Future development within the electrical and natural gas utility providers' service area would also be required to adhere to applicable local regulations, including the provisions of Title 24, designed to prevent use of energy. The Project would not result in cumulative impacts to energy resources.

3.9 Geology and Soils

This section discusses the impacts on geology and soils that would result from the implementation of the Project. No comments related to geology and soils were received during the public scoping process.

3.9.1 Environmental Setting

3.9.1.1 Existing Conditions

The Project area is in the Santa Clara Valley, a relatively flat alluvial basin, bounded by the Santa Cruz Mountains to the southwest and west, the Diablo Mountain Range to the east, and San Francisco Bay to the north. The Santa Clara Valley consists of a large structural basin containing alluvial deposits from the Diablo Range and Santa Cruz Mountains. The Santa Clara Valley is located within the Coast Ranges geomorphic province, a region characterized by fault-controlled valleys trending northwest-southeast. The Santa Clara Valley is underlain by sedimentary and metamorphic rocks of the Franciscan Complex. Overlying these rocks are alluvial sediments deposited by streams draining the adjacent mountains during recent geologic times (Holocene age). The alluvial deposits consist of unconsolidated to semi-consolidated sand, silt, clay, and gravel.[45]

The Project area is relatively flat with an average elevation of approximately 90 feet above mean sea level. [46] The Project area is largely developed and likely contains artificial fill, often referred to as undocumented or man-made fill, which includes materials that were placed to fill in naturally low areas or to create building pads and roadways. In some cases, older, non-engineered fills have been placed without standards for fill materials or compaction. Building on non-engineered fills can result in excessive settlement of structures, pavements, and utilities. Artificial fills placed using current engineering practices, however, are likely to avoid impacts from excessive or differential settlement. See **Figure 3.9-1** for the soils present in the Project area.

Seismic Hazards

The San Francisco Bay Area is recognized by geologists as one of the most seismically active regions in the United States. Significant earthquakes occurring in the Bay Area are generally associated with the San Andreas Fault system, which spans the Coast Ranges from the Pacific Ocean to the San Joaquin Valley. The Silver Creek fault, a potentially seismically active, northwest–southeast trending strike-slip fault structure runs northwest-southeast through the western portion of the Project area. No historic activity of the Silver Creek Fault has been recorded.[47] The City of San José considers the fault to be a rupture hazard only in the foothills but not in the Santa Clara Valley floor.[48] As shown on **Figure 3.9-2**, the Project area is, however, not located within an Alquist-Priolo Earthquake Fault Zone.[49]

Seismic activity can also result in hazards from several forms of ground failure, including fault rupture, soil liquefaction, lateral spreading, and differential settlement. Much of the Santa Clara Valley, including the Project area, is located within a Liquefaction Hazard Zone.[50] Liquefaction is the temporary transformation of loose, saturated granular sediments from a solid state to a liquefied state because of seismic ground shaking. Lateral

45 City of San José. 2011. Envision San José 2040 General Plan EIR. Available: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/completed-eirs/envision-san-jos-2040-general-plan . Accessed May 2024

46 Google Earth. 2025. Map of Five Wounds area for Elevation approximation. June 5, 2025.

47 U.S. Geological Survey (USGS). 2017. The Evergreen basin and the role of the Silver Creek fault in the San Andreas fault system, San Francisco Bay region, California. Available: https://www.usgs.gov/publications/evergreen-basin-and-role-silver-creek-fault-san-andreas-fault-system-san-francisco-bay. Accessed November 2024.

48 City of San José. 2011. Envision San José 2040 General Plan EIR. Available: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/completed-eirs/envision-san-jos-2040-general-plan . Accessed May 2024

49 California Department of Conservation. 2015. Fault Activity Map of California. Available: https://maps.conservation.ca.gov/cgs/fam/ . Accessed May 2024

50 City of San José. 2011. Envision San José 2040 General Plan EIR. Available: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/completed-eirs/envision-san-jos-2040-general-plan . Accessed May 2024

spreading typically occurs as a form of horizontal displacement of relatively flat-lying material toward an open face such as a body of water. Differential settlement is associated with loose unsaturated sandy soils, which are generally present along creeks. Seismically induced ground failure can cause damage to structures and paved areas.

3.9.2 Regulatory Framework

3.9.2.1 State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Special Studies Zones Act of 1972 was signed into law in 1972 and renamed the Alquist-Priolo Earthquake Fault Zoning Act in 1994. The intent of the law is to reduce the loss of life and property associated with surface rupture caused by active fault lines. The Alquist-Priolo Earthquake Zoning Act prohibits the placement of structures for human occupancy above active faults and sets minimum distances for construction away from the fault line. These fault lines are shown on Alquist-Priolo Maps, which are produced by the California Geological Survey. The State Geologist is responsible for delineating Earthquake Fault Zones around active and potentially active fault traces to reduce fault rupture risks to structures for human occupancy. The zones are revised periodically, and extend 200 to 500 feet on either side of identified active fault traces.

Seismic Hazards Mapping Act

The 1990 Seismic Hazards Mapping Act directs the California Geological Survey to identify and map areas prone to various earthquake-related hazards, including liquefaction, landslides, and amplified ground shaking. The Seismic Hazards Mapping Act is intended to reduce the threat of seismic hazards to public health and to minimize the loss of life and property through identification and mitigation of seismic hazards. The State Geologist establishes regulatory zones (Zones of Required Investigation) and issues Seismic Hazard Zone Maps. These maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling construction and development.

California Building Code

The most recent version of the California Building Code (CBC) was published on January 1, 2026. The CBC is a compilation of three types of building criteria from three different origins:

- Building standards that have been adopted by state agencies without change from building standards contained in national model codes;
- Building standards that have been adopted and adapted from the national model code standards to meet California conditions; and
- Building standards, authorized by the California legislature, that constitute extensive additions not covered by the model codes that have been adopted to address particular California concerns.

The CBC identifies acceptable design criteria for construction that addresses seismic design and load-bearing capacity, including specific requirements for seismic safety; excavation, foundation and retaining wall design, site demolition, excavation, and construction, and; drainage and erosion control.

Every three years the national model codes and standards are published, and by law California is required to incorporate specific model codes and standards into the California Building Standards Code, Title 24 of the California Code of Regulations (Title 24). During the 2021 Triennial Code Adoption Cycle, California state agencies reviewed the most recent edition of national model codes and standards, and made amendments and additions to most parts of Title 24.

Paleontological Resources Regulations – California Public Resources Code Section 30244

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. California Public Resources C (Section 5097.5) stipulates that the 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.

NPDES General Construction Permit

Per the federal Clean Water Act and State of California Porter-Cologne Water Quality Control Act, the State Water Resources Control Board has implemented a National Pollution Discharge Elimination System (NPDES) General Construction Permit for the State of California. Construction activity subject to this permit includes clearing, grading, and ground disturbances such as stockpiling or excavation. For projects disturbing one acre or more of soil, a Storm Water Pollution Prevention Plan (SWPPP) that includes site-specific Best Management Practices (BMPs) to control erosion and sedimentation and maintain water quality during the construction is required. The SWPPP also contains a summary of the structural and non-structural BMPs to be implemented during the postconstruction period, pursuant to the nonpoint source control practices and procedures of the City of San José and the RWQCB. This permit program and other erosion control requirements in the City of San José are discussed in **Section 3.12, Hydrology and Water Quality** of this EIR.

3.9.2.2 Local

Municipal Code Chapter 17.04 – Building Code

Chapter 17.04 sets forth rules and regulations to control excavation, grading, and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans, specifications, and inspection of grading construction. The purpose of Chapter 17.04 is to safeguard life, limb, property, water quality and natural resources, and to promote the public welfare by regulating grading and to establish uniform engineering standards and procedures for grading, and to allow reasonable deviations from these standards.

Municipal Code Chapter 17.10 – Geologic Hazard Regulations

Chapter 17.10 of the City's municipal code provides regulations for natural and artificial geologic hazards. Geologic hazard zones are defined as being any land in an area identified as very high, high, or moderate/high landslide susceptibility zones, being on a California earthquake fault zone map, or one of the City maps dated 1983 or 1985. Provisions made under this Chapter include prohibiting construction or grading of any property in a geologic hazard zone except in full compliance with Chapter 17.10, and granting any certificate holder, contractor, certified engineering geologist or consulting geotechnical and/or civil engineer the power to order immediate cessation of construction in the event a new geologic hazard is discovered.

Section 17.10.600 of this code states that "[n]o regional study which requires or contemplates any invasive testing or soil disturbance shall be conducted by an applicant unless and until the director approves a plan for the regional study." This section outlines various requirements for such a report, including requiring supervision of a certified engineering geologist or geotechnical engineer, incorporation of dust control measures to avoid air quality impacts from fugitive dust, requiring preparation of a cultural resources assessment to avoid cultural impacts, and other requirements. According to Section 17.10.300, the Project will require a site-specific geotechnical investigation report addressing the potential hazard of liquefaction, during the design phase prior to construction. This analysis must be prepared by a licensed geologist (Section 17.10.510).[51] The City Public Works Department's City Geologist will review the geotechnical investigation and issue a Geologic Clearance letter prior to the issuance of final grading permits. In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of

51 City of San José.2023. San José Municipal Code. Available: Chapter 17.10 - GEOLOGIC HAZARD REGULATIONS | Code of Ordinances | San José, CA | Municode Library. Accessed May 2024

Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

2040 General Plan

Policies in the Envision San José 2040 General Plan have been adopted for the purpose of avoiding or mitigating geology and soils impacts from development projects. Policies applicable to the Project are presented in **Table 3.9-1** below.

Table 3.9-1 Envision San José 2040 Relevant Geology and Soil Policies

Policy	Description
Emergency Management	
Policy ES-4.9	Permit development only in those areas where potential danger to the health, safety, and welfare of persons in that area can be mitigated to an acceptable level.
Policy ES-4.10	Update, as necessary, the San José Building Code, Fire Prevention Code and Municipal Code to address geologic, fire, flooding and other hazards, and to respond to changes in applicable State Codes.
Seismic Hazards	
Policy EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy EC-3.2	Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code would be followed.
Policy EC-3.3	The City of San José Building Official shall require conformance with state law regarding seismically vulnerable unreinforced masonry structures within the City.
Policy EC-3.4	The City of San José will maintain up-to-date seismic hazard maps with assistance from the California Geological Survey (or other state agencies) under the Alquist-Priolo Earthquake Fault Zoning Act and the California Seismic Hazards Mapping Act.
Policy EC-3.5	Locate, design and construct vital public utilities, communication infrastructure, and transportation facilities in a manner that maximizes risk reduction and functionality during and after an earthquake.
Policy EC-3.6	Restrict development in close proximity to water retention levees or dams unless it is demonstrated that such facilities would be stable and remain intact during and following an earthquake.
Action EC-3.8	Maintain and update Citywide seismic hazard maps for planning purposes on an on-going basis.

Policy	Description
Action EC-3.9	Revise and update provisions of the City of San José Geologic Hazard Ordinance, including geologic hazard zones, as new information becomes available from state and federal agencies on faults, earthquake induced landsliding, liquefaction, and/or lateral spreading.
Action EC-3.10	Require that a Certificate of Geologic Hazard Clearance be issued by the Director of Public Works prior to issuance of grading and building permits within defined geologic hazard zones related to seismic hazards.
Action EC-3.11	Make information available to residents and businesses on ways to reduce seismic hazards and emergency preparedness for an earthquake in conjunction with regional, state and federal agencies such as the Association of Bay Area Governments (ABAG) and the United States Geological Survey (USGS).
Geologic and Soil Hazards	
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
Policy EC-4.2	Approve development in areas subject to soils and geologic hazards, including un-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 adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the Project approval process.
Policy EC-4.3	Locate new public improvements and utilities outside of areas with identified soils and/or geologic hazards (e.g., deep seated landslides in the Special Geologic Hazard Study Area and former landfills) to avoid extraordinary maintenance and operating expenses. Where the location of public improvements and utilities in such areas cannot be avoided, effective mitigation measures would be implemented.
Policy EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
Policy 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 soil disturbance of one acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.
Policy EC-4.7	Consistent with the San José Geologic Hazard Ordinance, prepare geotechnical and geological investigation reports for projects in areas of known concern to address the implications of irrigated landscaping to slope stability and to determine if hazards can be adequately mitigated.

Policy	Description
Action EC-4.8	Maintain and update Citywide geologic hazard maps for planning purposes.
Action EC-4.9	Revise and update provisions of the City of San José Geologic Hazard Ordinance, including geologic hazard zones, as new information becomes available from state and federal agencies on landsliding potential and other geologic hazards.
Action EC-4.10	Require a Certificate of Geologic Hazard Clearance to be issued by the Director of Public Works prior to issuance of grading and building permits within defined geologic hazard zones.
Action 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.
Action EC-4.12	Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of a grading permit by the Director of Public Works.
Archaeology and Paleontology	
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the Project and then require, if needed, that appropriate mitigation measures be incorporated into the Project design.
Policy ER-10.3	Ensure that City, state, and federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

Source: City of San José. 2024. *Envision San José 2040 General Plan*. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.

Municipal Regional Stormwater National Pollution Discharge Elimination System Permit

The EPA has delegated oversight of National Pollution Discharge Elimination System (NPDES) requirements for municipal urban runoff discharges in California to the State Water Resources Control Board and the nine RWQCB offices. In 2022, the San Francisco Bay Regional Water Quality Control Board issued a regional NPDES permit (NPDES Permit Order R2-2022-0018, NPDES Permit No. CAS612008) for stormwater consolidating requirements for all Bay Area municipalities and flood control agencies that discharge directly to San Francisco Bay. Some provisions require regional action and collaboration, but others relate to specific municipal activities over which the municipalities have individual responsibility and control. The current permit is effective for five years, until June 30, 2027.

City of San José Urban Runoff Policy 6-29

This City Council policy requires all new and redevelopment projects to implement Post-Construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs) to the maximum extent practicable. This policy also establishes specified design standards for Post-Construction TCMs for applicable projects, including new development projects that create ten thousand (10,000) square feet or more of impervious surface area.

City of San José Hydromodification Policy 8-14

This City Council policy requires stormwater discharges from new and redevelopment projects that create or replace one acre or more of impervious surface to be designed and built to control project related hydromodification, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to beneficial uses of local rivers, streams, and creeks. The policy establishes specified performance criteria for Post-Construction hydromodification control measures and identifies projects which are exempt from hydromodification requirements.

3.9.3 Impacts and Mitigation

3.9.3.1 Thresholds of Significance

For the purposes of this analysis and in accordance with CEQA Guidelines, a project impact to geology and soils would be considered significant if the Project would:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

   i. 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;

   ii. Strong seismic ground shaking;

   iii. Seismic-related ground failure, including liquefaction; or

   iv. Landslides

b) Result in substantial soil erosion or the loss of topsoil;

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse;

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property;

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water; or

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

3.9.3.2 Methodology

The analysis of geology, soils, and seismicity impacts was informed by a review of publicly available data from federal and state agencies, including the United States Geological Survey, the California Geological Survey, and the U.S. Department of Agriculture. These sources provided geologic, soils, and seismic hazard information that was used to characterize baseline conditions and assess potential risks such as seismic activity, landslides, unstable slopes, and other geologic hazards within the Project area.

3.9.3.3 Project Impacts

a) Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. 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)

The Project area is not located within the State of California Earthquake Fault Hazard Zone. As previously discussed, the Silver Creek fault, a potentially seismically active, strike-slip fault structure runs northwest-southeast through the western portion of the Project area. No historic activity of the Silver Creek Fault has been recorded, and the City of San José considers the fault to be a rupture hazard only in the foothills but not in the Santa Clara Valley floor. Thus, the risk of ground rupture within the Project area is considered low and impacts relating to ground rupture would be less than significant. Therefore, buildout of the Project would result in a less than significant impact less than significant impact. **(Less than Significant Impact)**

ii) Strong seismic ground shaking?

Due to its location in a seismically active region, the Project area would likely be subject to strong seismic ground shaking during their design life in the event of a major earthquake on any of the region's active faults. This could pose a risk to proposed structures and infrastructure. Earthquake faults in the region, specifically the San Andreas, Calaveras, and Hayward faults are capable of generating earthquakes larger than 7.0 in magnitude. Seismic impacts would be minimized by implementation of standard engineering and construction techniques in compliance with the requirements of the California and Uniform Building Codes for Seismic Zone 4, a classification indicating areas of high seismic risk where structures must be designed to withstand significant ground shaking. Additionally, future development under the Project would be subject to various state and local regulations aimed at reducing geologic hazards.

Consistent with 2040 General Plan policies and the San José Municipal Code and standard permit condition, future projects would require a site specific and design-level geotechnical investigation to determine the exact soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including measures for site preparation, compaction, trench excavations, foundation and subgrade design, drainage, and pavement design. Subsurface exploration, laboratory testing, and engineering analyses may be required as part of the investigations. The reports shall be submitted to the City of San José Public Works Department for review prior to issuance of any site-specific grading or building permit. Adherence to these regulations would reduce impacts relating to strong seismic ground shaking to a less than significant level. Therefore, buildout of the Project would result in less than significant impacts. **(Less than Significant Impact)**

Standard Permit Conditions:

- A Geotechnical Report shall be submitted, reviewed, and approved by the City Geologist. The Geotechnical Report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with State of California guidelines for the preparation of seismic hazard evaluation reports (CGS Special Publication 117A, 2008, and the Southern California Earthquake Center report, SCEC, 1999). A recommended minimum depth of 50 feet should be explored and evaluated in the investigation. The City Geologist will review the Geotechnical Report and issue a Geologic Clearance.

b) iii) Seismic-related ground failure, including liquefaction?

As previously described, the Project area may be subject to strong ground shaking in the event of a major earthquake. The Project area is located within an area zoned by the State of California as having potential for seismically induced liquefaction hazards and within an area zoned in the Santa Clara County Geologic Hazard Zone maps as a Liquefaction Hazard Zone (see **Figure 3.9-2**). Impacts associated with seismic and liquefaction hazards would be minimized by applying appropriate engineering and construction techniques in compliance with the requirements of the California and Uniform Building Codes for Seismic Zone 4. Additionally, future development under the Project would be subject to various state and local regulations aimed at reducing geologic hazards described about in **Subsection 3.9.2, Regulatory Framework** of this EIR.

As discussed above under **threshold i)**, adherence to these regulations would reduce impacts relating to strong seismic ground shaking to a less than significant level. Therefore, buildout of the Project would result in a less than significant impact. **(Less than Significant Impact)**

iv) Landslides?

The Project area is in a topographically flat area and would not be subject to landslides (see **Figure 3.9-2**). Therefore, the buildout of the Project would have no impact to landslides. **(No Impact)**

c) Would the Project result in substantial soil erosion or the loss of topsoil?

The Project area consists of built environment. Future development would have the potential to expose topsoil to erosion from water or wind during construction or operational activities. For future development under the Project over one acre in size, erosion hazards would be minimized through implementation of site-specific erosion measures in Storm Water Pollution Prevention Plans (SWPPPs) under the NPDES General Construction Permit and grading and excavation requirements in the City's Municipal Code. Requirements for BMPs under the City's NPDES Municipal Permit, urban runoff policies, and the Municipal Code would be the primary means of enforcing erosion control measures through the grading and building permit process. In addition, 2040 General Plan policies and actions listed in **Table 3.9-1** of the 2040 General Plan, specifically Policy EC-4.1, Policy EC-4.4, Policy EC-4.5 and Action EC-4.12 would offer program-level mitigation for erosion hazards within the Project area. With the regulatory programs currently in place, the possible impacts of accelerated erosion during construction and associated with development and redevelopment would be less than significant. Therefore, buildout of the Project would result in a less than significant impact. **(Less than Significant Impact)**

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.
- If dewatering is needed, the design-level geotechnical investigations to be prepared for individual future development projects shall evaluate the underlying sediments and determine the potential for settlements to occur. If it is determined that unacceptable settlements may occur, then alternative groundwater control systems shall be required.

d) 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?

With the implementation of the previously identified state and local regulations aimed at reducing geologic hazards, which include 2040 General Plan policies related to geologic hazards, San José Municipal Code, and the CBC, development that would be allowed by the Project would not cause soils or geologic units to become unstable. Refer to the analysis under the response to impact **threshold a**). Therefore, buildout of the Project would result in a less than significant impact. **(Less than Significant Impact)**

Standard Permit Conditions:

The Project shall be constructed in accordance with the standard engineering practices in the CBC, 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 the future building on the site is designed to properly account for soil-related hazards on the site.

e) Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

The near-surface sediments blanketing the Project area are composed primarily of fine-grained silt and clay soils with varying expansive clay minerals, as well as varying sand and gravel content. Such units are typically moderately to very highly expansive. In general, alluvial fan sediments become increasingly finer grained with greater distance from the mountains. Consequently, expansive soils are more likely to be encountered in the relatively flat portions of Santa Clara Valley, including the Project area, where clayey silts and silty clays are present. Where expansive soils are present, foundations and pavements can be damaged when soils go through cycles of wetting and drying.

New development that would be allowed by the Project would occur primarily as intensification to the existing developed area. Hazards associated with expansive soils would be minimized by applying appropriate engineering and construction techniques in compliance with the requirements of the California and Uniform Building Codes for Seismic Zone 4 such as moisture control, chemical stabilization, mechanical stabilization and/or use of a drilled pier foundation. Additionally, as previously described, future development under the Project would be subject to various state and local regulations aimed at reducing geologic hazards.

Consistent with 2040 General Plan policies and the San José Municipal Code, future projects that would be allowed by the Project would be required to complete a design-level geotechnical investigation to verify compliance with applicable regulations. The reports shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including measures for site preparation, compaction, trench excavations, foundation and subgrade design, drainage, and pavement design. Subsurface exploration, laboratory testing, and engineering analyses may be required as part of the investigations. The reports shall be submitted to the City of San José Public Works Department for review prior to issuance of any site-specific grading or building permit. Adherence to these regulations would reduce impacts relating to expansive soils to a less than significant level. Therefore, buildout of the Project would result in a less than significant impact. **(Less than Significant Impact)**

f) 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 waste water?

The Project area is a fully urbanized area of San José. New development that would be allowed by the Project would occur primarily as intensification of the existing developed area. Future projects would include sanitary sewer lines connecting to existing utilities infrastructure and would not require the construction of alternative wastewater disposal systems, including septic tanks. Therefore, buildout of the Project would have no impact on soils from the use of septic tanks or alternative wastewater disposal systems. **(No Impact)**

g) Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The 2040 General Plan EIR identified the Project area as high paleontological sensitivity at depth, but not high sensitivity at the ground surface.[52] Additionally, soil within the Project area has been previously disturbed during construction of the existing buildings. Development of the site under the Project is not expected to encounter paleontological resources but construction activities associated with future development that would be allowed by the Project could significantly impact paleontological resources, if they are encountered.

Adherence to General Plan policies ER-10.2 and ER-10.3 and existing regulations such as California Public Resources Code Section 30244 necessitate the evaluation of possible palaeontologic sensitivity of specific

52 Figure 3.11-1. City of San José. 2011. Envision San José 2040 General Plan EIR. Accessed May 2024

development sites and the incorporation of measures to avoid or limit possible disturbance of resources if they are accidentally encountered. With implementation of General Plan policies and existing regulations and programs would substantially reduce impacts to paleontological resources to a less than significant impact. Therefore, buildout of the Project would result in a less than significant impact. **(Less than Significant Impact)**

Standard Permit Conditions:

- Paleontological Resources. If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee 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 Permittee shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of PBCE or the Director's designee.

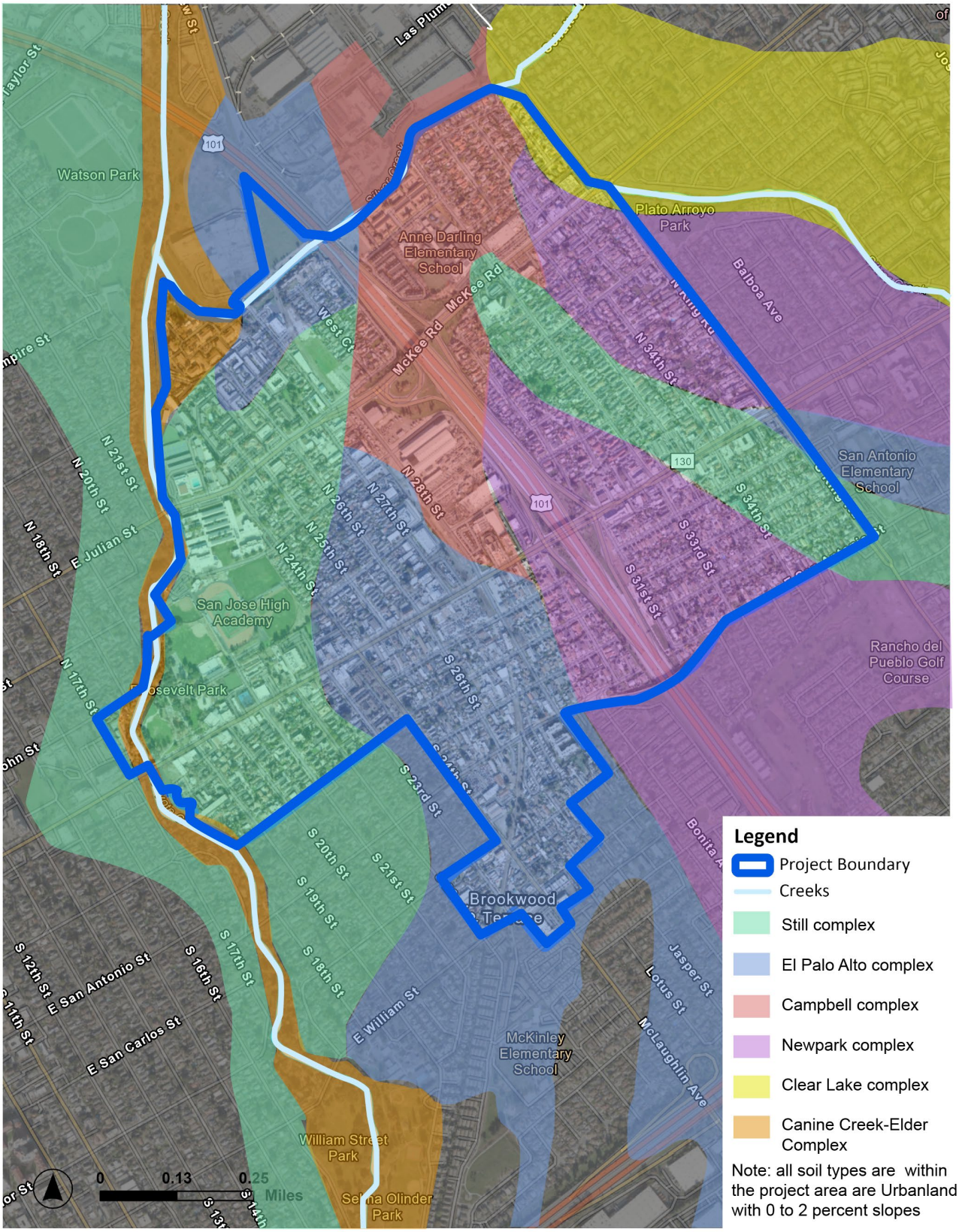
3.9.3.4 Cumulative Impacts

Planned growth in San José would increase the number of people exposed to risks related to geology and seismicity. Please refer to **Table 3.2-1**, of this EIR, for a list of past, present, and foreseeable projects. These projects, together with buildout of the General Plan and the proposed project, are considered as part of this analysis. While seismic hazards cannot be eliminated even with site-specific geotechnical investigation and advanced building practices, exposure to seismic hazards is a generally accepted part of living in the San Francisco Bay Area.

As described above, future development would be required to complete design-level geotechnical investigations as well as conforming to current building codes and standard permit conditions consistent with 2040 General Plan policies. These measures would also apply to the other projects planned for the Project area including the 28th Street/Little Portugal BART Station.

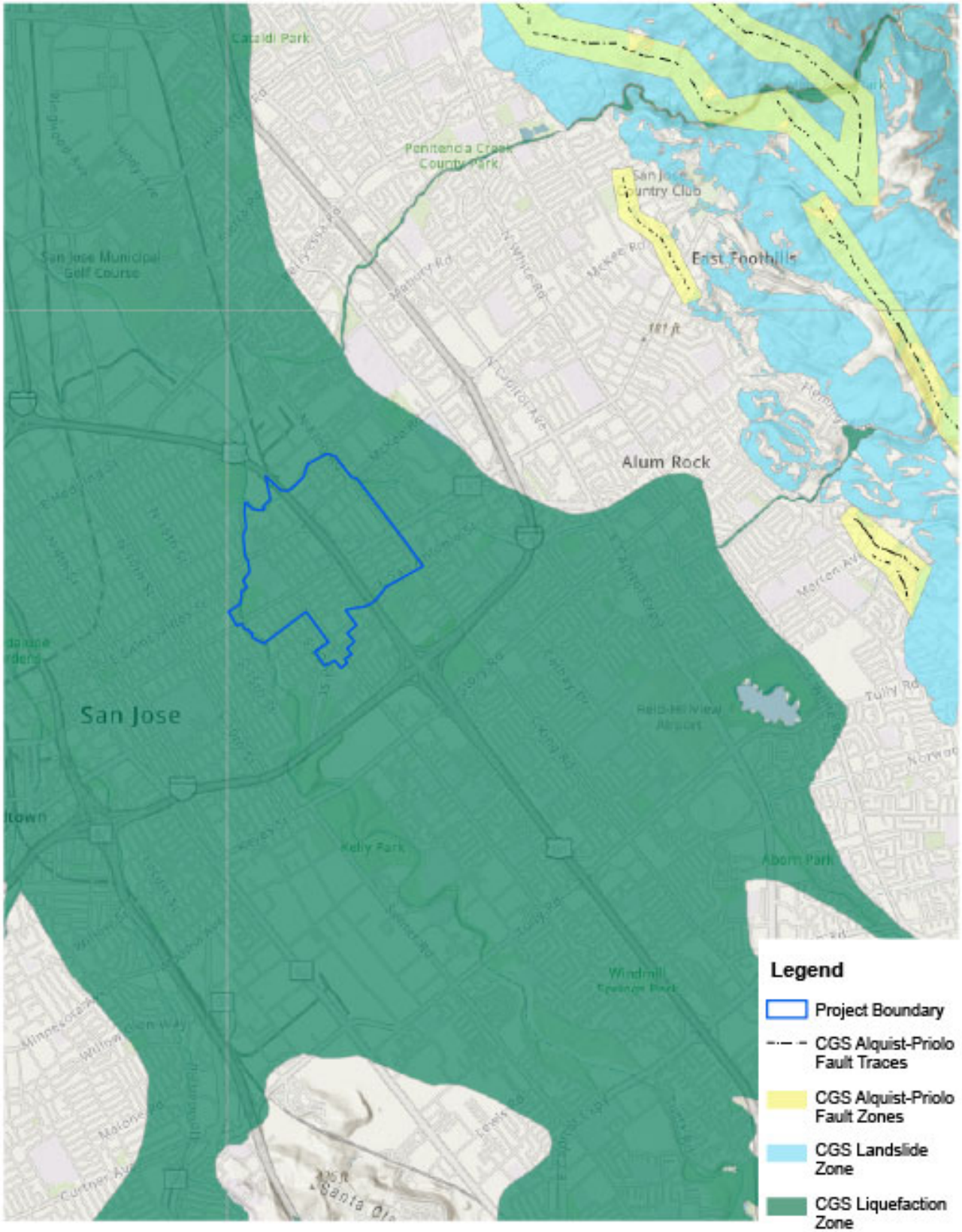
The former UPRR are not currently in use and are not expected to be in use in the future. However, a future underground BART tunnel is planned to go through the Project area. The BART to Livermore Extension Project EIR would be subject to its own environmental review and would be required to comply with regulations pertaining to geologic resources.

Related to geological hazards, planned regional development must comply with relevant laws such as the CBC and city y ordinances related to seismic hazards and building code requirements, which include specific design and engineering requirements designed to prevent damage from geologic hazards. Furthermore, geologic hazards are generally site-specific depending on the nature of the underlying soils, and do not combine with other geologic hazards in different locations to create larger cumulative impacts. Therefore, impacts from planned regional development and the proposed project would be cumulatively less than significant.



Soils in the Project Area Figure **3.9-1**

Source: Circlepoint, 2025



CGS Fault, Landslide, and Liquefaction Zones Figure **3.9-2**

Source: Circlepoint, 2025

3.10 Greenhouse Gas Emissions

This section discusses the impacts from greenhouse gas (GHG) emissions that would result from implementation of the Project. The following discussion is based on the Air Quality and Greenhous Gas Assessment prepared for the Project by Illingworth & Rodkin, Inc., dated June 18, 2024. This report is attached as **Appendix C** to this EIR. No public scoping comments related to GHG emissions were received.

3.10.1 Environmental Setting

3.10.1.1 Existing Conditions

As discussed in **Chapter 3.0, Environmental Setting, Impacts, and Mitigation**, of this EIR, the 2040 General Plan EIR and subsequent reviews evaluated the potential transportation CEQA impacts of buildout of the 2040 General Plan using 2015 as the existing condition baseline. For this reason, this section uses a baseline of the current land use designation (as opposed to the existing physical condition.

Various gases in the earth's atmosphere, classified as atmospheric GHGs, play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. GHGs, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (CO_2), methane (CH_4), ozone (O_3), water vapor, nitrous oxide (N_2O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. Climate change is a cumulative effect from local, regional, and global GHG emission contributions. According to the EPA on a Global scale, CARB on a state scale, and Air District on a County scale, the transportation sector is the largest emitter of GHG emissions, followed by electricity generation and the industrial sector.[53,54,55] San José's transportation sector is also the largest emitter of GHG emission, but followed by residential and commercial development.[56] The U.S. EPA reported that in 2020, total gross nationwide GHG emissions were 5,981.4 million metric tons (MMT) carbon dioxide equivalent (CO_2e).[57] These emissions were lower than peak levels of 7,434.8 MMT that were emitted in 2005. CARB updates the statewide GHG emission inventory on an annual basis where the latest inventory includes 2000 through 2019 emissions.[58] In 2019, GHG emissions from statewide emitting activities were 418.2 MMT. The 2020 emissions have decreased by 15 percent since peak levels in 2004 and are 13 MMT below the 1990 emissions level and the State's 2020 GHG limit. Per capita GHG emissions in California have dropped from a 2001 peak of 14.1 metric tons (MT) per person to 10.5 MT per person in 2019. The most recent Bay Area emission inventory was computed for the year 2011.[59] The Bay Area GHG emission were 87 MMT. As a point of comparison, statewide emissions were about 444 MMT in 2011. According to the City of San José's GHG Reduction Strategy (GHGRS), the City's emissions were 5.71 MMT.

53 EPA, Inventory of U.S. Greenhouse Gas Emissions and Sinks, 2022.
54 CARB, Current California GHG Emission Inventory Data, 2022.
55 BAAQMD, Bay Area Emissions Inventory Summary Report: Greenhouse Gases Base Year 2011, 2015.
56 City of San José, San José 2030 Greenhouse Gas Reduction Strategy, August 2020.
57 EPA, Inventory of U.S. Greenhouse Gas Emissions and Sinks, 2022.
58 CARB, Current California GHG Emission Inventory Data, 2022.
59 BAAQMD, Bay Area Emissions Inventory Summary Report: Greenhouse Gases Base Year 2011, 2015.

3.10.2 Regulatory Framework

3.10.2.1 Federal

Federal Clean Air Act

The Federal Clean Air Act (FCAA), first passed in 1970, is the overarching federal-level law that, as of 2007 via the U.S. Supreme court decision in Massachusetts v. EPA, enables the U.S. EPA to provide regulations of key GHG emissions sources (mobile emissions), established a mandatory emissions reporting program for large stationary emitters, and implementation of vehicle fuel efficiency standards.

3.10.2.2 State

Assembly Bill 32 – California Global Warming Solutions Act

Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006, codifies the State of California's GHG emissions target by directing CARB to reduce the state's global warming emissions to 1990 levels by 2020. AB 32 was signed and passed into law by Governor Schwarzenegger on September 27, 2006. Since that time, the CARB, the California Energy Commission (CEC), the California Public Utilities Commission (CPUC), and the Building Standards Commission have all been developing regulations that will help meet the goals of AB 32 and Executive Order S-3-05.[60]A Scoping Plan for AB 32 was adopted by CARB in December 2008. It contains the State of California's main strategies to reduce GHGs from business as usual (BAU) emissions projected in 2020 back down to 1990 levels. BAU is the Projected emissions in 2020, including increases in emissions caused by growth, without any GHG reduction measures. The Scoping Plan has a range of GHG reduction actions, including direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as a cap-and-trade system. It required CARB and other state agencies to develop and adopt regulations and other initiatives reducing GHGs by 2012. As directed by AB 32, CARB has also approved a statewide GHG emissions limit. On December 6, 2007, CARB staff resolved an amount of 427 MMT of CO_2e as the total statewide GHG 1990 emissions level and 2020 emissions limit. The limit is a cumulative statewide limit, not a sector-or facility-specific limit. CARB updated the future 2020 BAU annual emissions forecast, considering the economic downturn, to 545 MMT of CO_2e. Two GHG emissions reduction measures currently enacted that were not previously included in the 2008 Scoping Plan baseline inventory were included, further reducing the baseline inventory to 507 MMT of CO_2e. Thus, an estimated reduction of 80 MMT of CO_2e is necessary to reduce statewide emissions to meet the AB 32 target by 2020.CARB prepared an updated Scoping Plan which was released in 2017. The 2017 Scoping Plan identifies ways for California to reach the statewide 2030 climate target and next steps for reaching the 2050 target goal.

Senate Bill 32 – California Global Warming Solutions Act of 2006

In September 2015, the California Legislature passed SB 350 (de León 547, 2015), which increases the State's RPS for content of electrical generation from the 33 percent target for 2020 to a 50 percent renewables target by 2030.

Senate Bill 375 – California's Regional Transportation and Land Use Planning Efforts

Senate Bill (SB) 375, signed in August 2008, requires sustainable community strategies (SCS) to be included in RTPs to reduce emissions of GHGs. The Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) adopted an SCS in July 2013 that meets GHG reduction targets. The Plan Bay Area is the SCS document for the Bay Area, which is a long-range plan that addresses climate protection, housing, healthy and safe communities, open space and agricultural preservation, equitable access, economic vitality, and transportation system effectiveness within the San Francisco Bay region.[61] The document is updated every four years, so the MTC and ABAG are currently developing the Plan Bay Area 2040.

60 Note that AB 197 was adopted in September 2016 to provide more legislative oversight of CARB.

61 Metropolitan Transportation Commission. 2013. Bay Area Plan; Strategy for a Sustainable Region. Available: https://files.mtc.ca.gov/library/pub/28536.pdf. Accessed June 2025.

Senate Bill 1368

SB 1368 is the companion bill of AB 32 and was signed by Governor Schwarzenegger in September 2006. SB 1368 required the CPUC to establish a GHG emission performance standard. Therefore, on January 25, 2007, the CPUC adopted an interim GHG Emissions Performance Standard to help mitigate climate change. The Emissions Performance Standard is a facility-based emissions standard requiring that all new long-term commitments for baseload generation to serve California consumers be with power plants that have emissions no greater than a combined cycle gas turbine plant. That level is established at 1,100 pounds of Carbon Dioxide (CO_2) per megawatt-hour. "New long-term commitment" refers to new plant investments (new construction), new or renewal contracts with a term of five years or more, or major investments by the utility in its existing baseload power plants. In addition, the CEC established a similar standard for local publicly owned utilities that cannot exceed the GHG emission rate from a baseload combined-cycle natural gas fired plant. On July 29, 2007, the Office of Administrative Law disapproved the CEC's proposed Greenhouse Gases Emission Performance Standard rulemaking action and subsequently, the CEC revised the proposed regulations. SB 1368 further requires that all electricity provided to California, including imported electricity, must be generated from plants that meet the standards set by the CPUC and CEC.

Executive Order S-03-05

On June 1, 2005, Governor Schwarzenegger signed Executive Order S-03-05, the purpose of which was to implement requirements for the California Environmental Protection Agency ("Cal EPA") to provide ongoing reporting on a biennial basis to the State Legislature and Governor's Office on how global warming is affecting the State. Required areas of impact reporting include public health, water supply, agriculture, coastline, and forestry. The Cal EPA secretary is required to prepare and report on ongoing and upcoming mitigation designed to counteract these impacts.

Executive Order B-30-15

On April 15, 2015, Governor Brown signed Executive Order B-30-15, the purpose of which is to establish a GHG reduction of 40 percent below 1990 levels by 2030. The Executive Order is intended to help the State work towards a further emissions reduction target of 80 percent below 1990 levels by the year 2050. The order directed state agencies to prepare for climate change impacts through prioritization of adaptation actions to reduce GHG emissions, preparation for uncertain climate impacts through implementation of flexible approaches, protection of vulnerable populations, and prioritization of natural infrastructure approaches.

Executive Order B-55-18 and SB 100 – 100 Percent Clean Energy Act of 2018

On September 10, 2018, Governor Brown signed both SB 100 – 100 Percent Clean Energy Act of 2018 and Executive Order B-55-18 to Achieve Carbon Neutrality. SB 100 set California on course to achieving carbon-free emissions from the electric power production sector by 2045. SB 100 also increased the required emissions reduction generated by retail sales to 60 percent by 2030, an increase of 10 percent compared to previous goals. B-55-18 established a new goal of achieving statewide "carbon neutrality as early as possible and no later than 2045, and to achieve and maintain net negative emissions thereafter."

3.10.2.3 Regional and Local

Bay Area Air Quality Management District

The Air District is primarily responsible for assuring that the federal and state ambient air quality standards for criteria pollutants are attained and maintained in the Bay Area. The Air District's May 2017 CEQA Air Quality Guidelines update the 2010 CEQA Air Quality Guidelines, addressing the California Supreme Court's 2015 opinion in the California Building Industry Association vs. Bay Area Air District court case. To attain and maintain federal and state ambient air quality standards, the Air District establishes thresholds of significance for construction and operational period emissions for criteria pollutants and their precursors (see **Table 3.5-1**).

2017 Bay Area Clean Air Plan

The Air District, along with other regional agencies such as ABAG and the MTC, develops plans to reduce air pollutant emissions. The most recent clean air plan is the Bay Area 2017 Clean Air Plan: Spare the Air, Cool the Climate ("2017 CAP"), which was adopted by Air District in April 2017. This is an update to the 2010 CAP, and centers on protecting public health and climate. The 2017 CAP identifies a broad range of control measures. These control measures include specific actions to reduce emissions of air and climate pollutants from the full range of emission sources and is based on the following four key priorities:

- Reduce emissions of criteria air pollutants and TACs from all key sources.
- Reduce emissions of "super-GHGs" such as methane, black carbon, and fluorinated gases.
- Decrease demand for fossil fuels (gasoline, diesel, and natural gas).
- Decarbonize our energy system.

City of San José Municipal Code

The City's Municipal Code includes the following regulations that would reduce GHG emissions from future development:

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

Council Policy 6-32 Private Sector Green Building Policy

In October 2008, the City Council adopted the Council Policy 6-32 "Private Sector Green Building Policy", which identifies baseline green building standards for new private construction and provides a framework for the implementation of these standards. This Policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards.

City of San José 2030 Greenhouse Gas Reduction Strategy

On December 15, 2015, the San José City Council certified a Supplemental Program Environmental Impact Report to the Envision San José 2040 Final Program Environmental Impact Report and re-adopted the City's GHG Reduction Strategy in the 2040 General Plan. The GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Guidelines and standards for "qualified plans" as set forth by Air District. Projects that conform to the 2040 General Plan Land Use/Transportation Diagram and supporting policies are considered consistent with the City's GHG Reduction Strategy.

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

The Greenhouse Gas Reduction Strategy was updated for 2030. The 2030 GHG Reduction Strategy was adopted and the EIR Addendum were certified by the City Council on November 17, 2020. The 2030 GHG Reduction Strategy went into effect on December 17, 2020.

The 2030 GHG Reduction Strategy outlines the actions the City will undertake to achieve its proportional share of State GHG emission reductions for the interim target year 2030. The 2030 GHG Reduction Strategy presents the City's comprehensive path to reduce GHG emissions to achieve the 2030 reduction target, based on SB 32, Air

District, and OPR requirements. Additionally, the 2030 GHG Reduction Strategy leverages other important City plans and policies; including the 2040 General Plan, Climate Smart San José, and the City Municipal Code in identifying reductions strategies that achieve the City's target. CEQA Guidelines Section 15183.5 allows for public agencies to analyze and mitigate GHG emissions as part of a larger plan for the reduction of GHGs. Accordingly, the City's 2030 GHG Reduction Strategy represents San José's qualified climate action plan in compliance with CEQA.

As described in the 2030 GHG Reduction Strategy, the GHG reductions will occur through a combination of City initiatives in various plans and policies to provide reductions from both existing and new developments. A GHG Reduction Strategy Compliance Checklist ("checklist") was developed that applies to proposed discretionary projects that require CEQA review. Therefore, the checklist is a critical implementation tool in the City's overall strategy to reduce GHG emissions. Implementation of applicable reduction actions in new development projects will help the City achieve incremental reductions toward its target. Per the 2030 GHG Reduction Strategy, the City will monitor strategy implementation and make updates, as necessary, to maintain an appropriate trajectory to the 2030 GHG target. Specifically, the purpose of the checklist is to:

- Implement GHG reduction strategies from the 2030 GHGRS to new development projects.
- Provide a streamlined review process for proposed new development projects that are subject to discretionary review and trigger environmental review pursuant to CEQA.

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 commercial buildings would be Zero Net Energy by 2030 (Note that Zero Net Energy buildings would be all electric with a carbon-free electricity source).
- One gigawatt of solar power would be installed in San José by 2040.
- 61 percent of passenger vehicles would be powered by electricity by 2030.

The CEC updates the California Building Energy Efficiency Standards every three years, in alignment with the California Code of regulations. Title 24 Parts 6 and 11 of the California Building Energy Efficiency Standards and the California Green Building Standards Code ("CALGreen") address the need for regulations to improve energy efficiency and combat climate change.

Envision San José 2040 General Plan

In addition to the above, policies in the 2040 General Plan have been adopted for the purpose of avoiding or mitigating GHG emissions impacts from development projects. Policies applicable to the Project are presented in **Table 3.10-1** below.

Table 3.10-1 Envision San José 2040 Relevant Geology and Soil Policies

Policy	Description
Policy 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.
Policy MS-1.2	Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.

Policy	Description
Policy MS-1.4	Foster awareness of San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.
Policy MS-2.3	Encourage consideration of solar orientation, including building placement, landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy MS-2.6	Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.
Policy 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).
Policy MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
Policy MS-5.6	Enhance the construction and demolition debris recycling program to increase diversion from the building sector.
Policy MS-6.5	Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.
Policy MS-10.1	Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures.
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current Air District CEQA Guidelines for the relevant project size and type.
Policy MS-13.4	Adopt and periodically update dust, particulate, and exhaust control standard measures for demolition and grading activities to include on project plans as conditions of approval based upon construction mitigation measures in the Air District CEQA Guidelines.
Policy MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar

Policy	Description
	building design, and planting of trees and other landscape materials to reduce energy consumption.
Policy MS-21.1	Manage the Community Forest to achieve San José's environmental goals for water and energy conservation, wildlife habitat preservation, stormwater retention, heat reduction in urban areas, energy conservation, and the removal of carbon dioxide from the atmosphere.
Policy TR-1.16	Develop a strategy to construct a network of public and private alternative fuel vehicle charging/fueling stations city wide. Revise parking standards to require the installation of electric charging infrastructure at new large employment sites and large, multiple family residential developments.

Source: City of San José. 2024. *Envision San José 2040 General Plan*. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.

3.10.3 Impacts and Mitigation

3.10.3.1 Thresholds of Significance

For the purposes of this analysis and in accordance with CEQA Guidelines, a project impact to greenhouse gas emissions would be considered significant if the Project would:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

3.10.3.2 Methodology

Air District'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 Air District 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 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

iv) 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).

The goal of the Project is to support and complement the planned transit investment by creating a mix of neighborhood-serving uses, employment opportunities, and high-density housing within the boundaries of the Project area that would provide residents with the opportunity to meet many of their daily needs by walking, bicycling or taking transit, thereby furthering the City's General Plan goals to support a healthy community, and reduce traffic congestion and resulting GHG emissions and energy consumption.

The Project includes the following measures related to GHG:

- 2.2 Transportation Demand Management (TDM) / Transportation Management Association (TMA)-Managed Measures: The citywide TDM policy mandates that every qualifying1 development in the City achieve 25 TDM points. This plan recommends updating the citywide TDM policy to introduce a new TDM point schedule for parking reduction in the Five Wounds area. These changes align with the MTC's Transit-Oriented Communities (TOC) Policy and reflect the need for sustainable, reduced parking solutions. This plan also recommends establishing mandatory TDM measures for qualifying developments in the Five Wounds area. While these requirements will apply to new developments, the benefits will extend to the entire community. The recommended required TDM measures are as follows:
    - Right-Size Vehicle Parking Supply PK01: Parking is a critical consideration in the Urban Village, particularly for individuals who rely on personal vehicles due to limited transit options. However, excessive parking supply and car reliance can negatively impact the environment, community safety, and quality of life, leading to increased GHG emissions, traffic congestion, and spillover parking in nearby neighborhoods. While the existing Citywide TDM policy incentivizes developers to "right-size" parking, this plan introduces a revised point schedule that provides even stronger incentives for parking reduction, aligning with MTC's TOC policy.
    - Mandatory: Provide Transit Fare Subsidies TP07 Requirement: Earn 1 or More Point(s) This strategy involves providing residents and employees in the Urban Village with discounted or free transit passes. This provides a financial incentive to using public transit. Subsidized transit passes can significantly influence travel behavior by making public transportation a more attractive and cost-effective option compared to driving. The program can be implemented through partnerships with local transit agencies, allowing for bulk purchasing of transit passes or direct subsidies to residents' transit cards. Developers can achieve additional TDM points by increasing the rate of subsidy and or offering subsidized transit passes to community members outside their developments. This measure not only supports the reduction of VMT and GHG emissions, but also helps to alleviate parking demand and traffic congestion within the Urban Village.

3.10.3.3 Project Impacts

a) Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Implementation of the proposed Project would result in the generation of GHG emissions due to construction as the anticipated development, as well as due to operation of both new and existing uses. Buildout of the proposed Five Wounds Urban Village Plan would involve infrastructure and public facility improvements that would generate GHG emissions from a variety of sources. The CalEEMod model was used to estimate annual emissions associated with the Project and existing 2040 General Plan scenario. Annual unmitigated emissions in 2040 for buildout conditions of the 2040 General Plan are estimated to be 2.75 million MT of CO_2e, as shown in **Table 3.10-2**. Compared to the original General Plan projection, which have already accounted for growth of the Urban Villages, the project, which combines and enlarges the four planned Urban Villages, would lead to changes in development types with more residential and less commercial/office uses. As a result, the Project would increase unmitigated

GHG emissions by an estimated 17,175 MT of CO_2e per year, for a total annual GHG emissions estimate of 2.76 million MT of CO_2e. Thus, the Project represents a 0.63 percent increase in GHG emissions from what was originally planned, assuming the 2040 population in the City of San José increases proportionally to the number of residential units added by the Project. The increase in annual GHG emissions would decrease to 0.09 percent if new residential units in the planning area are 100 percent electric (i.e., no natural gas appliances).

Table 3.10-2 Annual Project GHG Emissions (CO_2e) in Metric Tons, 2040

Scenario	Source Category	2040 General Plan Emissions	General Plan with project	Difference
Unmitigated	Mobile	2,710,984	2,710,286	-698
	Area	296	468	+172
	Energy Consumption	31,589	47,966	+16,377
	Water Usage	860	860	---
	Solid Waste Generation	3,155	4,465	+1,310
	Refrigeration	22	35`	+13
	Total (Metric Tons per Year)	**2,746,905**	**2,764,081**	**+17,175**
Mitigated	Mobile	2,170,984	2,710,286	-698
	Area	296	468	+172
	Energy Consumption	9,679	11,300	+1,621
	Water Usage	860	860	---
	Solid Waste Generation	3,155	4,465	+1,310
	Refrigeration	22	35	+13
	Total (Metric Tons per Year)	**2,726,999**	**2,729,961**	**+2,419**

Source: Illingworth & Rodkin, Inc. 2024

The 2040 General Plan EIR determined that the City's projected GHG emissions, without further reductions, would constitute a cumulatively considerable contribution to global climate change. However, in 2020 the City adopted The City of San José GHGRS to serve as a Qualified GHGRS or a community-wide plan approved by Air District to GHG emissions in accordance with AB 32 goals. Air District's plan-level significance thresholds are:

The Plan must meet State's goals to reduce emissions to 40 percent below 1990 levels by 2030 and carbon neutrality by 2045; or
Be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

Future projects would have to demonstrate consistency with the City's GHGRS that meets the criteria under State CEQA Guidelines Section 15183.5(b), which specifically addresses the development of GHG reduction plans for streamlining related analysis under CEQA. The GHGRS requires the analysis of project emissions and possible climate change impacts resulting from new development.

Using annual GHG inventories as baseline, the City is observing changes in community GHG emissions over the years and monitor GHG reduction progress. The City has established a set of reduction strategies – based on Green Vision Goals, Climate Smart San José Strategies, and the 2040 General Plan – that promote emissions reduction to reach the City's 2030 target goal. Active emissions monitoring, emphasis on renewable energy, improved waste

management, and water conservation strategies would be employed to reduce additional emissions that may result from project development. Future development allowed by the Project will abide by the regulations set forth in the City's GHGRS. The City's 2030 target achievement of mass emissions is generating below 5.3 million MT CO_2e/year. The 17,175 MT CO_2e/year predicted to result from the Project presents only a negligible portion of these emissions, especially with the implementation of the GHGRS. In addition, the Project would support the future BART station by proposing higher density transit-oriented development, which could help with the City's target in reducing emissions. Therefore, the Project would be considered less than significant at the plan level.

Future development in the Project would meet the GHGRS requirement or would alternatively meet the Air District criteria.

The City of San José General Policy MS-10.1 specifies that individual construction projects should assess projected air emissions from new developments in conformance with the Air District CEQA Guidelines and relative to State and federal standards. Each project must identify and implement feasible air emission reduction measures including the BMPs recommended by Air District. Feasible air emission reduction measures have been adopted by the City as Standard Permit Conditions (per General Plan policies MS-10.1, MS-13.1, and MS-13.4) during all phases of construction to reduce dust and other particulate matter emissions. Therefore, all construction projects in the Project area would be required to meet the City's Standard Permit Conditions. Individual projects within the Project area would be subject to the City's GHGRS, which is considered a qualified plan. Therefore, the Project impacts are considered less than significant. **(Less than Significant Impact)**

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

The Project would not conflict or otherwise interfere with the statewide GHG reduction measures, including decarbonizing energy supply, reducing non-combustion emissions, reducing driving demands, and generating clean electricity, which are identified in CARB's Scoping Plan. Future development projects would be required to comply with the City's Green Building Code. For example, proposed buildings would be constructed in conformance with CALGreen and the Title 24 Building Code, which requires high-efficiency water fixtures and water-efficient irrigation systems. The Project would not change relevant GHG emissions reduction measures included in the 2040 General Plan or the City of San José GHGRS. In addition, the introduction of new BART station and higher development densities proposed by the Project would reduce VMT in the City which would lead to overall GHG emissions reduction. A less than significant impact would occur related to GHG emissions. **(Less than Significant Impact)**

3.10.3.4 Cumulative Impacts

Past, present, and future development projects worldwide may contribute to global climate change (see **Table 3.2-1**). No single project is sufficient in size to, by itself, change the global average temperature. Therefore, due to the nature of GHG impacts, a significant project impact would result from a significant cumulative impact. Buildout of the Project would be consistent with the City of San José GHGRS and 2040 General Plan and would not result in a significant GHG impact and, therefore, would not result in a new cumulative impact or make a cumulatively considerable contribution to a previously identified significant impact related GHG emissions. The Project in combination with other past, present, and foreseeable projects, including the buildout of the 2040 General Plan would not result in a cumulative impact related to GHG emissions.

3.11 Hazards and Hazardous Materials

This section discusses the impacts on hazards and hazardous materials that would result from implementation of the Project. During the public scoping process, the California Department of Toxic Substances Control (DTSC) requested additional information for the Project and areas that may fall under the DTSC oversight with future environmental documents. In response, the Project team conducted a preliminary review of available environmental databases and historical land use records to assess potential concerns. Relevant findings have been incorporated into the EIR. Coordination with DTSC will continue as appropriate throughout the CEQA process.

3.11.1 Environmental Setting

3.11.1.1 Existing Conditions

The Project area is currently developed with a range of residential, commercial, and industrial uses, including facilities that may use hazardous materials or generate hazardous waste such as dry cleaners, gas stations, automotive repair/service facilities, and industrial/construction supply businesses. Other industrial uses in the area include furniture and upholstery firms (on South 24th Street, South 23rd Street, and North 27th Street), towing services and junk hauling firms (on South 24th Street), and paving/asphalt reprocessing facilities (on Alum Rock Avenue and South 24th Street).

Hazardous materials are commonly found in building materials that may be affected during demolition and renovation activities associated with redevelopment. Prior to 1978, lead compounds were commonly used in interior and exterior paints. Prior to the 1980s, building materials often contained asbestos fibers, which were used to provide strength and fire resistance. Building demolition can release lead particles and/or asbestos fibers into the air, where they may be inhaled by construction workers and the general public. Many structures in the study area were built prior to the 1970s, and are likely to contain asbestos and lead-based building materials. Other common hazardous materials include fluorescent lighting, electrical switches, heating/cooling equipment, chemically-treated wood, and thermostats, which may pose a health risk if not handled and disposed of properly.

Residential uses typically do not present significant hazardous material impacts. With residential uses, hazardous materials are not handled in significant quantities, and the materials used for cleaning and maintenance are not classified as acutely hazardous. Industrial and commercial land uses have a higher likelihood of hazardous materials impacts. However, there are no large-scale manufacturing facilities that are likely to store or use toxic gases or significant quantities of hazardous materials within or adjacent to the Project area. The Project area may contain potential hazardous risks due to the presence of aboveground fuel tanks, high pressure natural gas transmission lines, and/or facilities that have the potential to generate small quantities of hazardous wastes in the Project area.

Regulatory databases were reviewed to identify known or suspected sources of contamination. According to CalRecycle's list, the Project area does not contain any solid waste facilities or disposal sites, including landfills, transfer stations, material recovery facilities, composting sites, or closed disposal sites.[62]

According to SWRCB's Geotracker database, there are approximately 23 properties within the Project area that are listed as closed Leaking Underground Storage Tank (LUST) cases, two open cleanup program site cases, and two closed cleanup program site cases (refer to **Figure 3.11-1**).[63]

According to the DTSC's EnviroStor database and the Cortese List, there is one Active Site Evaluation (located on 1641 McKee Road) and one School Investigation site (370 Wooster Avenue) within the Project area. There are no

62 CalRecycle. 2024. Solid Waste Information System (SWIS), Facility/Site Listing. Available: https://www2.calrecycle.ca.gov/solidwaste/site/search. Accessed: June 2024.
63 California State Water Resources Control Board. 2024. GeoTracker. Available: https://geotracker.waterboards.ca.gov/. Accessed: June 2024.

Federal Superfund sites, State Response sites, or Voluntary Cleanup sites within the Project area (refer to **Figure 3.11-2**).[64]

3.11.2 Regulatory Framework

3.11.2.1 Federal

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress in 1980 and is administered by the U.S. EPA. 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. CERCLA 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.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) is a Federal law passed by Congress in 1976 to address the increasing problems from the nation's growing volume of municipal and industrial waste. RCRA creates the framework for the proper management of hazardous and non-hazardous solid waste and is administered by the U.S. EPA. RCRA protects communities and resource conservation by enabling the EPA to develop regulations, guidance, and policies that ensure the safe management and cleanup of solid and hazardous waste, and programs that encourage source reduction and beneficial reuse. The term RCRA is often used interchangeably to refer to the law, regulations, and EPA policy and guidance.

3.11.2.2 State

California Department of Toxic Substances Control

DTSC is a State agency that protects California citizens and the environment from exposure to hazardous waste by enforcing hazardous waste laws and regulations. DTSC enforces action against violators; oversees the cleanup of hazardous wastes on contaminated properties; makes decisions on permit applications from companies that want to store, treat or dispose of hazardous waste; and protects consumers against toxic ingredients in everyday products.

Cortese List: Section 65692.5(a)

California Code of Regulations Section 65962.5(a) requires that the DTSC compile and update an annual list, known as the Cortese List, of all hazardous waste facilities subject to corrective action, pursuant to Section 25187.5 of the Health and Safety Code. Facilities are added to the Cortese List are those that have failed to comply with a posted date for taking corrective action for an existing hazard or because DTSC determined that immediate corrective action is necessary to abate an imminent or substantial endangerment. The Cortese List includes hazardous substance release sites identified by the DTSC, SWRCB, and the Department of Resources Recycling and Recovery ("CalRecycle").

California Code of Regulations, Title 8 Section 1529 – Asbestos

California Code of Regulations, Title 8, Section 1529 regulates asbestos exposure in all construction work, including structure demolition, removal of asbestos-containing materials, activities involving construction or alteration of existing structures that contain asbestos, installation of asbestos-containing products, emergency cleanup, and

64 California Department of Toxic Substances Control. 2024. EnviroStor. Available: https://www.envirostor.dtsc.ca.gov/public/. Accessed: June 2024.

other activities. Section 1529 regulates permissible exposure limits for individual employees, standards for demarcation of regulated asbestos work areas, and safety protocol and equipment.

California Code of Regulations, Title 8 Section 1532.1 – Lead

California Code of Regulations, Title 8, Section 1532.1 applies to all construction work where an employee may be occupationally exposed to lead. As defined in this section, an employer shall assure that no employee is exposed to lead at concentrations greater than fifty micrograms per cubic meter of air (50µg/m^3) averaged over an 8-hour period. Employers are required to identify hazards at existing job sites and provide workers with training and sanitation stations for decontamination. Compliance is regulated by the California Occupational Safety Health Program (CAL/OSHA).

California Accidental Release Prevention Program

The California Accidental Release Prevention ("CalARP") program is designed to help prevent the accidental release of substances that pose harm to public health and the environment. CalARP also provides guidance for minimizing damage from spills and requires businesses to develop Risk Management Plans (RMPs) if they handle a certain amount of a regulated substance. RMPs are detailed engineering documents that analyze the potential accident factors and identify mitigation for rapid implementation to reduce accident potential and address any accidental releases. The CalARP program is facilitated by Unified Program Agencies at the local government levels. Unified Program Agencies work directly with businesses to review and approve RMPs, conduct inspections, and provide public-facing data.

California State Water Resources Control Board

The SWRCB and its nine regional boards are responsible for preserving, enhancing, and restoring the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses. Through the 1969 Porter-Cologne Act, the State and Regional Water Boards have been entrusted with broad duties and powers to preserve and enhance all beneficial uses of the state's water resources.

3.11.2.3 Regional and Local

Association of Bay Area Governments Hazard Mitigation Plan

The City of San José has joined with 60 jurisdictions in the San Francisco Bay Area and participated in the development of a multi-jurisdictional hazard plan by ABAG. The hazard mitigation plan, *Taming Natural Disasters*, includes mitigation activities and strategies for dealing with hazards that are likely to impact the Bay Area, including flooding, landslides, wildfires, drought, and earthquake related hazards (i.e., faulting, shaking, earthquake-induced landslides, liquefaction, and tsunamis). All of the hazards, except for tsunamis, could impact San José. These hazard mitigation planning efforts are intended to reduce risks to people and property in San José.

Regional Water Quality Control Board

The San Francisco Bay RWQCB is the lead agency responsible for identifying, monitoring and remediating leaking underground storage tanks in the Bay Area. Local jurisdictions may take the lead agency role as a Local Oversight Program entity, implementing State as well as local policies.

Santa Clara Department of Environmental Health

The County of Santa Clara Department of Environmental Health reviews CalARP RMPs as the Certified Unified Program Agency for the City. The CalARP Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the Project area boundaries. Facilities that are required to participate in the CalARP Program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. An RMP is required for such facilities. The intents of the RMP are to provide basic information that may be used by first responders to prevent or mitigate damage to the public health and safety and to the environment from a release or threatened release of a hazardous material, and to satisfy federal and state Community Right-to-Know laws.

City of San José Emergency Operations and Evacuation Plans

The City of San José's Emergency Operations Plan includes standard operating procedures for flood events, heat waves, off-airport aviation accidents, power outages, terrorism, and urban/wildland interface fires.[65] The Evacuation Support Annex to the Emergency Operations Plan sets forth the responsibilities of City personnel and coordination with other agencies to ensure the safety of San José citizens in the event of a fire, geologic, or other hazardous occurrence.[66]

The Bureau of Fire Prevention works to help create a fire-safe community by reducing the probability of loss of life, personal injury, and damage to property caused by fire, natural disaster, or hazardous materials released at occupancies and special events. They are responsible for enforcing the California Fire Code, local amendments, adopted standards, and policies.

Envision San José 2040 General Plan

Policies in the 2040 General Plan have been adopted for the purpose of avoiding or mitigating hazardous materials impacts from development projects. All future development allowed by the proposed land use designation would be subject to the hazardous materials policies in the 2040 General Plan presented in **Table 3.11-1** below.

Table 3.11-1 Envision San José 2040 Relevant Hazardous Material Policies

Policy	Description
Policy EC-6.6	Address through environmental review for all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.
Policy EC-6.8	The City will use information on file with the County of Santa Clara Department of Environmental Health under the CalARP Program as part of accepted Risk Management Plans to determine whether new residential, recreational, school, day care, church, hospital, seniors or medical facility developments could be exposed to substantial hazards from accidental release of airborne toxic materials from CalARP facilities.
Policy EC-6.9	Adopt City guidelines for assessing possible land use compatibility and safety impacts associated with the location of sensitive uses near businesses or institutional facilities that use or store substantial quantities of hazardous materials by June 2011. The City will only approve new development with sensitive populations near sites containing hazardous materials such as toxic gases when feasible mitigation is included in the Projects.
Policy 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.
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to

65 City of San José. 2024. City of San José Emergency Operations Plan. Available: https://www.sanjoseca.gov/home/showpublisheddocument/110921/638506102697430000. Accessed: June 2024.
66 City of San José. 2024. City of San José Emergency Operations Plan. Available: https://www.sanjoseca.gov/home/showpublisheddocument/111283/638503347229970000. Accessed: June 2024.

Policy	Description
	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.
Policy EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
Policy EC-7.5	In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.
Action EC-7.8	Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the Projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.
Action 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.
Action 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.
Action EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for workers and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.
Policy MS-13.2	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

Source: City of San José. 2024. *Envision San José 2040 General Plan*. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.

3.11.3 Impacts and Mitigation

3.11.3.1 Thresholds of Significance

For the purposes of this analysis and in accordance with CEQA Guidelines, a project impact to hazards and hazardous materials would be considered significant if the Project would:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school;

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

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 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;

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

3.11.3.2 Methodology

Impacts with regard to hazards are evaluated based on existing and proposed land uses within the study area, and the potential to expose sensitive receptors, including construction workers, future residents, and the surrounding environment, to hazards or hazardous materials. The aforementioned database searches and site investigations identified a number of hazards related to the study area, which are disclosed in **Subsection 3.11.1.1, Existing Conditions**, of this EIR. These conditions are analyzed against CEQA threshold guidelines to determine if an impact would occur.

For the purposes of this analysis, the EIR identifies the general effects of hazardous materials, which are defined as substances that could pose a substantial present or future risk to human health or the environment if improperly handled, stored, disposed, or otherwise managed. Hazardous materials can result in public health hazards through human contact with contaminated soils or groundwater; or through airborne releases in vapors, fumes, or dust.

Construction workers typically have the greatest risk of exposure during site preparation and grading. Accidents or spills during the transport of hazardous materials can also expose the public and the environment to these substances. If contamination at a site remains undetected or unmitigated, future residents may experience health risks due to long-term exposure.

3.11.3.3 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?

In urbanized areas such as the Project area, commercial and residential uses can be in close proximity, or sometimes co-exist on the same property. Implementation of the project would facilitate new development, including conversion of existing uses and, in some locations, more intense use of land. The introduction of new residential and commercial uses in the Project area may result in an incremental increase in the use of hazardous materials and/or the generation of hazardous materials. These land uses do not involve the routine use, transport,

or disposal of substantial amounts of hazardous materials that could spill and create a significant hazard to the public or the environment. At most, hazardous material use and/or storage would involve small amounts of consumer-related products (i.e., cleaning solvents). Most of these materials would be consumed during use.

Some commercial facilities are known to use and store hazardous materials. Improper use, storage, transport, or disposal of hazardous materials could result in the accidental release of toxic gas, explosions, or leaks into the surrounding environment. The release of acutely hazardous chemicals such as concentrated ammonia could significantly affect people off-site. Populations that are especially susceptible to the effects of hazardous materials include children, the elderly, and those with compromised immune systems. Thus, the health effects could be magnified if hazardous materials were released or emitted near residential areas, hospitals, day care facilities, nursing homes, and/or schools.

Commercial facilities may also generate hazardous emissions during routine operations, which could expose the public to health risks. This potential impact is described in **Section 3.5, Air Quality**, of this EIR, as it involves chronic exposure to routine emissions, while this section addresses acute, accidental exposure to hazardous materials.

Adherence to existing regulations, programs, and 2040 General Plan policies, as described above and in the 2040 General Plan EIR, in addition to the mitigation measures listed below would reduce potential hazardous impacts to people and the environment. For example, the City will only approve new development with sensitive populations near sites containing hazardous materials such as toxic gases when feasible mitigation is included in the Projects (Action EC-6.9). Given that conditions change and the context for each development site is different, future projects that include residential uses would be required to prepare a Human Health Risk Assessment to address the likelihood of an accidental release, determine the risks posed to human health and sensitive populations, and identify mitigation measures to protect human health as needed (GP Policy EC-6.6).

Consistent with current regulations, future projects that involve the use or generation of hazardous materials would be subject to the following standard conditions regulatory conditions and oversight requirements. Santa Clara County Hazardous Materials Compliance Division (HMCD) oversees compliance with several key programs described below:

- **Hazardous Materials Business Plan.** As required under CUPA authority, facilities that use, store, or handle hazardous materials in quantities greater than 500 pounds, 55 gallons, or 200 cubic feet are required to prepare a Hazardous Materials Business Plan (HMBP). The HMBP would contain facility maps, up-to-date inventories of all hazardous materials for each area, emergency response procedures, equipment, and employee training.
- **Hazardous Waste Generator Requirements.** Facilities that generate more than 100 kilograms per month of hazardous waste or more than 1 kilogram per month of acutely hazardous waste must be registered with the U.S. EPA. DTSC administers hazardous waste generator registration in California.
- **Contingency Plan.** All facilities that generate hazardous waste must prepare a Contingency Plan that establishes the duties of the facility's Emergency Coordinator, identification and location of emergency equipment, and reporting procedures to follow after an incident.
- **CalARP.** Facilities that use significant quantities of acutely hazardous materials must prepare a Risk Management Program (RMP) if there may be a significant likelihood that this use could pose an accident risk. The RMP must include a description of acutely hazardous material accidents occurring at the facility within the past three years, a description of equipment, procedures, and training to reduce the risk of acutely hazardous materials accidents, and an off-site consequence analysis that models potential impacts from an accidental release to surrounding areas.
- **Injury and Illness Prevention Plan.** The California General Industry Safety Order requires that all employers in California shall prepare and implement an Injury and Illness Prevention Plan, which should contain a code of safe practice for each job category, methods for informing workers of hazards, and procedures for correcting identified hazards.

- **Emergency Action Plan.** The California General Industry Safety Order requires that all employers in California prepare and implement an Emergency Action Plan. The Emergency Action Plan designates employee responsibilities, evacuation procedures and routes, alarm systems, and training procedures.
- **Fire Prevention Plan.** The California General Industry Safety Order requires that all employers in California prepare and implement a Fire Prevention Plan. The Fire Prevention Plan specifies areas of potential hazard, persons responsible for maintenance of fire prevention equipment or systems, fire prevention housekeeping procedures, and fire hazard training procedures.
- **Hazard Communication Plan.** Facilities involved in the use, storage, and handling of hazardous materials are required to prepare a Hazard Communication program. The purpose of the Hazard Communication program is to provide methods for safe handling of hazardous materials, ensure proper labeling of hazardous materials containers, and ensure employee access to Material Safety Data Sheets (MSDSs).

In accordance with 2040 General Plan Policy EC-6.4, all proposals for new or expanded facilities that handle hazardous materials that could impact sensitive uses off-site would have to comply with the regulatory requirements. Adherence to existing regulations, programs, standard conditions, mitigations, and 2040 General Plan policies, as described above and in the 2040 General Plan EIR, would reduce potential hazardous impacts to people and the environment. Therefore, impacts would be less than significant. **(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?

Buildout of the Project has the potential to generate substantial temporary exposure to hazardous materials during the demolition and construction.

Given the age of development in the Project area, existing structures on properties planned for redevelopment may contain asbestos-containing building materials and lead-based paint. If improperly controlled, airborne dust could migrate off-site during future demolition activities, affecting nearby land uses. Inhalation of asbestos fibers and lead particles could result in health impacts to workers and the public. Section 19827.5 of the California Health and Safety Code requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. Pursuant to California law, the City would not issue the demolition permits until the applicant has complied with applicable asbestos abatement requirements, including notification and coordination with Air District and CalOSHA.

Construction activities would involve the use and transport of hazardous materials such as fuels, chemicals, and demolition debris. Demolition of structures would generate materials that could be re-used for construction, as well as solid and hazardous waste that would require off-site disposal. Minor spills of substances could occur, which could adversely affect the public and environment.

However, the potential for construction activities to result in accidental releases or spills of hazardous materials is low, given that the handling and disposal of hazardous materials is subject to construction worker health and safety regulations (i.e., Title 8 of the California Code of Regulations).

As shown on **Figure 3.11-1,** there are approximately 23 properties within the Project area that are listed as closed Leaking Underground Storage Tank (LUST) cases, two open cleanup program site cases, and two closed cleanup program site cases. New developments under the Project could occur in areas with soil contamination. The soil may contain a variety of chemical compounds associated with fuels, oils, solvents, metals, or other hazardous substances originating from historical and/or current land uses. In addition, contaminants may have migrated via shallow groundwater to properties in the Project area. If not appropriately managed, contamination from past releases could present health risks to construction workers and/or the public during the site preparation, dewatering, construction, and maintenance activities.

Soil and groundwater contamination can also expose future users of redevelopment sites to health risks through direct contact and/or inhalation of soil or groundwater vapors of volatile organic compounds. Vapors can pass through cracked or porous foundations and impact indoor air quality. To establish thresholds for future exposure to soil and groundwater contamination, the RWQCB developed Environmental Screening Levels (ESLs) for various land uses. Direct exposure to contamination levels above the residential ESL may pose a significant health risk to future sensitive uses in the area.

While most reported releases within the Project area are considered closed cases by the regulatory agencies such as the RWQCB, a reevaluation of potential hazards and soil or groundwater management may be warranted when excavation into contaminated areas is proposed under new development. The presence of open/active cases would not preclude redevelopment, assuming the completion of site assessment and remediation measures as noted in MM HAZ-1. With implementation of MM HAZ-1 impacts would be less than significant. **(Less Than Significant with Mitigation)**

Impact HAZ-1: Soil and groundwater contamination within the Project area may expose construction workers and the public to significant health risks during potential future construction. **(Potentially Significant Impact)**

MM HAZ-1: Environmental Site Assessment and Remediation.

For discretionary projects that could have significant adverse impacts with regard to any soil contamination or site conditions, the applicant/permittee shall implement the following condition:

> Prior to the issuance of any demolition or grading permits, the permittee shall retain a qualified environmental professional to conduct a Phase I Environmental Site Assessment (ESA) to identify risks due to hazardous materials, past spills, or other environmental concerns associated with the project site. If further investigation is necessary based on the result of the Phase I ESA, the permittee shall retain a qualified environmental professional to conduct a Phase II soil, soil vapor and/or groundwater investigation to determine if the soil, soil vapor, and groundwater from former uses of the site have resulted in contamination concentrations above established Regional Water Quality Control Board (RWQCB) Environmental Screening Levels (ESLs). If the Phase II results indicate soil, soil vapor and/or groundwater contamination above ESLs, the permittee shall enter into a regulatory oversight agreement with the Santa Clara County Department of Environment Health (SCCDEH), RWQCB, or the Department of Toxic Substances Control (DTSC). The permittee shall meet with the regulatory oversight agency and perform additional soil, soil gas and/or groundwater sampling and testing, as required, to adequately define the known and suspected contamination. A Site Management Plan (SMP), Corrective Action Plan (CAP), Remedial Action Plan (RAP), or other equivalent plan shall be prepared and submitted to the regulatory oversight agency for their approval. The plan shall include a Health & Safety Plan (HASP) and shall establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future workers and visitors. Evidence of regulatory oversight and the approved plan shall be provided for review to the Director of the City of San José Department of Planning, Building and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

With implementation of mitigation measure **MM HAZ-1** and adherence to existing regulations, standard permit conditions, programs, and 2040 General Plan policies, as described above and in the 2040 General Plan EIR, would substantially reduce hazards associated with contaminated soil and groundwater. Future development that would be allowed by the Project would not create a significant impact associated with the handling of hazardous materials during the demolition and construction activities. Therefore, buildout of the Project would have a less than significant impact. **(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?

San José High Academy is located within the northwest portion of the Project. Redevelopment of lands within the Project area could relocate facilities that emit hazardous emissions or handle hazardous materials, substances, or waste within 0.25 mile of existing schools including San José High Academy. Land use designations surrounding the school are currently designated as neighborhood/community commercial and with implementation of the plan would be designated as urban village. The other schools in the Project area such as Sunrise Middle School, Ace Inspired Academy, and Anne Darling Elementary School, would be similarly impacted (see **Section 3.17, Public Services, Figure 3.17-1** of this EIR). Additionally, daycares and preschools within the Project area would have the same exposure potential.

As described above, based on the land use designations established in the 2040 General Plan, new facilities are not expected to involve the use of substantial quantities of hazardous materials or involve processes that would create a significant hazard to the public or environment under accidental release conditions but have the potential to occur. Adherence to existing regulations, programs, mitigations and 2040 General Plan policies, as described above and in the 2040 General Plan EIR, would reduce hazards potentially significant impact to people and the environment. In general, requirements for hazardous materials users, including mechanical controls, security measures, and monitoring by regulatory agencies, reduces the probability of an accidental release and the magnitude of a release, should one occur, and impacts would be reduced to less than significant with mitigations**. (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?

The Project area contains listed hazardous materials sites compiled pursuant to Government Code Section 65962.5 (i.e., Cortese List): the area contains sites listed on the SWRCB's Geotracker program, including approximately 23 properties within the Project area that are listed as closed LUST cases, two open cleanup program site cases, and two closed cleanup program site cases. Implementation of the project would lead to development or redevelopment of areas near these sites and would potentially create a significant hazard to the public or environment; however, measures described under **threshold b)**, adherence to existing regulations, programs, and 2040 General Plan policies, as described above and in the 2040 General Plan EIR as well as the City's standard permit conditions, would reduce potential hazards to the public and the environment to a less than significant level. **(Less than Significant Impact)**

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 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 Project area is located 2.2 miles southeast of the Norman Y. Mineta San José International Airport. No parcels within the Project area are within two miles of an Airport. The Project is not located within Airport Influence Area nor within the 65 dB community noise equivalent level (CNEL) noise contour, as depicted on Figure 8 of the Comprehensive Land Use Plan (CLUP) for the airport (see **Figure 3.15-1**).[67] Therefore, the Project would not result in any impacts regarding airport safety hazards or excessive noise. **(No Impact)**

67 Santa Clara County Airport Land Use Commission. 2024. Airport Land Use Compatibility Plan – San Jose Mineta International Airport. Available: https://stgenpln.blob.core.windows.net/document/ALUC_SJC_CLUP.pdf. Accessed: June 2024.

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

Implementation of the Project would lead to residential growth focused within the four Districts, particularly in the areas adjacent to the future BART station, and along these roadway corridors. The increases in roadway congestion resulting from Project area development could increase response times for emergency vehicles. The City of San José has prepared an Emergency Operations Plan (EOP) that holistically describes the doctrines, strategies, procedures, and responsibilities of the City's emergency management program[68]. The EOP process is designed to provide a forum for collaboration, establishing the groundwork for future interagency cooperation in pre-disaster planning, emergency response, and evacuation, if necessary. Implementation of General Plan Policies ES-4.1 through ES-4.10 would reduce potential impacts related to interference with an adopted emergency response plan and/or evacuation plan. Thus, the Project would not create any barriers to emergency or other vehicle movement in the area and would be designed to incorporate all Fire Code requirements and impacts would be less than significant. **(Less than Significant 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 Project area would not expose people or structures, either directly or indirectly, to risk of loss, injury or death from wildland fires since it is in a highly urbanized area that is not prone to such events. Therefore, the Project would not result in any impacts relating to wildfire hazards. See **Section 3.22, Wildfire**, of this EIR, for further discussion of wildfire impacts. **(No Impact)**

3.11.3.4 Cumulative Impacts

Planned growth in San José would increase the number of people exposed to risks related to hazards and hazardous waste. The cumulative baseline for hazards and hazardous materials includes buildout of the 2040 General Plan plus the Project. The 2040 General Plan includes updated hazards policies that address proper hazardous materials use and storage and the proximity of sensitive uses to substantial hazards from accidental release of hazardous materials. Furthermore, the 2040 General Plan includes policies that provide program-level mitigation for risks associated with the use, storage, and disposal of hazardous materials, soil and groundwater contamination and hazardous building material. Future development allowed under the Project would be required to comply with the policies of the 2040 General Plan, and project specific mitigation measures, and existing local, state and federal regulations and programs that would substantially reduce hazards to people and the environment. Therefore, the Project in combination with other past, present, and foreseeable projects, including the buildout of the 2040 General Plan would not result in a cumulative impact related to hazards and hazardous materials.

[68] City of San José Emergency Operations Plan. Available at: 128024, accessed February 5, 2026.



LUST and Cleanup Program Site Cases within the Project Area

Figure **3.11-1**

Source: Circlepoint, 2025



Active Site Evaluations and School Investigation Sites Figure **3.11-2**

Source: Circlepoint, 2025

3.12 Hydrology and Water Quality

This section discusses the impacts on hydrology and water quality that would result from implementation of the Project. During the public scoping period, Santa Clara Valley Water District (Valley Water) raised concerns regarding flood risks and existing flood hazards. Specifically, Valley Water requested that the EIR acknowledge that a flood risk analysis will need to be completed for any trail/recreational improvements impacting Valley Water's facilities, and more generally, FEMA's Special Flood Hazard Area and that the EIR should include a discussion of existing flood hazards including a flood risk analysis, evaluating pre- and post-project conditions, and should be completed to ensure flooding will not be adversely impacted – both in terms of depth and lateral extent. These topics are discussed in **Subsection 3.14.3, Impacts and Mitigation** of this EIR, below.

3.12.1 Environmental Setting

3.12.1.1 Existing Conditions

Surface Water

Coyote Creek is in the vicinity of the Project area, located east of the Project area. Lower Silver Creek flows along the northeastern boundary of the Project area. The two creeks converge at a confluence point at the northwestern tip of the Project boundary, from where the Coyote Creek flows north to San Francisco Bay. Miguelita Creek is a tributary of Coyote Creek and runs east-west through the northern part of the Project area before merging with Coyote Creek near King Road and Schulte Drive. The Project area is located primarily in the Coyote River Watershed with parts of the western edge of the Project area bordering the Guadalupe River Watershed.[69]

Runoff flows overland into the City-maintained storm drainage system, which is comprised of a network of inlets, manholes, pipes, outfalls, channels, and pump stations. The system functions to collect, convey, and discharge runoff to receiving water bodies in order to protect infrastructure and the public from flood waters during storm events. Storm drains are inspected and maintained by the Department of Transportation and are installed, rehabilitated, or replaced by the Department of Public Works in the City of San José.

Groundwater

The Santa Clara Valley Groundwater Basin over which the City of San José is located comprises the largest of three interconnected groundwater sub-basins in Santa Clara County.[70] The Santa Clara Sub-Basin is 22 miles long and 15 miles wide, at its widest point, has a 225-mile surface area, and is comparable to a large underground reservoir. Valley Water staff estimate that the operational storage capacity of the sub basin is 350,000-acre feet per year (afy) with an estimated maximum annual withdrawal of 200,000 afy. Valley Water manages the County's groundwater sub-basins to support pumping from aquifers, which accounts for about half of the water supply of the County. Valley Water operates water supply reservoirs and groundwater recharge facilities in the County watersheds and imports Sierra runoff from the Central Valley and State Water Projects to replenish the aquifers.

According to the City's Subwatersheds Map, the Project area is in an area identified as "catchments and subwatershed greater than or equal to 65 percent impervious (see **Figure 3.12-1**).[71]

Water Quality

A wide range of point and non-point source pollutants affects existing surface water quality in the City of San José. Point sources of water pollutants are defined as identifiable sources from which wastewater is transmitted in some type of conveyance (pipe and channel) to a water body and are classified as municipal or industrial sources.

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69 City of San José. 2022. *All Watersheds.* Available at: https://www.sanjoseca.gov/home/showpublisheddocument/1240/636618313753300000. Accessed June 2024.

70 Santa Clara Valley Water District. 2022. Annual Groundwater Report for Calendar Year 2022. Available: https://s3.us-west-1.amazonaws.com/valleywater.org.us-west-1/s3fs-public/web%20version_2022%20Annual%20Groundwater%20Report.pdf. Accessed: July 2024.

71 City of San José.2011. Classification of Subwatersheds and Catchment Areas for Determining Applicability of HMP Requirements. Available: https://www.sanjoseca.gov/home/showpublisheddocument/27925/636691773051670000. Accessed: June 2024.

Municipal point sources consist primarily of domestic treated sewage and processed water. Municipal and Industrial point sources are primarily from trailer parks, recreational parks, and electrical power generation. Non-point sources are diffuse sources of water pollutants, which do not discharge to a watercourse or aquifer from a pipe. This pollution arises from many everyday activities that take place in residential, commercial, and rural areas and is carried by stormwater runoff to streams. Non-point sources, however, have been suspected of causing significant water quality problems. In urban areas, the stormwater runoff from streets likely carries considerable quantities of harmful materials, such as oil, rubber, metals (including lead), pathogens, trash, and other solids.

According to the 2040 General Plan EIR, there are various hazardous waste sites that may contribute pollutants from either surface runoff from these sites or high groundwater flow through the contaminated soils of these sites. There are several reported releases of hazardous materials, mostly from leaking underground storage tanks in proximity to creeks and surface waters through San José. There are also a number of sites that use, store, or could be a source of potentially hazardous, toxic, or radioactive materials that could contribute harmful pollutants to surface waters. These sites include roadway overpasses, auto repair shops, industrial facilities, agricultural lands, and inactive mines including Hillsdale Mine and Silver Creek Mine throughout the City. The Project area includes roadways overpasses (East Santa Clara Street) and several auto repair shops that may contribute.

Groundwater quality in Santa Clara County is suitable for most urban and agricultural uses.[72] Valley Water and local water suppliers monitor groundwater quality for a variety of parameters, including calcium, sodium, iron, nitrate, chloride, organic solvents, and gasoline additives (such as methyl-tert-butyl ether or MTBE) and look for concentrations above Maximum Contaminant Levels (MCLs) established by the EPA and State of California for drinking water. Nitrate in the Coyote Sub-basin and localized contamination from underground tank leaks are currently the primary groundwater contaminant concerns in the portion of the Santa Clara Valley groundwater basin below the City of San José.

Flooding

The Flood Insurance Rate Maps issued by FEMA indicate that the Project area is located within Zone X, Zone AE, Zone AH, Zone AO, and Zone D (Panel 06085C0251J, effective 2/19/2014) (please see Would the Project).[73] Zone X is defined as an area outside the 500-year flood and protected by levee from 100-year flood; Zone AE is defined as the base floodplain where base flood elevations are provided; Zone AO is defined as an area with a 1 percent or greater chance of shallow flooding each year, usually in the form of sheet flow, with an average depth ranging from 1 to 3 feet; Zone AH is defined as an area with a 1 percent or greater chance of shallow flooding each year, usually in the form of a pond, with an average depth ranging from 1 to 3 feet; Zone D is defined as an area with possible but undetermined flood hazards.

3.12.2 Regulatory Framework

The federal Clean Water Act (CWA) and California's Porter-Cologne Water Quality Control Act are the primary laws regulating water quality in California. Requirements established by the EPA SWRCB have been developed to fulfill the requirements of this legislation. EPA regulations include the NPDES permit program, which controls sources that discharge pollutants into the Waters of the U.S. (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the RWQCB. The Project area is within the jurisdiction of the San Francisco Bay RWQCB.

[72] California Department of Water Resources. California's Groundwater Bulletin 118 Update 2003. Available at: https://water.ca.gov/programs/groundwater-management/bulletin-118

73 Federal Emergency Management Agency. 2024. FEMA Flood Map Service Center. Available: https://msc.fema.gov/portal/home. Accessed: June 2024.

3.12.2.1 Federal

Clean Water Act

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the Waters of the U.S. and regulating quality standards for surface waters. Its goals are to restore and maintain the chemical, physical, and biological integrity of the nation's waters. Under the CWA, the U.S. EPA has implemented pollution control programs and established water quality standards, and together with the U.S. Army Corps of Engineers, regulates discharge of dredged and fill material into waters of the U.S. under Section 404 of the CWA and its implementing regulations. Waters of the U.S. are defined broadly as waters susceptible to use in commerce (including waters subject to tides, interstate waters, and interstate wetlands) and other waters.

The CWA includes several additional key provisions. Section 303(d) requires states to identify and list impaired water bodies that do not meet established water quality standards, prompting the development of Total Maximum Daily Loads to restore these waters. Coyote Creek is listed in the 2018 303(d) Integrated Report as an impaired water body for diazinon, pesticide-related toxicity, and trash impairment.[74]

Section 401 requires any applicant for a federal license or permit that may result in a discharge to obtain state certification that the discharge will comply with CWA standards. Section 402 established the NPDES, a permitting system that regulates point sources of pollution, such as industrial discharges and municipal stormwater, to control pollutants entering Waters of the U.S. Together, these sections provide a comprehensive approach to preserving and improving water quality nationwide.

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program to reduce 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 that identify Special Flood Hazard Areas. A Special Flood Hazard Area 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.

Federal Emergency Management Agency

The FEMA is a federal agency within the Department of Homeland Security tasked with coordinating responses to natural and human-made disasters in the United States. FEMA's purpose is to help communities prepare for, respond to, and recover from emergencies, including floods, earthquakes, wildfires, and other hazards. In terms of land use and environmental planning, FEMA oversees the National Flooding Insurance Program (NFIP), which provides flood hazard mapping, establishes building standards in flood-prone areas, and offers flood insurance to reduce economic losses. By supporting disaster preparedness and risk reduction, FEMA plays a crucial role in safeguarding lives, property, and the environment.

3.12.2.2 State

Porter-Cologne Water Quality Act

The Porter-Cologne Act delegates authority to the SWRCB to establish RWQCBs. The San Francisco Bay Area RWQCB has authority to use planning, permitting, and enforcement to protect beneficial uses of water resources in the Project region. Under the Porter-Cologne Water Quality Control Act (California Water Code Sections 13000-14290), the RWQCB is authorized to regulate the discharge of waste that could affect the quality of the state's waters, including projects that do not require a federal permit through the U.S. Army Corps of Engineers. To meet

[74] State Water Resources Control Board. 2021. *California 2018 Integrated Report Mapping*. Available: https://gispublic.waterboards.ca.gov/portal/apps/webappviewer/index.html?id=e2def63ccef54eedbee4ad726ab1552c

RWQCB 401 Certification standards, all hydrologic issues related to a project must be addressed, including the following:

- Wetlands
- Watershed hydrograph modification
- Proposed creek or riverine related modifications
- Long-term post-construction water quality

Any construction or demolition activity that results in land disturbance equal to or greater than one acre must comply with the Construction General Permit (CGP), administered by the SWRCB. The CGP requires the installation and maintenance of BMPs to protect water quality until the Project area is stabilized. The Project would require CGP coverage based on area of land disturbed (22 acres).

National Pollutant Discharge Elimination System - Statewide Construction General Permit

The SWRCB has implemented a NPDES CGP for the State of California. For projects disturbing one acre or more, a Notice of Intent (NOI) and SWPPP must be prepared by a qualified professional prior to commencement of construction. The CGP includes requirements for training, inspection, record keeping, and for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving water from the adverse effects of construction-related storm water discharges. The Project would require CGP coverage based on area of land disturbed, which exceeds one acre.

Sustainable Groundwater Management Act of 2014

The Sustainable Groundwater Management Act of 2014 is a California law aimed at ensuring the sustainable management of groundwater resources to prevent overuse, depletion, and long-term environmental damage. Under Sustainable Groundwater Management Act, local agencies are required to establish Groundwater Sustainability Agencies for managing and regulating groundwater basins that are critically over drafted or at risk. These agencies must develop and implement Groundwater Sustainability Plans that outline measures to bring basins into long-term sustainability, typically over a 20-year planning horizon. Sustainable Groundwater Management Act's goal is to preserve groundwater as a reliable water source for agricultural, urban, and environmental uses, helping to secure California's water resources for future generations.

3.12.2.3 Regional and Local

2040 General Plan

Policies in the 2040 General Plan have been adopted for the purpose of avoiding or mitigating hydrology and water quality impacts from development projects. Policies applicable to the Project are presented in **Table 3.12-1** below.

Table 3.12-1 Envision San José 2040 Relevant Hydrology and Water Quality Policies

Policy	Description
Policy IN-1.1	Provide and maintain adequate water, wastewater, and stormwater services to areas in and currently receiving these services from the City.
Policy IN-1.2	Consistent with fiscal sustainability goals, provide and maintain adequate water, wastewater, and stormwater services to areas in the city that do not currently receive these City services upon funding and construction of the infrastructure necessary to provide them.
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.

Policy	Description
Policy IN-3.8	In designing improvements to creeks and rivers, protect adjacent properties from flooding consistent with the best available information and standards from the Federal Emergency Management Agency (FEMA) and the California Department of Water Resources (DWR). Incorporate restoration of natural habitat into improvements where feasible.
Policy IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
Action IN-4.8	Prepare, maintain and implement a Master Plan(s) for the ongoing capital improvement, maintenance, and operation of the wastewater treatment and water reclamation facilities.
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
Policy MS-3.5	Minimize area dedicated to surface parking to reduce rainwater that comes into contact with pollutants.
Policy MS-20.2	Avoid locating new development or authorizing activities with the potential to negatively impact groundwater quality in areas that have been identified as having a high degree of aquifer vulnerability by the Santa Clara Valley Water District or other authoritative public agency.
Policy MS-20.3	Protect groundwater as a water supply source through flood protection measures and the use of stormwater infiltration practices that protect groundwater quality. In the event percolation facilities are modified for infrastructure projects, replacement percolation capacity would be provided.
Policy ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy 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 would be directed into creeks upstream from groundwater recharge facilities.
Policy ER-8.5	Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff on-site.
Action ER-8.10	Participate in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) and take other necessary actions to formulate and meet regional water quality standards which are implemented through the National Pollution Discharge Elimination System (NPDES) permits and other measures.
Policy ER-9.5	Protect groundwater recharge areas, particularly creeks and riparian corridors.
Policy ER-9.6	Require the proper construction and monitoring of facilities that store hazardous materials in order to prevent contamination of the surface water, groundwater and underlying aquifers. In furtherance of this policy,

Policy	Description
	design standards for such facilities should consider high groundwater tables and/or the potential for freshwater or tidal flooding.
Policy ER-10.2	In Consultation with the SCVWD restrict or carefully regulate public and private development in upland areas to prevent uncontrolled runoff that could impact the health and stability of streams.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
Policy EC-5.1	The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) 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.
Policy EC-5.3	Preserve designated floodway areas for non-urban uses.
Policy EC-5.5	Prepare and periodically update appropriate emergency plans for the safe evacuation of occupants of areas subject to possible inundation from dam and levee failure and natural flooding. Include maps with pre-established evacuation routes in dam failure plans.
Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the Project design to ensure that new urban runoff does not increase flood risks elsewhere.
Policy EC-5.13	As a part of the City's policies for addressing the effects of climate change and projected water level rise in San Francisco Bay, it requires evaluation of projected inundation for development projects near San Francisco Bay or at flooding risk from local waterways which discharge to San Francisco Bay. For projects affected by increased water levels in San Francisco Bay, the City requires incorporation of mitigation measures prior to approval of development projects. Mitigation measures incorporated into project design or project location shall prevent exposure to substantial flooding hazards from increased water levels in San Francisco Bay during the anticipated useful lifetime of structures.
Action EC-5.14	Implement the requirements of FEMA relating to construction in Special Flood Hazards Areas as illustrated on Flood Insurance Rate Maps. Periodically update the City's Flood Hazard Regulations to implement FEMA requirements.
Policy EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from Project sites.
Action EC-5.18	Maintain City storm drainage infrastructure in a manner that reduces flood hazards. As the storm drainage system is extended or modified, provide capacity to adequately convey the 10-year storm event.

Policy	Description
Action EC-5.19	Develop and maintain a Storm Drainage Master Plan and work with other agencies to develop broader Watershed Management Plans to model the City's hydrology.
Action EC-5.20	Monitor information from regional, state, and federal agencies on water level rises in San Francisco Bay on an on-going basis. Use this information to determine if additional adaptive management actions are needed and implement those actions to address flooding hazards from increasing sea levels for existing or new development and infrastructure.
Policy 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.

Source: City of San José. 2024. *Envision San José 2040 General Plan*. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.

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.

Groundwater Management Plan for the Santa Clara and Llagas Subbasins

The 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins (Groundwater Management Plan), prepared pursuant to the Sustainable Groundwater Management Act of 2014, 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 Groundwater Management Plan covers the Santa Clara and Llagas subbasins, located entirely in Santa Clara County and identified by the DWR.[75]

Municipal Regional Stormwater Permit

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (MRP) 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. The City is required to operate under the MRP to discharge stormwater from the City's storm drain system to surface waters. The MRP mandates that the City use its planning and development review authority to require that stormwater management measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff.

Provision C.3 of the MRP regulates the following types of development projects as of July 1, 2023: Projects that create or replace 5,000 square feet or more of impervious surface. The MRP requires regulated projects to include Low Impact Development (LID) practices. These include site design features to reduce the amount of runoff requiring treatment and maintain or restore the Project area's natural hydrologic functions, source control measures to prevent stormwater from pollution, and stormwater treatment features to clean polluted stormwater

[75] Santa Clara Valley Water District. 2021. Groundwater Management Plan for the Santa Clara and Llagas Subbasins. Available: https://s3.us-west-1.amazonaws.com/valleywater.org.us-west-1/s3fs-public/2021_GWMP.pdf. Accessed June 2025.

runoff prior to discharge into the storm drain system. The MRP requires that stormwater treatment measures are properly installed, operated, and maintained. [76]

The MRP also requires regulated projects to include measures to control hydromodification impacts where the Project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks. Development projects that create and/or replace one acre or more of impervious surface, create an increase in total impervious surface from pre-project conditions, and are located in a subwatershed or catchment that is less than 65 percent impervious, must manage increases in runoff flow and volume so that post-project runoff shall not exceed estimated pre-project rates and durations. According to the City's Subwatersheds Map, the Project area is located in an area identified as a subwatershed greater than or equal to 65 percent impervious. [77] The Project would not create an acre or more of impervious surface or create an increase in total impervious surface from pre-project conditions.

All development projects, whether subject to the CGP or not, shall comply with the City's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the Project area is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 1 to April 30), the Project will submit to the Director of Public Works an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants.

City of San José Management of Pollutants During Demolition of Applicable Projects (Policy 6-28)

The City's Policy 6-28 establishes requirements to prevent Polychlorinated Biphenyls (PCBs) from entering the waterways during building demolition consistent with Provision C.12.g of the Municipal Regional Stormwater NPDES Permit, thereby making substantial progress toward achieving the urban runoff PCBs waste load allocation in the Basin Plan by March 2030. Policy 6-28 requires all projects involving a full building demolition be screened for applicability such that buildings constructed between 1950 and 1980 are tested for PCB-containing material prior to demolition (single-family residential and wood frame structures are exempt). Applicable projects must implement enhanced construction BMPs, provide advanced notice for inspection, and submit the required waste manifest documentation.

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

The City's Policy 6-29 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. Policy 6-29 requires all new development and redevelopment projects to implement post-construction BMPs and Treatment Control Measures. This policy also establishes specific design standards for post-construction Treatment Control Measures for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

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

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

[76] Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). 2024. C.3 Stormwater Handbook. Guidance for Implementing Stormwater Requirements for New Development and Redevelopment Projects.

77 City of San José. 2011. Classification of Subwatersheds and Catchment Areas for Determining Applicability of HMP Requirements. Available: https://www.sanjoseca.gov/home/showpublisheddocument/27925/636691773051670000. Accessed June 2024.

Green Stormwater Infrastructure Plan

The City has developed a Green Stormwater Infrastructure Plan (GSI Plan) to lay out the approach, strategies, targets, and tasks needed to transition traditional "gray" infrastructure to include green stormwater infrastructure over the long term and to implement and institutionalize the concepts of GSI into standard municipal engineering, construction, and maintenance practices. The GSI Plan is intended to serve as an implementation guide for reducing the adverse water quality impacts of urbanization and urban runoff on receiving waters over the long term, and a reporting tool to provide reasonable assurance that specific pollutant reductions from discharges to local creeks and San Francisco Bay would be met. The GSI Plan is required by the City's MRP for the discharge of stormwater runoff from the City's storm drain system.

3.12.3 Impacts and Mitigation

3.12.3.1 Thresholds of Significance

For the purposes of this analysis and in accordance with CEQA Guidelines, a project impact to hydrology and water quality would be considered significant if the Project would:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality;

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin;

c) Substantially alter the existing drainage pattern of the Project 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:

   i. Result in substantial erosion or siltation on- or off-site;

   ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

   iii. 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

   iv. Impede or redirect flood flows;

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

3.12.3.2 Methodology

The assessment of impacts on hydrology and water quality was based on the CEQA Guidelines (Appendix G) and relevant local and state regulations. Impacts related to hydrology were evaluated by qualitatively identifying the Project's change to existing hydrology conditions through desktop research, and analyzing the Five Wounds Urban Village Plan policies related to hydrology.

3.12.3.3 Project Impacts

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

There are a number of existing sites within the Project area that use, store, or could be a source of potentially hazardous, toxic, or radioactive materials that could contribute harmful pollutants to surface waters, including roadways overpasses (East Santa Clara Street) and several auto repair shops. As described in **Subsection 3.12.2.1, Federal** of this EIR, Coyote Creek is listed under Section 303(d) as an impaired water body for diazinon, pesticide-related toxicity, and trash impairment. Regarding groundwater, nitrate in the Coyote Sub-basin and localized

contamination from underground tank leaks are currently the primary groundwater contaminant concerns in the portion of the Santa Clara Valley groundwater basin below the City of San José.

Project construction and operation have the potential to result in impacts on surface or ground water quality as described below.

Construction

Construction activities associated with development under the Project would include but not be limited to demolition, site clearing, grading, and landscaping on-site. These activities have the potential to generate stormwater runoff and to discharge pollutants, such as fuel, solvents, oil, paints, and trash, into the City's storm drain system.

Protection of water quality during construction would be subject to the NPDES permit program, issued by the San Francisco Bay RWQCB, prior to the commencement of any clearing, grading or excavation, for any sites larger than one acre. Compliance with NPDES General Construction Permit would require the preparation of a SWPPP. The SWPPP must include a site map and a description of construction activities, and must identify the BMPs that will be employed to prevent soil erosion and discharge of other construction-related pollutants. It also identifies the need to address hydromodification (stream channel modification and alterations in the natural hydrology of a watershed that result from changes in land cover/land use), and requires LID controls to more closely mimic the pre-developed hydrologic condition.

The City's Grading Ordinance requires the use of erosion and sediment controls to protect water quality while the Project area is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 1 to April 30), a project applicant is required to submit to the Director of Public Works an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants.

Compliance with the SWRCB's NPDES Construction General Permit, City's Grading ordinance and MRP, and General Plan policies, would minimize and avoid water quality contamination. These measures would protect water quality as required by the Basin Plan. Therefore, this impact would be less than significant. **(Less than Significant Impact)**

Operation

The intensification of urban uses would increase the generation of non-point source pollution typical of urban development. These pollutants would likely include trash (improperly disposed solid waste), pet waste, and vehicle-related byproducts such as oil, grease, fallout from exhaust, and heavy metals (such as zinc from tire wear and copper from brake pad wear). New landscaped areas could contribute additional sources of residual fertilizers, pesticides, and other chemical compounds. Contaminants generated in the Project area could degrade the water quality of Coyote Creek, Lower Silver Creek, and the San Francisco Bay.

In the absence of adequate control measures, intensifying urban uses could also conflict with implementation of the Total Maximum Daily Loads for mercury or trash.[78] Trash materials of particular concern are plastics and hazardous waste (e.g., batteries, paint, and mercury-containing household products such as fluorescent light bulbs). In addition to being rinsed into the storm drain systems via runoff, trash can also enter waterways by wind or direct dumping. Potential "trash source hotspots" within the Project area include parks, commercial areas, and public spaces to be used for events due to the increase in pedestrian traffic and associated potential for littering.

To minimize the amount of trash entering Coyote Creek, Miguelita Creek, and the San Francisco Bay from public spaces, the City will continue to implement waste management practices, household hazardous waste collection services, and trash load reduction efforts under existing policies and programs such as Provision C.10 of the MRP.[79] Although intensifying development may increase vehicle use and thus the pollutant load of runoff from roadways

78 The Project would not generate diazinon because it is no longer used in insecticides for non-agricultural use.

79 Provision C.10 of the MRP requires annual clean-up of 32 creek Trash Hot Spots and establishes phased goals to dramatically reduce trash loads from the storm sewer system

and parking lots in the short-term, the Project encourages the reduced reliance on motor vehicle travel over time, supporting reductions in one of the primary sources of urban runoff pollution. New development that would be allowed by the Project would include LID and stormwater treatment measures, as required by the City through its Stormwater Treatment Facilities Operation & Maintenance Requirements to improve runoff water quality during operations compared to existing conditions. LID treatments that would be implemented include site design features to reduce the amount of runoff requiring treatment and maintain or restore the Project area's natural hydrologic functions, source control measures to prevent stormwater from pollution, and stormwater treatment features to clean polluted stormwater runoff prior to discharge into the storm drain system. The implementation of the LID and stormwater treatment measures would be completed by the applicant and would be supervised by the City.

The Project area is highly urbanized and operation of the proposed commercial and residential uses under the future development are not anticipated to utilize hazardous, toxic, or radioactive materials that would significantly harm the water quality in the area. Furthermore, future developments that would be allowed by the Project would comply with applicable regulations and laws, as discussed in the regulatory framework section above in **Subsection 3.12.2, Regulatory Framework** of this EIR), to ensure proper discharge into the City's stormwater and sanitary sewer infrastructure, would not violate any water quality standards or waste discharge requirements, or degrade surface or groundwater quality as described below under threshold b) and impacts would be less than significant. **(Less than Significant Impact)**

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 area is located within the Santa Clara Subbasin and would be consistent with the goals and objectives of applicable groundwater management plans such as the 2021 Groundwater Management Plan. Proposed development allowed by the Project would result in the creation of new impervious surfaces within the Project area and could potentially impact groundwater recharge. As shown on

Figure 3.12-1, the Project area is located within the Santa Clara Plain confined area but is not located on or near the Santa Clara Plain groundwater recharge area.[80] This means that subsurface geologic formations in the Project area restricts the vertical flow of groundwater. Thus, it is not anticipated that future developments would decrease groundwater supplies or interfere substantially with groundwater recharge (such that the Project may impede sustainable groundwater management of the basin), areas the Project area is largely developed and groundwater recharging groundwater through injection well-related measures does not occur. Future development within the Project area would not contribute to depletion of groundwater supplies or reduce the amount or quality of water available for public water supplies.

Although there are no designated groundwater infiltration sites within the Project area, new or redevelopment under the Project could result in the placement of new development projects within or near areas where surface water percolates to groundwater, although in most cases redevelopment within the Project area would predominantly consist of residential, commercial, and transit-oriented development, pavement, and other impervious surfaces and therefore not allowing for groundwater infiltration.

Groundwater contamination is most likely to occur where the groundwater basin is unconfined, and the underlying soil and rock materials have higher infiltration rates. Although the Project area has substantial areas of soils with moderate infiltration rates according to the Groundwater Management Plan, the underlying groundwater aquifer is more protected due to the confining layer. In addition, regulations designed to control contaminants in stormwater runoff reduce the potential for contamination of groundwater with pollutants found on developed sites. These include the MRP and City Council Policy 6-29 limit the use of infiltration treatment measures for the purpose of groundwater protection, stating that infiltration devices must:

- be implemented at a level appropriate to protect groundwater quality;
- not cause or contribute to degradation of groundwater quality;
- be adequately maintained to maximize pollutant removal capabilities;
- maintain a vertical distance between the base of the infiltration device and seasonal high groundwater of at least 10 feet; and
- be located a minimum of 100 feet horizontally from any known water supply wells.

With implementation of existing regulations and applicable 2040 General Plan policies, future development that would be allowed by the Project would not result in a significant impact to groundwater quality. **(Less than Significant Impact)**

c) Would the Project substantially alter the existing drainage pattern of the Project 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:

i. Result in substantial erosion or siltation on- or off-site?

Construction

Construction activities associated with future development would include demolition, ground disturbance, and construction of new structures and pavement that could result in a temporary increase in erosion affecting the quality of stormwater runoff. Ground-disturbing activities such as grading and excavation could result in accelerated erosion on work sites by exposing soil to runoff, which could adversely affect water quality through sedimentation. Coyote Creek and Miguelita Creek run through the Project area. Although the creeks are bordered by an engineered levee, runoff could flow into the creeks, degrading water quality.

80 Valley Water. 2021. Groundwater Management Plan for the Santa Clara and Llagas Subbasins. Available: https://www.valleywater.org/SGMA. Accessed: June 2024

Prior to the commencement of any clearing, grading or excavation, development within the Project area would be required to comply with the SWRCB's NPDES General Construction Activities Permit. Subject to NPDES, the applicants would develop, implement, and maintain a SWPPP which will include the site-specific best management practices BMPs to control erosion and sedimentation and maintain water quality during the construction phase, as well as BMPs to be implemented during the post-construction period. Examples of BMPs are contained in the publication Blueprint for a Clean Bay, and include preventing spills and leaks, cleaning up spills immediately after they happen, storing materials under cover, and covering and maintaining dumpsters. Prior to the issuance of a grading permit, future applicants would be required to submit an Erosion Control Plan to the Department of Public Works. The Erosion Control Plan may include BMPs as specified in ABAG's Manual of Standards Erosion & Sediment Control Measures for reducing impacts on the City's storm drainage system from construction activities.

The SWPPP shall be posted at the Project area and would be updated to reflect current site conditions. Additionally, per the SWPPP, the applicants for future developments would file an NOI with the SWRCB to comply with the General Permit.

Project construction would comply with the City's Grading Ordinance, including erosion and dust control during site preparation and with the City's Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction in order to prevent stormwater pollution and minimize potential sedimentation during construction.

In addition to the regulatory requirements and implementation of the management practices described above, construction associated with development under the Project shall adhere to the City's standard permit conditions requiring the use of minimization measures to minimize water quality impacts, which are detailed below:

Standard Permit Conditions: Construction Related Water Quality

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

b) Earthmoving or other dust-producing activities shall be suspended during periods of high winds.

c) All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary. Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered with secured tarps or plastic sheeting.

d) All trucks hauling soil, sand, and other loose materials shall be covered, and all trucks shall maintain at least two feet of freeboard.

e) All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).

f) Vegetation in disturbed areas shall be replanted as quickly as possible.

g) All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.

h) Ditches shall be installed to divert runoff around excavations and graded areas if necessary.

i) All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.

j) The Permittee shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction

Operation

Intensifying urban uses can affect the drainage pattern by increasing impervious surfaces such as pavement and roofs, thereby reducing stormwater runoff filtration into the ground and increasing the peak volume and rate of

runoff entering the storm drainage system. In turn, increasing flows can accelerate erosion and cause flooding depending on the capacity of the receiving water body. Given that runoff picks up pollutants and sediments as it flows overland to the storm drain system, reducing filtration while augmenting the volume of untreated urban runoff would increase the pollutant and sediment load of waterways.

The Project area is not located in a Hydromodification Area as shown on City's Hydromodification Map, and therefore future development allowed under the Project would not be subject to Council Policy 8-14 Post-Construction Hydromodification Management.[81] All future development allowed by the Project would be required to implement Council Policy 6-29 Post-Construction Urban Runoff Management, which includes site design measures, source controls, and numerically-sized LID stormwater treatment measures that will help minimize stormwater pollutant discharges. Measures to treat runoff shall include utilizing media filters, flow-through planters, and self-treating landscaping. Details of specific Site Design, Pollutant Source Control, and Stormwater Treatment Control Measures demonstrating compliance with Provision C.3 of the MRP (NPDES Permit Number CAS612008), would be included in the design of future developments, to the satisfaction of the Department of Public Works.

In conclusion, buildout of the Project would not substantially alter existing drainage patterns or cause alteration of streams or rivers by conforming with the requirements of Council Policy 6-29. Buildout of the Project will not result in substantial erosion or siltation on or off site by complying with the City's Grading Ordinance. With implementation of the standard permit conditions identified above, the Project would result in a less than significant impact. **(Less than Significant Impact)**

ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

The Project area is highly urbanized, and existing surfaces are largely impervious, making future development unlikely to alter the existing drainage pattern such that substantial flooding or erosion would occur in the receiving water bodies. Conversely, new construction and redevelopment projects would include higher percentages of self-treating landscaping and LID stormwater treatment measures in compliance with Council Policy 6-29 Post-Construction Urban Runoff Management that will help minimize stormwater runoff. Therefore, implementation of the Project would likely result in decreases in peak runoff volumes within the area as a whole.

Implementation of the 2040 General Plan policies and existing regulations, as described in **Subsection 3.12.2, Regulatory Framework** of this EIR, above, would substantially reduce drainage impacts. In accordance with 2040 General Plan policies, future development projects within the Project area would be required to design and construct storm drain systems meeting the City's 10-year storm event design standard. Projects may be required to complete specific off-site upgrades to accommodate runoff from the development site. System-wide capacity upgrades could be completed under the City's CIP process, forthcoming Storm Master Plan, or a separate financing mechanism such as a construction tax or connection fee assessed for new development in the Project area. Consequently, the capacity of the storm drain system would be expanded as redevelopment proceeds in the area. In addition, compliance with the MRP and associated City policies would reduce the overall rate and volume of runoff entering the storm drain system from development sites, reducing the potential impact on the storm drainage system would be less than significant. **(Less than Significant Impact)**

iii. 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?

The Project area is currently developed and contains stormwater infrastructure, and infrastructure in the surrounding area is design and built to handle development consistent with the 2040 General Plan, such as the

81 City of San José. 2011. Local Hydromodification Management Applicability Map - San José. Available: https://www.sanjoseca.gov/home/showpublisheddocument/27925/636691773051670000. Accessed: June 2024.

Project. Under existing conditions, stormwater runoff generated in the Project area is conveyed to a network of storm drain pipe infrastructure operated by the City and County of Santa Clara. Stormwater onsite currently sheet flows into the City's existing drainage system. In addition, a part of stormwater infiltrates the soil within the Project area, while some excess stormwater flows are directed by the natural slope of the Project area to the existing storm inlet at the southern boundary of the Project area. Future development could result in new impervious surfaces that would increase the amount of runoff at the Project area, which would be conveyed to the storm drain network or to the existing storm inlet.

Implementation of 2040 General Plan policies and existing regulations described under threshold c.i) above would substantially reduce drainage impacts. In accordance with 2040 General Plan policies, future development projects within the City would be required to design and construct storm drain systems meeting the City's 10-year storm event design standard. Projects may be required to complete specific off-site upgrades to accommodate runoff from the development site. System-wide capacity upgrades could be completed under the City's Capital Improvement Program (CIP) which is a multi-year plan that outlines a city's planned capital projects and infrastructure improvements, the City's Green Stormwater Infrastructure Plan, or a separate financing mechanism such as a construction tax or connection fee assessed for new development in the Project area. Consequently, the capacity of the storm drain system would be improved as redevelopment proceeds in the area. In addition, compliance with the MRP and associated City policies would reduce the overall rate and volume of runoff entering the storm drain system from development sites, reducing the potential impact on the storm drainage system. With installation of new stormwater infrastructure, the Project is not expected to contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems or result in substantial additional sources of polluted runoff and impacts would be less than significant. **(Less than Significant Impact)**

iv. Impede or redirect flood flows?

The type of flooding most likely to affect the Project area is storm-related flooding of creeks and storm drains. As shown on **Figure 3.12-2**, the Project area is entirely located within Zone X, Zone AE, Zone AH, Zone AO, and Zone D (Panel 06085C0251J, effective 2/19/2014; Panel 06085C0253H, effective 5/18/2009) and the majority of the Project area is within a 100-year flood hazard area. These areas could experience flood depths of 1 to 3 feet during a 100-year storm event. Flooding risks on the Project area would be minimized through the installation of new stormwater infrastructure including new inlets and stormwater laterals that would connect to the City's existing storm drainage system. However, the project would redevelop the Project area with new land uses, and would place new residential and commercial uses in several of these flood hazard areas and in the 100-year floodplain. This could redirect and/or increase the depth of flooding and could result in flood waters during severe storm events, endangering people and property. The construction of buildings in the 100-year floodplain could also potentially exacerbate existing Project area conditions.

The future project review would be subject to the following programs, 2040 General Plan policies, and floodplain management regulations intended to minimize risks associated with flooding:

- FEMA NFIP
- City of San José Municipal Code, Chapter 17.08 (Special Flood Hazard Area Regulations)
- Post-Construction Hydromodification Management Policy 8-14
- City of San José Local Hazard Mitigation Plan

In addition, per Valley Water's request on the NOP for this EIR, project level flood risk analyses with a flood risk analysis will need to be completed for any trail/recreational improvements impacting Valley Water's facilities and any future development within a 100-year flood hazard area (areas within Zone A in **Figure 3.12-2**). All projects would have to comply with City of San Jose's Floodplain Ordinance and at a minimum, the National Flood Insurance Program requirements. Therefore, implementation of development envisioned under the proposed

Project would not impede or redirect flood and this impact would be less than significant. **(Less than Significant Impact)**

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

The Project area is not located in an area subject to significant seiche or tsunami effects, according to maps provided by California Department of Conservation.[82] Impacts relating to flooding are discussed under threshold iv) above.

The majority of the Project area is located within an inundation area for the Anderson Dam, based on the DWR GIS Application entitled "Dam Breach Inundation Map Web Publisher".[83] Additionally, the western portion in proximity to Coyote Creek, and the northern portion of the Project area would be subject to inundation from the Coyote Dam. The online Dam Breach Inundation Map assumes complete failure with a full reservoir. The actual extent and depth of inundation in the event of a failure would depend on the volume of storage in the reservoir at the time of failure.

The risks of failure are reduced by several regulatory inspection programs including Division of Safety of Dams inspections, flood project inspections, and DWR regular inspections, and risks to people and property in the inundation area are reduced by local hazard mitigation planning. The DWR, Division of Safety of Dams is responsible for regular inspection of dams in California. DWR and local agencies (e.g., Valley Water) are responsible for minimizing the risks of dam failure thus avoiding the release of pollutants due to project inundation. Valley Water is currently limiting water levels at Anderson Dam to provide additional safety until further analyses and seismic safety improvements to the dam are completed.[84] In addition, Valley Water has implemented the Coyote Percolation Dam Replacement Project in 2024, which would help protect the water supply, groundwater basins and wildlife in Coyote Creek. tunnel.

With these precautions, the failure of Anderson Dam and Coyote Dam is considered unlikely. Therefore, future development under the Project would not expose people or structures to a significant risk of loss, injury, or death involving flooding because of dam failure and impacts would be less than significant. **(Less than Significant Impact)**

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

As discussed under **thresholds a)** and **b)** above, developments that would be allowed by the Project would comply with the City's standard permit conditions, Policy 6-32, and the City's Grading Ordinance. The Project area is within the Santa Clara subbasin, which is managed by Valley Water. Valley Water has adopted the Groundwater Management Plan for the Santa Clara and Las Llagas Subbasins to manage the water quality of this basin.[85] The groundwater management plan includes various programs to protect groundwater quality within the basin, including regional groundwater quality monitoring, public water supplier monitoring, domestic well testing program, and monitoring near recycled water irrigation sites.

Future developments allowed under the Project would be required to comply with Valley Water's most recent Groundwater Management Plan for the Santa Clara and Llagas subbasins. Therefore, the Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan and impacts would be less than significant. **(Less than Significant Impact)**

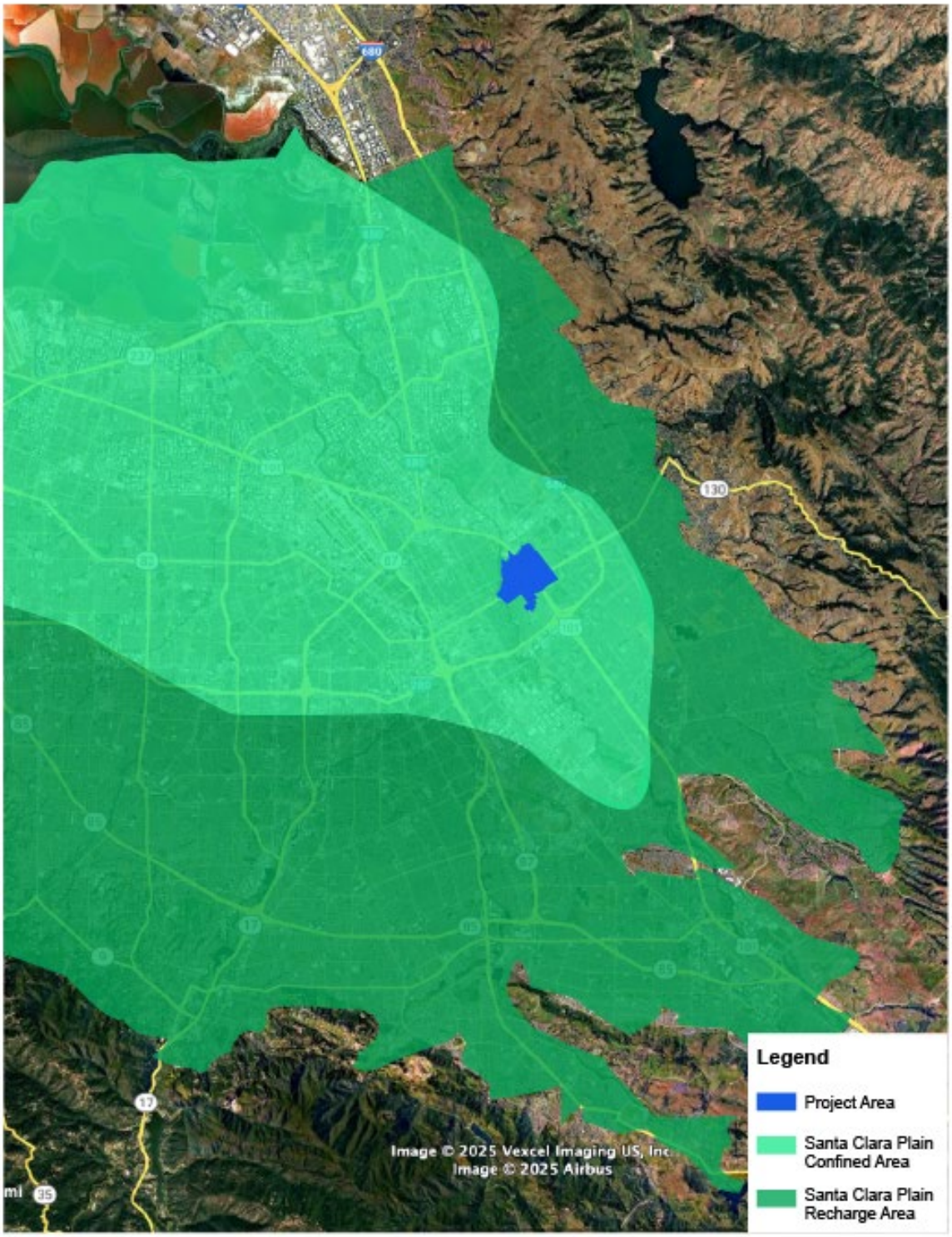
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82 California Department of Conservation. "Santa Clara County Tsunami Hazard Areas."
83 California Department of Water Resources (DWR). 2020. Dam Breach Inundation Map Web Publisher.
84 Valley Water. 2018. Anderson Dam Seismic Retrofit Project. Accessed June 2025. https://www.valleywater.org/sites/default/files/Anderson%20Dam%20FAQ%20Sheet_WEB_final.pdf
85 Valley Water. 2024. Groundwater Management Plan for the Santa Clara and Llagas Subbasins. Available at: Accessed June 2024.

3.12.3.4 Cumulative Impacts

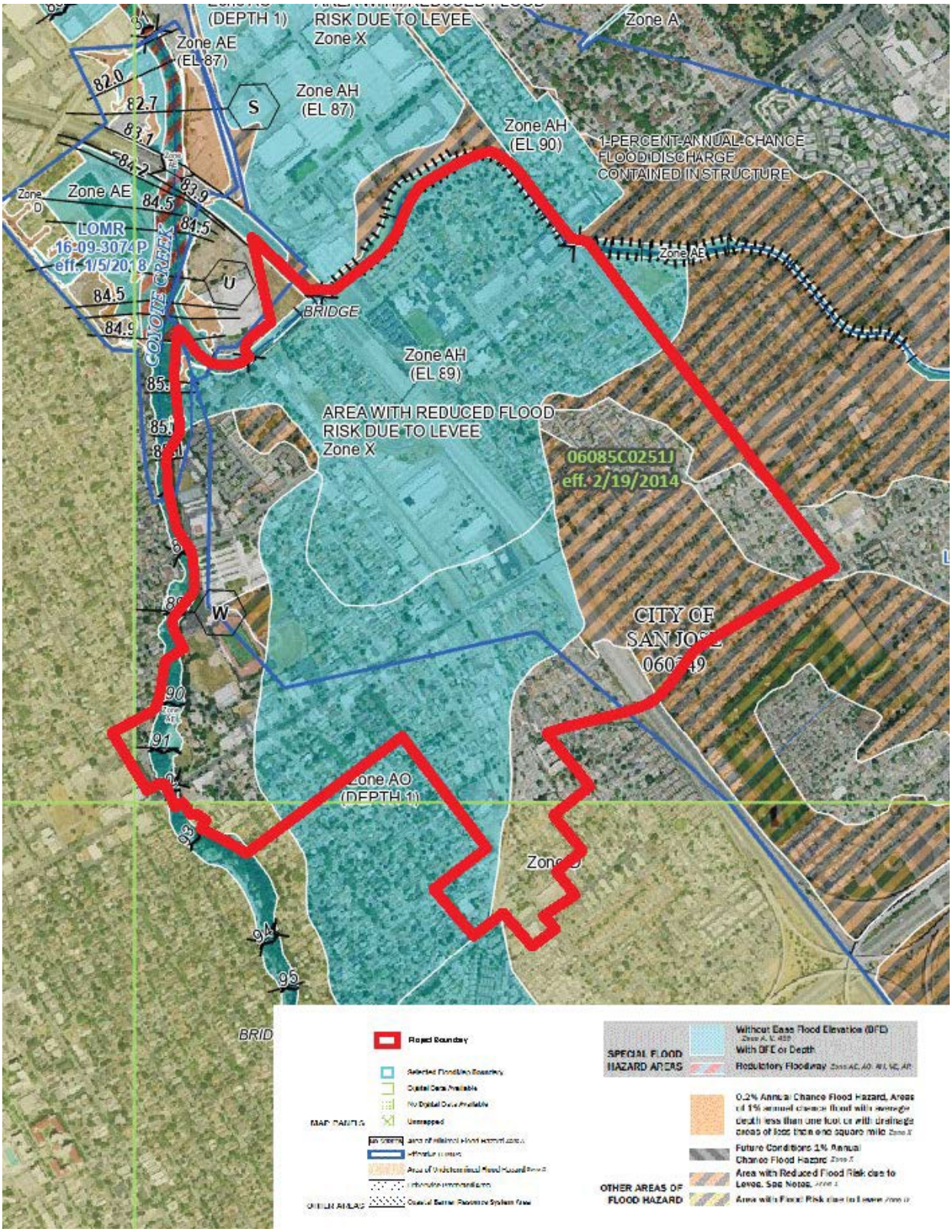
The 2040 General Plan EIR and concluded that development under the 2040 General Plan would not result in a significant impact related to flooding, drainage, surface water quality, or groundwater, with the implementation of existing regulations, programs, and 2040 General Plan policies. The Project in combination with the other planned and pending projects would result in increases in stormwater runoff from construction that could cause downstream erosion, sedimentation, and increase turbidity in receiving waters. Contaminated stormwater runoff from operations could result in increased pollutant loading due to contact with petroleum and other contaminants deposited on impervious surfaces. Substantial degradation of water quality would result in conflicts with the water quality control plan (Basin Plan). Therefore, planned development could result in significant cumulative water quality impacts during construction and operation. Future projects would be subject to the 2040 General Plan policies, proposed Plan policies, City's grading ordinance, Policy 8-14, and floodplain management regulations intended to minimize risks associated with degradation of water quality from runoff, erosion and flooding. In addition, compliance with the SWRCB's NPDES Construction General Permit requirements to implement a SWPPP and BMPs would reduce construction-related erosion.

Therefore, the Project in combination with other foreseeable projects, as those listed in **Table 3.2-1**, plus buildout of the 2040 General Plan would not result in a cumulatively significant impact.



Santa Clara and Llagas Groundwater Subbasins Figure **3.12-1**

Source: Circlepoint, 2025



FEMA Floodplains Map Figure **3.12-2**

Source: Circlepoint, 2025; FEMA, 2025

3.13 Land Use and Planning

This section discusses impacts related to land use and planning that would result from implementation of the Project. No public scoping comments regarding land use or planning were received on this topic.

3.13.1 Environmental Setting

3.13.1.1 Existing Conditions

The Project boundaries encompass a 427-acre area oriented around approximately half a mile radius of the future 28th Street and Little Portugal BART Station. The area is generally bounded by King Road to the east, Lower Silver Creek to the north, Coyote Creek to the west, and East San Fernando Street, East William Court, and East San Antonio Street to the south. East Santa Clara Street and Alum Rock Avenue bisect the north and south areas of the Urban Village and the former UPRR. The Plan Area is bisected by major transportation corridors, including U.S. 101, and includes key east–west arterials such as East Santa Clara Street and Alum Rock Avenue that shape land use patterns and urban form. The proposed Plan identifies each of the four formerly separate villages as a "District" for purposes of this Plan.

As shown on **Figure 2.9-4** and **Figure 2.9-5**, the Project area includes a range of general plan land use designations and zoning districts, including Open Space, Parklands, Mixed-Use, Residential, Commercial, and Urban Village. The Project area is comprised of zoning categories including Residential (of various densities), Commercial, Urban Village, Public/Quasi Public, and Light Industrial. A general description of land use and zoning district patterns is noted below:

- Land Use North of SR 130 and east of US 101, land use within the Project area is predominantly designated Residential Neighborhood. The Project area land use designations also includes Urban Village, Mixed Use Neighborhood, Neighborhood/Community Commercial, and Public/Quasi-Public land uses adjacent to SR 130 and McKee Road.
- South of SR 130 and east of US 101, land use within the Project area is predominantly designated Residential Neighborhood. The Project area land use designations also includes Urban Village and Neighborhood/Community Commercial land uses adjacent to SR 130, and Open Space/Parklands/Habitat land use adjacent to US 101.
- North of SR 130 and west of US 101, the Project area includes Residential Neighborhood, Urban Village, Mixed Use Neighborhood, Open Space/Parklands/Habitat, and Public/Quasi-Public land uses, as well as Transit Employment Center land use for the proposed San José BART Station.
- South of SR 130 and west of US 101, the Project area includes Residential Neighborhood, Urban Village, Mixed Use Neighborhood, Open Space/Parklands/Habitat, and Mixed-Use Commercial, as well as Combined/Industrial land use in the southern portion of the Project area.

Zoning

- North of SR 130 and east of US 101, the Project area is composed of the following zoning districts: Two-Family Residential, Single-Family Residential, Multiple Residence District, Urban Village, Public/Quasi-Public, Commercial Pedestrian, and Commercial General.
- South of SR 130 and east of US 101, the Project area is composed of the following zoning districts: Single-Family Residential, Commercial General, and Urban Residential Space.
- North of SR 130 and west of US 101, the Project area is composed of the following residential districts: Two-Family Residential, Single-Family Residential, Multiple Residence District, Urban Village, Public/Quasi-Public, Commercial Pedestrian, Commercial General, Open Space, Light Industrial, and Heavy Industrial.
- South of SR 130 and west of US 101, the Project area is composed of the following residential districts: Two-Family Residential, Single-Family Residential, Multiple Residence District, Commercial Pedestrian, Commercial General, Open Space, and Light Industrial.

Also shown in **Figure 2.9-4** of this EIR, the Project area is surrounded by the following 2040 General Plan land use designations:

- North: Public/Quasi-Public and Open Space, Parklands and Habitat
- South: Residential Neighborhood and Mixed-Use Neighborhood 2040
- East: Residential Neighborhood; Mixed-Use Neighborhood; Open Space, Parklands and Habitat; Neighborhood/Community Commercial; and Urban Village (primarily adjacent to SR 130)
- West: Residential Neighborhood; Mixed-Use Commercial; and Urban Village (primarily adjacent to SR 130)

3.13.2 Regulatory Framework

3.13.2.1 Federal

No federal plans, policies, regulations, or laws related to land use apply to the Five Wounds Urban Village Plan area.

3.13.2.2 State

California Planning Law and General Plan Guidelines

California planning law requires cities and counties to prepare and adopt a "comprehensive, long-range general plan" to guide development (Government Code Section 65300). To successfully guide long-range development, general plans require a complex set of analyses, comprehensive public outreach and input, and public policy covering a broad range of topics. State law also specifies the content of general plans. Current law requires preparation of the seven mandated elements (Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety).

Government Code Section 65860(a)

State law requires that zoning ordinances in a general law city or town be consistent with the general plan. A zoning ordinance is consistent with an adopted general plan only if the various land uses authorized by the zoning ordinance "are compatible with the objectives, policies, general land uses, and programs specified in such a plan" (Government Code Section 65860[a]). State law also provides that in the event a zoning ordinance becomes inconsistent with a general plan by reason of amendment to such a plan, the zoning ordinance must be amended within a reasonable time so that it is consistent with the general plan as amended (Government Code Section 65860[a]).

3.13.2.3 Regional and Local

Plan Bay Area 2050

Plan Bay Area 2050 is a long-range transportation, land-use, and housing plan intended to support a growing economy, provide more housing and transportation choices, and reduce transportation related pollution and GHG emissions in the Bay Area. Plan Bay Area 2050 promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas.[86]

ABAG allocates regional housing needs to each city and county within the nine-county San Francisco Bay Area, based on statewide goals. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, the MTC, and local jurisdiction planning staff created the Regional Forecast of Jobs, Population, and Housing, which is an integrated land use and transportation plan through the year 2050 (upon which Plan Bay Area 2050 is based).

86 Association of Bay Area Governments and Metropolitan Transportation Commission, Plan Bay Area Interactive Project Mapper, 2022.

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

As discussed in **Section 3.6, Biological Resources**, of this EIR, the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan ("Habitat Plan") covers an area of 519,506 acres, or approximately 62 percent of Santa Clara County. It was developed and adopted through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), VTA, USFWS, and California Department of Fish and Wildlife (CDFW). The Habitat Plan is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the plan.

County of Santa Clara Airport Land Use Commission and Comprehensive Land Use Plan

The Santa Clara County Airport Land Use Commission (ALUC), under State of California mandate 134, has adopted a CLUP for the Norman Y. Mineta San José International Airport. The CLUP contains policies applicable to new development or redevelopment of existing land uses within the Airport Influence Area. These policies address compatibility between airports and future nearby land uses by focusing on noise, over-flight safety, and airspace protection concerns for the airport over a 20-year horizon. Noise contours indicate general areas of likely community response to noise generated by aircraft activity and serve as the basis for land use compatibility determinations. Airport safety zones are established to minimize the number of people exposed to potential aircraft accidents in the vicinity of an airport by imposing density and use limitations within these zones. The CLUP also establishes a Height Restriction Area, based on federal regulations.

As shown on **Figure 8** of the CLUP, the proposed Five Wounds Urban Village Plan area is located outside of the Airport Influence Area for the Norman Y. Mineta San José International Airport.[87]

Envision San José 2040 General Plan

The City of San José approved the 2040 General Plan and associated Program EIR in 2011. The 2040 General Plan provides a vision of future growth, development, and the provision of municipal services for San José. It provides capacity for the development of up to 382,000 new jobs and 120,000 new dwelling units, supporting a population of approximately 1.3 million people by 2040.[88]

The 2040 General Plan is based on 12 major strategies:

- **Community Based Planning:** Embody the community values and goals articulated through an extensive and meaningful community based planning process.
- **Form Based Plan:** Use the 2040 General Plan Land Use/Transportation Diagram designations and Plan Goals and Policies to address the form and character as well as land uses and densities for the future development of San José.
- **Focused Growth:** Strategically focus new growth into areas of San José that will enable the achievement of City goals for economic growth, fiscal sustainability and environmental stewardship and support the development of new, attractive urban neighborhoods.
- **Innovation/Regional Employment Center:** Emphasize economic development within the City to support San José's growth as center of innovation and regional employment.
- **Urban Villages:** Promote the development of Urban Villages to provide active, walkable, bicycle-friendly, transit-oriented, mixed-use urban settings for new housing and job growth attractive to an innovative workforce and consistent with the Plan's environmental goals.

87 Santa Clara County Airport Land Use Commission. 2024. Airport Land Use Compatibility Plan – San Jose Mineta International Airport. Available: https://stgenpln.blob.core.windows.net/document/ALUC_SJC_CLUP.pdf . Accessed June 2024.

88 The 2040 General Plan provided capacity for 470,000 new jobs when it was adopted in 2011. The jobs capacity was amended to 382,000 in 2016 and maintained in 2021 as part of the General Plan Four-Year Review.

- **Streetscapes for People:** Design streets for people, not just cars, and to support a diverse range of urban activities and functions, develop important roadways as Grand Boulevards to connect multiple neighborhoods and act as urban design elements at a citywide scale, and promote the development of Main Streets to foster community identity and walkability.
- **Measurable Sustainability/Environmental Stewardship:** Advance the City's Green Vision through 2040 and establish Measurable Environmental Sustainability indicators consistent with Green Vision Goal #7.
- **Fiscally Strong City:** Establish a land use planning framework that promotes the right fiscal balance of revenue and costs to allow the City to deliver high-quality municipal services, consistent with community expectations.
- **Destination Downtown:** Support continued growth in the Downtown as the City's cultural center and as a unique and important employment and residential neighborhood to support the 2040 General Plan's economic, fiscal, environmental, and urban design/place making goals.
- **Life Amidst Abundant Natural Resources:** Promote access to the natural environment and a favorable climate as important strengths for San José by building a world-class trail network, reinforcing the Greenline/Urban Growth Boundary, and adding parks and other recreational amenities to serve existing and new populations.
- **Design for a Healthful Community:** Support the physical health of community members by promoting walking and bicycling as commute and recreational options, encouraging access to healthful foods, and supporting the provision of health care and safety services.
- **Plan Horizons and Periodic Major Review:** Ensure that the 2040 General Plan addresses the current community context and values and closely monitor the achievement of key Plan goals through a periodic major review of the 2040 General Plan and the use of Plan Horizons to phase implementation of the Plan over time.

A key component of the 2040 General Plan is the emphasis given to directing new job and housing growth to areas served by transit and other existing City services to minimize the fiscal and environmental impacts of that new growth. In support of that basic premise, the 2040 General Plan established Growth Areas to accommodate nearly all the city's planned housing and job growth capacity. These Growth Areas include the existing Downtown Core, North San José, Specific Plan areas, employment land areas, major commercial/transit corridors, and new "Urban Villages" located at key intersections or close to key transit stations or within walking distance of existing neighborhoods. Accordingly, the 2040 General Plan EIR focused on the environmental impacts related to the newly designated Growth Areas and Urban Villages and their associated development capacities. The entire Project area includes four "Urban Village": Five Wounds Urban Village, Roosevelt Park Urban Village, Little Portugal Urban Village, and the 24th and William Urban Village. In 2021, a General Plan Four-Year Review added a policy allowing planned residential and job growth within all Urban Villages to be shared in a common pool of development capacity for use by future projects subject to future environmental and long-range transportation analysis if the Project exceeds the capacities reflected in General Plan Appendix 5.

Policies in the 2040 General Plan have been adopted for the purpose of avoiding or mitigating land use impacts from development projects. Policies applicable to the Project are presented in **Table 3.13-1** below.

Table 3.13-1 Envision San José 2040 Relevant Land Use Policies

Policy	Description
Policy 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.

Policy	Description
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD- 1.15	Consider the relationship between street design, use of the public right-of-way, and the form and uses of adjoining development. Address this relationship in the Urban Village Planning process, development of new zoning ordinances, and the review of new development proposals in order to promote a well-designed, active, and complete visual street environment.
Policy 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.
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy LU-2.1	Provide significant job and housing growth capacity within strategically identified “Growth Areas” in order to maximize use of existing or planned infrastructure (including fixed transit facilities), minimize the environmental impacts of new development, provide for more efficient delivery of City services, and foster the development of more vibrant, walkable urban settings.
Policy LU-9.3	Integrate housing development with our City’s transportation system, including transit, roads, and bicycle and pedestrian facilities.
Policy LU-9.4	Prohibit residential development in areas with identified hazards to human habitation unless these hazards are adequately mitigated.
Policy LU-9.5	Require that new residential development be designed to protect residents from potential conflicts with adjacent land uses.
Policy LU-9.7	Ensure that new residential development does not impact the viability of adjacent employment uses that are consistent with the Envision General Plan Land Use / Transportation Diagram.
Policy LU-10.1	Develop land use plans and implementation tools that result in the construction of mixed-use development in appropriate places throughout the City as a means to establish walkable, complete communities.
Policy LU-10.2	Distribute higher residential densities throughout our city in identified growth areas and facilitate the development of residences in mixed-use development within these growth areas.

Policy	Description
Policy LU-10.3	Develop residentially- and mixed-use-designated lands adjacent to major transit facilities at high densities to reduce motor vehicle travel by encouraging the use of public transit.
Policy LU-11.3	Direct all significant new residential growth to identified Growth Areas to further the environmental, transit, healthy community, and other Envision General Plan objectives. Limit infill development within areas designated as Residential Neighborhood on the Land Use / Transportation Diagram to projects that maintain the prevailing neighborhood form and density as it exists on adjoining properties, with particular emphasis upon establishing and/or maintaining a consistent streetscape form between new and existing development.
Policy VN-1.7	Use new development within neighborhoods to enhance the public realm, provide for direct and convenient pedestrian access, and visually connect to the surrounding neighborhood. As opportunities arise, improve existing development to meet these objectives as well.
Policy VN-1.11	Protect residential neighborhoods from the encroachment of incompatible activities or land uses which may have a negative impact on the residential living environment.
Policy VN-1.12	Design new public and private development to build upon the vital character and desirable qualities of existing neighborhoods

Source: City of San José. 2024. *Envision San José 2040 General Plan*. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.

City of San José Municipal Code Title 20 – Zoning Ordinance

The City's Zoning Ordinance is intended to promote and protect the public peace, health, safety, and general welfare. It is adopted to (a) guide, control, and regulate future growth and development in the City in a sound and orderly manner, and promote the achievement of the goals and purposes of the Envision San José 2040 General Plan; (b) protect the character and economic and social stability of agricultural, residential, commercial, industrial, and other areas in the City; (c) provide light, air, and privacy to property; (d) preserve and provide open space and prevent overcrowding of the land; (e) appropriately regulate the concentration of population; (f) provide access to property and prevent undue interference with and hazards to traffic on public rights-of-way; and (g) prevent unwarranted deterioration of the environment and promote a balanced ecology.

Council Policy 6-34: Riparian Corridor Protection and Bird-Safe Design

As discussed in **Section 3.6, Biological Resources**, of this EIR, the City's Riparian Corridor Policy Study analyzed streams and riparian corridors in the City and addresses how development should protect and preserve these riparian corridors. Furthermore, the City's Riparian Corridor Protection and Bird-Safe Design Policy (Council Policy 6-34) supplements the regulations for riparian corridors and provides guidance for project design that protects and preserves these riparian corridors.[89] The Riparian Corridor Policy applies to projects within 300 feet of a riparian corridor's top of bank or edge of vegetation, whichever is greater. The Riparian Corridor Protection and Bird-Safe Design Policy establishes a standard of a 100-foot riparian corridor setback, with an exception for projects where no significant environmental impact will occur.

[89] City of San José. 2016. Council Policy: Riparian Corridor Protection and Bird-Safe Design. Available: https://www.sanjoseca.gov/home/showpublisheddocument/12815/636669915138100000 Accessed: May 28, 2025.

Little Portugal Urban Village Plan

The Little Portugal Urban Village Plan was approved by the City Council on November 19, 2013, and amended last on December 13, 2022. This Urban Village plan, located east of Bayshore Freeway, laid the groundwork for transforming the area into a lively mixed-use and pedestrian-centric district. Aligned with and bolstering the Bus Rapid Transit (BRT) along Alum Rock Avenue, the plan envisioned a vibrant community hub that seamlessly integrates residential, commercial, and recreational spaces. By fostering walkability, enhancing public transportation options, and promoting sustainable development practices, this Plan's goal was to cultivate a dynamic neighborhood where residents and visitors can thrive.

Roosevelt Park Urban Village Plan

The Roosevelt Park Urban Village Plan was approved by the City Council on November 19, 2013, and amended last on December 13, 2022. Located west of Bayshore Freeway, this Urban Village Plan established a framework for the transition of the Roosevelt Park Urban Village into a vibrant mixed-use and pedestrian-oriented district. The Roosevelt Park Urban Village was intended to complement and support the BRT System along East Santa Clara Street and create a safe environment for all modes of travel, a healthy mix of uses, and public gathering places as well as a great place to live, work, and play.

24th and William Urban Village Plan

The 24th and William Urban Village Plan was approved by the City Council on November 19, 2013, and amended last on December 13, 2022. This Urban Village Plan, located south of East Santa Clara Street, aimed to integrate with the planned Five Wounds Trail and enhancing connectivity with surrounding neighborhoods. The Plan envisioned a vibrant community hub that serves as a focal point for residents and visitors alike. By prioritizing walkability, diverse amenities, and community integration, this Plan's goal was to cultivate an inclusive environment where people can live, work, and connect with ease.

Five Wounds Urban Village Plan (Existing)

The existing Five Wounds Urban Village Plan was approved by the City Council on November 19, 2013, and amended last on December 13, 2022. By strategically leveraging its location north of East Santa Clara Street and its proximity to key transportation corridors such as the Santa Clara – Alum Rock BRT System, the anticipated extension of BART and the planned Five Wounds Trail, the Plan sought to create a vibrant mixed-use district that fosters economic growth, enhances connectivity, and promotes a high quality of life for residents and visitors alike.

Design Guidelines and Review Process

The San José City Council has adopted design guidelines for various land use types: Residential, Industrial, Commercial, Downtown/Historic, and Downtown. The guidelines generally seek to provide a common understanding of the minimum design standards to be applied to various land uses, development types, and sometimes specific locations. The design review process evaluates projects for conformance with City ordinances and the requirements of previous entitlements such as Planned Development zoning approvals, or concurrent processes such as subdivisions.

3.13.3 Impacts and Mitigation

3.13.3.1 Thresholds of Significance

For the purposes of this analysis and in accordance with CEQA Guidelines, a project impact to land use and planning would be considered significant if the Project would:

a) Physically divide an established community; or

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

3.13.3.2 Methodology

Impacts related to land use and planning were evaluated qualitatively by reviewing the Project's proposed land use framework and the Five Wounds Urban Village Plan Update's goals, principles, policies, and standards that govern the distribution and form of future development. The analysis focuses on whether the Project would (1) physically divide an established community, or (2) conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

As a program-level policy document, the Plan establishes a framework for future infill redevelopment in an already urbanized area. Therefore, this analysis relies on the Plan's organizing principles and implementing policies. The Plan is guided by five principles including: (1) a pedestrian-oriented mixed-use village; (2) trail/open space development and protection; (3) connectivity and accessibility, especially across U.S. 101; (4) fostering alternative transportation; and (5) intentional transit-oriented design, including minimizing parking impacts and strengthening the public realm.

3.13.3.3 Project Impacts

a) Would the Project physically divide an established community?

The Project would create a new Five Wounds Urban Village Plan that would govern land use and transportation development in the area and would amend the 2040 General Plan land use designations and zoning districts for sites and modify the allowed housing and jobs capacities within the Project area. As described above in **Subsection 3.13.1, Environmental Setting** of this EIR**,** the existing land use and zoning designations for the Project area are shown on **Figure 2.9-4** and **Figure 2.9-5** respectively. The proposed land use and zoning designations are shown in **Figure 2.9-6** and **Figure 2.9-7**, respectively. **Table 2.2-3** in **Chapter 2, Project Description** of this EIR, shows the proposed changes to land use designations and zoning districts by acreage.

Development in the Project area is planned to take place in areas that are already urbanized and would not divide an established community since new development would largely be infill and no major creation of new roadways or similar facilities that could divide neighborhoods are anticipated under the Project. In accordance with Five Wounds Urban Village Plan policies, as shown in **Appendix B** of this EIR, the project would promote pedestrian-oriented, bicycle-friendly, and transit-centric communities through the extension of BART, the construction and improvement of bicycle lanes, and the improvement of local transit infrastructures, which could enhance links within the community. Implementation of the goals and policies contained within the proposed Plan and 2040 General Plan would ensure that community divisions with adverse effects on the physical environment would either not occur or be minimized. For these reasons, implementation of the Project would not introduce new barriers that would physically divide an existing community and no impact would occur. **(No 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?

The Plan's land use framework is designed to implement the 2040 General Plan's Urban Village strategy by organizing housing and employment growth into a walkable, mixed-use, transit-oriented community that would complement and support the future 28th Street/Little Portugal BART station. The allocation of land uses considers: the need to preserve existing neighborhoods; concentrate development opportunities in areas that are less disruptive to neighborhood fabric; appropriate location and concentration of jobs; and implementing the Plan's vision and urban design approach. The overall land use policy also sets clear policies to protect and preserve the urban fabric, the existing neighborhood character, and the business community that exists today.

The Plan accommodates and concentrates most of the Urban Village's planned growth into the four Districts and along the East Julian and McKee Street corridor, limiting and managing potential uncontrolled development in existing neighborhoods within the half-mile area radius of the BART station. The land use plan and the

corresponding land use designations support a distinct identity and urban form in each District, the East Julian and McKee Street corridor, and the four neighborhood quadrants.

The land use designations in this Plan are based on those in the 2040 General Plan suitable for urban village plans, with variations. The residential densities and commercial FARs in the land use designations of this Plan supersede those in the General Plan.

The land use policies of the Project is focused on supporting development consistent with the vision of Five Wounds as a Regional Transit Urban Village, characterized by a mix of land uses, placemaking, and a sense of community created around the future BART station. Residential development is envisioned on a range from low to high density, supported by the Mixed-Use Neighborhood (MUN), Urban Residential (UR), and Urban Village (UV) land use designations in the General Plan. These land use designations also support small-to-large commercial land uses such as office, retail, service, and restaurants, integrated into residential projects through vertical or horizontal mixed-use development.

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

As described further in **Section 3.6**, **Biological Resources**, of this EIR, the future development that would be allowed by the Project would be infill, would not occur on sensitive land cover types that provide habitat to rare or endangered plants and animals, and would pay applicable serpentine fees to offset cumulative indirect effects to serpentine habitats and nitrogen deposition fees to offset potential activities that include major sources of nitrogen. Therefore, the Project would not conflict with the HCP.

Consistency with Goals and Policies

The Project is consistent with the major strategies embodied in the 2040 General Plan, as listed in **Subsection 3.13.2**, **Regulatory Framework**, of this EIR. In accordance with the goals and policies of the 2040 General Plan and the Five Wounds Urban Village Plan, the Project would aim at reducing or mitigating environmental impacts related to land use. Future implementation of the Project would establish new compact and transit friendly neighborhoods that would support multimodal transportation. Therefore, the Project would be consistent with the City's goal in creating resident-oriented streetscapes and facilitating a healthy community. The project directly supports the objectives of promoting pedestrian-oriented and transit-centric communities within the Project area and would be consistent with the City's goal in promoting sustainable lifestyle. All future actions in the Project area would be required to be in conformance with 2040 General Plan policies and the City's zoning regulations. For these reasons, the Project is consistent with the 2040 General Plan.

For the reasons described above, the Project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect and impacts would be less than significant. **(Less than Significant Impact)**

3.13.3.4 Cumulative Impacts

The potential land use impact associated with the past, present, and foreseeable projects in conjunction with buildout of the Project includes the creation of cumulative land use and zoning impacts related to conflict in consistency with plans or physical community division. Please refer to **Table 3.2-1** of this EIR**,** for a list of past, present, and foreseeable projects considered for this analysis.

As noted above, the Project is an Urban Village plan for an already urbanized area and does not include new infrastructure that would create a physical division of neighborhoods. Instead, the Plan prioritizes improving multimodal connections and access particularly to the future BART station thereby reducing the potential for cumulative effects to physical division of a community.

In the short-term, construction activities associated with future development allowed under the Project could combine with other construction projects which could affect sensitive land uses. Construction-related effects are

discussed in greater detail in the **Section 3.15, Noise and Vibration, Section 3.5, Air Quality,** and **Section 3.11, Hazards and Hazardous Materials**, of this EIR.

In the long term, cumulative land use inconsistency impacts are not anticipated because future discretionary projects would be required to demonstrate consistency with the 2040 General Plan, the adopted Five Wounds Urban Village Plan policies/standards, and applicable implementing zoning and design review requirements at the time entitlements are requested. The Plan itself is intended to implement the General Plan's growth strategy and includes policies that manage where and how growth occurs (e.g., concentrating most growth in Districts/corridors, near transit, and managing infill in neighborhood quadrants), reducing the likelihood of cumulative conflicts with adopted land use plans intended to avoid environmental impacts.

Therefore, implementation of the Project would not result in a cumulatively considerable impact or contribute to a cumulative land use and planning impact.

3.14 Mineral Resources

This section discusses the impacts to mineral resources that would result from implementation of the Project. No public scoping comments regarding mineral resources were received.

3.14.1 Environmental Setting

3.14.1.1 Existing Conditions

According to the California Geological Survey (CGS), the Project area's Mineral Resource Zone (MRZ) is classified as MRZ-1, indicating that there is little or likelihood of significant mineral deposits in the plan area.[90] Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits that are of statewide significance or for which the significance requires further evaluation. Other than the Communications Hill area cited above, San José does not have mineral deposits subject to Surface Mining and Reclamation Act (SMARA). The Project area is located 4.5 miles north of the Communications Hill area.

3.14.2 Regulatory Framework

3.14.2.1 State

Surface Mining and Reclamation Act

Under SMARA, the State Mining and Geology Board has designated only the Communications Hill Area of San José as containing mineral deposits of regional significance for aggregate (Sector EE). There are no mineral resources in the Project area. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits that are of statewide significance or for which the significance requires further evaluation. Other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA.

California Geological Survey

As mandated by SMARA, the CGS has classified lands within the San Francisco-Monterey Bay region into MRZs based on the California State Mining and Geology Board guidelines. Areas with an MRZ-1 designation have sufficient information available indicating that there is little to no likelihood of significant mineral deposits. MRZ-2 are areas where adequate information indicates that significant deposits are present. Areas classified as MRZ-3 contain mineral deposits, but their significance cannot be evaluated from available data. Areas are classified as MRZ-4 where available information is inadequate for assignment to any other MRZ category.

3.14.3 Impacts and Mitigation

3.14.3.1 Thresholds of Significance

For the purposes of this analysis and in accordance with CEQA Guidelines, a project impact to mineral resources would be considered significant if the Project would:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

90 California Department of Conservation, 2021. California Geological Survey, Mineral Resource Zone Map for Construction Aggregate in the Monterey Bay Production-Consumption Region https://www.conservation.ca.gov/cgs/documents/publications/special-reports/SR_251-MLC-MontereyBayPCR-2021-Plate01-MRZs-a11y.pdf

3.14.3.2 Methodology

A significant impact on mineral resources would occur if implementation of regional growth and land use change or transportation network improvements and programs would result in the loss of availability of known aggregate supply sites and mineral resources that would be of value to the region and the residents of the state.

To assess the potential for mineral resources within the Project area, existing data from the CGS and relevant regulatory bodies were reviewed. The Project area was evaluated against regional mineral resource classifications established under the SMARA and mapped MRZ designations.

3.14.3.3 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 the residents of the state?

Or

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

The Project area is located approximately 4.5 miles north of the Communications Hill area, the only area in San José containing mineral deposits subject to SMARA. The Project area is within a surveyed zone that shows little or no existence of mineral materials. Therefore, the Project will not result in any impacts from the loss of availability of a known mineral resource. **(No Impact)**

3.14.3.4 Cumulative Impacts

The 2040 General Plan EIR concluded that buildout of the 2040 General Plan would involve development within the Communications Hill area which includes an area designated by the State of California as containing a mineral resource of regional importance. Please refer to **Table 3.2-1** of this EIR, for a list of past, present, and foreseeable projects considered for this analysis. However, policies regarding mineral resources and land use designations in a state designated mineral resource area on Communications Hill and other related buildouts would remain the same under the 2040 General Plan. Therefore, the Project in combination with other past, present, and foreseeable projects, including the buildout of the 2040 General Plan would not result in a cumulative impact related to mineral resources.

3.15 Noise and Vibration

This section discusses the impacts of noise and vibration that would result from implementation of the Project. A Noise and Vibration Assessment was prepared for the Project by Illingworth & Rodkin, Inc. in February 2025 (see **Appendix F** of this EIR).

No comments related to noise and vibration were received during the public scoping process.

3.15.1 Environmental Setting

3.15.1.1 Background Information

Noise Fundamentals

Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. The objectionable nature of sound could be caused by its pitch or its loudness. Pitch is the height or depth of a tone or sound, depending on the relative rapidity (frequency) of the vibrations by which it is produced. Higher pitched signals sound louder to humans than sounds with a lower pitch. Loudness is the intensity of sound waves combined with the reception characteristics of the ear. Intensity may be compared with the height of an ocean wave in that it is a measure of the amplitude of the sound wave.

In addition to the concepts of pitch and loudness, there are several noise measurement scales which are used to describe noise in a particular location. A decibel (dB) is a unit of measurement which indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. An increase of 10 dB represents a 10-fold increase in acoustic energy, while 20 dB is 100 times more intense, 30 dB is 1,000 times more intense, etc. There is a relationship between the subjective noisiness or loudness of a sound and its intensity. Each 10 dB increase in sound level is perceived as approximately a doubling of loudness over a wide range of intensities. Technical terms are defined in **Table 3.15-1**.

There are several methods of characterizing sound. The most common in California is the A-weighted sound level (dBA). This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Representative outdoor and indoor noise levels in units of dBA are shown in **Table 3.15-2**. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This energy-equivalent sound/noise descriptor is called L_{eq}. The most common averaging period is hourly, but L_{eq} can describe any series of noise events of arbitrary duration.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about plus or minus 1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends upon the distance the receptor is from the noise source. Close to the noise source, the models are accurate to within about plus or minus 1 to 2 dBA.

Since the sensitivity to noise increases during the evening and at night -- because excessive noise interferes with the ability to sleep -- 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The Community Noise Equivalent Level (CNEL) is a measure of the cumulative noise exposure in a community, with a 5 dB penalty added to evening (7:00 PM - 10:00 PM) and a 10 dB addition to nocturnal (10:00 PM - 7:00 AM) noise levels. The Day/Night Average Sound Level (DNL or L_{dn}) is essentially the same as CNEL, with the exception that the evening time period is dropped and all occurrences during this three-hour period are grouped into the daytime period.

Effects of Noise

Sleep and Speech Interference

The thresholds for speech interference indoors are about 45 dBA if the noise is steady and above 55 dBA if the noise is fluctuating. Outdoors the thresholds are about 15 dBA higher. Steady noises of sufficient intensity (above 35 dBA) and fluctuating noise levels above about 45 dBA have been shown to affect sleep. Interior residential standards for multi-family dwellings are set by the State of California at 45 dBA DNL. Typically, the highest steady traffic noise level during the daytime is about equal to the DNL and nighttime levels are 10 dBA lower. The standard is designed for sleep and speech protection and most jurisdictions apply the same criterion for all residential uses. Levels of 55-60 dBA are common along collector streets and secondary arterials, while 65-70 dBA is a typical value for a primary/major arterial. Levels of 75-80 dBA are normal noise levels at the first row of development outside a freeway right-of-way. To achieve an acceptable interior noise environment, bedrooms facing secondary roadways need to be able to have their windows closed, those facing major roadways and freeways typically need special glass windows.

Annoyance

When measuring the percentage of the population that is highly annoyed, the threshold for ground vehicle noise is about 50 dBA DNL. At a DNL of about 60 dBA, approximately 12 percent of the population is highly annoyed. When the DNL increases to 70 dBA, the percentage of the population highly annoyed increases to about 25-30 percent of the population. There is, therefore, an increase of about 2 percent per dBA between a DNL of 60-70 dBA. Between a DNL of 70-80 dBA, each decibel increase increases by about 3 percent the percentage of the population highly annoyed. People appear to respond more adversely to aircraft noise. When the DNL is 60 dBA, approximately 30-35 percent of the population is believed to be highly annoyed. Each decibel increase to 70 dBA adds about 3 percentage points to the number of people highly annoyed. Above 70 dBA, each decibel increase results in about a 4 percent increase in the percentage of the highly annoyed population.

Table 3.15-1 Definition of Technical Terms Used in this Section

Term	Definition
Decibel (dB)	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure for air is 20 micro Pascals.
Sound Pressure Level	Sound pressure is the sound force per unit area, usually expressed in micro Pascals (or 20 micro Newtons per square meter), where 1 Pascal is the pressure resulting from a force of 1 Newton exerted over an area of 1 square meter. The sound pressure level is expressed in decibels as 20 times the logarithm to the base 10 of the ratio between the pressures exerted by the sound to a reference sound pressure (e.g., 20 micro Pascals). Sound pressure level is the quantity that is directly measured by a sound level meter.
Frequency (Hz)	The number of complete pressure fluctuations per second above and below atmospheric pressure. Normal human hearing is between 20 Hz and 20,000 Hz. Infrasonic sound are below 20 Hz and Ultrasonic sounds are above 20,000 Hz.
A-Weighted Sound Level (dBA)	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
Equivalent Noise Level (L_{eq})	The average A-weighted noise level during the measurement period.

Term	Definition
L_{max}, L_{min}	The maximum and minimum A-weighted noise level during the measurement period.
L_{01}, L_{10}, L_{50}, L_{90}	The A-weighted noise levels that are exceeded 1 percent, 10 percent, 50 percent, and 90 percent of the time during the measurement period.
Day/Night Noise Level, (L_{dn} or DNL)	The average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 PM and 7:00 AM.
Community Noise Equivalent Level, (CNEL)	The average A-weighted noise level during a 24-hour day, obtained after addition of 5 decibels in the evening from 7:00 PM to 10:00 PM and after addition of 10 decibels to sound levels measured in the night between 10:00 PM and 7:00 AM.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.

Source: Illingworth & Rodkin, Inc. 2025

Table 3.15-2 Typical Noise Levels in the Environment

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	110 dBA	Rock band
Jet fly-over at 1,000 feet		
	100 dBA	
Gas lawn mower at 3 feet		
	90 dBA	
Diesel truck at 50 feet at 50 mph		Food blender at 3 feet
	80 dBA	Garbage disposal at 3 feet
Noisy urban area, daytime		
Gas lawn mower, 100 feet	70 dBA	Vacuum cleaner at 10 feet
Commercial area		Normal speech at 3 feet
Heavy traffic at 300 feet	60 dBA	
		Large business office
Quiet urban daytime	50 dBA	Dishwasher in next room
Quiet urban nighttime	40 dBA	Theater, large conference room
Quiet suburban nighttime		

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	30 dBA	Library
Quiet rural nighttime		Bedroom at night, concert hall (background)
	20 dBA	
		Broadcast/recording studio
	10 dBA	
	0 dBA	

Source: Illingworth & Rodkin, Inc. 2025

Vibration Fundamentals

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One is the Peak Particle Velocity (PPV) and another is the Root Mean Square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is defined as the average of the squared amplitude of the signal. The PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration. In this report, a PPV descriptor with units of inches per second (in/sec) is used to evaluate construction generated vibration for building damage and human complaints.

Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual structural damage. In high noise environments, that are more prevalent where groundborne vibration approaches perceptible levels, this rattling phenomenon may also be produced by loud airborne environmental noise causing induced vibration in exterior doors and windows.

Perceptible vibration levels inside residences are attributed to the operation of heating and air conditioning systems, door slams and foot traffic. Construction activities, train operations, and heavy truck and bus traffic are some of the most common external sources of vibration that can be perceptible inside residences.

Construction Vibration

Construction activities can cause vibration that varies in intensity depending on several factors. The use of pile driving and vibratory compaction equipment typically generates the highest construction related groundborne vibration levels. Because of the impulsive nature of such activities, the use of the PPV descriptor has been routinely used to measure and assess groundborne vibration and almost exclusively to assess the potential of vibration to induce structural damage and the degree of annoyance for humans.

The two primary concerns with construction-induced vibration, the potential to damage a structure and the potential to interfere with the enjoyment of life, are evaluated against different vibration limits. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV. Human perception to vibration varies with the individual and is a function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels such as people in an urban environment may tolerate a higher vibration level.

Structural damage can be classified as cosmetic only, such as minor cracking of building elements, or may threaten the integrity of the building. Safe vibration limits that can be applied to assess the potential for damaging a structure vary by researcher and there is no general consensus as to what amount of vibration may pose a threat for structural damage to the building. Construction-induced vibration that can be detrimental to the building is

very rare and has only been observed in instances where the structure is at a high state of disrepair and the construction activity occurs immediately adjacent to the structure.

The California Department of Transportation published a Transportation and Construction Guidance Manual in 2020 (Manual). The Manual developed a synthesis of various vibration criteria to assess the damage potential for representative categories of structures and effects upon people. The guideline criteria, summarized in **Table 3.15-3**, refine the categories and thresholds set forth in Policy EC-2.3, establishing seven separate categories. The first two categories (Categories 1 and 2) address human perceptibility of vibration only. The five remaining categories (Categories 3-7) address human perceptibility and potential for damage to buildings described as "Extremely fragile historic buildings, ruins, ancient monuments," "Fragile buildings," "Historic and some old buildings," "Older residential structures," "New residential structures," and "Modern industrial/commercial buildings."

Most, if not all, projects would fall into Categories 5 through 7. The goal in establishing vibration limits is to mitigate potential vibration impacts associated with demolition and construction activities to a less-than-significant level by establishing safe limits to protect structures from potential damage and to minimize vibration impacts on people and businesses.

Table 3.15-3 Construction Vibration Annoyance and Damage Potential Threshold Criteria

Category	Velocity Level, PPV (in/sec)	Human Reaction	Effect on Buildings
1	0.01	Barely perceptible	No effect
2	0.04	Distinctly perceptible	Vibration unlikely to cause damage of any type to any structure
3	0.08	Distinctly perceptible to strongly perceptible	Recommended upper level of the vibration to which ruins and ancient monuments should be subjected
4	0.1	Strongly perceptible	Threshold at which there is a risk of damage to fragile buildings with no risk of damage to most buildings
5	0.25	Strongly perceptible to severe	Threshold at which there is a risk of damage to historic and some old buildings.
6	0.3	Strongly perceptible to severe	Threshold at which there is a risk of damage to older residential structures
7	0.5	Severe - Vibrations considered unpleasant	Threshold at which there is a risk of damage to new residential and modern commercial/industrial structures

Source: Illingworth & Rodkin, Inc. 2025

Rail Vibration

Railroad operations are potential sources of substantial ground vibration depending on distance, the type and the speed of trains, and the type of railroad track. People's response to ground vibration has been correlated best with the RMS velocity level of the ground. The velocity of the ground is expressed on the decibel scale, where 1 in/sec equals 120 VdB.

One of the problems with developing suitable criteria for groundborne vibration is the limited research into human response to vibration and more importantly human annoyance inside buildings. The U.S. Department of Transportation (USDOT) FTA has developed rational vibration limits that can be used to evaluate human

annoyance to groundborne vibration. These limits are summarized in **Table 3.15-4**. These criteria are primarily based on experience with passenger train operations, such as rapid transit and commuter rail systems. The main difference between passenger and freight operations is the time duration of individual events; a passenger train lasts a few seconds whereas a long freight train may last several minutes, depending on speed and length.

Table 3.15-4 FTA Groundborne Vibration Impact Criteria

Land Use Category	Impact Levels (VdB* re 1 micro-inch /sec)		
	Frequent Events[1]	Occasional Events[2]	Infrequent Events[3]
Category 1: Buildings where vibration would interfere with interior operations.	65 VdB[4]	65 VdB[4]	65 VdB[4]
Category 2: Residences and buildings where people normally sleep.	72 VdB	75 VdB	80 VdB
Category 3: Institutional land uses with primarily daytime use.	75 VdB	78 VdB	83 VdB

Source: Illingworth & Rodkin, Inc.
Notes:
1 "Frequent Events" is defined as more than 70 vibration events per day. Most rapid transit projects fall into this category.
2 "Occasional Events" is defined as between 30 and 70 vibration events of the same source per day. Most commuter trunk lines have this many operations.
3"Infrequent Events" is defined as fewer than 30 vibration events per day. This category includes most commuter rail systems.
4 This limit is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes.
*Although not a universally accepted notation, the abbreviation "VdB" is used in this document for vibration levels in decibels to reduce the potential for confusion with airborne sound levels in decibels.

Vibration from Heavy Trucks and Buses

Groundborne vibration levels from heavy trucks and buses are not normally perceptible, especially if roadway surfaces are smooth. Buses and trucks typically generate groundborne vibration levels to about 63 VdB at a distance of 25 feet when traveling at a speed of 30 mph. Higher vibration levels can occur when buses or trucks travel at higher rates of speed or when the pavement is in poor condition. Vibration levels below 65 VdB are not normally perceptible.

3.15.1.2 Existing Conditions

Existing Noise Environment

The existing noise environment within the Project area results primarily from traffic along US 101, Santa Clara Street and Alum Rock Avenue, and Julian Street and McKee Road. Traffic on 24th Street, King Road, and other minor roads also contributes to the noise environment. Union Pacific Railroad (UPRR) tracks transecting the Project area are no longer active and do not contribute to the existing noise environment. Aircraft associated with the San José Mineta International Airport, which is located 2.2 miles northwest of the Project area, and operational noise from surrounding industrial land uses also contributes to the noise environment.

A noise monitoring survey was conducted within the study area from May 15 to May 17, 2024, consisting of four long-term (LT-1 through LT-4) and seven short-term (ST-1 through ST-7) measurement locations selected to represent existing ambient noise conditions (see **Figure 3.15-1**, **Figure 3.15-2**, and **Figure 3.15-3**). Results of the long- and short-term noise measurements are summarized in **Table 3.15-5** and **Table 3.15-6**, respectively.

Long-term measurements indicate that roadway traffic is the dominant noise source throughout the study area. Day-night average noise levels (Ldn) ranged from 70 to 78 dBA, with the highest level recorded near U.S. 101 (LT-2:

78 dBA Ldn), even with an existing sound wall. Other locations adjacent to major roadways (McKee Road, East Santa Clara Street, and South 24th Street) exhibited Ldn values between 70 and 73 dBA. Daytime hourly noise levels generally ranged from the mid-60s to mid-70s dBA Leq, while nighttime levels ranged from the high-50s to low-70s dBA Leq.

Short-term measurements further characterize localized noise conditions, with 10-minute Leq values ranging from 52 to 64 dBA. Primary noise sources included local roadway traffic, aircraft overflights, and intermittent community noise (e.g., landscaping equipment, pedestrians, and sirens). The highest short-term level (64 dBA Leq) was measured near Alum Rock Avenue (ST-7), primarily generated by heavy vehicle traffic. Other locations generally exhibited moderate noise levels (52–60 dBA Leq), consistent with typical urban residential environments affected by nearby traffic and occasional aircraft noise.

Overall, the existing noise conditions in the study area are dominated by transportation sources, particularly major roadways and aircraft, with elevated noise levels near highways and arterial streets and comparatively lower levels within interior residential areas.

Table 3.15-5 Daytime and Nighttime Hourly Average Noise Measurements

Noise Measurement Name and Location	Daytime Hourly Average Noise Level (dBA L_{eq}) (7:00 AM and 10:00 PM	Nighttime Hourly Average Noise Level (dBA L_{eq}) (10:00 PM and 7:00 AM)
LT-1 Approximately 55 feet south of McKee Road, between North 33rd Street and North 34th Street.	66 to 73	59 to 72
LT-2 End of Five Wounds Lane, approximately 130 feet from the centerline of the nearest through lane of US 101.	67 to 75	68 to 74
LT-3 Approximately 30 feet north of the centerline of East Santa Clara Street between South 22nd Street and South 23rd Street.	68 to 75	58 to 70
LT-4 Approximately 20 feet east of the centerline of South 24th Street between Peach Court and East William Court.	62 to 73	56 to 68

Source: Illingworth & Rodkin, Inc. 2025

Table 3.15-6 Summary of Short-Term Noise Measurements (dBA)

Noise Measurement Location	Date, Time	Measured Noise Level, dBA					
		L_{max}	$L_{(1)}$	$L_{(10)}$	$L_{(50)}$	$L_{(90)}$	L_{eq}
ST-1: ~35 feet from the centerline of East San Antonio Street	5/15/2024, 10:30-10:40	75	70	63	55	50	60
ST-2: ~30 feet from the centerline of South 28th Street	5/15/2024, 10:50-11:00	69	67	63	54	50	58
ST-3: ~25 feet from the centerline of North 24th Street	5/15/2024, 11:10-11:20	72	70	64	50	45	59
ST-4: ~25 feet from the centerline of North 26th Street	5/15/2024, 11:30-11:40	64	63	56	48	45	53
ST-5: ~25 feet from the centerline of North 33rd Street	5/15/2024, 11:50-12:00	63	60	55	51	47	52
ST-6: corner of North 33rd Street and East Street John Street	5/15/2024, 12:10-12:20	71	67	61	51	49	57
ST-7: ~50 feet from the centerline of Alum Rock Avenue	5/15/2024, 12:30-12:40	77	73	69	60	52	64
ST-8: ~300 feet from the centerline of Alum Rock Avenue	9/20/2019, 14:10-14:20	63	61	57	53	49	54
ST-9: northwestern corner of the 1347 East Julian Street site	10/4/2022, 12:30-12:40	60	59	56	54	52	54
ST-10: ~170 feet from the centerline of the	10/4/2022, 12:50-13:00	66	63	57	55	53	56

Noise Measurement Location	Date, Time	Measured Noise Level, dBA					
		L_{max}	$L_{(1)}$	$L_{(10)}$	$L_{(50)}$	$L_{(90)}$	L_{eq}
East Julian Street frontage road and ~65 feet from the centerline of West Court							
ST-11: ~40 feet from the centerline of North 26th Street and ~70 feet from the centerline of Tripp Avenue	10/6/2022, 11:30-11:40	69	60	54	45	44	51
ST-12: southern boundary of the 1298 Tripp Avenue site	10/6/2022, 11:50-12:00	60	56	53	49	47	50
ST-13: ~15 feet from the centerline of Wooster Avenue	10/6/2022, 12:10-12:20	73	70	62	55	50	59
ST-14: represents existing noise environment at the center of the Project area	3/15/2023, 10:50-11:00	59	57	54	51	49	51
ST-15: represents existing noise environment at the rear of the Project area	3/15/2023, 11:20-11:30	59	56	50	48	47	49

Source: Illingworth & Rodkin, Inc. 2025
Notes: "~" = approximately

Previous Noise Monitoring Surveys within the Plan Area

In addition to the noise monitoring survey completed for the proposed project, ambient noise measurements have been made at the Little Portugal Site in 2019,[91] at the three Projects in the East Julian Area in 2022,[92] and at the 1271 and 1279 East Julian Street Residential Project in 2023.[93] Each of these projects are approved or planned within the Plan Area. These measurements are still relevant and included for efficiency instead of making new measurements.

[91] Illingworth & Rodkin, Inc., "Little Portugal Gateway Mixed-Use Development Noise and Vibration Assessment," January 16, 2020.
[92] Illingworth & Rodkin, Inc., "Three Projects in the East Julian Area of San José Noise and Vibration Assessment," June 13, 2023.
[93] Illingworth & Rodkin, Inc., "1271 and 1279 East Julian Street Residential Project Noise and Vibration Assessment," September 15, 2023.

Ambient noise data from prior studies (2019–2023) within the Plan Area show that primarily roadway traffic and aircraft consistently dominate the noise environment.

At the Little Portugal Gateway site (2019), long-term measurements recorded day-night levels of approximately 63 to 72 dBA DNL, with higher noise levels near Alum Rock Avenue and lower levels along residential streets. Short-term noise levels were moderate (about 54 dBA Leq), with occasional aircraft events contributing to peak noise.

In the East Julian Area projects (2022), long-term noise levels ranged from 59 to 67 dBA DNL, reflecting a mix of local street traffic and noise from nearby US 101. Short-term measurements ranged from 50 to 59 dBA Leq, with traffic as the primary source and intermittent aircraft and neighborhood activities contributing to noise intermittently.

At the 1271 and 1279 East Julian Street project site (2023), the long-term measurement recorded a higher noise level of 71 dBA DNL due to proximity to East Julian Street. Short-term noise levels ranged from 49 to 51 dBA Leq in interior portions of the site, indicating reduced noise exposure away from major roadways.

Overall, a consistent pattern of higher noise levels were measured adjacent to major roadways and lower levels within interior residential areas, with aircraft noise periodically contributing to the ambient environment.

Existing Noise-Sensitive Land Uses

Noise-sensitive receptors are dispersed throughout the Project area, and primarily consist of residential uses and schools. Noise-sensitive receptors that are adjacent (i.e., within 500 feet) to the Project area consist predominantly of single-family residences in all directions, as well as educational uses on S King Road between Alum Rock Avenue and E San Antonio Street. [94] **Figure 2.9-4** and **Figure 2.9-5** show existing and proposed land uses within and adjacent to the Project area, respectively. In addition to the Church of the Five Wounds, located at 1375 E Santa Clara St, San Jose, CA 95116, there are multiple known historic buildings within the Project area, and there may be additional buildings present that are eligible for the National Register of Historic Places and/or California Register of Historic Resources.

Traffic Noise

As discussed in **Chapter 3, Environmental Setting, Impacts, and Mitigation** of this EIR, the 2040 General Plan EIR and subsequent reviews evaluated the potential transportation impacts of buildout of the 2040 General Plan using 2015 as the existing condition baseline. For this reason, this section uses a baseline of the current land use designation as opposed to the existing physical condition.

The FHWA 77-108 Traffic Noise Calculator was used to calculate traffic noise levels along major roadways, expressways, and highways in the Project area. Average daily traffic (ADT) volumes for the Existing (2015 baseline) were provided by Hexagon Transportation Consultants, Inc. on May 6, 2024 (see **Appendix D** of this EIR). Observed vehicle mix data, posted speed limits, roadway widths, and the numbers of travel lanes were also input into the calculation model. For US 101, truck mix data input into the calculation model was based on information published by the Caltrans. The predicted noise levels were then compared to measured noise levels for calibration purposes and adjustments were made as necessary to the model.

Table 3.15-7 summarizes the existing noise levels at 75 feet from the centerline of the roadway. US 101 was modeled directionally, and the noise level was measured 75 feet from each direction of travel.

[94] General Plan Policy EC-1.2 defines noise-sensitive receptors as Land Use Categories 1, 2, 3, and 6 in Table EC-1 of the 2040 General Plan. Land uses in these categories include residential, hotels and motels, hospitals, residential care, outdoor sports and recreation, neighborhood parks, playgrounds, schools, libraries, museums, meeting halls, churches, public and quasi-public auditoriums, concert halls, and amphitheaters.

Table 3.15-7 Existing Noise Scenarios Noise Levels Along Surrounding Roadways

Roadway	Segment	DNL at 75 feet from the Roadway Centerline (dBA)
		Existing (2015)
Julian Street and McKee Road	East of King Road	68
	King Road to 33rd Street	69
	33rd Street to US 101 northbound ramps	69
	US 101 southbound ramps to 28th Street	65[a]
	28th Street to 24th Street	64
	West of 24th Street	63
Santa Clara Street and Alum Rock Road	East of King Road	63
	King Road to 34th Street	64
	34th Street to US 101 northbound ramps	64
	US 101 southbound ramps to 28th Street	64
	28th Street to 24th Street	63
	24th Street to 21st Street	64
	21st Street to 19th Street	64
	19th Street to 17th Street	64
	West of 17th Street	64
San Antonio Street	East of King Road	55
	King Road to 33rd Street	55
	33rd Street to 28th Street	56[a]
	28th Street to 24th Street	58
	West of 24th Street	56
King Road	North of Julian Street and McKee Road	66
	Julian Street and McKee Road to St James Street	65
	St James Street to Santa Clara Street and Alum Rock Avenue	66
	Santa Clara Street and Alum Rock Avenue to San Antonio Street	66
	South of San Antonio Street	66
28th Street	Julian Street and McKee Road to St James Street	N/A[b]

Roadway	Segment	DNL at 75 feet from the Roadway Centerline (dBA)
		Existing (2015)
	St James Street to Santa Clara Street and Alum Rock Avenue	N/A[b]
24th Street	Julian Street and McKee Road to St James Street	59
	St James Street to Santa Clara Street and Alum Rock Avenue	58
	Santa Clara Street and Alum Rock Avenue to San Fernando Street	61
	San Fernando Street to San Antonio Street	60
	South of San Antonio Street	58
19th Street	Santa Clara Street and Alum Rock Avenue to San Fernando Street	51
	South of San Fernando Street	52
17th Street	North of Santa Clara Street and Alum Rock Avenue	60
	South of Santa Clara Street and Alum Rock Avenue	52
US 101 northbound on ramp	At Julian Street and McKee Road	69
	At Santa Clara Street and Alum Rock Avenue	67
US 101 northbound off ramp	At Julian Street and McKee Road	68
	At Santa Clara Street and Alum Rock Avenue	69
US 101 southbound on ramp	At Julian Street and McKee Road	67
	At Santa Clara Street and Alum Rock Avenue	69
US 101 southbound off ramp	At Julian Street and McKee Road	67
	At Santa Clara Street and Alum Rock Avenue	65
US 101 northbound	South of Santa Clara Street and Alum Rock Avenue	80
	Santa Clara Street and Alum Rock Avenue to Julian Street and McKee Road	81
	North of Julian Street and McKee Road	80
US 101 southbound	North of Julian Street and McKee Road	80

Roadway	Segment	DNL at 75 feet from the Roadway Centerline (dBA)
		Existing (2015)
	Julian Street and McKee Road to Santa Clara Street and Alum Rock Avenue	81
	South of Santa Clara Street and Alum Rock Avenue	80

Source: Illingworth & Rodkin, Inc. 2025

3.15.2 Regulatory Framework

3.15.2.1 Federal

Federal Highway Administration Roadway Construction Noise Model

The FHWA Roadway Construction Noise Model (RCNM) is the national model for prediction of noise generated by construction projects. Since construction frequently occurs near residences and businesses, the FHWA developed the RCNM to control and monitor construction noise to avoid impacts on surrounding communities and neighborhoods. The RCNM provides a federally recognized construction noise screening tool to reliably and easily predict construction noise levels and to determine compliance with noise limits for construction projects of varying types.

Federal Transit Administration (FTA)

The FTA has identified vibration impact criteria for sensitive buildings, residences, and institutional land uses near rail transit and railroads. The thresholds for residences and buildings where people normally sleep (e.g., nearby residences) are 72 VdB for frequent events (more than 70 events of the same source per day), 75 VdB for occasional events (30 to 70 vibration events of the same source per day), and 80 VdB for infrequent events (less than 30 vibration events of the same source per day).

3.15.2.2 State

California Building Code

The CBC requires interior noise levels attributable to exterior environmental noise sources to be limited to a level not exceeding 45 dBA DNL/CNEL in any habitable room. The State of California established exterior sound transmission control standards for new non-residential buildings as set forth in the California Green Building Standards Code (Section 5.507.4.1 and 5.507.4.2). These sections identify the standards, such as Sound Transmission Class ratings, that project building materials and assemblies need to comply with based on the noise environment.

California Department of Transportation (Caltrans) – Construction Vibration

Caltrans recommends a vibration limit of 0.5 in/sec PPV for buildings structurally sound and designed to modern engineering standards. A conservative vibration limit of 0.25 to 0.30 in/sec PPV has been used for older buildings that are found to be structurally sound but cosmetic damage to plaster ceilings or walls is a major concern. For historic buildings or buildings that are documented to be structurally weakened, a conservative limit of 0.08 in/sec PPV is often used to provide the highest level of protection. All these limits have been used successfully and compliance with these limits has not been known to result in appreciable structural damage. All vibration limits referred to herein apply on the ground level and consider the response of structural elements (i.e., walls and floors) to groundborne excitation.

Division of Aeronautic Noise Standards

Title 21 of the California Code of Regulations sets forth the State's airport noise standards. In the findings described in Section 5006, the standard states the following: "A level of noise acceptable to a reasonable person

residing in the vicinity of an airport is established as a CNEL value of 65 dB for purposes of these regulations. This criterion level has been chosen for reasonable persons residing in urban residential areas where houses are of typical California construction and may have windows partially open. It has been selected with reference to speech, sleep, and community reaction." Based on this finding, the airport noise standard as defined in Section 5012 is set at a CNEL of 65 dBA.

2022 California Building Cal Green Code

The State of California established exterior sound transmission control standards for new non-residential buildings as set forth in the 2025 California Green Building Standards Code (Section 5.507.4.1 and 5.507.4.2). The sections that pertain to this project are as follows:

5.507.4.1 Exterior noise transmission, prescriptive method. Wall and roof-ceiling assemblies exposed to the noise source making up the building envelope shall meet a composite STC rating of at least 50 or a composite OITC rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the building falls within the 65 dBA L_{dn} noise contour of a freeway or expressway, railroad, industrial source or fixed-guideway noise source, as determined by the local general plan noise element.

5.507.4.2 Performance method. For buildings located, as defined by Section 5.507.4.1, wall and roof-ceiling assemblies exposed to the noise source making up the building envelope shall be constructed to provide an interior noise environment attributable to exterior sources that does not exceed an hourly equivalent noise level ($L_{eq\ (1\text{-}hr)}$) of 50 dBA in occupied areas during any hour of operation.

The performance method that establishes the acceptable interior noise level is the method typically used when applying these standards.

3.15.2.3 Local

Santa Clara County Airport Land Use Commission Comprehensive Land Use Plan

The Comprehensive Land Use Plan (CLUP) adopted by the Santa Clara County Airport Land Use Commission contains standards for projects within the vicinity of San José International Airport which are relevant to this project included in **Table 3.15-8**.

Table 3.15-8 Noise Compatibility Policies

Policy	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 Noise Report 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 (not shown in this report).
N-4	No residential or transient lodging construction shall be permitted within the 65 dB CNEL contour boundary unless it can be demonstrated that the resulting interior sound levels would be less than 45 dB CNEL and there are no outdoor patios or outdoor activity areas associated with the residential portion of a mixed use residential project or a multi unit residential project. (Sound wall noise mitigation measures are not effective in reducing noise generated by aircraft flying overhead.)
N-5	All property owners within the Airport Influence Area who rent or lease their property for residential use shall include in their rental/lease agreement with the tenant, a statement advising that they (the tenants) are living within a high noise area and the exterior noise

Policy	Description
	level is predicted to be greater than 65 dB CNEL in a manner that is consistent with current state law including AB2776 (2002).
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 4-1 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.

Source: Illingworth & Rodkin, Inc. 2025

2040 General Plan Noise Compatibility Guidelines

The 2040 General Plan includes goals and policies pertaining to noise and vibration. Community Noise Levels and Land Use Compatibility (commonly referred to as the Noise Element) of the 2040 General Plan utilizes the DNL descriptor and identifies interior and exterior noise standards for residential uses. The 2040 General Plan includes the criteria shown in **Table 3.15-9** for land use compatibility and acceptable exterior noise levels in the City based on land use types.

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 Envision 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 (**Table 3.15-9**). 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 would 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.

Table 3.15-9 Land Use Compatibility Guidelines for Community Noise in San José

Land Use Category	Exterior DNL Value In Decibels					
	55	60	65	70	75	80
Residential, Hotels and Motels, Hospitals and Residential Care						
Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
Schools, Libraries, Museums, Meeting Halls, and Churches						
Office Buildings, Business Commercial, and Professional Offices						
Sports Arenas, Outdoor Spectator Sports						
Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						

	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.)

Source: City of San José. 2024. *Envision San José 2040 General Plan*. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.

Additionally, the 2040 General Plan policies identified in **Table 3.15-10** have been adopted by the City of San José for the purpose of avoiding or mitigating noise and vibration impacts from development projects.

Table 3.15-10 Envision San José 2040 Relevant Noise and Vibration Policies

Policy	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 *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. *Exterior Noise Levels*

Policy	Description
	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. Residential uses are considered "normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.
Policy EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan) 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 five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or ▪ Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
Policy EC-1.3	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.
Policy EC-1.4	Include appropriate noise attenuation techniques in the design of all new General Plan streets projected to adversely impact noise sensitive uses.
Policy EC-1.5	Encourage the State Department of Transportation and County transportation agencies to provide visually pleasing sound attenuation devices on all new and existing freeways and expressways.
Policy EC-1.6	Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.
Policy EC-1.7	Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would: ▪ 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 would 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.
Policy EC-1.8	Allow commercial drive-through uses only when consistency with the City's exterior noise level guidelines and compatibility with adjacent land uses can be demonstrated.
Policy EC-1.9	Require noise studies for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-

Policy	Description
	event noise sources, implement mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms.
Policy 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.
Policy EC-1.14	Require acoustical analyses for proposed sensitive land uses in areas with exterior noise levels exceeding the City's noise and land use compatibility standards to base noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency.
Policy EC-2.1	Near light and heavy rail lines or other sources of ground-borne vibration, minimize vibration impacts on people, residences, and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration. Require new development within 100 feet of rail lines to demonstrate prior to project approval that vibration experienced by residents and vibration sensitive uses would not exceed these guidelines.
Policy EC-2.3	Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) would be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV would be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of a historical building, or building in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there would be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

Source: City of San José. 2024. Envision *San José 2040 General Plan*. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.

San José Municipal Code

Title 20 of the City's Municipal Code provides noise performance standards for the City of San José. The following sections are applicable to the project:

Section 20.20.300 Performance Standards

B. Without limiting the generality of the preceding subsection, the following specific standards shall apply in the Open Space and Agricultural Zoning Districts:

2. Noise. The sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in **Table 3.15-11** at any property line, except upon issuance and in compliance with a Conditional Use Permit as provided in Chapter 20.100.

Table 3.15-11 Additional Noise Standards – San José Municipal Code Section 20.20.300

Applicable Land Use	Maximum Noise Level in Decibels at Property Lines
Open Space or Agricultural use adjacent to a property used or zoned for residential purposes	55
Open Space or Agricultural use adjacent to a property used or zoned for commercial purposes	60

Applicable Land Use	Maximum Noise Level in Decibels at Property Lines
Open Space or Agricultural use adjacent to a property used or zoned for industrial or use other than commercial or residential purposes	70

Source: Illingworth & Rodkin, Inc. 2025

Section 20.30.700 Performance Standards

B. Without limiting the generality of the preceding subsection, the following specific standards shall apply in the Residential Zoning Districts:

2. Noise. The sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in **Table 3.15-12** at any property line, except upon issuance and in compliance with a Conditional Use Permit as provided in Chapter 20.100.

Table 3.15-12 Additional Noise Standards – San José Municipal Code Section 20.20.700

Applicable Land Use	Maximum Noise Level in Decibels at Property Lines
Any residential or nonresidential use	55

Source: Illingworth & Rodkin, Inc. 2025

Section 20.40.600 Performance Standards

B. Without limiting the generality of the preceding subsection, the following specific standards shall apply in the Commercial Zoning Districts:

2. Noise. The sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in **Table 3.15-13** at any property line, except upon issuance and in compliance with a Conditional Use Permit as provided in Chapter 20.100.

Table 3.15-13 Additional Noise Standards – San José Municipal Code Section 20.40.600

Applicable Land Use	Maximum Noise Level in Decibels at Property Lines
Commercial use adjacent to a property used or zoned for residential purposes	55
Commercial use adjacent to a property used or zoned for commercial or other nonresidential purposes	60

Source: Illingworth & Rodkin, Inc.

Section 20.50.300 Performance Standards

B. Without limiting the generality of the preceding subsection, the following specific standards shall apply in the Industrial Zoning Districts:

4. Noise. The sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in **Table 3.15-14** at any property line, except upon issuance and in compliance with a Conditional Use Permit as provided in Chapter 20.100.

Table 3.15-14 Additional Noise Standards – San José Municipal Code Section 20.50.300

Applicable Land Use	Maximum Noise Level in Decibels at Property Lines
Industrial use adjacent to a property used or zoned for residential purposes	55

Applicable Land Use	Maximum Noise Level in Decibels at Property Lines
Industrial use adjacent to a property used or zoned for commercial or other nonresidential purposes	60
Industrial use adjacent to a property used or zoned for industrial or use other than commercial or residential purposes	70

Source: Illingworth & Rodkin, Inc. 2025

Section 20.100.450 Hours of construction within 500 feet of a residential unit

Section 20.100.450 of the Municipal Code establishes allowable hours of construction within 500 feet of a residential unit between 7:00 AM to 7:00 PM on Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval.

3.15.3 Impacts and Mitigation

3.15.3.1 Thresholds of Significance

For the purposes of this analysis and in accordance with CEQA Guidelines, a project's noise and vibration impacts would be considered significant if the Project would:

a) 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;

b) Result in generation of excessive groundborne vibration or groundborne noise levels; or

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 2 miles of a public airport or public use airport, expose people residing or working in the Project area to excessive noise levels.

The CEQA Guidelines state that a project would normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans, or if noise levels generated by the Project will substantially increase existing noise levels at noise-sensitive receivers on a permanent or temporary basis. CEQA does not define what noise level increase would be substantial. 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. For the purposes of this analysis, the City of San José relies on the following as the CEQA thresholds of significance.

Construction Noise Thresholds

Pursuant to General Plan Policy EC-1.7 (refer to **Subsection 3.15.2, Regulatory Framework** of this EIR), the City considers construction noise impacts to be potentially significant, if:

a) Construction would occur within 500 feet of residential uses or 200 feet of commercial or office uses; and

b) Exceed 12 months in duration; and

c) Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing).

Operational Noise Thresholds

As identified in **Subsection 3.15.2, Regulatory Framework** of this EIR**,** Policy EC-1.2 of the City's General Plan defines a significant operational noise increase as an increase of 3 dBA DNL where future noise levels are 60 dBA

DNL or above, or by 5 dBA DNL or more where future noise levels are below 60 dBA DNL. This threshold applies to both noise caused by project-generated traffic (i.e., increases in vehicle trips on roadways caused by new development), as well as noise generated by future development (e.g., noise generated by mechanical equipment, truck loading and unloading, etc.).

Further, General Plan Policies EC-1.3 and EC-1.6 provide noise level limitations for new nonresidential developments. Policy EC-1.3 requires new nonresidential developments to mitigate project-generated noise levels to 55 dBA DNL at the receiving property lines of residential and public/quasi-public receptors. Policy EC-1.6 limits noise levels generated by existing and new industrial and commercial developments at adjacent uses to noise standards provided in the City's Municipal Code. Noise generated by new nonresidential developments would be limited to 55 dBA DNL at receiving residential property lines, to 60 dBA DNL at receiving commercial property lines, and to 70 dBA DNL at receiving industrial use property lines.

Construction Vibration Thresholds

In order to prevent cosmetic damage or worse, Policy EC-2.3 of the 2040 General Plan, as discussed in **Subsection 3.15.2, Regulatory Framework**, establishes a vibration limit of 0.08 in/sec PPV for sensitive historic structures, and a vibration limit of 0.2 in/sec PPV for buildings of normal conventional construction.[95]

3.15.3.2 Methodology

Noise conditions were evaluated for temporary construction noise and vibration from future redevelopment, and long-term operational noise from transportation and stationary sources. Existing measured conditions constitute the baseline. Future roadway traffic noise levels were modeled for Existing conditions, 2040 General Plan (No Project) conditions, and 2040 General Plan plus Plan (Project) conditions using the FHWA traffic noise prediction methodology referenced in the noise study. Model results are presented as DNL at a reference distance and used to estimate 60/65/70 dBA DNL contour distances for key roadway segments. Construction noise source levels and vibration levels for typical equipment were evaluated using industry-standard reference levels and distance attenuation relationships.

3.15.3.3 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?

Buildout of the Project has the potential to generate substantial temporary or permanent ambient noise through construction and operation. Construction noise is primarily generated by the operation of construction tools, vehicles, and equipment. Post-construction operational noise is generated by future users, increases in traffic volumes, and mechanical equipment. The potential impacts from these future noise sources are discussed in greater detail below.

The Plan Consistency Analysis also addresses other potential transportation-related noise and vibration considerations referenced in the study. It notes that the former UPRR corridor is **inactive** (and therefore not assumed to contribute rail operations noise under existing conditions) and references available information indicating that the planned underground BART tunnel alignment is not expected to introduce vibration levels that would result in compatibility conflicts under applicable criteria. Because final site design and construction methods are not known at the program stage, the Plan Consistency approach is implemented through the requirement for

[95] As defined in Policy EC-2.3, the term sensitive historic structures also encompasses ruins and ancient monuments, or buildings that are documented to be structurally weakened.

project-level acoustical/vibration evaluation where needed and conformance with City performance standards as conditions of future approvals.

Construction Noise

The Project does not propose any specific development, and therefore the exact details of future construction are not known at this time. It is, however, reasonably foreseeable that the construction of future residential and commercial development allowed by the Project would occur in proximity to existing receptors located within and adjacent to the Project area. Therefore, construction activities associated with buildout of the Project may have the potential to generate a substantial temporary ambient noise increase.

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 receptors. 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.

Major noise-generating construction activities associated with new projects would include demolition, removal of existing pavement and structures, site grading and excavation, installation of utilities, the construction of building foundations, cores, and shells, paving, and landscaping. The highest noise levels would be generated during the demolition of existing structures when impact tools are used (e.g., jackhammers, hoe rams) and during the construction of building foundations if impact pile driving is required to support the structure. Site grading and excavation activities would also generate high noise levels as these phases often require the simultaneous use of multiple pieces of heavy equipment such as dozers, excavators, scrapers, and loaders. Lower noise levels result from building construction activities when these activities move indoors, and less heavy equipment is required to complete the tasks. Construction equipment would typically include, but would not be limited to, earth-moving equipment and trucks, pile driving rigs, mobile cranes, compressors, pumps, generators, paving equipment, and pneumatic, hydraulic, and electric tools. Typical hourly average construction-generated noise levels are about 77 to 89 dBA L_{eq} measured at 50 feet from the site during busy construction periods. Large pieces of earth-moving equipment, such as graders, scrapers, and dozers, generate maximum noise levels of 85 to 90 dBA L_{max} at 50 feet. During each stage of construction, there would be a different mix of equipment operating and noise levels would vary based on the amount of equipment on site and the location of the activity. Construction noise levels drop off at a rate of about 6 dBA per doubling of distance between the noise source and receptor. Intervening structures or terrain would result in lower noise levels at distant receivers.

The City of San José does not establish quantitative noise limits for demolition or construction activities occurring in the City. According to San José's Municipal Code, the legal hours of construction within 500 feet of a residential unit are limited to the hours of 7:00 a.m. to 7:00 p.m. on Monday through Friday, unless extended hours are permitted by the Director of Planning Building and Code Enforcement.

the City of San José does not establish quantitative noise limits for demolition or construction activities occurring in the City. Instead, the City considers construction impacts to be less than significant if construction operations are less than 12 months in duration, comply with construction hour limitations within 500 feet of residential land uses, and adhere to the City's standard permit condition SPC NOI-1 requiring the use of noise minimization measures. For projects with longer construction duration or extended construction hours, SPC NOI-2 would apply. Since exact construction methods and duration are unknown at the program level, additional standard permit conditions may apply to future projects as feasible.

Standard Permit Conditions: Construction Noise

SPC NOI- 1: Construction Noise Reduction Measures - The following condition applies to all construction projects within 500 feet of residential uses or schools and within 200 feet of commercial or office uses if construction would include substantial noise generating activities (such as building demolition, grading, excavation, use of impact equipment, or building framing) occurring for 12 months or less) (General Plan Policy EC-1.7)

Noise minimization measures shall include, but are not limited to, the following:

a) Pile driving is prohibited.

b) Limit construction to the hours of 7:00 AM to 7:00 PM Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. 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 Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential use.

c) Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.

d) Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

e) Prohibit unnecessary idling of internal combustion engines.

f) 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.

g) Utilize "quiet" air compressors and other stationary noise sources where technology exists.

h) Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the Project area.

i) 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.

j) If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.

k) 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.

SPC NOI-2: –Enhanced Measures for Extended Construction Hours - The following condition applies to any project that includes extended construction duration over 12 months or hours occurring between the hours of 7:00 A.M. and 10:00 P.M. on weekdays and Saturdays and meets the following:

a) Would not require substantial pile foundations or special equipment; and

b) Have a construction schedule for more than 12 months but less than 3 years

The permittee shall retain a qualified acoustical consultant to prepare a site-specific, quantitative Construction Noise Assessment. In addition, to implementing the standard Construction Noise Reduction Measures (SPC NOI-1), the permittee shall include, but are not limited to, the following enhanced Construction Noise Reduction Measures:

- Construct solid plywood fences around ground level construction sites located adjacent to operational businesses, residences, or other noise-sensitive land uses. Typically, a temporary eight-foot-tall noise barrier fence having a minimum surface density of two pounds per square foot (lbs/ft2), such as 3/4-inch plywood, would provide a minimum attenuation of five A-weighted decibel for adjacent land uses when construction activities occur at the ground level, assuming no cracks or gaps.

- If complaints are received or excessive noise levels cannot be reduced using the measures above, temporary noise control blanket barrier along surrounding building facades that face the construction sites shall be erected.

- Substitute nail guns for manual hammering, where feasible.

- Substitute electrically powered tools for noisier pneumatic tools, where feasible.

- The contractor shall use “new technology” power construction equipment with state-of the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate intake and exhaust mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components. Utilize “quiet” air compressors and other stationary noise sources where technology exists.

- The applicant shall submit the site-specific, quantitative Construction Noise Assessment to the Director of Planning, Building and Code Enforcement or the Director’s designee for review and approval prior to the issuance of any demolition, grading and/or building permit.

Accordingly, with adherence to the standard permitting conditions SPC NOI-1 and SPC NOI-2, future construction would have a less than significant noise impact. **(Less than Significant Impact)**

Operational Noise

Plan implementation would increase housing and mixed-use development and would generate additional traffic. Long-term impacts can occur by: (1) increasing roadway traffic noise at existing sensitive receptors, and (2) placing new noise-sensitive uses in locations where exterior noise levels exceed City land use compatibility objectives, requiring building and site design to meet interior and outdoor standards.

Project-Generated Traffic

To determine how project-generated traffic would change roadway noise levels in comparison with buildout of the approved 2040 General Plan, traffic noise levels were calculated for the year 2040, with and without the Project. The FHWA 77-108 Traffic Noise Calculator was used to calculate traffic noise levels along major roadways, expressways, and highways in the Project area. ADT volumes for the 2040 General Plan and 2040 General Plan Plus Project scenarios were provided by Hexagon Transportation Consultants, Inc. on May 6, 2024 (see **Appendix D** of this EIR). Observed vehicle mix data, posted speed limits, roadway widths, and the numbers of travel lanes were

also input into the calculation model. For US 101, truck mix data input into the calculation model was based on information published by Caltrans. The predicted noise levels were then compared to measured noise levels for calibration purposes and adjustments were made as necessary to the model.

Table 3.15-15 shows the future estimated noise levels along roadway segments within the Project area that would experience increased traffic volumes under the General Plan 2040 and/or the Project. Each of these segments resulted in the same significant noise level increase under the Existing 2040 General Plan Buildout, with and without the project. Julian Street/McKee Road between US 101 southbound ramps and 28th Street and San Antonio Street between 33rd Street and 28th Street, indicate a significant noise level increase under the future project conditions; however, these segments are located adjacent to US 101, and the noise environment along these segments would be dominated by the highway, not the local roadways. When compared to the noise levels generated by US 101 (i.e., 80 to 81 dBA DNL), traffic noise along these segments would be insignificant. Therefore, the traffic increase along the local roadways would not contribute to the future noise environment at project sites in the vicinity and would not be treated as a significant permanent noise level increase within the Plan Area.

Noise levels along US 101 are expected to increase up to 1 dBA DNL. Comparing the noise level increases under future cumulative 2040 General Plan Buildout scenario to the noise level increases under the 2040 General Plan Buildout Plus Project scenario, the project's contribution would be 1 dBA DNL or less.

Table 3.15-15 Future Estimated Noise Levels Along Affected Project Area Roadways

Roadway	Segment	DNL at 75 feet from the Roadway Centerline, dBA		Increase Over Existing, dBA		Increase of 2040 Plus Project Over 2040 No Project, dBA
		2040 General Plan Buildout	2040 General Plan Buildout Plus Project	2040 General Plan Buildout	2040 General Plan Buildout Plus Project	
Julian Street and McKee Road	East of King Road	70	70	2	2	0
	King Road to 33rd Street	70	70	1	1	0
	33rd Street to US 101 northbound ramps	71	71	2	2	0
	US 101 southbound ramps to 28th Street	68[a]	69[a]	3[a]	4[a]	1[a]
	28th Street to 24th Street	67	67	**3**	**3**	0
	West of 24th Street	65	65	2	2	0
Santa Clara Street and Alum Rock Road	East of King Road	64	64	1	1	0
	King Road to 34th Street	64	64	0	0	0
	34th Street to US 101 northbound ramps	63	63	-1	-1	0

Roadway	Segment	DNL at 75 feet from the Roadway Centerline, dBA		Increase Over Existing, dBA		Increase of 2040 Plus Project Over 2040 No Project, dBA
		2040 General Plan Buildout	2040 General Plan Buildout Plus Project	2040 General Plan Buildout	2040 General Plan Buildout Plus Project	
	US 101 southbound ramps to 28th Street	63	64	-1	0	0
	28th Street to 24th Street	62	62	-1	-1	0
	24th Street to 21st Street	63	63	-1	-1	0
	21st Street to 19th Street	63	63	-1	-1	0
	19th Street to 17th Street	63	64	-1	0	0
	West of 17th Street	63	63	-1	-1	0
San Antonio Street	East of King Road	58	57	3[b]	2	-1
	King Road to 33rd Street	60	60	**5**	**5**	0
	33rd Street to 28th Street	59[a]	60[a]	3[a,b]	4[a]	1[a]
	28th Street to 24th Street	59	59	1	1	0
	West of 24th Street	59	59	3[b]	3[b]	0
King Road	North of Julian Street and McKee Road	68	68	2	2	0
	Julian Street and McKee Road to St James Street	68	68	**3**	**3**	0
	St James Street to Santa Clara Street and Alum Rock Avenue	68	68	2	2	0
	Santa Clara Street and Alum Rock Avenue to San Antonio Street	69	69	3	3	0

Roadway	Segment	DNL at 75 feet from the Roadway Centerline, dBA		Increase Over Existing, dBA		Increase of 2040 Plus Project Over 2040 No Project, dBA
		2040 General Plan Buildout	2040 General Plan Buildout Plus Project	2040 General Plan Buildout	2040 General Plan Buildout Plus Project	
	South of San Antonio Street	68	68	2	2	0
28th Street	Julian Street and McKee Road to St James Street	54	55	N/A[c]	N/A[c]	N/A[c]
	St James Street to Santa Clara Street and Alum Rock Avenue	59	59	N/A[c]	N/A[c]	N/A[c]
24th Street	Julian Street and McKee Road to St James Street	62	62	**3**	**3**	0
	St James Street to Santa Clara Street and Alum Rock Avenue	61	61	**3**	**3**	0
	Santa Clara Street and Alum Rock Avenue to San Fernando Street	61	61	0	0	0
	San Fernando Street to San Antonio Street	61	61	1	1	0
	South of San Antonio Street	59	59	1	1	0
19th Street	Santa Clara Street and Alum Rock Avenue to San Fernando Street	54	55	3[b]	4[b]	1
	South of San Fernando Street	53	54	1	2	1
17th Street	North of Santa Clara Street and Alum Rock Avenue	60	61	0	1	1
	South of Santa Clara Street and	58	58	**6[b]**	**6[b]**	0

Roadway	Segment	DNL at 75 feet from the Roadway Centerline, dBA		Increase Over Existing, dBA		Increase of 2040 Plus Project Over 2040 No Project, dBA
		2040 General Plan Buildout	2040 General Plan Buildout Plus Project	2040 General Plan Buildout	2040 General Plan Buildout Plus Project	
	Alum Rock Avenue					
US 101 northbound on ramp	At Julian Street and McKee Road	71	71	2	2	0
	At Santa Clara Street and Alum Rock Avenue	67	67	0	0	0
US 101 northbound off ramp	At Julian Street and McKee Road	69	69	1	1	0
	At Santa Clara Street and Alum Rock Avenue	69	70	0	1	1
US 101 southbound on ramp	At Julian Street and McKee Road	69	69	2	2	0
	At Santa Clara Street and Alum Rock Avenue	70	70	1	1	0
US 101 southbound off ramp	At Julian Street and McKee Road	68	68	1	1	0
	At Santa Clara Street and Alum Rock Avenue	65	65	0	0	0
US 101 northbound	South of Santa Clara Street and Alum Rock Avenue	80	81	0	1	1
	Santa Clara Street and Alum Rock Avenue to Julian Street and McKee Road	81	81	0	0	0
	North of Julian Street and McKee Road	80	80	0	0	0
US 101 southbound	North of Julian Street and McKee Road	80	80	0	0	0
	Julian Street and McKee Road to	81	81	0	0	0

Roadway	Segment	DNL at 75 feet from the Roadway Centerline, dBA		Increase Over Existing, dBA		Increase of 2040 Plus Project Over 2040 No Project, dBA
		2040 General Plan Buildout	2040 General Plan Buildout Plus Project	2040 General Plan Buildout	2040 General Plan Buildout Plus Project	
	Santa Clara Street and Alum Rock Avenue					
	South of Santa Clara Street and Alum Rock Avenue	80	80	0	0	0

Source: Illingworth & Rodkin, Inc.

Notes:

a Calculated noise levels were estimated solely based on traffic along these roadway segment; however, due to the location of these segments being in close proximity to US 101, existing and future noise levels at these locations would be dominated by US 101. Existing and future noise levels would be 80 to 81 dBA DNL at these locations, which would result in a 0 dBA DNL increase under 2040 General Plan Buildout conditions, with and without the Project.

b Since the future noise levels would remain below the normally acceptable threshold of 60 dBA DNL, a significant permanent noise level increase would be 5 dBA DNL or more for these segments.

c Existing traffic volumes were not provided along 28th Street. Therefore, noise level increases could not be calculated.

Operational Noise

In addition to project-generated traffic, noise may be generated by future development built out under the Project through operation of substantial noise sources such as outdoor dining areas or bars, mechanical equipment, outdoor maintenance areas, truck loading docks and delivery activities, public address systems, and parking lots (e.g., opening and closing of vehicle doors, people talking, car alarms). The specific details of future development allowed under the Project that are necessary to estimate operational noise levels (e.g., exact location of noise sources, attenuating factors, type of equipment, etc.) are not known at this time. However, it is reasonably foreseeable is that future development allowed under the Project would likely introduce new noise-generating sources in the vicinity (i.e., 300 feet or less) of existing noise-sensitive areas and result in a potentially significant impact.

Operational noise from future development would be reduced through adherence with the General Plan policies discussed in **Subsection 3.15.2, Regulatory Framework** of this EIR. For example, Policy EC-1.2 requires the use of noise attenuation measures, such as acoustical enclosures and sound barriers, where feasible, to avoid substantial increases to ambient noise. Additionally, the City controls noise exposure of existing land uses through its Municipal Code, which limits the maximum noise level generated by new development at adjacent property lines to 55 dBA. In order to ensure that future development complies with the City's various noise regulations and thresholds, future projects would be subject to SPC NOI-6 to ensure operational impacts are less than significant.

SPC NOI-6: – Mechanical Equipment Noise: The following condition applies to any project that includes standard (such as heating, ventilation, and air conditioning [HVAC] equipment) mechanical equipment associated with residential and commercial buildings adjacent to sensitive receptors such as residences. If a project includes mechanical equipment beyond standard HVAC equipment such as back-up generators or equipment associated with an industrial use, a project-level noise study will be required at the Planning stage to confirm noise levels meet General Plan and Municipal Code standards:

Prior to the issuance of any building permits, mechanical equipment shall be selected and designed to meet the City's 55 day-night average sound level (dBA DNL) noise level requirement at the nearby noise-sensitive land uses. A qualified acoustical consultant shall be retained to review the mechanical noise equipment to determine specific

noise reduction measures needed to reduce equipment noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Other alternate measures include locating equipment in less noise-sensitive areas (such as along the building façades farthest from the nearest residences or sensitive receptors), where feasible. The findings and recommendations from the acoustical consultant for noise reduction measures shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval prior to the issuance of any building permits.

The implementation of these SPCs would reduce noise levels below the City's thresholds. This would reduce the impact to a less-than- significant level (**Less than significant**).

b) Generation of excessive groundborne vibration or groundborne noise levels?

The Project does not propose any specific development, and therefore the exact details of future construction are not reasonably foreseeable. It is, however, reasonably foreseeable that the construction of future residential and commercial development allowed by the Project would occur in proximity to existing buildings located within and adjacent to the Project area, including historic structures.[96] Therefore, construction activities associated with buildout of the Project have the potential to generate excessive vibration that could damage existing structures. Building damage generally falls into three categories:

- Cosmetic damage (also known as threshold damage), which 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; and
- Major structural damage is defined as wide cracking or the shifting of foundation or bearing walls.

Table 3.15-16 presents typical vibration levels that could be expected from equipment used in the construction of future residential and commercial development at distances of 25 feet, and the minimum distance at which vibration levels exceed the 0.08 in/sec PPV and 0.2 in/sec PPV thresholds for each type of equipment. Vibration levels are highest close to the source, and then attenuate with increasing distance.

Table 3.15-16 Vibration Source Levels for Construction Equipment

Equipment		PPV at 25 ft. (in/sec)	Minimum Distance to Threshold (in feet)	
			0.08 in/sec PPV	0.20 in/sec PPV
Pile Driver (Impact)	upper range	1.158	286	124
	typical	0.644	168	73
Pile Driver (Sonic)	upper range	0.734	189	82
	typical	0.170	50	22
Clam shovel drop		0.202	59	26
Hydromill (slurry wall)	in soil	0.008	4	2
	in rock	0.017	7	3

[96] For more information on historic buildings located within and adjacent to the Project area, please refer to the City's Historic Resources Inventory. More information can be found here: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/historic-resources/historic-resources-inventory

Equipment	PPV at 25 ft. (in/sec)	Minimum Distance to Threshold (in feet)	
		0.08 in/sec PPV	0.20 in/sec PPV
Vibratory Roller	0.210	61	27
Hoe Ram	0.089	28	13
Large bulldozer	0.089	28	13
Caisson drilling	0.089	28	13
Loaded trucks	0.076	24	11
Jackhammer	0.035	12	6
Small bulldozer	0.003	2	<1

Source: Illingworth & Rodkin, Inc. 2025

In addition to potential damage to existing structures, construction of future development has the potential to generate vibration that interferes with human activities. As shown in **Table 3.15-3**, human reactions range from barely perceptible at 0.01 in/sec PPV to severe at 0.5 in/sec PPV. However, unlike potential effects on existing structures, effects on existing receptors would be inherently temporary and non-significant due to the nature of construction and the lack of potential long-term effects associated with limited, short-term vibration exposure.

With regard to groundborne vibration, there are two categories of construction projects: those including impact or vibratory pile driving techniques for foundation systems; and those that rely on alternate methods (e.g. CIDH piers, mat slab foundations), which produce substantially lower vibration levels. The severity of the vibration impact is determined by the proximity of a project with respect to buildings and receptors. The sensitivity of buildings is also an important factor in evaluating impacts due to groundborne vibration.

The California Department of Transportation established vibration criteria to assess the damage potential for representative categories of structures and effects upon people. The guideline criteria refine the categories and thresholds set forth in Policy EC-2.3, establishing seven separate categories. The first two categories (Categories 1 and 2 with vibration levels in the range of 0.01 to 0.04) address human perceptibility of vibration only. The five remaining categories (Categories 3-7 with vibration levels in the range of 0.08 to 0.5) address human perceptibility and potential for damage to buildings described as “Extremely fragile historic buildings, ruins, ancient monuments,” “Fragile buildings,” “Historic and some old buildings,” “Older residential structures,” “New residential structures,” and “Modern industrial/commercial buildings.”

It is anticipated that most of the buildings in the Plan Area would fall into Categories 5 through 7 (vibration levels in the range of 0.25 to 0.5). The goal in establishing vibration limits is to mitigate potential vibration impacts associated with demolition and construction activities to a less-than-significant level by establishing safe limits to protect structures from potential damage and to minimize vibration impacts on people and businesses. The vibration limits contained in Policy EC-2.3 utilized criteria from literature available to the City in 2008 that are conservative, and given the broad categories, are now believed to be too general for buildings in the Plan Area. Given that the new guideline criteria best accomplish the goal to identify and mitigate construction vibration impacts, it is recommended that these criteria be utilized to implement General Plan Policy EC-2.3 for projects facilitated by the Five Wounds Urban Village Plan.

For projects that produce vibration levels falling under Categories 1 and 2, the primary issue related to construction vibration is human perceptibility and the potential for annoyance. Vibration levels may be perceptible; however, as with any type of construction, this would be anticipated and would not be considered significant, given the intermittent and short duration of the phases that have the highest potential of producing vibration (use of jackhammers and other high-power tools). By implementing standard permit conditions that include notification to the neighbors of scheduled construction activities and scheduling construction activities

with the highest potential to produce perceptible vibration during hours with the least potential to affect nearby businesses, perceptible vibration can be kept to a minimum.

For projects that could produce vibration levels exceeding the thresholds for Categories 3 through 7, construction vibration would be expected to cause both human annoyance and the possibility of cosmetic damage. Threshold damage, or cosmetic damage, would entail hairline cracking in plaster, the opening of old cracks, the loosening of paint or the dislodging of loose objects. Minor damage would include hairline cracking in masonry or the loosening of plaster, and major structural damage would include wide cracking or shifting of foundation or bearing walls. As noted in **Appendix F**, maximum vibration levels of 0.5 in/sec PPV or lower would result in about 5 percent chance of cosmetic damage and no minor or major damage. There would be about 5 percent chance of minor damage with vibration levels of about 1.8 in/sec PPV and about 5 percent chance of major damage with vibration levels of about 2.5 in/sec PPV. Vibration levels this high would not be expected at construction sites within the Plan Area.

Construction vibration impacts would be less than significant without mitigation when off-site buildings are located more than 60 feet from the project boundary, as vibration levels would remain below 0.08 in/sec PPV for all equipment. However, projects occurring within 60 feet of a historical building or within 30 feet of a conventional building could result in potentially significant impacts if pile driving is not required. Projects involving impact or vibratory pile driving within approximately 290 feet of a historical building or within 125 feet of a conventional building would also result in potentially significant impacts and require mitigation. Accordingly, the City's vibration thresholds would be exceeded for projects with historical buildings within 60 feet of the project boundary, or where pile driving occurs within approximately 286 feet of historical buildings or 125 feet of conventional buildings. City's SPC VIB-1, SPC VI-2, and/or SPC VIB-3 would be implemented as feasible, depending on the location of the project and status of the surrounding uses.

Standard Permit Conditions

No Impact or Vibratory Pile Driving

SPC VIB- 1: Non-pile Driving within 30 feet - The following condition applies to any non-pile driving projects with existing buildings of conventional construction located within 30 feet of the project site boundaries (to meet the City's 0.2 in/sec PPV9) or buildings built between the 1940s and 1990s located within 20 feet of the project site boundaries (to meet the Caltrans threshold of 0.3 in/sec PPV)(General Plan Policy EC-2.3).

The permittee/applicant shall retain a qualified acoustical consultant to prepare a site-specific, quantitative Vibration Assessment. The permittee shall be required to implement the following Vibration Reduction Control Measures:

a) A list of all heavy construction equipment to be used for this project known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted by the contractor to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to issuance of demolition or grading permits. This list shall be used to identify equipment and activities that may generate substantial vibration and to define the level of effort required to reduce vibration levels below the thresholds.

b) Place operating equipment on the construction site as far as possible from vibration sensitive receptors.

c) Smaller equipment (less than 18,000 pounds) shall be used near the property lines or adjacent sensitive buildings to minimize vibration levels. For example, a smaller vibratory roller similar to a Caterpillar model CP433E vibratory compactor could be used when compacting materials within 30 feet of sensitive buildings. The smaller equipment intended to implement this requirement shall be individually identified among the list of equipment required under the above condition as a subset of equipment allowed for use at the property lines.

d) Avoid dropping heavy equipment and using vibratory rollers within 30 feet of sensitive structures. Use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 30 feet of structurally sensitive buildings. Select demolition methods that do not involve large impact tools, such as hoe-rams, within 30 feet of sensitive buildings. Portable jackhammers, saws, or grinders shall be used to minimize impacts to the ground.

Impact or Vibratory Pile Driving

SPC VIB- 2: Pile Driving near Buildings of Conventional Construction - The following condition applies to any project that requires impact or vibratory pile driving and is located within 125 feet of existing buildings of conventional construction (to meet the City's 0.2 in/sec PPV10) or within 90 feet of buildings of conventional construction built between the 1940s and 1990s (to meet the Caltrans threshold of 0.3 in/sec PPV).

The permittee/ shall retain a qualified acoustical consultant to prepare a site-specific, quantitative Vibration Assessment. In addition to implementing any applicable Vibration Reduction Control Measures (SPC VIB-1), the permittee shall include, but is not limited to, the following expanded Vibration Reduction Control Measures:

a) Notify neighbors within 500 feet of the construction site of the construction schedule and that there could be noticeable vibration levels resulting from pile driving.

b) For all projects requiring impact pile driving, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile.

c) For all projects requiring impact pile driving, jet or partially jet piles into place to minimize the number of impacts required to seat the pile.

d) Prior to the issuance of a demolition, grading, or building permit, which occurs first, the applicant shall implement a construction monitoring plan to document conditions during pile driving activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. The Plan 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 a demolition, grading, or building permit, whichever occurs first. The construction vibration monitoring plan should be implemented to include the following tasks:

    i. Identification of sensitivity to groundborne vibration of nearby structures. A vibration survey (generally described below) shall be performed;

    ii. Performance of a photo survey, elevation survey, and crack monitoring survey for each of these structures. Surveys shall be performed prior to any pile driving activity, at regular intervals during pile driving, and after completion, and shall include internal and external crack monitoring in structures, settlement, and distress and shall document the condition of foundations, walls, and other structural elements in the interior and exterior of said structures;

    iii. Development of a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after pile driving. Alternative construction methods would be identified for when vibration levels approach the limits that are stated in the General Plan, such as Policy EC-2.3;

    iv. If vibration levels approach limits, suspend construction and implement alternative construction methods to either lower vibration levels or secure the affected structures;

v. Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage have been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities;

vi. The results of all vibration monitoring shall be summarized and submitted in a report shortly after substantial completion of pile driving identified in the project schedule. The report will include descriptions of measurement methods, equipment used, calibration certificates, and graphics, as required, to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits will be included together with proper documentation supporting any such claims;

vii. 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 applicant shall submit the site-specific, quantitative Vibration Assessment to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any demolition, grading and/or building permit.

SPC VIB- 3: Expanded Vibration Reduction Control Measures - The following condition applies to any pile driving and non-pile driving project located within the following minimum distances of historic buildings. Per the California Code of Regulations Title 14, Section 15064.5, a historical resource is defined as any object, building, structure, site, area, place, record, or manuscript that has been determined eligible for listing on the National Register of Historic Places (NRHP), the California Register of Historic Resources (CRHR), or a local register of historic resources.

Non-pile Driving Equipment

a) 65 feet of a historic building to meet the City's 0.08 inches/second peak particle velocity (in/sec PPV)

b) 25 feet of the project site to meet the Caltrans threshold of 0.25 in/sec PPV

Pile Driving Equipment

c) 290 feet of historic buildings to meet the City's current 0.08 in/sec PPV threshold

d) 100 feet of historic building to meet the Caltrans threshold of 0.25 in/sec PPV

The permittee shall retain a qualified acoustical consultant to prepare a site-specific, quantitative Vibration Assessment. In addition to implementing the Vibration Reduction Control Measures (SPC VIB-1), the permittee shall include, but is not limited to, the following expanded Vibration Reduction Control Measures:

a) A list of all heavy construction equipment that are known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted by the contractor to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to issuance of demolition or grading permits. This list shall be used to identify equipment and activities that may generate substantial vibration and to define the level of effort required to reduce vibration levels below the thresholds.

b) Place operating equipment on the construction site as far as possible from vibration sensitive receptors.

c) Smaller equipment (less than 18,000 pounds) shall be used near the property lines or adjacent sensitive buildings to minimize vibration levels. For example, a smaller vibratory roller similar to a Caterpillar model

CP433E vibratory compactor could be used when compacting materials within 65 feet of sensitive buildings. The smaller equipment intended to implement this requirement shall be individually identified among the list of equipment required under the above condition as a subset of equipment allowed for use at the property lines.

d) Avoid dropping heavy equipment and using vibratory rollers within 65 feet of sensitive structures. Use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 65 feet of structurally sensitive buildings. Select demolition methods that do not involve large impact tools, such as hoe-rams, within 65 feet of sensitive buildings. Portable jackhammers, saws, or grinders shall be used to minimize impacts to the ground.

e) A Construction Vibration Monitoring Plan shall be implemented to document conditions during demolition and heavy groundwork activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. The Plan shall be submitted to the Director of Planning, Building and Code Enforcement or the 31 Director's designee and the City of San José's Historic Preservation Officer for review and approval prior to issuance of a demolition, grading, or building permit, whichever occurs first. The Construction Vibration Monitoring Plan shall include the following tasks:

   i. Identification of sensitivity to groundborne vibration of nearby structures. A vibration survey (generally described below) would need to be performed;

   ii. Performance of a photo survey, elevation survey, and crack monitoring survey for each of these structures. Surveys shall be performed prior to any demolition activity, at regular intervals during demolition and construction, and after completion, and shall include internal and external crack monitoring in structures, settlement, and distress and shall document the condition of foundations, walls and other structural elements in the interior and exterior of said structures;

   iii. Development of a Vibration Monitoring and Construction Contingency Plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after demolition and construction activities. Alternative construction methods would be identified for when vibration levels approach the limits that are stated in the General Plan, such as Policy EC-2.3;

   iv. If vibration levels approach limits, suspend construction and implement alternative construction methods to either lower vibration levels or secure the affected structures;

   v. 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.

   vi. Conduct a post-construction survey on structures where either monitoring has indicated high vibration levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities;

   vii. The results of all vibration monitoring shall be summarized and submitted in a report to the Director of Planning, Building and Code Enforcement or the Director's designee shortly after substantial completion of construction identified in the project schedule. The report shall include descriptions of measurement methods, equipment used, calibration certificates, and graphics, as required, to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits will be included together with proper documentation supporting any such claims.

viii. Regular weekly or monthly monitoring reports (as determined by the City of San José's Historic Preservation Officer) shall be submitted during construction to the Director of Planning, Building and Code Enforcement or the Director's designee and the Historic Preservation Officer if the project site is located within 32 300 feet of any nearby historical resources as outlined in the monitoring schedule;

f) The permittee shall prepare preconstruction survey documentation of the nearby historical resources as part of project start-up. Prior to issuance of a demolition, grading, or building permit, whichever occurs first, a qualified architectural historian shall undertake an existing visual conditions study of the nearby historical resources within 300 feet of the project site. The purpose of the study would be to establish the baseline conditions of the neighboring historic buildings prior to construction, including the location and extent of any visible cracks or spalls. The documentation shall take the form of detailed written descriptions and visual illustrations and/or photos, including those physical characteristics of the resources that convey their historic significance. The documentation shall be reviewed and approved by the City of San José's Historic Preservation Officer, or equivalent prior to issuance of a demolition, grading, or building permit, whichever occurs first.

g) Once the baseline conditions of the neighboring historical resource(s) within 300 feet of the project site are determined, the permittee shall engage a qualified architectural historian to prepare a Historical Resources Protection Plan that provides measures and procedures to protect nearby historical resources from direct or indirect impacts during construction activities (i.e., due to damage from operation of construction equipment, staging, and material storage). The Historical Resources Protection Plan must be approved by the City's Historic Preservation Officer of the Department of Planning, Building and Code Enforcement prior to issuance of a grading, or building permit. The permittee shall ensure the contractor follows the Historical Resources Protection Plan while working near these historic resources. At a minimum, the plan shall include:

i. Guidelines for operation of construction equipment adjacent to historical resources;

ii. Means and methods to reduce vibrations from excavation and construction;

iii. Requirements for monitoring and documenting compliance with the plan; and

iv. Education/training of construction workers about the significance of the historical resources around which they would be working.

h) The qualified architectural historian shall establish a "Monitoring Team" comprised of at least one qualified architectural historian and one structural engineer for the duration of the site monitoring process. During the demolition and construction phases, the Monitoring Team shall make periodic site visits to monitor the condition of the property, including monitoring of any instruments such as crack gauges, if necessary, or reviewing vibration monitoring required by other construction monitoring processes required under the City's permit processes. Site visit reports and documents shall be provided to the City's Historic Preservation Officer on a quarterly basis. The Director of Planning, Building and Code Enforcement or the Director's designee and the City's Historic Preservation Officer may request any additional number of site visits at their discretion.

i) If, in the opinion of the Monitoring Team, substantial adverse impacts to any historical resource related to construction activities are found during construction, a representative of the Monitoring Team shall inform the permittee (or the applicant's designated representative responsible for construction activities), the Director of Planning, Building and Code Enforcement or the Director's designee and the Historic Preservation Officer of the potential impacts. The permittee shall implement the Monitoring Team's recommendations for corrective measures, including halting construction in situations where construction activities would imminently endanger any historical resource. In the event of damage to any nearby historical resource during construction, the permittee shall ensure that repair work is performed in

compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and shall restore the character-defining features in a manner that does not affect the structure's historic status. The Monitoring Team shall prepare a report documenting all site visits. The reporting period shall be a minimum of once every three months. The Monitoring Team or its representative, shall submit the site visit reports to the Director of Planning, Building and Code Enforcement or the Director's designee and the Historic Preservation Officer no later than one week after each reporting period. The Monitoring Report shall also include, but is not limited to, the following:

i. Summary of the demolition and construction progress;

ii. Identification of substantial adverse impacts related to construction activities;

iii. Problems and potential impacts to any historical resources and adjacent buildings during construction activities; l) Recommendations to avoid any potential impacts;

iv. Actions taken by the permittee in response to the problem;

v. Progress and the level of success in meeting the applicable Secretary of the Interior's Standards for the Treatment of Historic Properties for the project as noted above for the character-defining features, and in preserving the character defining features of nearby historic properties; and

vi. Inclusion of photographs to explain and illustrate progress.

j) The Monitoring Team shall submit a final document associated with monitoring and repairs after completion of the construction activities to the Director of Planning, Building and Code Enforcement or the Director's designee and the City's Historic Preservation Officer prior to the issuance of any Certificate of Occupancy (temporary or final). The permittee shall submit the site-specific, quantitative Vibration Assessment to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any demolition, grading and/or building permit.

The implementation of these SPCs would reduce vibration levels at buildings surrounding the project sites within the Plan Area to below the City's thresholds. This would reduce the impact to a less-than-significant level. **(Less than Significant Impact)**

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 2 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?

San José Mineta International Airport is a public-use airport located approximately 2.2 miles northwest of the Project area. According to the City's Airport Master Plan Environmental Impact Report, the Project area lies outside the 60 dBA CNEL/DNL contour line (see **Figure 3.15-4**). According to Policy EC-1.11 of the City's General Plan, the required safe and compatible threshold for exterior noise levels due to aircraft would be at or below 65 dBA CNEL/DNL. Therefore, the Project would be compatible with the City's exterior noise standards for aircraft noise.

Assuming standard construction materials for aircraft noise below 60 dBA DNL, the future interior noise levels resulting from aircraft would be below 45 dBA DNL. Therefore, future interior noise at future developments under the Project would be compatible with aircraft noise**.** Aircraft noise would have a less than significant impact on people residing or working in the Project area. **(Less than Significant Impact)**

3.15.3.4 Cumulative Impacts

For purposes of cumulative analysis, the geographic scope for construction noise and vibration is conservatively identified as within 500 feet of the Project area boundary because construction noise/vibration from multiple sites

could overlap at receptors within this distance when projects occur concurrently. The geographic scope for operational noise is conservatively identified as within 300 feet of the Project area boundary because stationary and area sources (e.g., mechanical equipment, loading/refuse activity, outdoor uses) can add to other operational sources in the near field, depending on design and operating characteristics.

Cumulative noise impacts in the Plan Area would primarily occur from cumulative traffic growth under 2040 conditions, which would increase roadway noise levels along the major corridors and US 101. The Five Wounds Noise and Vibration Study evaluated traffic noise under Existing, 2040 General Plan Buildout (No Project), and 2040 General Plan Buildout Plus Project conditions and identified that several roadway segments would experience "substantial" increases under the City's significance criteria (i.e., meeting the City's DNL increase thresholds). Importantly, the Study notes that the same roadway segments showing substantial increases under the 2040 General Plan Buildout also show substantial increases with and without the Five Wounds Plan.

With respect to the Project's incremental contribution, comparing the 2040 General Plan Buildout scenario to the 2040 General Plan Buildout Plus Project scenario, the Five Wounds Plan would generally contribute noise level increases within about 1 dBA DNL or less. Therefore, traffic generated by the Five Wounds Urban Village Plan would not measurably contribute to impact on a cumulative basis. In addition, along roadway segments immediately adjacent to US 101 ramps where local roadway increases appear numerically substantial, the noise environment would be dominated by US 101 (about 80–81 dBA DNL) and the local-road contribution would not meaningfully change the future noise environment at nearby sites.

Accordingly, cumulative permanent traffic noise increases affecting existing noise-sensitive uses along major corridors would remain a cumulatively considerable impact, and (consistent with the Study's discussion of the underlying General Plan buildout condition) this impact may remain significant and unavoidable where no feasible roadway-level mitigation is available to reduce increases attributable to cumulative traffic growth. However, the incremental contribution of the Five Wounds Plan to that cumulative permanent traffic noise increase would be less than cumulatively considerable because the Plan's added contribution is generally not measurable above the cumulative 2040 General Plan condition.

Cumulative operational (non-traffic) noise from future mixed-use development (e.g., mechanical equipment, loading/refuse activity, outdoor uses) is inherently more variable and cannot be meaningfully quantified at the program stage because the exact tenant mix and operational characteristics are unknown. For this reason, the appropriate cumulative approach is performance-based: future projects would be required to demonstrate compliance with applicable operational noise standards (through project-specific acoustical analysis where warranted and enforceable design/operational controls), which would avoid cumulatively considerable operational noise effects in most cases.

Construction noise and vibration are generally localized and temporary; however, there is potential for overlapping construction from multiple redevelopment projects (and other major infrastructure projects such as BART in the vicinity) to occur at the same time, which could increase the duration and intensity of short-term noise exposure in particular locations. The construction impact significance is tied to large or complex projects and duration/proximity triggers under City policy, and it is not feasible at the program level to predict which projects will overlap in time or location. Therefore, cumulative construction noise and vibration are best addressed through standardized construction controls applied project-by-project, including construction noise logistics planning for long-duration projects near sensitive receptors and vibration monitoring/contingency requirements when vibration-generating activities occur near buildings. With implementation of those standardized requirements, cumulative construction noise and vibration would generally be less than cumulatively considerable, recognizing that temporary nuisance conditions may still occur during periods of concurrent construction.

3.15.3.5 Non-CEQA Effects

Per California Building Industry Association v. Bay Area Air District, 62 Cal. 4th 369 (BIA v. Air District), effects of the environment on the Project are not considered CEQA impacts. The following discussion is included for

informational purposes only because the City of San José has policies that address existing noise conditions affecting future receptors as discussed in **Subsection 3.15.2, Regulatory Framework** of this EIR.

The Project would amend General Plan 2040 land use designations and zoning districts for sites throughout the Project area and modify the allowed housing and jobs capacities within the Project area from 4,855 jobs and 2,022 housing units to 2,500 jobs and 8,022 units. As a result, certain sites within the Project area would be redeveloped with new residential, commercial, or industrial land uses, which are subject to different interior and exterior noise standards as discussed in **Subsection 3.15.2, Regulatory Framework** of this EIR. This section summarizes the analysis of the land use compatibility of the proposed development within the Project area with respect to the future noise environment. Recommendations are being made to ensure that future developments within the Project area are not exposed to excessive noise levels.

Noise and Land Use Compatibility

The Environmental Leadership Chapter in the 2040 General Plan sets forth policies with the goal of minimizing the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies in the City of San José. As described above, Policy EC-1.1 and Table EC-1 of the 2040 General Plan define the noise level standards required for noise and land compatibility studies.

Noise level thresholds included in Table EC-1 and Policy EC-1.1 require future projects proposed within the Project area to meet the following noise levels:

- The City's acceptable exterior noise level standard is 60 dBA DNL or less for all single-and multi-family residential land uses. This threshold would apply to hotels/motels, as well.
- The City's acceptable exterior noise level standard is 70 dBA DNL or less for all office buildings, business, commercial and professional land uses.
- The City's standard for interior noise at the proposed residential land uses is 45 dBA DNL.
- The Cal Green Code standards specify an interior noise environment attributable to exterior sources not to exceed an hourly equivalent noise level (L_{eq} [1-hr]) of 50 dBA in occupied areas of nonresidential uses during any hour of operation.

Noise levels in the Project area were measured and calculated using the 75-foot receptor noise levels in **Table 3.15-7**. The estimated noise level increases along each roadway segment are also summarized in **Table 3.15-7**.

Future Exterior Noise Environment

Specific locations for future development projects are unknown at this time. However, distances to the 60, 65, and 70 dBA DNL thresholds for each proposed uses were estimated along each roadway segment based on the future exterior noise levels summarized in

Table 3.15-15.

Noise produced by vehicular traffic along roadways in the vicinity of Project area could potentially expose the proposed land uses to levels exceeding the exterior compatibility thresholds. Future exterior noise levels at a distance of 75 feet from the centerline of the primary roadways within the Project area would typically range from 54 dBA DNL along 19th Street south of San Fernando Street to 71 dBA DNL along Julian Street and McKee Road between 33rd Street and the US 101 northbound ramps. Future exterior noise levels within 75 feet from US 101 would range from 80 to 81 dBA DNL. **Table 3.15-17** summarizes the distances to the 60, 65, and 70 dBA DNL noise contours along the roadways within the Project area.

Table 3.15-17 2040 General Plan Buildout Plus Proposed Project Traffic Noise Contour Distances within the Project Area

Roadway	Segment	Distance from Centerline to Traffic Noise Contour, feet		
		70 dBA DNL	65 dBA DNL	60 dBA DNL
Julian Street and McKee Road	East of King Road	80	170	365
	King Road to 33rd Street	75	155	335
	33rd Street to US 101 northbound ramps	85	180	390
	US 101 southbound ramps to 28th Street	65	130	285
	28th Street to 24th Street	50	105	225
	West of 24th Street	35	70	150
Santa Clara Street and Alum Rock Road	East of King Road	30	65	140
	King Road to 34th Street	30	65	135
	34th Street to US 101 northbound ramps	30	60	130
	US 101 southbound ramps to 28th Street	30	60	130
	28th Street to 24th Street	25	50	105
	24th Street to 21st Street	25	55	115
	21st Street to 19th Street	30	55	120
	19th Street to 17th Street	30	60	130
	West of 17th Street	25	55	115
San Antonio Street	East of King Road	15	25	50
	King Road to 33rd Street	15	35	70

Roadway	Segment	Distance from Centerline to Traffic Noise Contour, feet		
		70 dBA DNL	65 dBA DNL	60 dBA DNL
	33rd Street to 28th Street	15	35	75
	28th Street to 24th Street	15	35	70
	West of 24th Street	15	30	65
King Road	North of Julian Street and McKee Road	55	115	250
	Julian Street and McKee Road to St James Street	55	120	260
	St James Street to Santa Clara Street and Alum Rock Avenue	60	125	265
	Santa Clara Street and Alum Rock Avenue to San Antonio Street	65	130	285
	South of San Antonio Street	60	125	270
28th Street	Julian Street and McKee Road to St James Street	10	15	35
	St James Street to Santa Clara Street and Alum Rock Avenue	15	30	65
24th Street	Julian Street and McKee Road to St James Street	25	50	105
	St James Street to Santa Clara Street and Alum Rock Avenue	20	45	90
	Santa Clara Street and Alum Rock Avenue to San Fernando Street	20	45	95
	San Fernando Street to San Antonio Street	20	45	90

Roadway	Segment	Distance from Centerline to Traffic Noise Contour, feet		
		70 dBA DNL	65 dBA DNL	60 dBA DNL
	South of San Antonio Street	15	35	70
19th Street	Santa Clara Street and Alum Rock Avenue to San Fernando Street	10	15	35
	South of San Fernando Street	10	15	30
17th Street	North of Santa Clara Street and Alum Rock Avenue	20	40	85
	South of Santa Clara Street and Alum Rock Avenue	15	25	55
US 101 northbound	South of Santa Clara Street and Alum Rock Avenue	380	815	1,750
	Santa Clara Street and Alum Rock Avenue to Julian Street and McKee Road	425	910	1,955
	North of Julian Street and McKee Road	350	750	1,615
US 101 southbound	North of Julian Street and McKee Road	355	765	1,650
	Julian Street and McKee Road to Santa Clara Street and Alum Rock Avenue	415	895	1,925
	South of Santa Clara Street and Alum Rock Avenue	375	800	1,725

Source: Illingworth & Rodkin, Inc.

Future Interior Noise Environment

Residential Land Uses

Standard residential construction provides approximately 15 dBA of exterior-to-interior noise reduction, assuming the windows are partially open for ventilation. Where exterior noise levels range from 60 to 65 dBA DNL, the inclusion of adequate forced-air mechanical ventilation is often the method selected to reduce interior noise levels to acceptable levels by closing the windows to control noise. Where noise levels exceed 65 dBA DNL, forced-air mechanical ventilation systems and sound-rated construction methods are normally required. Such methods or materials may include a combination of smaller window and door sizes as a percentage of the total building façade facing the noise source, sound-rated windows and doors, sound-rated exterior wall assemblies, and mechanical ventilation so windows may be kept closed at the occupant's discretion.

The setback distances in **Table 3.15-17** to meet the exterior noise limit of 60 dBA DNL would also meet the interior noise limit of 45 dBA DNL, assuming standard residential construction materials. Buildings within the setback distances to the 65 dBA DNL contour would require adequate forced-air mechanical ventilation with standard construction materials to meet 45 dBA DNL within residential units. At or within the 70 dBA DNL contour distance, sound-rated construction materials would be required to meet the 45 dBA DNL limit.

Commercial, Office, and Industrial Land Uses

Standard construction materials for commercial, office, and industrial uses would provide about 25 dBA of noise reduction in interior spaces. The inclusion of adequate forced-air mechanical ventilation systems is normally required so that windows may be kept closed at the occupant's discretion and would provide an additional 5 dBA reduction. The standard construction materials in combination with forced-air mechanical ventilation would satisfy the daytime threshold of 50 dBA $L_{eq(1\text{-}hr)}$ at most commercial, office, and industrial uses.

Spaces where lower noise levels would be desired, such as private offices and conference rooms, may benefit from additional noise control in order to meet a lower, more desirable interior noise level. Additional noise control could be accomplished by selecting higher sound-rated windows (STC 34 or greater along exterior façades).

Recommendations to Reduce Future Exterior and Interior Noise Levels

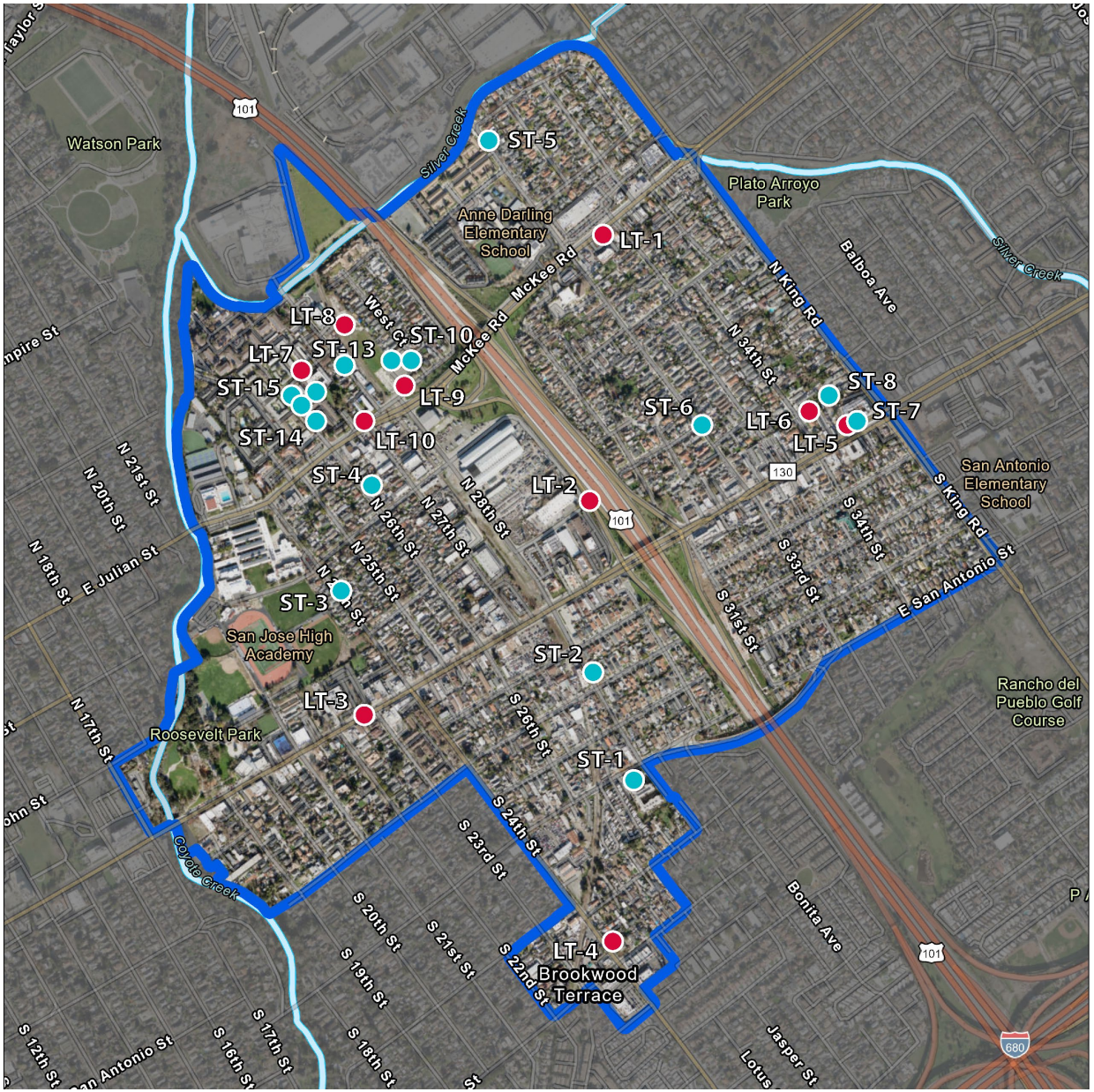
Incorporation of Policies EC-1.1, EC-1.9, EC-1.11, and EC-1.14, in conjunction with the Land Use Compatibility Guidelines, would require that the General Plan compatibility standards be used to determine where noise levels in the community are acceptable or unacceptable, and require noise attenuation measures to achieve the "normally acceptable" noise standards. Noise studies of new development proposals are required when existing or future noise levels from transportation or non-transportation noise sources exceed the "acceptable" levels for that use in order to determine the controls necessary to maintain consistency with the interior and exterior noise standards of the Noise Element. The interior noise limits set forth in the State Building Code are extended to residential, hotel, motel, residential care, and hospital land uses in San José. General Plan Policy EC-1.9 would be implemented and would require that studies be conducted to mitigate loud intermittent noise sources such as aircraft. Policy EC-1.11 would be implemented and would require that incompatible land uses be located outside of the 65 dBA CNEL noise contour.

Train Vibration and Land Use Compatibility

The U.S. Department of Transportation, FTA vibration impact assessment criteria are used by the City of San José to evaluate the compatibility of proposed projects with vibration levels produced by heavy-rail and light-rail trains. The FTA vibration impact criteria are based on maximum overall levels for a single event. The impact criteria for groundborne vibration are shown in **Table 3.15-4**. Note that there are criteria for frequent events (more than 70 events of the same source per day), occasional events (30 to 70 vibration events of the same source per day), and infrequent events (less than 30 vibration events of the same source per day).

The former UPRR are not currently in use and are not expected to be in use in the future. However, a future underground BART tunnel is planned to go through the Project area (see **Figure 3.15-5**). According to the Phase II

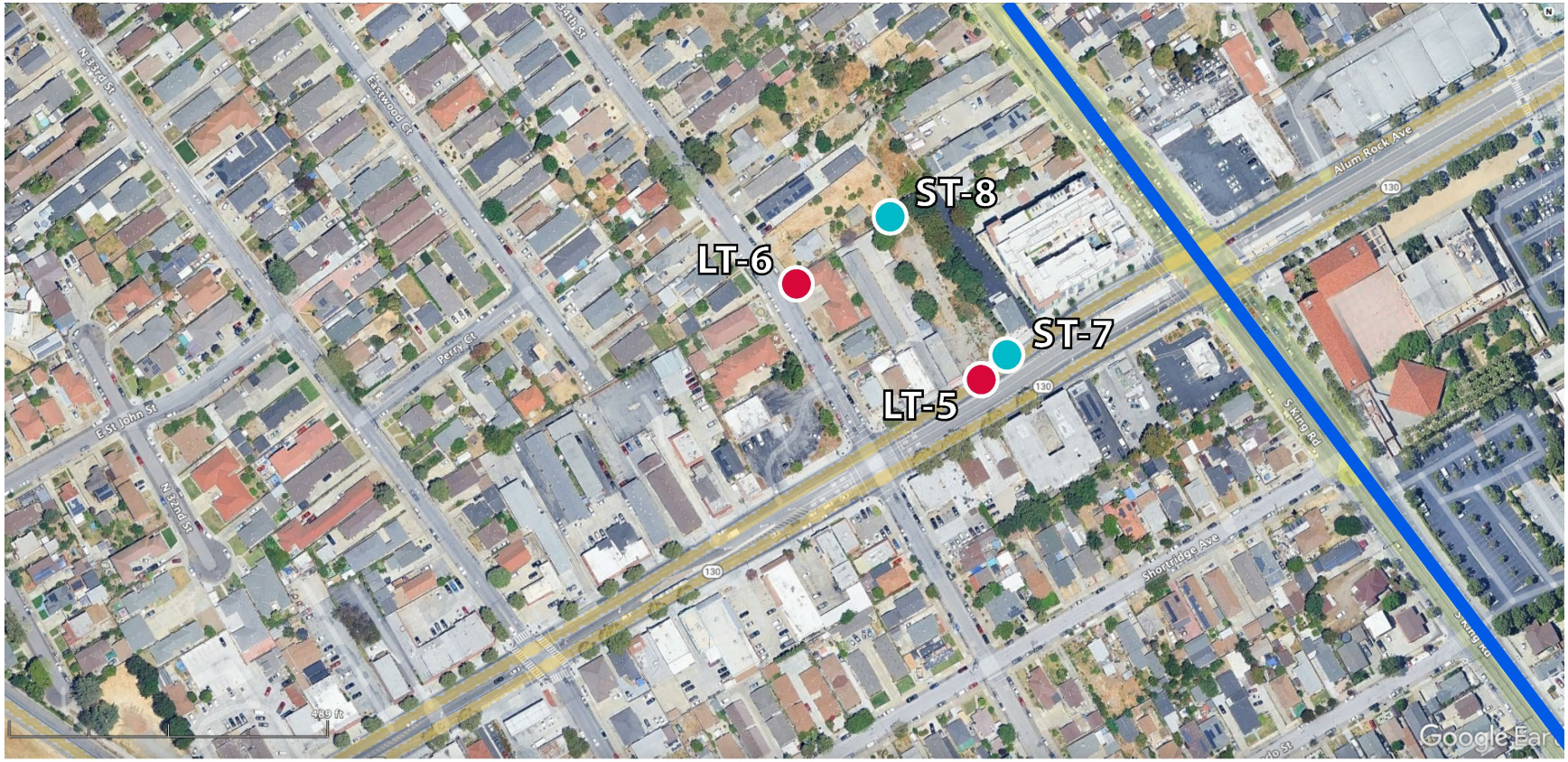
Extension Project, no vibration impacts are projected for the tunnel alignment when the predicted levels of vibration are compared to the FTA 1/3-octave band criteria. Therefore, the FTA vibration thresholds are not expected to be exceeded at any receptors in the Project area. All projects within the Project area would be compatible with the future vibration environment.



Aerial Image of the Project Area and Vicinity Showing Long- and Short-Term Measurement Locations

Figure **3.15-1**

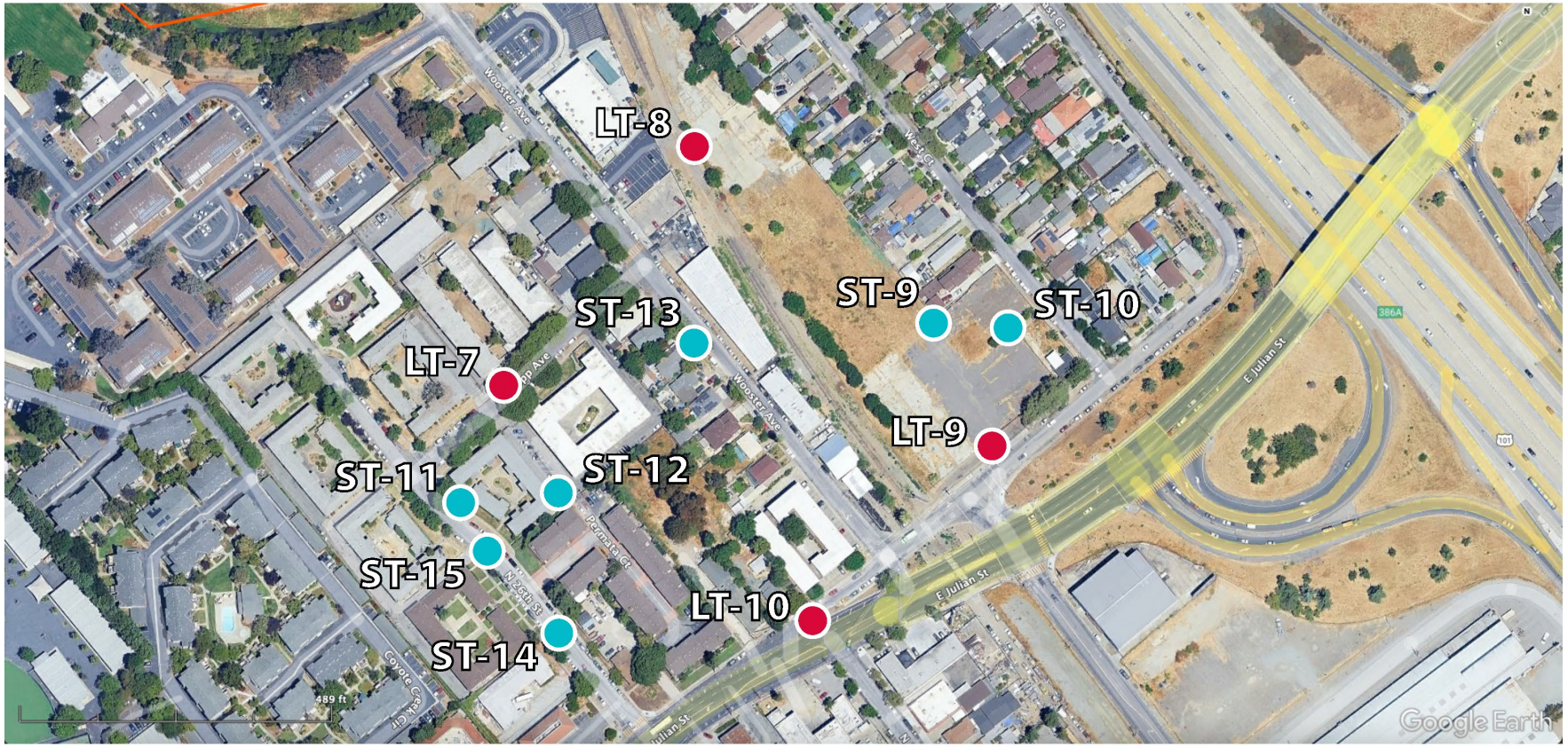
Source: Illingworth & Rodkin, 2025



Aerial Image of the Little Portugal Gateway Project Site and Vicinity Showing Long- and Short-Term Measurement Locations

Figure **3.15-2**

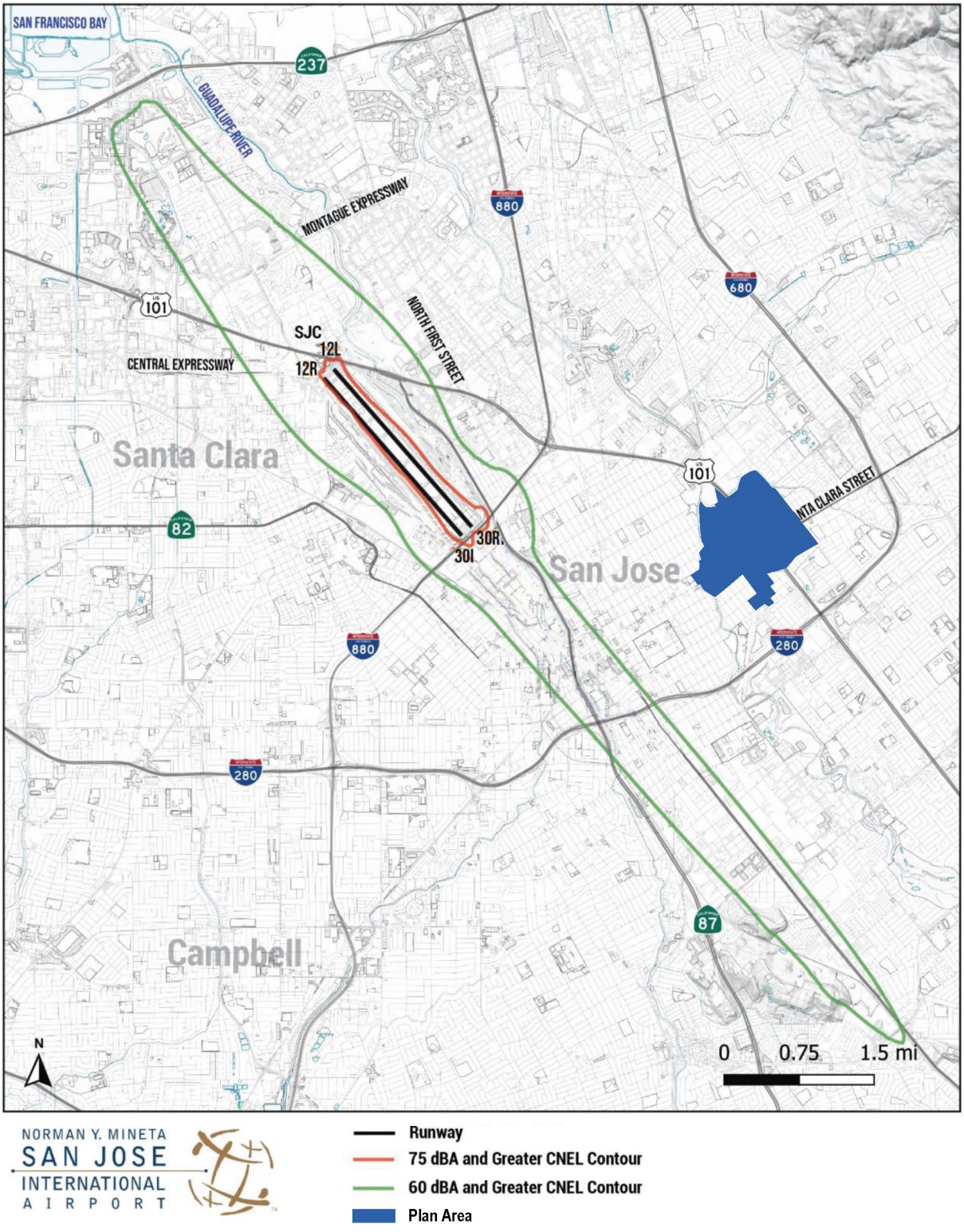
Source: Illingworth & Rodkin, 2025



Aerial Image of the Three Projects in the East Julian Area and 1271 & 1279 East Julian Street and Vicinity Showing Long- and Short-Term Measurement Locations

Figure **3.15-3**

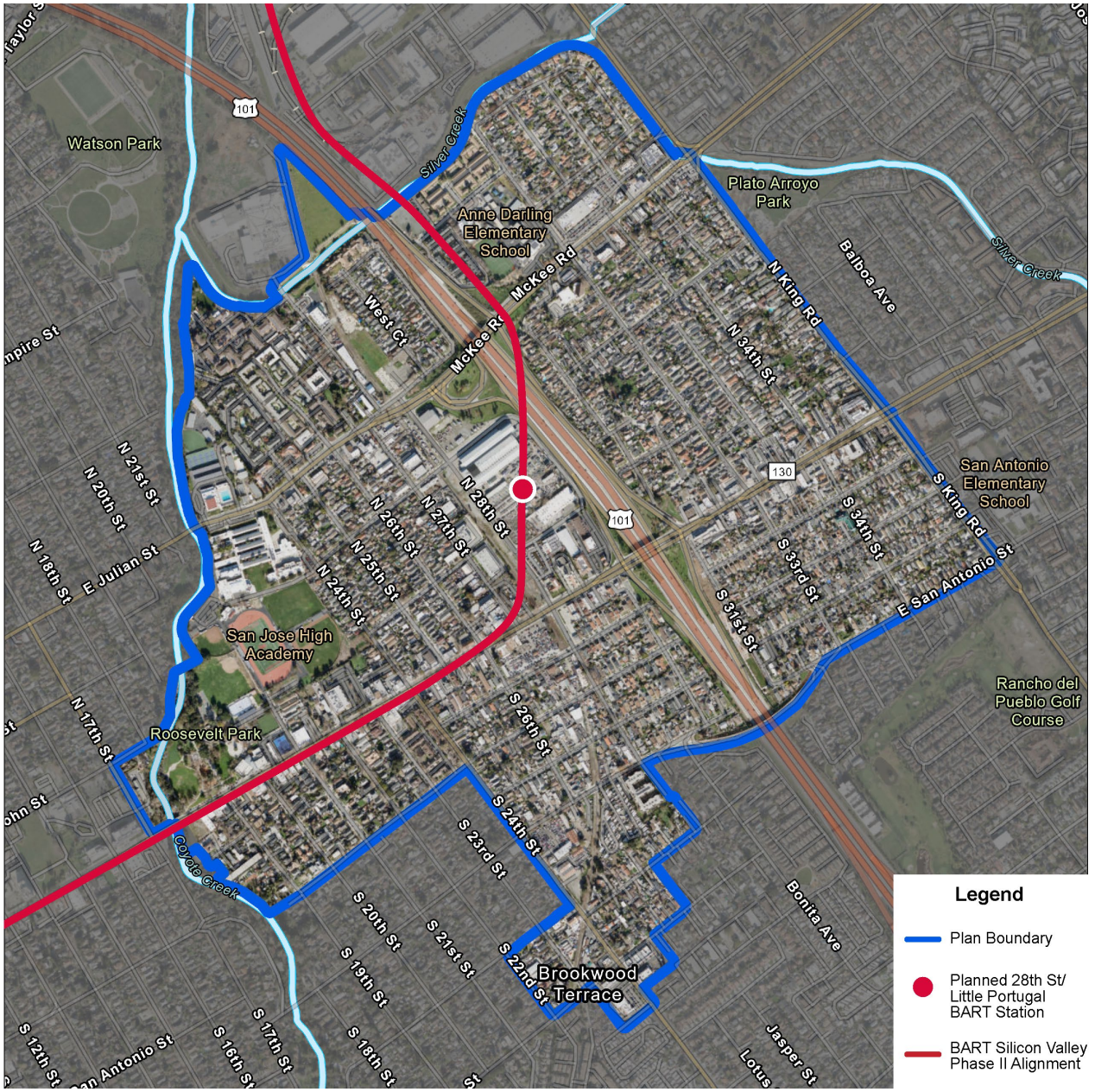
Source: Illingworth & Rodkin, 2025



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CNEL Noise Contours for SJIA Relative to Project Area Figure **3.15-4**

Source: City of San José, 2019



Planned Alignment of VTA BART Extension

Figure **3.15-5**

Source: Santa Clara Valley Transportation Authority, 2024

3.16 Population and Housing

This section discusses the impacts to population and housing that would result from implementation of the Project. No public scoping comments related to population or housing were received.

3.16.1 Environmental Setting

3.16.1.1 Existing Conditions

Changes in population, housing, and employment in and of themselves are generally characterized as social and economic effects. While increased population does not necessarily cause direct effects on the physical environment, it could cause indirect environmental effects such as increased vehicle trips and air pollutant emissions. Therefore, this discussion focuses on the relationship between the locations of jobs and housing, based upon the analysis in the 2040 General Plan EIR.

Population

The City had an estimated population of 1,012,452 in 2020, according to the California Department of Finance (DOF)[97]. The City's population grew approximately 7 percent over the 10-year period, rising from 945,942 in 2010 to 1,012,452 in 2020. Association of Bay Area Governments (ABAG) projects that the City's population will reach 1,377,145 with 448,310 households by 2040.[98] As discussed in **Section 3.16, Population and Housing** of this EIR, the total population of the City in 2019 was estimated to be 1,021,786, nearly an 11 percent increase from 2010. Rapid population growth is expected to continue for Santa Clara County and for the City into the future. According to ABAG's Plan Bay Area Projections 2040, Santa Clara County's population is projected by ABAG to increase from approximately 2 million in 2020 to 2.5 million by 2040, representing growth of approximately 25 percent over the existing population (ABAG, 2018). This is faster than the Bay Area region's projected growth of 22 percent over the same period.

The six census tracts, which contain the four current urban villages included in the Project, included a total population of 23,312 and 731 housing units in 2021. The average housing size in the Project area is 3.46 persons, which is higher compared to the citywide average of 2.79 persons per household.[99] These census tracts include 5014.01, 5014.02, 5015.02, 5015.01, 5036.01, and 5036.02. As of 2024, the city's population is approximately 969,491.[100]

Housing

Despite the population growth, housing production has not kept up with housing demand for several decades in the Bay Area, as the total number of units built and available has not yet come close to meeting the population and job growth experienced throughout the region. The housing stock of the City in 2020 was made up of 52.5 percent single-family detached homes, 9.7 percent single-family attached homes, 7.0 percent multifamily homes with 2 to 4 units, 27.5 percent multifamily homes with 5 or more units, and 3.3 percent mobile homes[101]. As noted in the Housing Element EIR, the housing type that experienced the most growth between 2010 and 2020 in the City was Multifamily Housing: Five-plus Units, which increased by approximately 25 percent.[102]

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[97] CA Department of Finance. Available at: E-8_2010_2020_by_Geo_Internet.xlsx, accessed May 12, 2026.
98 Association of Bay Area Governments and Metropolitan Transportation Commission. 2022. Plan Bay Area 2040 Projections 2050.
99 City of San José (2021). San José GIS Open Data.
100 California Department of Finance. 2024. E-5 Population and Housing Estimates for Cities, Counties, and the State.
[101] City of San José 2023-2031 Housing Element Update, March 2023. 638142607402130000
102 U.S. Census Bureau. 2023. *American Community Survey 5-Year Estimates, Table B25001: Housing Units.* Available: https://data.census.gov/table/ACSDT5Y2023.B25001?t=Housing+Units&g=1400000US06085501401,06085501402,06085501501,06085501502,06085503601,06085503602. Accessed June 2025.

Employment

City had approximately 529,412 jobs in 2024.[103] Approximately 73.1 percent are employed in private companies, 11.7 percent are in public sector, 7.1 percent are in nonprofits, and remaining 8.1 percent are self-employed.[104]

Related to housing and employment, many relevant environmental effects are attributable to the relationships between jobs and housing, which can promote walking, biking, or transit commutes, allow for relatively short vehicular commutes, or result in longer commutes and associated air quality and greenhouse gas emissions, transportation noise, and other environmental effects. The average commute time for workers commuting to employment centers inside and outside the city was approximately 28.7 minutes, in comparison to Santa clara County average of 27. Approximately 66.5 percent of workers commute alone. Approximately 13.2 percent of workers carpooled to work, about 2 percent walked, and 2.9 percent rode public transit. Approximately 12.8 percent worked from home.

According to the U.S. Census Bureau's 2023 American Community Survey 5-Year Estimates, total employment within the Project area varies by census tract. Tract 5015.01 has the highest estimated number of employed residents, with 2,211 individuals, followed by Tract 5036.02 with 2,168. Tract 5015.02 has an estimated 1,794 employed residents, while Tract 5014.02 has 1,624 and Tract 5014.01 has 1,517. The tract with the lowest employment is Tract 5036.01, with 1,249 employed residents. These estimates reflect employment levels among the working-age population residing within each tract.[105]

Regional Housing Needs Assessment

The ABAG released the most recent Regional Housing Needs Allocation (RHNA) as part of the 6th Housing Element Cycle, which covers the planning period from 2023 to 2031. The RHNA assigns each jurisdiction in the region a share of housing units to accommodate projected population and employment growth, based on regional planning goals and state requirements. According to the RHNA, the City of San José has been allocated a total of 62,200 housing units, distributed across four income categories. The largest share of housing need is assigned to the above moderate-income category, reflecting strong demand for market-rate housing alongside continued needs in lower-income tiers. **Table 3.16-1** summarizes the City's assigned housing needs by income level for the 2023–2031 planning period.

Table 3.16-1 ABAG Regional Housing Needs Determination from Housing and Community Development

Income Category	Percent	Housing Unit Needs
Very Low	25.9	114,442
Low	14.9	68,892
Moderate	16.5	72,712
Above Moderate	42.6	188,130
Total	100	441,176

Source: Association of Bay Area Governments (ABAG). 2021. Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023–2031. Available: https://abag.ca.gov/sites/default/files/documents/2021-12/Final_RHNA_Allocation_Report_2023-2031-approved_0.pdf. Accessed June 2025.

[103] U.S. Census Bureau. "Occupation by Class of Worker for the Civilian Employed Population 16 Years and Over" American Community Survey, ACS 1-Year Estimates Subject Tables, Table S2406, 2024, https://data.census.gov/table/ACSST1Y2024.S2406?q=S2406. Accessed on May 13, 2026.

[104] San Jose city, California - Census Bureau Profile

105 U.S. Census Bureau. 2015. American Community Survey 5-Year Estimates, Table B08007: Sex of Workers by Place of Work. Available: https://data.census.gov/table/ACSDT5YSPT2015.B08007?t=Employment:Population+Total&g=1400000US06085501401,06085501402,06085501501,06085501502,06085503601,06085503602. Accessed June 2025.

3.16.2 Regulatory Framework

3.16.2.1 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 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.[106] The City's Housing Element and related land use policies were last updated in January 2024, certifying City of San José's 2023-2031 Housing Element.[107]

3.16.2.2 Regional and Local

Inclusionary Housing Ordinance (IHO)

The Inclusionary Housing Ordinance, Chapter 5.08 of the San José Municipal Code, was adopted on January 12, 2010, and recently amended in 2021. The IHO requires all residential developers who create new, additional, or modified For-Sale or Rental units to provide 15 percent of housing on-site that is affordable to income qualified buyers/renters specified below. The base obligation is where 15 percent of the Inclusionary Units are provided On-Site. The Inclusionary Housing Ordinance allows developers multiple option to satisfy the affordable housing obligation, including build on-site, build off-site, in lieu fee, mixed compliance and land dedication options.[108]

Envision San José 2040 General Plan

Policies in the 2040 General Plan have been adopted for the purpose of avoiding or mitigating population and housing impacts from development projects. Policies applicable to the Project are presented in **Table 3.16-2**.

Table 3.16-2 Envision San José 2040 Relevant Population and Housing Policies

Policy	Description
Policy IP-2.1	Gradually implement the development of new Urban Village areas by dividing them into three Plan Horizons and allowing a specific portion of the Urban Village areas to be developed within each Horizon. Identify the locations of current Plan Horizon Urban Villages presently available for residential development on the Land Use/Transportation Diagram.
Policy IP-3.2	As part of the 2040 General Plan Annual Review, carefully monitor the jobs-to- employed resident ratio and, as a minimum, consider the following current development trends: ▪ Vacant land absorption. ▪ Amount of residential and economic development; ▪ Amount and value of non-residential construction; ▪ Number and types of housing units authorized by building permit, including number of affordable units, and development activity level in zonings, development permits, annexations and building permits;

[106] California Department of Housing and Community Development, Regional Housing Needs Allocation, 2022.
[107] San José, City of, "Housing Element", 2024.
108 San José, City of, "Ordinances and Fees Programs" 2024.

Policy	Description
	▪ Status and current capacity of major infrastructure systems which are addressed in General Plan Level of Service policies (transportation, sanitary sewers and sewage treatment); ▪ Transit-ridership statistics and other measures of peak-hour diversion from single occupant vehicles; ▪ Status and implementation of Green Vision, General Plan policies, and other greenhouse gas reduction strategy measures, including greenhouse gas emission reductions compared to baseline and/or business-as-usual; and Levels of police, fire, parks and library services being provided by the City.
Policy IP-5.12	Residential projects that are 100 percent affordable deed restricted by a public entity for a period not less than 55 years to low-income residents (earning 80 percent or less of the Area Median Income) can proceed within an Urban Village without an approved Urban Village Plan. Such affordable housing projects are excepted from and shall not be approved in the Capital Caltrain Station Area Urban Village pursuant to this Policy IP-5.12. Per Policy H-2.11, commercial requirements do not apply to certain 100 percent affordable housing developments in unapproved Urban Villages.
Policy IP-19.1	Through a Major General Plan Review or, as needed, through the Annual General Plan review process, evaluate the Plan's consistency with housing development goals as determined by the State and regional agencies and take actions as necessary to address their requirements.
Policy IP-19.2	In determining an appropriate Housing Program, maximize City resources towards the area of greatest need and to utilize available State and Federal programs.
Policy H-1.1	Through the development of new housing and the preservation and rehabilitation of existing housing, facilitate the creation of economically, culturally, and demographically diverse and integrated communities.
Policy H-1.9	Facilitate the development, preservation, and rehabilitation of housing to meet San José's fair share of the County's and region's housing needs.
Policy H-3.1	Require the development of housing that incorporates the highest possible level of amenities, fit and finish, urban design and architectural quality.
Policy H-3.3	Situate housing in an environment that promotes the health, safety, and wellbeing of the occupants and is close to services and amenities.
Policy H-4.3	Encourage the development of higher residential densities in complete, mixed use, walkable and bikeable communities to reduce energy use and greenhouse gas emissions.

Source: City of San José. 2024. *Envision San José 2040 General Plan*. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.

3.16.3 Impacts and Mitigation

A project can induce substantial population growth by: (1) proposing new housing beyond projected or planned development levels, (2) generating demand for housing because of new businesses, (3) extending roads or other infrastructure to previously undeveloped areas, or (4) removing external obstacles to population growth. Under CEQA, social or economic change generally is not considered a significant effect on the environment unless the changes are directly linked to a physical change.

3.16.3.1 Thresholds of Significance

For the purposes of this analysis and in accordance with CEQA Guidelines, a project impact to population and housing would be considered significant if the Project would:

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); or

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

3.16.3.2 Methodology

This Program EIR evaluates population and housing impacts based on the Project's planned jobs and housing capacities and its policy framework. Population and housing growth facilitated by the Project is assumed to occur within the City's existing urbanized area, consistent with the Envision San José 2040 Growth Areas framework and the Urban Village strategy.

3.16.3.3 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)?

The Project would increase residential development by 6,000 dwelling units in the Project area for a total of 8,022 planned units. The Project would facilitate future growth near the future BART station and along key corridors in an urbanized area already served by City services and infrastructure. Implementation of the Project would guide where and how development occurs; it would not, by itself, extend urban services into previously undeveloped areas or adopt an infrastructure program that opens new growth frontiers. Accordingly, Project-related population growth would be planned growth consistent with the City's General Plan and regional growth planning assumptions and would not constitute substantial unplanned growth.

Physical environmental effects of the Project's planned growth (e.g., transportation/VMT, air quality/GHG, noise, public services/infrastructure demand, utilities) are addressed in the relevant technical sections of the Program EIR. Therefore, this impact is considered less than significant. **(Less than Significant Impact)**

b) Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The Plan Area includes established residential neighborhoods and older commercial corridors. Because the Project facilitates long-term redevelopment and increased housing capacity particularly near transit and along corridors some future projects could involve demolition of existing residential units, and/or conversion of lower-intensity uses to higher-intensity residential or mixed-use development. As a result, implementation of the Plan could displace some existing residents and/or remove some existing housing units, depending on the location, timing, and redevelopment characteristics of future projects. However, some of these residents may relocate to new housing that would be constructed within the Project area. San José has a city-wide inclusionary housing ordinance that requires a minimum of 15 percent of residential units built on-site to be affordable to renter households of low- and moderate-income (at or below 80 percent of area median income) and homebuyers at moderate income (at or below 120 percent of area median income). Although the developer could choose to pay in-lieu fees as alternative, the fees paid would be utilized for the provision of more affordable housing. While the Project would not result in a net increase in planned dwelling units citywide, the Project would result in a net increase in dwelling units in the Project area, where displacement resulting from the Project due to the demolition of existing buildings would occur. The displacement of existing residential uses in the Project area, therefore, would not necessitate the construction of replacement housing elsewhere and future development that would be allowed by the Project

would not displace substantial amounts of existing housing or people and therefore impacts would be less than significant. **(Less than Significant Impact)**

3.16.3.4 Cumulative Impacts

The potential population and housing impact associated with the past, present, and foreseeable project in conjunction with buildout of the Project includes the creation of a cumulative population and housing impact related to unplanned growth or the displacement of substantial numbers of people or housing. Please refer to **Chapter 3**, **Table 3-1** of this EIR, for a list of past, present, and foreseeable projects considered for this analysis.

The 2040 General Plan provides capacity for 120,000 net new dwelling units and an additional 382,000 jobs in San José by 2040. According to the 2040 General Plan EIR, development under the 2040 General Plan would meet the City's currently identified fair-share housing obligation and would not induce growth beyond that anticipated in ABAG projections in the near term. The 2040 General Plan would, however, allow for a substantial increase in jobs above ABAG's projection for 2040 of 629,000 jobs in North Santa Clara County, to support the City's goals of economic sustainability.[109]

Implementation of the Five Wounds Urban Village Plan would increase housing capacity in a transit-accessible, already-urbanized area and would guide redevelopment in locations identified for growth under the City's General Plan framework. Although individual future redevelopment projects could remove existing units and temporarily displace residents, the total housing supply in an infill location would increase, which can help reduce cumulative housing pressure over time compared to a scenario where planned growth occurs in less transit-accessible areas or is not accommodated. In addition, San José's inclusionary housing ordinance requires that a portion of new housing be restricted as affordable units (or applicants pay in-lieu fee that would be used to support affordable housing production). This would help reduce cumulative displacement pressure and improve access to housing for lower- and moderate-income households.

Because the Project does not approve specific redevelopment sites or construction schedules, it is not possible to quantify the exact extent or timing of any unit removal that could contribute to cumulative displacement pressure. However, consistent application of Citywide housing requirements (including the City's inclusionary ordinance, state and federal regulations) would address project-level displacement at the time individual projects are proposed (e.g., disclosure of unit removal, required compliance with applicable tenant protection and relocation requirements, and replacement housing requirements where applicable), and would reduce the Project's potential to contribute to cumulative displacement effects. Therefore, the Project's contribution to cumulative population and housing impacts would be less than cumulatively considerable, and cumulative impacts related to displacement would be less than significant.

Based on the San José General Plan 4 Year Review, San José by 2040 could have 1.1 jobs per employed San José resident, which means that the City would host more jobs than the housing capacity it offers. This would signal a substantial change beyond the existing 0.8 to 1 ratio. The new jobs/housing imbalance would have the secondary effect of inducing population growth outside of San José by creating demand for new housing to serve the new workers in San José. For transportation modeling purposes, the 2040 General Plan EIR assumes more housing growth and less job growth in other jurisdictions in the Bay Area outside Santa Clara County than projected by ABAG, to maintain the overall total for the region. Since the City cannot predict exactly where the housing growth will occur outside of San José, the 2040 General Plan EIR evaluates a worst-case scenario in which all of the new workers in excess of the number projected by ABAG were assumed to live outside of Santa Clara County, even though some new workers will probably live in the county. As a result of increased commuting from other jurisdictions, the 2040 General Plan EIR concludes that implementation of the 2040 General Plan would substantially increase VMT per service population in the Bay area region.

109 Association of Bay Area Governments, 2021. Forecasting and Modeling Report. Accessed June 9, 2025. https://planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_Forecasting_Modeling_Report_October_2021.pdf

As described throughout the 2040 General Plan EIR, the Projected increase in VMT due to jobs and housing growth would result in significant environmental impacts, including traffic congestion, air pollution, noise, greenhouse gas emissions, and biological resources (nitrogen deposition). However, as described in **Section 3.19, Transportation**, of this EIR, the implementation of the Project plan would reduce VMT per capita of service population compared to the original projection under the 2040 General Plan as it supports growth near transit. Since the Project is using the 2040 General Plan impacts as a benchmark, the Project would not result in significant environmental impacts caused by VMT.

As discussed in **Subsection 3.16.1.1, Existing Conditions,** of this EIR, the Project area is a part of the City's Urban Village development designation that include residential and jobs-based developments in San José. Geographically, the anticipated population growth and housing development is projected to occur within planned growth areas in the city. Because the Project would not change the overall number of jobs and housing planned for the City in the 2040 General Plan, the growth associated with the Project is accounted for in the 2040 General Plan EIR. The past, present, and foreseeable projects would also be consistent with the 2040 General Plan, which is enforced during the City's standard design review process. Therefore, past, present, and foreseeable projects, combined with the Project, would not result in a cumulative population and housing impact related to unplanned growth or the displacement of substantial numbers of people or housing.

3.17 Public Services

This section discusses the impacts to public services that would result from implementation of the Project. No public scoping comments related to public services were received.

3.17.1 Environmental Setting

3.17.1.1 Existing Conditions

Fire Protection

Fire protection services are provided to the Project area by the San José Fire Department (SJFD). The SJFD Responds to around 109,000 service calls each year from 34 fire stations. The SJFD employs approximately 650 sworn personnel and 100 civilian personnel.[110] The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents). The SJFD has mutual aid agreements with Central County Fire Department (CCFD), City of Santa Clara, and City of Milpitas.[111] There are currently 34 active fire stations in the city, with 2 located within a mile outside of the Project area. Fire Station 34, which is equipped with one engine and ten urban search and rescue vehicles, is located approximately 0.5 miles northwest and Fire Station 8, which is equipped with one fire engine, is located approximately 0.1 miles west of the Project area.[112]

Police Protection

Police protection services are provided to the Project area by the San José Police Department (SJPD) headquartered at 201 West Mission Street, approximately 2 miles from the Project area. The City has 4 patrol divisions and 16 patrol districts. Patrols are dispatched from police headquarters and the patrol districts consist of 83 patrol beats, which include 357 patrol beat building blocks.[113] As of June 2025, the SJPD has an average response time of 7.97 minutes for Priority 1 Calls.[114] The Project area is located within the Central Division. The Central Division, which has 22 sworn officials, includes 4 patrol districts totaling approximately 39 square miles with a population of approximately 200,000 residents. The Central Division is involved in various crime prevention initiatives, such as neighborhood watch programs, crime prevention education, and outreach efforts aimed at reducing crime rates and increasing community awareness and involvement in public safety efforts.[115]

Parks

Esther Medina Park, located in the southeastern part of the Project area, is approximately 2.2 acres and features a dedicated community garden, dog park, a playground, and picnic areas for community gatherings. Roosevelt Park, situated in the western part of the Project area, is approximately 13.6 acres and offers, but is not limited to a variety of sports facilities, including a softball field and basketball courts, alongside the popular Roosevelt Skatepark with modern skating amenities. Hacienda Park, located in the northern edge of the Project area, is approximately 0.24 acres in size and includes a playground, picnic tables, BBQ grills, and green space.[116]

The City is planning several new park projects to enhance community spaces within the city. These include the Esther Medina Park Phase 3, New Alma Neighborhood Park (i.e., Elia Park), Meadowfair Park expansion, St. James Park revitalization, and Spartan Keyes Park (renaming process in progress), all aimed at providing vibrant

110 City of San José. "About SJFD." City of San José Official Website. Accessed June 13, 2024. https://www.sanjoseca.gov/your-government/departments-offices/fire-department/about-sjfd.

111 LAFCO of Santa Clara County. 2010 Countywide Fire Service Review. Accessed June 5, 2025. https://santaclaralafco.org/sites/default/files/service_reviews/4_6%20San%20Jose.pdf

112 City of San José. "Fire Stations." City of San José Official Website. Accessed June 13, 2024. https://www.sanjoseca.gov/your-government/departments-offices/fire-department/fire-stations.

113 City of San José. "Bureau of Field Operations." San José Police Department Official Website. Accessed June 13, 2024. https://www.sjpd.org/about-us/organization/bureau-of-field-operations.

114 San Jose Police Department, "Police Dashboards". Accessed June 5, 2025. https://www.sjpd.org/records/crime-stats-maps/police-dashboards

115 City of San José. "Central Division." San José Police Department Official Website. Accessed June 13, 2024. https://www.sjpd.org/about-us/organization/bureau-of-field-operations/central-division.

116 City of San José. "Web App Viewer." Accessed June 12, 2024. https://gis.sanjoseca.gov/maps/publicgisviewer/.

recreational areas and engaging the community.[117] These parks are not located within the Project area but are close to the Project area and are accessible to residents.

As discussed, the City has adopted the PDO and PIO, which require residential developers to dedicate public park land or pay park impact in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks.

Schools

The Project area is served by the San José Unified School District (SJUSD) for grades K-12. The SJUSD has 41 schools and 25,976 students in the 2023-2024 school year.[118] The primary SJUSD public schools within or in the proximity of the Project area are Sunrise Middle School, ACE Inspired Academy, Anne Darling Elementary School, and San José High Academy. **Table 3.17-1** below shows the enrollment for SJUSD schools that serve the Project area. Additionally, the Project area includes Cristo Rey San José Jesuit High School, a private school, and Rocketship Discovery Prep, within the Charter School District. **Figure 3.17-1** shows the schools within and adjacent to the Project area.

Table 3.17-1 SJUSD Public Schools within the Project Area

School	2022-2023 Enrollment
Sunrise Middle School	308
ACE Inspired Academy	239
Anne Darling Elementary School	295
San José High Academy	934

Source: Ed-Data. 2025. *San Jose Unified*. Available at: https://www.ed-data.org/district/Santa-Clara/San-Jose-Unified. Accessed June 18, 2024.

Public schools serving grades K-12 within a 0.5 mile of the Project area include Selma Olinder Elementary School and Empire Gardens Elementary School of the SJUSD, Perseverance Preparatory of the SBE – Perseverance Preparatory School District, Rocketship Los Sueños Academy of the Santa Clara County Office of Education School District, Learning in an Urban Community with High Achievement (LUCHA) Elementary School and San Antonio Elementary School of the Alum Rock Union School District, and McKinley Elementary School of the Franklin-McKinley Elementary School District.[119]

Libraries

Library services in the project area are provided by the San José Public Library (SJPL) system. The SJPL has 25 branches located throughout the city. The Project area includes the East San José Carnegie Library, located at 1102 E Santa Clara Street within Olinder neighborhood. Libraries within 1 mile of the Project area include Joyce Ellington Library, Dr. Martin Luther King, Jr. Main Library, and Educational Park Library.

3.17.2 Regulatory Framework

3.17.2.1 State

California Government Code Section 65996

California Government Code Section 65996 stipulates 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 issuance of a building permit. The legislation states that payments of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]). The school district is responsible for implementing the

117 City of San José. "Parks, Recreation & Neighborhood Services: In the Works." Accessed June 14, 2024. https://www.sanjoseca.gov/your-government/departments-offices/parks-recreation-neighborhood-services/in-the-works.
118 Educational Data Partnership, "San Jose Unified". Accessed June.5, 2025. https://www.ed-data.org/district/Santa-Clara/San-Jose-Unified
119 City of San José. "Web App Viewer." Accessed June 12, 2024. https://gis.sanjoseca.gov/maps/publicgisviewer/.

specific methods of school for mitigating school impacts under the Government Code. The CEQA documents must identify that school impact fees and the school districts' methods of implementing measures specified by Government Code 65996 would adequately mitigate project-related increases in student enrollment.

Quimby Act – California Code Sections 66477

The Quimby Act (California Government Code Sections 7) was approved by the California legislature to preserve open space and parkland in the State. The Quimby Act authorizes local governments to establish ordinances requiring developers of new subdivisions to dedicate parks, pay an in-lieu fee, or perform a combination of the two. As described below, the City has adopted a PDO/PIO, consistent with the Quimby Act.

3.17.2.2 Regional and Local

Countywide Trails Master Plan

The Santa Clara County Trails Master Plan Update (1995) establishes a vision for a contiguous trail network that connects regional open spaces and urbanized areas of the County. The Master Plan Update identifies potential trail routes that support the recreation, transportation, health and welfare, and science education goals of the County. The Master Plan Update also includes design, use, and management guidelines for the implementation of "new" trails. The guidelines address trails and land use compatibility, environmental protection, emergency access, easements, trail design, visual screening, fire protection, signage, and maintenance.

The guidelines in the Master Plan Update generally apply to rural areas in the County. To provide a common framework for the various jurisdictions and private developers who design and manage trails in the urban areas of the County, the Uniform Interjurisdictional Trail Design, Use, and Management Guidelines were prepared by the Santa Clara County Interjurisdictional Trails Committee in 1999. The Master Plan Update identifies the Guadalupe River Trail and Los Gatos Creek Trail as sub-regional trail routes.

Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO)

The City has adopted the PDO (Municipal Code Chapter 19.38) and 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. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO. The City decides whether the Project will dedicate land for a new public park site, provide a fee in-lieu of land dedication, or provide a combination of these solutions for projects exceeding 50 units. The Project's PDO/PIO fees would be used to provide neighborhood-serving facilities within a 0.75-mile radius of the Project area and/or community-serving facilities within a 3-mile radius of the Project area, consistent with General Plan Policies PR-2.4 and PR-2.5. In addition, the Project would be required to pay applicable PDO/PIO fees at the building permit stage to provide funding to offset the increased demand for parks created by the Project.

City of San José Greenprint 2017 Update

In November 2017, the City Council adopted the City of San José Greenprint 2017 Update, which is the City's 20year strategic plan for parks, recreational facilities, and programs. As part of the Greenprint and Green Vision, the City has identified two goals related to the trail network: 1) Extend and fill gaps in the trail network; 2) Connect off-street trails with on street bikeways and pedestrian pathways; 3) Extend the system to reach its goal of completing 100 miles.

Activate SJ Strategic Plan

The Activate SJ Strategic Plan complements the City of San José Greenprint which serves as an outline of goals and policies of the City's Department of Parks, Recreation, and Neighborhood Services, and is intended to act as a 20-year strategic plan in alignment with the 2040 General Plan. The Plan identifies five major guiding principles, Stewardship, Nature, Equity & Access, Identity, and Public Life, to achieve the City's goal of connecting people through parks, recreation, and neighborhood services. The Trust for Public Land Park Score Index, developed as a

part of the Plan, analyzes public access to existing parks and open space based on gaps in park availability and local demographic profiles. The Index highlights regions in the city with very high, high, or moderate needs of parks other than existing public accessible parks and other open spaces.[120] The majority of the Project area is located within a 10-minute walkshed from the nearest public parks. As a result, the majority of the Project area is not in a priority area for additional parkland.

Envision San José 2040 General Plan

Policies in the 2040 General Plan have been adopted for the purpose of avoiding or mitigating public service impacts from development projects. Policies applicable to the Project are presented in **Table 3.17-2** below.

Table 3.17-2 Envision San José 2040 Relevant Public Services Policies

Policy	Description
Policy CD-5.5	Include design elements during the development review process that address security, aesthetics, and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular and pedestrian facilities and other standards set forth in local, state, and federal regulations.
Policy FS-5.6	When reviewing major land use or policy changes, consider the availability of police and fire protection, parks and recreation and library services to the affected area as well as the potential impacts of the Project on existing service levels.
Policy ES-1.9	Provide all pertinent information on 2040 General Plan amendments, rezonings and other development proposals to all affected school districts in a timely manner.
Policy ES-1.15	Integrate school construction and/or renovation plans into the Village planning process.
Policy ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 SF of space per capita in library facilities.
Policy 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. 3. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.

120 San Jose, City of, Activate SJ Strategic Plan (2020-2040).

Policy	Description
	4. Measure service delivery to identify the degree to which services are meeting the needs of San José's community. 5. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.
Policy 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.
Policy 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.
Policy ES-1.2 and Policy 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.
Policy 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.
Policy 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.
Policy PR-1.12	Regularly update and utilize San José's Parkland Dedication Ordinance / Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.
Policy PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a 3/4 mile radius of the Project site that generates the funds.
Policy PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, dog parks, sport fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.
Policy PR-2.6	Locate all new residential development over 200 units in size within 1/3 of a mile walking distance of an existing or new park, trail, open space or recreational school grounds open to the public after normal school hours or shall include one or more of these elements in its project design.

Source: City of San José. 2024. *Envision San José 2040 General Plan*. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.

3.17.3 Impacts and Mitigation

3.17.3.1 Thresholds of Significance

For the purposes of this analysis and in accordance with CEQA Guidelines, a project impact to public services would be considered significant if the Project would:

a) 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:

i. Fire Protection;

ii. Police Protection;

iii. Schools;

iv. Parks; or

v. Libraries.

3.17.3.2 Methodology

This analysis considers the projected population and employment growth associated with the proposed land use changes and intensification with buildout of the Project. Information on existing public service providers, service areas, and facilities was obtained through review of publicly available documents. Additional information was gathered from agency websites, municipal budgets, and consultations with staff from affected departments and service districts, where applicable.

3.17.3.3 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 any of the public services:

i. Fire protection?

The Project would result in a net zero change in capacity under the 2040 General Plan, with jobs and housing units being distributed to and from, respectively, other Urban Villages. The 2040 General Plan EIR concluded that future development would contribute to increased demand for fire protection services. However, implementation of 2040 General Plan policies and actions would assist SJFD to meet and maintain the City's response time objectives over the long-term.

New buildings would be constructed to current fire and building code standards, including adequate emergency vehicle access and features that would reduce potential fire hazards. The planned construction and/or relocation of stations based on a four-minute travel radius and place of most efficient service provision as described in the 2040 General Plan policy ES-3.3 and ES-3.22 would improve response times. Furthermore, traffic signal preemption will continue to be implemented as necessary to provide adequate response times within and surrounding the Project area in accordance with General Plan Policy ES-3.13.

The Project would contribute to increased demand for fire protection services in San José, but planned growth is not anticipated to result in the need for construction of fire stations more than those currently planned. Implementation of 2040 General Plan policies and actions would also help the SJFD to meet and maintain the City's response time objectives over the long-term. Implementation of 2040 General Plan policies would help ensure that the SJFD meets and maintains the City's response time objectives over the long-term and impacts would be less than significant. **(Less than Significant Impact)**

ii. Police protection?

The Project would result in a net zero change in capacity under the 2040 General Plan, with jobs and housing units being distributed to and from, respectively, other Urban Villages. The 2040 General Plan EIR concluded that

population growth under the General Plan would increase demand for police protection services, including additional officers and equipment. Police services would continue to be dispatched from police headquarters, and no additional stand-alone police facilities are anticipated; however, expansion of existing facilities may be required. The SJPD may increase the number of community policing centers located in existing commercial buildings or incorporated into new private development within Growth Areas such as the Project area.

In the event additional or expanded facilities are determined to be necessary, it is assumed that implementation of 2040 General Plan policies would reduce the physical impacts from development of police facilities to a less than significant level, although supplemental environmental review would be required. Implementation of 2040 General Plan policies and actions would also help the SJPD to meet and maintain the City's response time objectives over the long-term. Therefore, given that the Project would not result in a net-increase in citywide demand for police service and would comply with all relevant 2040 General Plan Policies, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities and impacts would be less than significant. **(Less than Significant Impact)**

iii. Schools?

Additional housing units facilitated by the Project would potentially add approximately 798 elementary school students (K-5), 372 middle school students (grades 6-8), and 432 high school students (grades 9-12) to the Project area.[121] This could increase enrollment demand for schools serving the Plan Area. Increased enrollment demand could require school districts to add classrooms (portable or permanent), expand existing campuses, adjust attendance boundaries, or (in limited cases) plan new facilities. Enrollment within the SJUSD system has been declining since 2017-2018 by over 6,000 students.[122] SJUSD is actively evaluating facility capacity and utilization and consolidation/boundary/program relocation options, while also planning long-term facility investments using Measure R. For SJUSD service area boundary, the District may be able to accommodate a portion of new students through existing facility capacity and facility planning actions, rather than requiring new school construction solely due to Plan Area buildout.

In accordance with California Government Code Section 65996, future residential and commercial construction in the Project area would be required to pay a developer fee to SJUSD which would provide funds for the construction and reconstruction of school facilities. Additional project-level CEQA review for school impacts would generally be needed only if implementation of the Project requires a new school site or a major school expansion onto new land requiring discretionary approvals (i.e., a specific physical school construction project with site-specific environmental effects). Therefore, buildout of the Project would result a less than significant impact to schools. **(Less than Significant Impact)**

iv. Parks?

As discussed in **Subsection 3.17.1.1, Existing Conditions** of this EIR, the Project area contains approximately 16.04 acres of parkland. Additional population growth from the Project could result in inadequate provision of parkland for the residents in the Project area. To offset demand for parkland future project development would be subject to the City's PDO/PIO. Residential projects could satisfy their parkland obligation by 1) dedicating new parkland; 2) payment of park impact in-lieu fees; 3) complete improvements to existing recreational facilities; 4) construct new recreational facilities; or 5) a combination of these options. The park impact in-lieu fees generated by new development would be used to provide neighborhood-serving facilities within a 0.75-mile radius of the development site and/or community-serving facilities within a 3-mile radius in accordance with General Plan

121 This estimate is based on the SJUSD's student generation rates for multi-family (condominium) uses: 0.133 students in grades K-5 per dwelling unit, 0.071 (grades 6-8), and 0.062 (grades 9-12). Source: 2040 General Plan EIR.

122 SJUSD, Schools of Tomorrow. Website: Schools of Tomorrow - San Jose Unified School District. Accessed, May 15, 2026

Policies PR-2.4 and PR-2.5. Therefore, buildout of the Project would have a less than significant impact. **(Less than Significant Impact)**

v. Other public facilities?

Future development under the Project would contribute to citywide demand for library services. However, the Project would not result in a net increase of population capacity beyond that planned for as part of the 2040 General Plan. The 2040 General Plan EIR concluded that development allowed under the 2040 General Plan would be adequately served by existing and planned library facilities. Therefore, buildout of the Project would have a less than significant impact. **(Less than Significant Impact)**

3.17.3.4 Cumulative Impacts

As indicated in the discussions above, impacts to public services resulting from an individual project are cumulative by nature in that they depend on the capacity of the service provider to provide adequate service to the existing and future population. Public services in the Project area are provided by the City of San José, with the exception of schools, which are owned and managed by SJUSD.

Performance objectives for police protection are generally citywide, given the flexibility of the SJPD to redistribute patrolling officers to maintain response times instead of constructing building new facilities. However, performance objectives for fire protection and library services are generally defined for subareas. The service area for neighborhood/community-serving recreational facilities (including parkland, community centers, and trails) generally includes a radius of 1/3 to three miles surrounding new residential uses, while regional facilities serve the entire city. The cumulative condition for school impacts includes residential uses within the SJUSD boundaries, particularly the attendance areas of the nearest schools. The Project would not increase the population capacity of the City beyond what was planned for by the 2040 General Plan. Therefore, the Project has the most potential to contribute to public services impacts immediately within the boundaries of the Project area.

Although new development would increase the need for public services, implementation of 2040 General Plan policies would ensure services and facilities are provided at adequate levels. Please refer to **Table 3.2-1** of this EIR, for a list of past, present, and foreseeable projects considered for this analysis. Construction of new facilities or expansion of existing facilities, if required, would be subject to supplemental environmental review, although this work is not expected to result in significant environmental effects with implementation of existing regulations described in **Subsection 3.17.1, Environmental Setting,** of this EIR**,** above and construction best management practices, as described in **Section 3.5, Air Quality** of this EIR.

Although future development that would be allowed by the Project, particularly new housing, would contribute to demand for public services, the Project would not increase the need for new facilities beyond that anticipated in the 2040 General Plan. Therefore, the Project in combination with other past, present, and foreseeable projects, including the buildout of the 2040 General Plan would not result in a cumulative impact related to public services.



Education Facilities in the Project Area Figure **3.17-1**

Source: Circlepoint, 2025

3.18 Recreation

This section discusses the impacts to recreation that would result from implementation of the Project. During the public scoping period, Santa Clara Valley Water District (Valley Water) raised concerns regarding recreational facilities. Specifically, Valley Water requested that the EIR consider Valley Water's 2021 Trails Policy Criteria and Guidance.

Valley Water's 2021 Trails Policy Criteria and Guidance is considered and discussed under threshold b) in **Subsection 3.18.3, Impacts and Mitigation**, of this EIR below.

3.18.1 Environmental Setting

3.18.1.1 Existing Conditions

The City's Department of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of parks, trails, community centers, and other recreational facilities in San José.

Parkland

The City operates 202 neighborhood/community-serving parks and nine regional parks, making up approximately 1,799acres of land.[123]

The Project area includes Esther Medina Park, Roosevelt Park, and Hacienda Park totaling 16.04 acres. Esther Medina Park is a Neighborhood Park located in Council District 5, is approximately 2.2 acres and features a dedicated dog park, community garden, a playground, and picnic areas for community gatherings. Roosevelt Park is a Neighborhood Park, situated in Council District 3, is approximately 13.6 acres and offers, but is not limited to a variety of sports facilities, including a softball field and basketball courts, alongside the popular Roosevelt Skatepark with modern skating amenities. Hacienda Park is a Neighborhood Park, also in Council District 3, is approximately 0.24 acres in size and includes a playground, picnic tables, BBQ grills, and green space.[124] Additionally, the surrounding neighborhood parks within a 0.5-mile of the Project area include Watson Park, Plata Arroyo Park, William Street Park, Selma Olinder Park, Martin Park, Bonita Park, Zolezzi Park, Mayfair Park, Overfelt Gardens, and Newbury Park. **Figure 3.18-1** shows the recreational areas within the Project area.

Trails

There are currently over 64.93 miles of trails in San José. The 2040 General Plan guides trail development to support access within 3 miles of all residents. No trails currently reside within the Project area. Trails within a 05-mile of the Project include the Coyote Creek Trail, Five Wounds Trail, and Lower Silver Creek Trails. There are both existing and planned segments within the Project area. The Five Wounds Trail is a paved section that runs from William Street to Highway 280.

Community Centers and Other Recreational Facilities

The City currently has 48 community centers, 7 public skate parks, 3 municipal golf courses, 21 community gardens, 6 swimming pools, and 2 lake parks. Roosevelt Community Center, located within the Project area, offers a variety of sports, camps, arts, music, health, and education programs within the Project area. Located within a 05-mile of the Project area are Rancho del Pueblo Golf Course, a 31.1-acre city-owned golf course in Council District 5[125], and P.A.L. Stadium Park, a 14.3-acre sports facility also in Council District 5.

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[123]City of San José. "ActivateSJ." *Parks, Recreation & Neighborhood Services*. Accessed June 14, 2024. https://www.sanjoseca.gov/your-government/departments-offices/parks-recreation-neighborhood-services/general-information/activatesj.

[124] City of San José. "Parks, Recreation & Neighborhood Services: In the Works." Accessed June 14, 2024. https://www.sanjoseca.gov/your-government/departments-offices/parks-recreation-neighborhood-services/in-the-works.

[125] In November 1978, San Jose voters passed Measure F, which instituted San José's current legislative structure of 10 council districts, elected by the voters within the respective district, and the mayor, elected by voters citywide. Formerly, a seven-member council (including the mayor) was elected by all the voters citywide. With each release of census data by the US Census Bureau in the years 1980, 1990, 2000, 2010, and 2020, council district boundaries have been adjusted to meet legal requirements and San José's own redistricting criteria.

Planned Parks and Recreation Improvements

The City is planning several new park projects to enhance community spaces within the city. These include the Esther Medina Park Phase 3 within the Project area, while the other new park projects, such as New Alma Neighborhood Park (i.e., Elia Park), Meadowfair Park expansion, St. James Park revitalization, and Spartan Keyes Park (naming process in progress), are more than 1 mile away from the Project area. These new park and improvement projects are all aimed at providing vibrant recreational areas and engaging the community.[126]

The Urban Village Plan identifies three Floating Park priority areas that indicate general locations where future park development should be prioritized. The Floating Parks are shown on in **Figure 2.9-6** in **Chapter 2, Project Description** of this EIR, with a letter "P". This symbol represents a "floating" designation and is only intended to indicate a general area within which a park site should be located. The specific size, configuration, and location of such a park would be finalized only through acquisition of a particular parcel. Until such time that these properties are purchased by the City or privately developed as parks space, development is allowed on these parcels consistent with the underlying Urban Village land use designation as shown in **Figure 2.9-6** in **Chapter 2, Project Description** of this EIR. Floating Parks were selected based on relative open space scarcity and connectivity in the Urban Village and where previous planning documents had identified the need for a park.

The Urban Village Plan proposes two Amenity Nodes, sometimes referred to as "pocket parks," that are envisioned as gateways to the Five Wounds Trail with opportunities for small open spaces with neighborhood-serving amenities such as exercise equipment and children's play areas; areas to socialize, sit, and relax; and landscaped areas. Amenity Nodes are proposed on single, small, and often irregularly shaped lots of land adjacent to the Five Wounds Trail.

In August 2022, a Five Wounds Trail Feasibility Study was conducted for a proposed 1.5-mile segment of public trail that would intersect with the Project area in the future. The trail would follow the former Western Pacific Railroad right-of-way and is planned as a Class 1 facility with a paved asphalt surface for recreational and commuting uses. The study focuses on defining the trail alignment between Story Road and Whitton Avenue, identifying improvements and environmental requirements, and engaging with the community to guide future planning and construction efforts. A Master Plan is in the beginning stages and will plan the segment from Story Road to East Santa Clara Street.

3.18.2 Regulatory Framework

3.18.2.1 State

Quimby Act – California Code Section 66477

The Quimby Act (California Government Code Section 66477) was approved by the California legislature to preserve open space and parkland in the State. The Quimby Act authorizes local governments to establish ordinances requiring developers of new subdivisions to dedicate parks, pay an in-lieu fee, or perform a combination of the two. As described below, the City has adopted a Parkland Dedication Ordinance (PDO) and a Park Impact Ordinance (PIO), consistent with the Quimby Act.

3.18.2.2 Local

San José Citywide Design Standards and Guidelines

The San José Citywide Design Standards and Guidelines help the City facilitate growth, set expectations for high-quality site and building design, and maintain and enhance the character of its neighborhoods and communities. Compliance with the San José Citywide Design Standards and Guidelines is mandatory in the Design Review process for all applicable developments. The Design Standards and Guidelines work in conjunction with other City

[126] City of San José. "Parks, Recreation & Neighborhood Services: In the Works." Accessed June 14, 2024. https://www.sanjoseca.gov/your-government/departments-offices/parks-recreation-neighborhood-services/in-the-works.

documents and regulations to ensure that buildings throughout San José have a high-quality design and are appropriate for their site, function, and neighborhood.

Valley Water 2021 Trails Policy Criteria and Guidance

The Valley Water Board of Directors approved the Policy Criteria and Guidance for Public Trails on Valley Water Lands on December 14, 2021. The Trails Policy Criteria and Guidance are intended to provide a roadmap for a collaborative process between Valley Water and agencies proposing a trail on Valley Water lands. This collaborative process begins with thorough planning and outreach led by the agency proposing the Project, and continues in an iterative fashion through design and environmental review pursuant to CEQA, for which Valley Water acts as a Responsible Agency. The Criteria and Guidance will allow issues to be identified and addressed early, and/or incompatible projects be modified or, where agreement cannot be reached, eliminated, during the Project scoping or very early planning phase. The clear and objective process will result in trails that support healthy communities, engage residents to promote water resources stewardship, and protect water resources and streamside ecosystems in Santa Clara County.[127]

Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO)

The City has adopted the PDO (Municipal Code Chapter 19.38) and 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. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO. For projects exceeding 50 units, the City decides whether the Project will dedicate land for a new public park site, provide a fee in-lieu of land dedication, or provide a combination of these solutions.

Activate SJ Strategic Plan

The Activate SJ Strategic Plan serves as an outline of goals and policies of the City's Department of Parks, Recreation, and Neighborhood Services, and is intended to act as a 20-year strategic plan in alignment with the 2040 General Plan. The Plan identifies five major guiding principles, Stewardship, Nature, Equity & Access, Identity, and Public Life, to achieve the City's goal of connecting people through parks, recreation, and neighborhood services. The Trust for Public Land ParkScore Index, developed as a part of the Plan, analyzes public access to existing parks and open space based on gaps in park availability and local demographic profiles. The Index highlights regions in the city with very high, high, or moderate needs of parks other than existing public accessible parks and other open spaces.[128] The majority of the Project area is located within a 10-minute walkshed from the nearest public parks. As a result, the majority of the Project area is not in a priority area for additional parkland.

2040 General Plan

Policies in the 2040 General Plan have been adopted for the purpose of avoiding or mitigating recreation impacts from development projects. Policies applicable to the Project are presented below in **Table 3.18-1**.

Table 3.18-1 Envision San José 2040 Relevant Recreation Policies

Policy	Description
Policy 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.

[127] Santa Clara Valley Water, Public Trails on Valley Water Lands: Policy Criteria and Guidance 2021.
[128] San Jose, City of, Activate SJ Strategic Plan (2020-2040).

Policy	Description
Policy 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.
Policy PR-1.3	Provide 500 SF per 1,000 population of community center space.
Policy PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a 3/4 mile radius of the Project site that generates the funds.
Policy PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, dog parks, sport fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

Source: City of San José. 2024. *Envision San José 2040 General Plan*. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.

3.18.3 Impacts and Mitigation

3.18.3.1 Thresholds of Significance

For the purposes of this analysis and in accordance with CEQA Guidelines, a project impact to recreation would be considered significant if the Project would:

a) 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.

b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

3.18.3.2 Methodology

Impacts related to parks and recreation were evaluated by qualitatively identifying the Project's demand of parks and recreational facilities and analyzing the Five Wounds Urban Village Plan policies related to the provision of parks and recreational facilities.

3.18.3.3 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?

The Project would result in a significant impact if the increased use of existing parks or recreational facilities caused substantial deterioration of those facilities. The City's service level objectives for parkland and the goal to provide public parkland or recreational open space within a 10-minute walk of all residents. The need for new or expanded facilities to serve new residential development while maintaining performance standards and avoiding deterioration of existing facilities would depend on the size of existing facilities, their proximity to the residential development, and their current usage.

As discussed in **Section 3.16, Population and Housing** of this EIR, the Project would increase planned development by 6,000 dwelling units resulting in an estimated population increase of approximately 20,760 residents. Based on the City's goal of providing 3.5 acres of neighborhood/community serving parkland per 1,000 population (General

Plan Policy PR-1.1), the anticipated buildout of the Urban Village would require between 28 to 42 acres of additional parkland.[129]

Based on the City's service level objectives to provide 500 square feet of community center space per 1,000 residents (General Plan Policy PR-1.3), the approximately 27,756 persons would generate a demand for approximately 10,380 square feet of community center space.

As discussed in **Subsection 3.18.1.1, Existing Conditions** of this EIR, the Project area contains approximately 16.04 acres of parkland. Construction of the planned parks and trails (subject to separate CEQA review), such as Five Wounds Trail, and the expansion of existing city parks within the Project area, would help offset the current and future demand for recreational facilities in the Project area and surrounding neighborhoods. In addition, implementation of the policies and action items contained in Chapter 4, Open Space and Placemaking, of the Five Wounds Urban Village Plan would contribute additional parkland and trail facilities within the Project area.

New residential development would also be required, where feasible, to incorporate outdoor spaces and recreational amenities consistent with General Plan Policy PR-1.9 and the City's Residential Design Guidelines. These private and semi-private recreational amenities would supplement the public open space network and provide additional neighborhood-serving recreational opportunities.

To further offset parkland demand, future residential development would be subject to the City's Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO). Residential projects may satisfy parkland obligations through: (1) dedication of new parkland; (2) payment of in-lieu fees; (3) improvements to existing recreational facilities; (4) construction of new recreational facilities; or (5) a combination of these methods. PDO and PIO fees generated by future development would fund neighborhood-serving facilities within a 0.75-mile radius of the development site and community-serving facilities within a three-mile radius, consistent with General Plan Policies PR-2.4 and PR-2.5. In addition, future projects would pay applicable PDO/PIO fees at the building permit stage to offset increased recreational demand generated by new development. Projects may also apply eligible credits toward their gross parkland obligation.

Given the combination of existing, planned, and future recreational facilities within and adjacent to the Project area, and implementation of applicable open space policies in the Five Wounds Urban Village Plan, the Project would not increase use of existing parks or recreational facilities such that substantial physical deterioration would occur or be accelerated. Impacts would therefore be less than significant. **(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?

The Project would result in a significant if the Project includes new parks or recreational facilities or require the construction or expansion of parks of recreational facilities which might have an adverse physical effect on the environment. Specific locations of new parkland, community centers, and other recreational facilities to serve residential the Plan Area are not yet known. The siting, design, and construction of new facilities would require supplemental environmental review on a case-by-case basis, either independently or as part of a larger development or transportation project. The siting and construction of new parks and recreational facilities would comply with Five Wounds Urban Village Plan Policies OS-3.2, OS-3.4, OS-3.6. In addition, any future trails/recreational facilities within Valley Water lands would be required to confirm with Valley Water's 2021 Trails Policy Criteria and Guidance including execution of a Joint Trails Agreement, and are subject to Valley Water's

[129] The parkland obligation was calculated using the estimated unit occupancy based on the multi-family housing type and the number of proposed units. Occupancy rates are established in the current Schedule of Parkland Fees (Resolution No. 78733) and vary by unit type consistent with 2010 U.S. Census data. The following is the formula used to produce parkland dedication obligation: ((Unit Quantity x Unit Type Average Population) – (Existing Units x Unit Type Average Population)) x (Land Required Per Person [or 0.003 acres]). The acreage range was based on 6,000 proposed units and including and excluding approximately 2,000 existing units in the parkland dedication obligation formula.

encroachment permit process. Construction of new facilities and/or expansion of existing facilities in a manner that is fully consistent with 2040 General Plan policies, Five Wounds Urban Village Plan policies, and existing regulations would be expected to reduce any environmental impacts to a less than significant level.

Although development allowed under project would contribute to demand for parkland and recreational facilities in the Project area, it is anticipated that construction or expansion of parkland and recreational facilities to accommodate increased demand would not result in significant environmental effects with implementation of 2040 General Plan policies, Five Wounds Urban Village Plan policies, and existing regulations and impacts would be less than significant. **(Less than Significant Impact)**

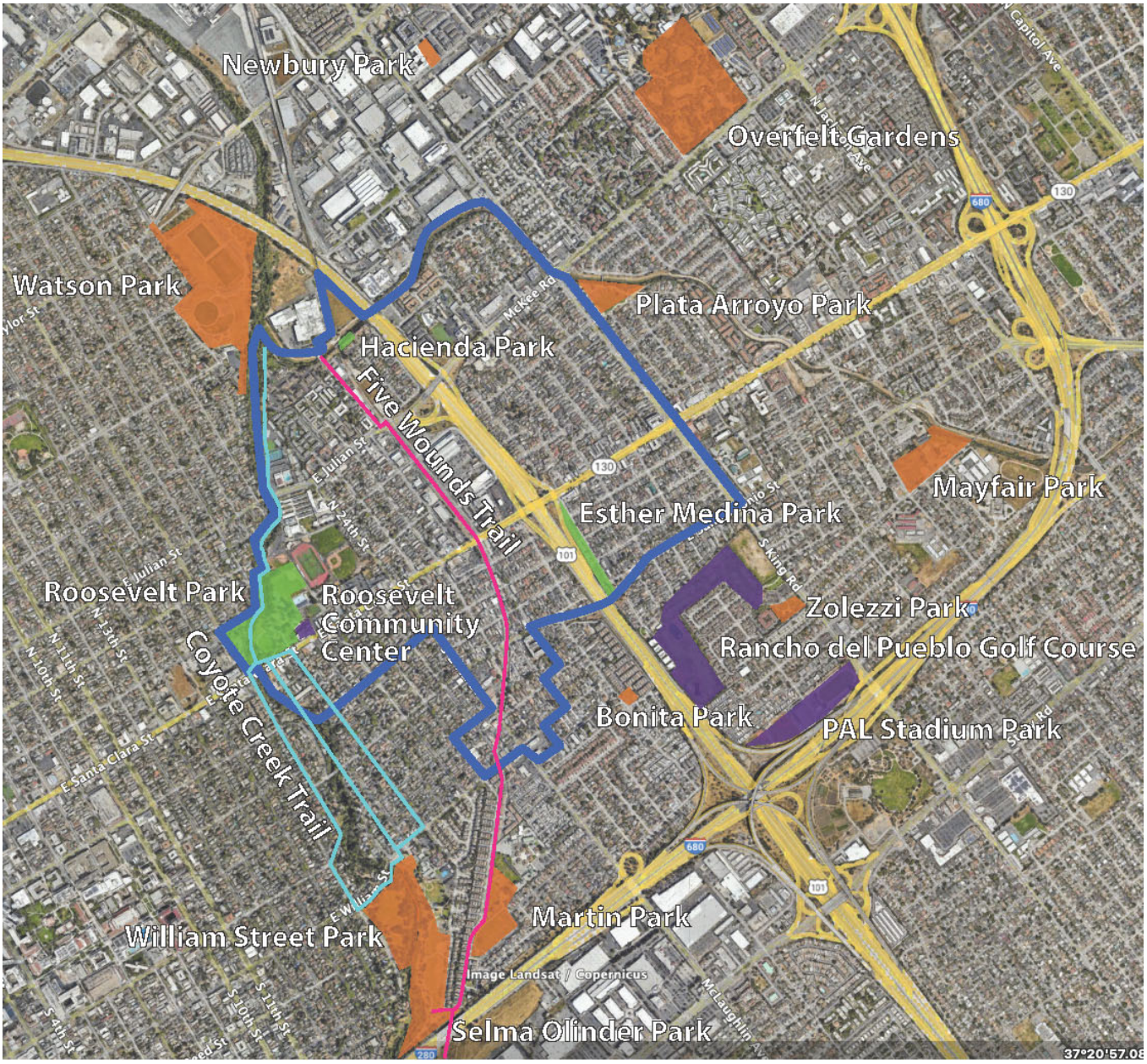
3.18.3.4 Cumulative Impacts

Impacts to parks and recreation resulting from the Project are cumulative by nature in that they depend on the capacity of the service provider to provide adequate service to the existing and future population. Parks and recreational facilities in the Project area are provided by the City of San José.

The service area for neighborhood/community-serving recreational facilities (including parkland, community centers, and trails) generally includes a radius of approximately three miles, while regional facilities serve the entire city.

The 2040 General Plan EIR determined that planned growth in the city would not result in a significant impact to any parks and recreation facilities. Although new development would increase the need for parks and recreation, implementation of 2040 General Plan policies and Five Wounds Urban Village Plan policies would ensure parks and recreational facilities are provided at adequate levels. Construction of new facilities or expansion of existing facilities, if required, would be subject to supplemental environmental review.

Although future development under the Project particularly new housing development, would contribute to increased demand for recreation, the Project would not increase the need for new facilities beyond that anticipated in the 2040 General Plan EIR. Future residential developers would be subject to the City's PDO/PIO which require residential developers to dedicate public park land and/or pay in lieu fees to compensate for the increase in demand for neighborhood parks. The Project would also not result in a net increase in development capacity beyond what was assumed and planned for in the 2040 General Plan and is not anticipated to result in the need for construction of facilities in excess of those currently planned. Therefore, the Project in combination with other past, present, and foreseeable projects, including the buildout of the 2040 General Plan would not result in a cumulative impact related to recreation.



Recreation Facilities in the Project Area Figure **3.18-1**

Source: Circlepoint, 2025

3.19 Transportation

This section discusses the impacts to traffic and transportation that would result from the implementation of the Project. The following discussion is based on a transportation analysis prepared for the Project by Hexagon Transportation Consultants on June 26, 2024 (see **Appendix D** of this EIR).

No public scoping comments related to transportation were received.

3.19.1 Environmental Setting

3.19.1.1 Existing Conditions

Existing Roadway Network

Regional access to the Project area is provided via US 101, I-280, and I-680. These facilities are described below:

- **US 101** is an eight-lane freeway in the vicinity of the site. Within the Bay Area, it extends northwest to San Francisco and south to Gilroy. North of Morgan Hill, US 101 has high occupancy vehicle (HOV) lanes in both directions. Access to the Project area from US 101 is provided via interchanges at Alum Rock Avenue and Santa Clara Street and at Julian Street and McKee Road.
- **I-280** is generally a north-south freeway that extends from I-80 in San Francisco to US 101 in San Josv. However, in San José, it is oriented in an east-west direction, and transitions to I-680 at US 101. In San José it is an eight-lane freeway with auxiliary lanes between some interchanges. The section of I-280 just north (west) of the Bascom Avenue overcrossing has six mixed-flow lanes and two HOV lanes. I-280 provides access to the Project area via US 101 and its extension as I-680.
- **I-680** is a north-south freeway that begins at US 101 in San José, where I-280 transitions to I-680, and ends at I-80 in Solano County. The section of I-680 near the Project area is an eight-lane freeway, with four mixed-flow lanes in both directions. I-680 provides access to the Project area via US 101 and its interchanges with King Road, Alum Rock Avenue, and McKee Road.

Local access to the Project area is provided by numerous major arterials and minor streets. Described below are the major arterial roadways that feed the Project area:

- **Santa Clara Street and Alum Rock Avenue** is a four-lane east-west roadway within the Project area and is a designated Grand Boulevard. It extends eastward from Downtown San José as Santa Clara Street to US 101, at which point it makes a transition to Alum Rock Avenue. Bus-only lanes are located within the median of Alum Rock Avenue between 34th Street and Capitol Avenue. No bike lanes are not provided on this street in the Project area.
- **Julian Street and McKee Road** is generally a two- to four-lane east-west roadway within the Project area and is a designated Connector Street. It extends eastward from Downtown San José as Julian Street to US 101, at which point it makes a transition to McKee Road. Within the Project area, bike lanes are provided on both sides of the roadway between 21st Street and 28th Street.
- **King Road** is generally a two- to four-lane, north-south roadway within the Project area and is a designated Grand Boulevard. It transitions from Lundy Avenue at its intersection with Commodore Drive (just south of Berryessa Road) and extends southward to Aborn Road, where it transitions to Silver Creek Road. Within the Project area and in the Project vicinity, bike lanes are provided on both sides of the roadway.

Existing Transit Service

The existing VTA bus, light rail, and BART transit services are described below and shown on **Figure 3.19-1**.

VTA Bus Service

Rapid and Frequent bus routes are accessible from bus stops along Julian Street and McKee Road, Santa Clara Street and Alum Rock Avenue, King Road, and 24th Street and McLaughlin Avenue corridors.

- Frequent Bus Routes 64A and 64B run along Julian Street and McKee Road. These routes provide access to Downtown San José and Diridon Transit Center in the west and the McKee Light Rail station in the east.
- Frequent Bus Routes 22, 23, and Rapid Route 522 run along Santa Clara Street and Alum Rock Avenue. These routes provide access to Downtown San José and Diridon Transit Station in the west and the Alum Rock Light Rail station in the east.
- Frequent Bus Route 77 runs along King Road. This route provides access to the Berryessa Transit Center to the north and the Eastridge Transit Center to the south.
- Frequent Bus Route 72 runs along San Antonio Street and 24th Street and McLaughlin Avenue. This route provides access to Downtown San José in the west.

Connections between local and regional bus routes, light rail lines, and commuter rail lines are provided within the Diridon Transit Center, approximately three miles west of the Project area.

Light Rail Transit (LRT) Service

The VTA currently operates the 42.2-mile of VTA LRT system extending from south San José through Downtown to the northern areas of San José, Santa Clara, Milpitas, Mountain View and Sunnyvale. VTA light rail service operates nearly 24 hours a day with 15-minute headways during much of the day. The Green Line (Old Ironsides – Winchester) and Blue Line (Alum Rock – Santa Teresa) operate along First and Second Streets in Downtown San José, approximately two miles west of the Project area. Diridon Station is located along the Green Line and serves as a transfer point to Caltrain, ACE, Amtrak, and VTA bus services. The Orange Line (Alum Rock – Mountain View) operates along the Capitol Avenue corridor, approximately two miles east of the Project area.

Bay Area Rapid Transit Service

The nearest BART station is the Berryessa/North San José Station approximately 1 mile north of the Project area. This station is the current southern terminus of the BART network in Santa Clara County. The station provides access to the Green Line (to Daly City) and Orange Line (to Richmond). Both lines run daily until 9:00 PM, while the Orange Line continues service until midnight.

Existing Bicycle and Pedestrian Facilities

Pedestrian facilities in the Project area consist primarily of sidewalks, pedestrian push buttons, and signal heads at signalized intersections. With a few exceptions, sidewalks are found along virtually all developed residential and commercial parcels within the Project area. However, many roadways which front industrial and warehouse uses may not have continuous sidewalks and/or ADA-compliant curb ramps.

There are several bicycle facilities in the Project area. As defined by the Caltrans, bicycle facilities include Class I bikeways (defined as bike paths off street, which are shared with pedestrians and excludes general motor vehicle traffic), Class II bikeways (defined as striped bike lanes on street), Class III bike routes (defined as roads with bike route signage where bicyclists share the road with motor vehicles), and Class IV separated bikeways (bike lanes physically separated from vehicle traffic by a vertical element). The Draft San José Better Bike Plan 2025 also includes Class III bike boulevards (defined as basic bike routes on calmer streets enhanced with traffic calming features). Except for limited access highways, bicyclists are allowed to ride on any roadway, even if there is no bicycle facility present. Bicycle facilities in the Project area are presented on **Figure 3.19-2**.

The Santa Clara Countywide Bicycle Plan, adopted by VTA in August 2018, identifies various existing and/or planned cross county bicycle corridors in the Project area. The purpose of the cross-county Bicycle Corridors, as described in the Draft San José Better Bike Plan 2025, is to provide continuous connections between Santa Clara County jurisdictions and to adjacent counties, and to serve the major regional trip-attractors in the County. There are currently two designated cross-county bicycle corridors in the Project area.

Trails

There are currently over 64.93 miles of trails in San José. The 2040 General Plan guides trail development to support access within 3 miles of all residents. Trails within a 0.5-mile of the Project include the Coyote Creek Trail, Five Wounds Trail, and Lower Silver Creek Trails. There are both existing and planned segments within the Project area. **Section 3.18, Recreation** of this EIR, provides more detailed information about trails within and in the vicinity of the Project area.

3.19.2 Regulatory Framework

3.19.2.1 State

California Department of Transportation

The Caltrans is responsible for planning, designing, constructing, operating, and maintaining the State highway system. Federal highway standards are implemented in California by Caltrans. Any improvements or modifications to the highway system, including ramps and access points, within the study area would need to be approved by Caltrans. The following Caltrans planning documents emphasize the State of California's focus on transportation infrastructure that supports mobility choice through multimodal options, smart growth, and efficient development:

- Smart Mobility 2010: A Call to Action for the New Decade (Smart Mobility Framework)
- Complete Streets Implementation Action Plan
- Strategic Plan 2020-2024
- California Transportation Plan 2050

Smart Mobility Framework

The purpose of the Smart Mobility Framework, published in February 2010, is to address the State mandate to find solutions to climate change, reduce per capita VMT, and create a safe and equitable transportation system. The Smart Mobility Framework includes ten implementing themes to achieve its purpose, including integration into Caltrans and other transportation agencies' policy and practice, collection of data and tools to implement the Smart Mobility Framework, undertaking of major cross-functional initiatives, and integration into local government land use and transportation planning.

Complete Streets Implementation Action Plan

On September 30, 2008, the California Complete Streets Act of 2008 was signed into law. AB 1358 requires any substantive revision of the circulation/mobility element of a city or county's general plan to identify how they will safely accommodate the circulation of all users of the roadway including pedestrians, bicyclists, children, seniors, individuals with disabilities, and transit riders, as well as motorists.

Strategic Plan 2020-2024

Caltrans' 2020-2024 Strategic Plan weaved sustainability principles through all of its goals. The goals of the Strategic Plan are related to safety, enhancing and connecting the multimodal transportation network, leading climate action, and advancing equity in all communities.

California Transportation Plan 2050

Caltrans completed the California Transportation Plan to comply with Title 23, Code of Federal Regulation Section 450.214 and pursuant to California Government Code Title 7 Division 1 Chapter 2.3. The California Transportation Plan provides a roadmap for making effective, equitable, transparent, and transformational transportation decisions in California. The vision of the California Transportation Plan is: "California's safe, resilient, and universally accessible transportation system supports vibrant communities, advances racial

and economic justice, and improves public and environmental health," which is supported by goals related to safety, climate, equity, accessibility, public health, economy, environment, and infrastructure.

Regional Transportation Plan

The Metropolitan Transportation Commission 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+ in October 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 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 the replacement of automobile delay—described solely by LOS or similar measures of vehicular capacity or traffic congestion—with VMT as the recommended metric for determining the significance of transportation impacts. The Governor's Office of Planning and Research (OPR) approved the CEQA Guidelines implementing SB 743 on December 28, 2018. Local jurisdictions were required 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. Projects located within 0.50 mile of transit are generally considered to have a less than significant transportation impact based on OPR guidance.

3.19.2.2 Regional and Local

Final Plan Bay Area 2050

The MTC and ABAG adopted the Plan Bay Area 2050 in October 2021. The Final Plan Bay Area 2050 is an updated long-range Regional Transportation Plan and Sustainable Communities Strategy for the nine-county San Francisco Bay Area. This plan focuses on the following strategies:

- Forecasting transportation needs through the year 2050.
- Preserving the character of our diverse communities.
- Adapting to the challenges of future population growth.
- Making the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges.

This effort grew out of the California Sustainable Communities and Climate Protection Act of 2008 (California SB 375, Steinberg), which requires each of the state's 18 metropolitan areas including the Bay Area to reduce GHG emissions from cars and light trucks. The MTC and ABAG is currently working on the Plan Bay Area 2050+ update, which is a limited and focused update to Plan Bay Area 2050.

Santa Clara County Congestion Management Program

In accordance with California Statute (Government Code 65088), Santa Clara County has established a Congestion Management Program (CMP). The intent of the CMP legislation is to develop a comprehensive transportation improvement program among local jurisdictions to reduce traffic congestion and improve land use decision-making and air quality. VTA serves as the Congestion Management Agency for Santa Clara County and maintains the County's CMP.

Council Policy 5-1 Transportation Analysis

In alignment with SB 743 and the City's goals in the 2040 General Plan, the City has adopted a new "Transportation Analysis Policy" (Council Policy 5-1) in 2018. This Policy replaced the former Transportation Level of Service Policy (Council Policy 5-3). The new policy establishes the thresholds for transportation impacts under CEQA based on VMT rather than intersection LOS. VMT is the total miles of travel by personal motorized vehicles from a project in a day. The intent of this change in policy is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway capacity to a reduction in vehicle emissions and the creation of multimodal networks that support integrated land uses.[130] According to the policy, an employment facility (e.g., office, R&D) or a residential project's transportation impact would be less than significant if the Project VMT is 15 percent or more below the existing average regional VMT per employee, or the existing average citywide or regional per capita VMT respectively. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the Project VMT is equal to or less than existing average regional per capita VMT per employee. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. 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 LTA to analyze non-CEQA transportation issues, including local transportation operations, intersection LOS, and site access and circulation. The LTA also addresses CEQA issues related to pedestrian, bicycle access, and transit.

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 have a less than significant VMT impact. Under Policy 5-1, the screening criteria are as follows:

- Small Infill Projects,
- Local-Serving Retail,
- Local-Serving Public Facilities,
- Transit Supportive Projects in Planned Growth Areas with Low VMT and High-Quality Transit,
- Restricted Affordable, Transit Supportive Residential Projects in Planned Growth Areas with High Quality Transit;
- Transportation Projects that reduce or do not increase VMT.

The VMT policy does not negate Area Development Policies and Transportation Development Policies approved prior to adoption of Council Policy 5-1. Council Policy 5-1 does, however, negate the City's Protected Intersection Policy, as defined in Council Policy 5-3.

Climate Smart San José

Climate Smart San José, which was adopted in 2018, is a comprehensive plan to reduce greenhouse gas emissions while creating jobs, preserving the environment, and improving the quality of life for our community. The plan includes several strategies to reduce GHG emissions related to transportation, including creating local jobs to reduce VMT, developing integrated, accessible public transport infrastructure, and creating clean and personalized mobility choices.

Envision San José 2040 General Plan

Policies in the 2040 General Plan have been adopted for the purpose of avoiding or mitigating transportation impacts from development projects. Policies applicable to the Project are presented in **Table 3.19-1** below.

130 The new policy took effect on March 29, 2018.

Table 3.19-1 Envision San José 2040 Relevant Transportation Policies

Policy	Description
Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
Policy TR-1.4	Through the entitlement process for new development, projects shall be required to fund or construct needed transportation improvements for all transportation modes giving first consideration to improvement of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand. Development proposals shall be reviewed for their impacts on all transportation modes through the study of Vehicle Miles Traveled (VMT), Envision San José 2040 General Plan policies, and other measure enumerated in the City Council Transportation Analysis Policy and its Local Transportation Analysis. Projects shall fund or construct proportional fair share mitigations and improvements to address their impacts on the transportation systems. The City Council may consider adoption of a statement of overriding considerations, as part of an EIR, for projects unable to mitigate their VMT impacts to a less than significant level. At the discretion of the City Council, based on CEQA Guidelines Section 15021, projects that include overriding benefits, in accordance with Public Resources Code Section 21081 and are consistent with the General Plan and the Transportation Analysis Policy 5-1 may be considered for approval. The City Council will only consider a statement of overriding considerations for (i) market-rate housing located within General Plan Urban Villages; (ii) commercial or industrial projects; and (iii) 100 percent deed-restricted affordable housing as defined in General Plan Policy IP-5.12. Such projects shall fund or construct multimodal improvements, which may include improvements to transit, bicycle, or pedestrian facilities, consistent with the City Council Transportation Analysis Policy 5-1. Area Development Policy. An "area development policy" may be adopted by the City Council to establish special transportation standards that identifies development impacts and mitigation measures for a specific geographic area. These policies may take other names or forms to accomplish the same purpose.
Policy TR-1.5	Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
Policy TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new

Policy	Description
	development is designed to accommodate and to provide direct access to transit facilities.
Policy TR-5.3	Development projects' effects on the transportation network would be evaluated during the entitlement process and would be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements. Downtown. Downtown San José exemplifies low-VMT with integrated land use and transportation development. In recognition of the unique position of the Downtown as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, Downtown projects shall support the long-term development of a world class urban transportation network.
Policy TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
Policy TR-8.8	Promote use of unbundled private off-street parking associated with existing or new development, so that the sale or rental of a parking space is separated from the rental or sale price for a residential unit or for non-residential building square footage.
Policy TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.
Policy 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.

Source: City of San José. 2024. *Envision San José 2040 General Plan*. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.

En Movimiento Plan

A Transportation Plan for East San José (formerly East San José Multimodal Transportation Improvement Plan) is a community-driven transportation plan that brings together and builds upon past planning efforts, reflects the priorities of this culturally diverse neighborhood, and defines a path forward for implementing multimodal transportation improvements within the study area.

En Movimiento identifies and prioritizes specific transportation projects to improve the mobility of East San José residents. The plan proposes strategies and infrastructure investments that support transit, walking, and bicycling. By reducing the need for private automobile ownership and decreasing the share of trips made by driving alone, the City can provide its residents and workers with more affordable mobility options, improved health and quality of life, and better access to jobs.

3.19.3 Impacts and Mitigation

3.19.3.1 Thresholds of Significance

For the purposes of this analysis and in accordance with CEQA Guidelines, a project impact to traffic and transportation would be considered significant if the Project would:

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;

b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b);

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or

d) Result in inadequate emergency access.

3.19.3.2 Methodology

For operational-period impacts related to transportation, the quantitative model relies on the 2040 General Plan land use plan, which was adopted in 2011. Subsequent General Plan updates in 2016 and 2020 includes the base year of 2015 and the horizon year of the planned land uses as the Year 2040. The current 2040 General Plan land uses baseline (2015) is used to evaluate impacts associated with the Project. The analysis of impacts and mitigation measures is based on quantitative results that are calculated by a Transportation Study prepared for the Project by Hexagon Transportation Consultants, Inc, dated June 26, 2024, and appended to this EIR as **Appendix D** of this EIR. The analysis would compare impacts caused by buildout of the Project with those caused by previous Urban Village plans included in the 2040 General Plan.

CEQA Transportation Analysis Methodologies

CEQA Transportation Analysis Scope

The CEQA transportation analysis for the Project consists of an evaluation of the Project's effect on VMT. Given the large scale of the project and its proximity to existing and planned major transit facilities, the City of San José Travel Demand Forecasting (TDF) model (CSJ Model), was utilized to complete the VMT analysis for the project. The CSJ Model includes the planned extension of BART service to Downtown San José that is expected to significantly alter modes of travel in the Project area. Along with other major roadway network changes, the new BART service and large scale of the Project necessitate the use of the multi-modal CSJ Model to project the effects of the project on VMT and the transportation system.

CEQA Transportation Analysis Exemption Criteria

The City of San José Transportation Analysis Handbook identifies screening criteria that determine whether a CEQA transportation analysis would be required for development projects. The criteria are based on the type of project, characteristics, and/or location. If a project or a component of a mixed-use project meets the City's screening criteria, it is presumed that the Project would result in a less-than-significant transportation impact, and a detailed VMT analysis is not required. The type of development projects that may meet the screening criteria include the following:

1) small infill projects

2) local-serving retail

3) local-serving public facilities

- projects located in Planned Growth Areas with low VMT and High-Quality Transit

4) deed-restricted affordable housing located in Planned Growth Areas with High-Quality Transit

Table 3.19-2 summarizes the screening criteria for each type of development project as identified in the City of San José Transportation Analysis Handbook. **Figure 3.19-3** identifies areas within the City that currently have low VMT levels estimated by the City for jobs for which transit-supportive development located within a priority growth area would be screened out of the evaluation of VMT.

Residential uses within the Project area, including the proposed shift of 6,000 residential units, meet the City's VMT screening criteria and may be deemed to have a less-than-significant impact on VMT. However, some of the parcels to which jobs would be shifted from the Project area are not located in low VMT per job areas and thus do not meet the screening criteria. Therefore, a detailed CEQA-level VMT analysis that evaluates the Project's effects on VMT is prepared.

Table 3.19-2 CEQA VMT Analysis Screening Criteria for Development Projects

Development Type	Summary
Small Infill Projects	Single-family detached housing of 15 units or less; OR Single-family attached or multi-family housing of 25 units or less; OR Office of 10,000 square feet of gross floor area or less; OR Industrial of 30,000 square feet of gross floor area or less; OR Hotel or motel of 100 or fewer rooms
Local-Serving Retail	100,000 square feet of total gross floor area or less without drive-through operations
Local-Serving Public Facilities	Local-serving public facilities (branch library, community center, fire station, pumping station, park, police station, or public school projects)
Residential/Office Projects or Components	Planned Growth Areas: Located within a Planned Growth Area as defined in the Envision San José 2040 General Plan; AND High-Quality Transit: Located within ½ a mile of an existing major transit stop or an existing stop along a high-quality transit corridor; AND Low VMT (Office Projects or Components only): Located in an area in which the per capita VMT is less than or equal to the CEQA significance threshold for the land use; AND Transit-Supporting Project Density: Minimum Gross Floor Area Ratio (FAR) of 0.75 for office projects or components; Minimum of 35 units per acre for residential projects or components; If located in a General Plan Land Use Designation that has a maximum density below 35 units per acre, the maximum density allowed in the Planned Growth Area must be met; AND Active Transportation: Not negatively impact transit, bike or pedestrian infrastructure.
Restricted Affordable Residential Projects or Components	Affordability: 100 percent restricted affordable units, excluding unrestricted manager units; affordability must extend for a minimum of 55 years for rental homes or 45 years for for-sale homes; AND High Quality Transit: Located within ½ a mile of an existing major transit stops or an existing stop along a high quality transit corridor; AND Transit-Supportive Project Density: Minimum of 35 units per acre for residential projects or components. If located in a General Plan Land Use Designation that has a maximum density below 35 units per acre, the maximum density allowed in the Planned Growth Area must be met; AND Active Transportation: Not negatively impact transit, bike or pedestrian infrastructure.

Source: Hexagon Transportation Consultants. 2024. *Five Wounds Urban Village Plan Update: Transportation Analysis*. June 26, 2024. (**Appendix D**)

VMT Evaluation Methodology and Criteria

Per Council Policy 5-1, the effects of the Project on VMT was evaluated using the methodology outlined in the City's Transportation Analysis Handbook. 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.

In accordance with CEQA, all proposed projects are required to analyze transportation as a component of environmental review using average trip length per resident and/or per employee as metrics. The average trips

length is calculated by multiplying the number of vehicle trips by the travel distance divided by the number of residents or employees. Unlike the VMT/service population, the VMT/resident and VMT/employee are calculated regardless of the origin or destination of the trip. In addition, the VMT/resident assumes only trips that start or end at the home of the resident. For example, a trip made from the gas station to the workplace is not included in this calculation. VMT/employee is calculated from trips made by residents driving to and from work. VMT per capita and VMT per employee were evaluated and derived as follows:

VMT / Capita = VMT's associated with "home-based only" daily vehicle trips generated by residents

VMT / Employee = VMT's associated with "home-based-work only" daily vehicle trips generated by employees

Typically, land uses that are farther from other complementary land uses (such as a business park far from housing) and in areas without transit or active transportation infrastructure (bike lanes, sidewalks, etc.) generate more driving than development near complementary land uses with more robust transportation options. Therefore, land use located in a central business district with high density and diversity of complementary land uses and frequent transit services are expected to internalize trips and generate shorter and fewer vehicle trips than developments located in a suburban area with low density of residential developments and no transit service in the Project vicinity.

Projects located in areas where the existing VMT is greater than the established threshold are referred to as being in "high-VMT areas". Projects in high-VMT areas are required to include a set of VMT reduction measures that would reduce the Project VMT to the greatest extent possible. The VMT evaluation tool evaluates a list of selected VMT reduction measures that can be applied to a project to reduce the Project VMT. There are four strategy tiers whose effects on VMT can be calculated with the VMT evaluation tool:

1. Project characteristics (e.g. density, diversity of uses, design, and affordability of housing) that encourage walking, biking, and transit uses.
2. Multimodal network improvements that increase accessibility for transit users, bicyclists, and pedestrians.
3. Parking measures that discourage personal motorized vehicle trips; and
4. TDM measures that provide incentives and services to encourage alternatives to personal motorized vehicle trips.

The first three strategies – land use characteristics, multimodal network improvements, and parking – are physical design strategies that can be incorporated into the Project design. TDM includes programmatic measures that aim to reduce VMT by decreasing personal motorized vehicle mode share and by encouraging more walking, biking, and riding transit. TDM measures should be enforced through annual trip monitoring to assess the Project's status in meeting the VMT reduction goals.

Baseline VMT Estimates

The thresholds of significance for residential and employment land uses, as established in the Transportation Analysis Policy, are based on the existing citywide average VMT level for residential uses and the existing regional average VMT level for employment uses. **Figure 3.19-4** and **Figure 3.19-5** show the current VMT levels estimated by the City for residents and employees, respectively. Areas are color- coded based on the level of existing VMT:

- Green-filled areas are parcels with existing VMT less than the City's residential and employee thresholds of 11.39 VMT per capita and 14.05 per employee.
- Yellow-filled areas are parcels with existing VMT between the residential threshold and the city- wide average of 13.40 VMT per capita.
- Orange-filled areas are parcels with existing VMT greater than the residential and employee thresholds. However, a project's VMT impact may be mitigated by implementing VMT-reducing measures.

- Red-filled areas are parcels with existing VMT greater than the residential and employee threshold. Implementing VMT-reducing measures will not be sufficient to reduce a project's VMT to less than the threshold of significance.

Average per-capita and per-employee VMT for all the existing developments within ½ mile buffer of each parcel in the City serves as the baseline from which a project is evaluated.

Significance Criteria

If a project is found to have a significant impact on VMT, the impact must be reduced by modifying the Project to reduce its VMT to an acceptable level (below the established thresholds of significance applicable to the Project) and/or mitigating the impact through multimodal transportation improvements or establishing a Trip Cap. **Table 3.19-3** shows the VMT thresholds of significance for development projects, as established in the Transportation Analysis Policy.

Table 3.19-3 CEQA VMT Analysis Significant Impact Criteria for Development Projects

Type	Significance Criteria	Current Level	Threshold
Residential Uses	Project VMT per capita exceeds existing citywide average VMT per capita minus 15 percent, whichever is lower.	13.40 VMT per capita (Citywide Average)	11.39 VMT per capita
Office, Research & Development, Assisted Living	Project VMT per employee exceeds existing regional average VMY per employee minus 15 percent	16.53 VMT per employee (Regional Average)	14.05 VMT per employee
Industrial, Mini Storage	Project VMT per employee exceeds existing regional average VMT per employee	16.53 VMT per employee (Regional Average)	16.53 VMT per employee
Retail, Lodging, Education	Net increase in existing regional total VMT	Regional Total VMT	Net Increase
Public/Quasi-Public Uses	In accordance with the most appropriate type(s) as determined by Public Works Director	Appropriate levels listed above	Appropriate thresholds listed above
Mixed Uses	Evaluate each land use component of a mixed-use project independently, and apply the threshold of significance for each land use type included	Appropriate levels listed above	Appropriate thresholds listed above
Change of Use or Additions to Existing Development	Evaluate the full site with the change of use or additions to existing development, and apply the threshold of	Appropriate levels listed above	Appropriate thresholds listed above

	significance for each project type included		
Urban Village Plans, Station Area Plans, Specific Plans, Development Policies, Other Area Plans	Evaluate each land use component of the area plan independently, and apply the threshold of significance for each land use type included	Appropriate levels listed above	Appropriate thresholds listed above

Source: Hexagon Transportation Consultants. 2024. *Five Wounds Urban Village Plan Update: Transportation Analysis*. June 26, 2024. (**Appendix D** of this EIR)

Non-CEQA Supplemental Mode-Share Analysis

Unlike the VMT per capita and job evaluation, which is adopted by the City Council and required per CEQA guidelines, the non-CEQA analyses are presented for informational purposes only to better understand other transportation-related effects associated with the Project land use adjustments. However, the determination of project impacts per CEQA requirements are based solely on VMT analysis presented in the previous chapter.

GPA Transportation Analysis

The GPA analysis includes the evaluation of the potential for the Project land use amendments to result in increased VMT, impacts to travel speeds on transit priority corridors, and impacts to pedestrian, bicycle, and transit facilities. Transportation conditions were evaluated for Year 2040 General Plan conditions and Year 2040 General Plan Plus the Project conditions as described and presented in **Subsection 3.19.2.2, Regional and Local** of this EIR. The same CSJ Model that is described above was used to complete the GPA traffic analysis.

Measures of Effectiveness

This analysis addresses the long-range impacts of the proposed GP land use adjustments on the citywide transportation system by applying measures of effectiveness (MOEs) developed for the 2040 General Plan. The results of the analysis for the proposed land use adjustments are compared to the Projected conditions for the adopted GP to determine if the Five Wounds Urban Village Plan Update amendments would result in any new or substantially more severe transportation impacts than those impacts that were already analyzed for the adopted GP. The long-range analysis includes analysis of the following MOEs:

- **VMT per Service Population.** VMT per service population is a measure of the daily VMT divided by the number of residents and employees within the City of San José. VMT per service population (residents + employees) is used for the analysis as opposed to VMT per capita (residents only), since per service population more accurately captures the effects of land use on VMT. The City not only has residents that travel to and from jobs but also attracts regional employees. VMT is calculated based on the number of vehicles multiplied by the distance traveled by each vehicle in miles.
- **Journey-to-Work Mode Share (Drive-Alone Percent).** Mode share is the distribution of all daily work trips by travel mode, including the following categories: drive-alone, carpool with two persons, carpool with three persons or more, transit (rail and bus), bike, and walk trips.
- **Average Travel Speeds within the City's Transit Priority Corridors.** Average travel speed for all vehicles (transit and non-transit vehicles) in the City's 14 transit corridors is calculated for the AM peak hour based on the segment distance dividing the vehicle travel time. A transit corridor is a segment of roadway identified as a Grand Boulevard in the 2040 General Plan Land Use/Transportation Diagram. Grand Boulevards serve as major transportation corridors and, in most cases, are primary routes for Valley Transportation Authority (VTA) LRT, BRT, local buses, and other public transit vehicles. Although transit services are found on other street types throughout the City, transit has the utmost priority on Grand Boulevards.

Significance Impact Criteria

The City of San José adopted policies and goals in 2040 General Plan to reduce the drive-alone mode share to no more than 40 percent of all daily commute trips and to reduce the VMT per service population by 40 percent from existing (year 2015) conditions. To meet these goals by the GP horizon year and to satisfy CEQA requirements, the City developed a set of MOEs and associated significance thresholds to evaluate long-range transportation impacts resulting from land use adjustments. **Table 3.19-4** summarizes the significance thresholds associated with vehicular modes of transportation as defined in the City of San José Transportation Analysis Handbook (Thresholds of Significance for General Plan Amendments, Table 22) for the evaluation of long-range transportation impacts resulting from proposed land use adjustments and used in this analysis.

Table 3.19-4 Thresholds of Significance for GPAs

Performance Metrics	Significance Thresholds
Citywide VMT per Service Population	Citywide VMT per service population under the General Plan Amendment conditions greater than that under the current 2040 General Plan conditions
Journey-to-Work Mode Share	Any increase in journey-to-work drive alone mode share over current 2040 General Plan conditions
Transit Corridor Travel Speeds	Decrease in average travel speed on a transit corridor below current 2040 General Plan conditions in the AM peak one-hour period when: The average speed drops below 15 mph or decreases by 25 percent or more; OR The average speed drops by one mph or more for a transit corridor with average speed below 15 mph under current 2040 General Plan conditions

Source: Hexagon Transportation Consultants. 2024. *Five Wounds Urban Village Plan Update: Transportation Analysis*. June 26, 2024. (**Appendix D** of this EIR)

In addition to the MOEs described above, the effects of the proposed land use adjustments on transit, bicycle, and pedestrian facilities were evaluated. A significant long-range transportation impact would occur if the adjustments would:

- Disrupt existing, or interfere with, planned transit services or facilities;
- Disrupt existing, or interfere with, planned bicycle facilities;
- Conflict or create inconsistencies with adopted bicycle plans, guidelines, policies, or standards;
- Not provide secure and safe bicycle parking in adequate proportion to anticipated demand;
- Disrupt existing, or interfere with, planned pedestrian facilities;
- Not provide accessible pedestrian facilities that meet current ADA best practices; or
- Create inconsistencies with adopted pedestrian plans, guidelines, policies, or standards.

Five Wounds Urban Village Plan Guidelines and Principles

The Project would implement the following design guidelines and principles to ensure the adequate provision of transportation:

- **Principle 4 – Foster Alternative Forms of Transportation**. Prioritize and promote non-vehicular forms of transportation and the development of human-scale environments. Creating attractive streetscapes within the public right of way with diverse places for people to connect and move which prioritize safety and comfort. Provide prioritized travel corridors through and within the urban village for walking, cycling, public transit, and other modes of transportation, not just personal motorized vehicles.

- **Principle 5 – Intentional Transit-Oriented Design.** New development in the urban village will adhere to thoughtful design principles which promote mobility, activity, and a sense of neighborhood pride. To these ends, consideration would be given to minimizing visual and special impacts of parking, maintaining and increasing landscaping throughout the urban village, connecting building entrances to the public realm, and ensuring that transit and access thereto are at the forefront of urban design.
- **Policy LU-2.1:** Support high-density residential or mixed-use projects on a horizontal or vertical mixed-use use approach around the BART station, between East Julian and Five Wounds Lane, and between 28th Street and the US 101. Use as a guide the design and development concepts established for that area in the 28th Street/ Little Portugal Design Development Framework (DDF) prepared by the Santa Clara Valley Transportation Authority (VTA).
- **Policy LU-2.2:** Allow land uses that generate employment along the west side of 28th Street in a mixed-use format with residential. Use as a guide the design and development concepts established for that area in the Design Development Framework (DDF) for the 28th Street/Little Portugal BART station prepared by the Santa Clara VTA.
- **Policy C-5.7:** Ensure that all street and transportation improvements prioritize low-carbon, sustainable transportation modes such as walking, biking, public transit, and shared mobility. These efforts should directly support the City's Pathway to Carbon Neutrality by 2030.
- **Policy C-5.8:** Incorporate designated micromobility parking and charging stations for e-scooters and e-bikes into streetscape designs to encourage the use of shared, low-emission transportation modes. The Five Wounds Urban Village Plan has also included several TDM measures which would reduce transportation impact. For a complete list of all objectives, policies, guidelines, and measures included in the Project regarding transportation, please refer to **Appendix B** of this EIR.

3.19.3.3 Project Impacts

a) Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

The Project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities as described below.

The City of San José and VTA have adopted several plans and programs intended to encourage the use of alternative transportation modes and increase the safety and performance of transit, bicycle, and pedestrian facilities. The Circulation Element of the Project plan includes a set of balanced, long-range, multimodal transportation goals and policies that aim to provide for a transportation network that would be safe, efficient, and sustainable (minimizes environmental, financial, and neighborhood impacts). In combination with land use goals and policies that focus growth into areas served by transit, these transportation goals and policies are intended to improve multi-modal accessibility to employment, housing, shopping, entertainment, schools, and parks and create a city where people are less reliant on driving to meet their daily needs.

The City of San José's Transportation Goals, Policies, and Actions aim to:

- Establish circulation policies that increase bicycle, pedestrian, and transit travel, while reducing motor vehicle trips, to increase the City's share of travel by alternative transportation modes.
- Promote San José as a walking- and bicycling-first city by providing and prioritizing funding for projects that enhance and improve bicycle and pedestrian facilities, including Class I trail systems. For example, the City's 2040 General Plan and Bike Plan 2025 (adopted in October 2020) contain policies for guiding the development and maintenance of pedestrian, bicycle, and trail facilities within San José.

The Five Wounds Urban Village Plan would complement and support a transit node by assigning housing and jobs near transit. The policies emphasize increasing access and mobility for alternative modes of transportation (i.e.,

pedestrians, bicycle, and transit). There are planned improvements to transit services and bicycle and pedestrian facilities in the Project area including the following:

Five Wounds Trail Plan

- The Five Wounds Trail is currently being planned under a separate master planning effort which will outline the features, alignment, funding, timing of construction, and other specific information for the Five Wounds Trail and how it will provide access to the future BART station and broader region.
- The Five Wounds Trail is being planned in coordination with BART and VTA due to land ownership, station construction staging, future development, and future transit operations near the station.
- The Design Development Framework will also have a role in dictating alignment and cross sections of the trail approximately between East Julian Street and East Santa Clara Street.
- The Project seeks to align new development under the Project to the Five Wounds Trail to optimize circulation for users.

En Movimiento Plan

The En Movimiento Plan establishes several pedestrian and bicycle-specific projects in the study area including bike boulevards, bikeways to BART, US 101 overcrossing, and on-street trail crossing projects:

Connections to BART

- Julian Street connection to future BART station
- Saint John and Saint James connection to future BART station

Bike Boulevard Projects

- 21st Street
- 24th Street
- 28th Street
- 31st Street
- 33rd Street
- East San Antonio Street
- William Street
- Shortridge Avenue

Transit Priority Projects

- East Santa Clara Street
- King Road

The Project by itself would not result in a change to the existing and planned roadway network that would result in an adverse effect on the planned facilities of either plan.

Transit Services or Facilities

Planned transit services and facilities include additional rail service via the future BART extension, new BRT services, and the proposed California High- Speed Rail project. The Project would not result in a change to the existing and planned roadway network that would result in an adverse effect on existing or planned transit facilities. Therefore, the Project would not substantially disrupt existing or interfere with planned transit services or facilities.

Bicycle Facilities

The 2040 General Plan supports the goals outlined in the City's Better Bike Plan 2025 and contains policies to encourage bicycle trips (Policies TR-1.1, TR-1.2, TR-1.4 through TR-1.9, TR-2.1 through TR-2.11, TR-7.1, TN-1.1 through TN-1.5, TN-2.1 through TN-2.7, and TN-3.1 through 3.6; Implementing Actions TR-1.12 through TR-1.15, TR-2.12 through TR-2.21, TR-7.2, TR-7.3, TN-1.6, TN-2.8 through 2.10, and TN-3.7; Performance Measures TN-2.11, TN-2.12).The Five Wounds Urban Village Plan contains policies to support biking in accordance with the City's goals (Standard UD-4.2, Policy OS-1.6, Policy PA-2.4, and Policy PA-5.2) The Project update would not result in a change to the existing and planned roadway network that would affect existing or planned bicycle facilities. Therefore, the Project would not substantially disrupt existing or interfere with planned bicycle facilities; conflict or create inconsistencies with adopted bicycle plans, guidelines, policies, or standards; and provide insecure and unsafe bicycle parking in adequate proportion to anticipated demand.

Pedestrian Facilities

The Envision San José 2040 General Plan includes transportation policies and performance measures intended to improve the pedestrian environment, increase pedestrian safety, and support non-motorized travel. The Five Wounds Urban Village Plan incudes complementary goals and policies to reinforce these objectives, including policies that prioritize pedestrian and bicycle connectivity to transit and improve walking and biking conditions along key corridors.

The Plan identifies a potential US-101 pedestrian/bicycle overcrossing between the Alum Rock Avenue/East Santa Clara Street interchange area and the McKee Road/Julian Street interchange area as a future multimodal connectivity improvement. At the time of Plan adoption, the overcrossing is a conceptual implementation action and is not a defined, approved project; the final alignment, footprint, right-of-way needs, funding, and schedule would be determined through subsequent planning and approvals and would undergo **subsequent CEQA review** when a specific project is proposed.

Adoption of the Plan would not, by itself, physically alter the roadway network or construct specific pedestrian improvements; therefore, Plan adoption would not directly disrupt existing pedestrian facilities. As the Plan is implemented, future development and public improvement projects would be required to demonstrate consistency with applicable City pedestrian, bicycle, and transit standards in effect at the time of approval. This includes maintaining pedestrian access during construction to the extent feasible, avoiding degradation of planned pedestrian facilities, providing equivalent or better facilities where changes are unavoidable, and complying with current ADA accessibility requirements and City best practices through project-level design and permitting. With these implementation requirements and tiering safeguards, impacts related to pedestrian facilities and consistency with adopted pedestrian plans and standards would be less than significant at the program level.

Based on the discussion above, the project supports goals, policies, and programs adopted by the City and VTA for encouraging alternative transportation modes and increasing the safety and performance of transit, bicycle, and pedestrian facilities. Implementation of the Project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities and impacts would be less than significant. **(Less than Significant Impact)**

b) Would the Project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

A VMT analysis was prepared for the Project in accordance with the City's methodologies, and consistent with Section 15064.3(b) of the State CEQA Guidelines. The results of the VMT analysis are summarized below.

The City's Transportation Policy has established an impact threshold of 15 percent below the Citywide Average per-capita VMT of 13.40 and Regional Average per-employee VMT of 16.53. Thus, the impacts of proposed development growth would be considered significant if it results in VMT that exceeds VMT per capita of 11.39 and VMT per employee of 14.05.

Project TAZs and Citywide General Plan VMT Analysis

Following the VMT analysis method which is discussed in **Subsection 3.19.3.2, Methodologies** of this EIR, the VMT per capita[131] and VMT per employee for the TAZs that include housing and job shifts as part of the project, as well as the citywide VMT per capita and VMT per employee for the proposed housing and job shifts of the Project, are presented in **Table 3.19-5**.

Table 3.19-5 Project TAZs and Citywide VMT Analysis

Scenario	Residential					Jobs			
	Housing Units	Population	VMT[1]	VMT Per Capita[2]	Exceeds Threshold ?	Jobs	VMT[3]	VMT Per Job[4]	Exceeds Threshold ?
Impact Threshold				11.39				14.05	
Year 2015	6,883	26,127	235,084	9.00	No	6,226	89,333	14.35	Yes
Year 2040 General Plan	8,909	33,266	218,887	6.58	No	11,928	156,056	13.08	No
Year 2040 General Plan with Project	14,909	54,698	348,247	6.37	No	9,573	129,378	13.51	No

Source: Hexagon Transportation Consultants. 2024. *Five Wounds Urban Village Plan Update: Transportation Analysis*. June 26, 2024. (**Appendix D** of this EIR)

Notes:

[1] Residential VMT = Home-Based Trip Productions * Distance

[2] Residential VMT per Capita = Residential VMT / Population

[3] Employment VMT = Home-Based Work Trip Attractions * Distance

[4] Employment VMT per Job = Employment VMT / Jobs

The results of the VMT evaluation indicate that under Year 2040 conditions, the Project is projected to generate VMT per capita (6.37) that is below the established VMT thresholds. Additionally, when compared to the Year 2015 and Year 2040 General Plan conditions, the Project's housing shifts would result in a reduction in VMT per capita for the Project area TAZs. The reduction in per-capita VMT could be indicative of the addition of residents in an area with extensive opportunities for the use of transit, bicycles, and other non-auto modes of travel that will result in a reduction in number and length of those trips that are added to the roadway system due to the planned growth. The planned extension of BART service, which is expected to significantly alter modes of travel in the Project area, has been included in the modelling analysis and contributes to the reduced VMT.

VMT per Capita Findings - The Project's housing shifts will result in a decrease in VMT per resident when compared to the current 2040 General Plan conditions and the Projected VMT per capita would be less than the City's adopted impact thresholds. Therefore, the proposed housing shifts of the Project would result in a less than significant impact on VMT.

Under Year 2040 General Plan conditions, the proposed job shifts of the Project is projected to generate VMT per job (13.51) that is below the established VMT thresholds. When compared to the Year 2040 General Plan conditions, the Project's job shifts would result in a small increase in VMT per job for the Project area TAZs.

[131] VMT per capita stands for residential VMT.

VMT per Job Findings - The Project's General Plan job capacity shifts to other areas in the City and neighboring cities including Cupertino, Campbell, and Saratoga, will result in a small increase in VMT when compared to the current 2040 General Plan conditions. However, the Projected VMT per job would be less than the City's adopted impact thresholds. Therefore, the proposed job shifts of the Project would result in a less than significant impact on VMT.

Citywide VMT Analysis - The 2040 General Plan EIR states that a significant impact would occur with a significant increase in VMT. The results of the VMT evaluation in the Project area, however, indicate that under Year 2040 conditions, the proposed housing shifts of the Project are projected to generate VMT per capita (11.30) that would be below the City's established VMT thresholds. Additionally, when compared to the Year 2015 and Year 2040 General Plan conditions, the Project's housing shifts would result in a reduction of VMT per capita under Year 2040 conditions.

Under 2040 General Plan conditions, the proposed job shifts of the Project are projected to generate VMT per job (15.74) that would exceed the established VMT thresholds. However, when compared to Year 2015 and Year 2040 General Plan conditions, the Project job shifts will result in a reduction of VMT per job (see **Table 3.19-6**).

Table 3.19-6 VMT Analysis for the Plan Citywide

Scenario	Residential					Jobs			
	Housing Units	Population	VMT[1]	VMT Per Capita[2]	Exceeds Threshold ?	Jobs	VMT[3]	VMT Per Job[4]	Exceeds Threshold ?
Impact Threshold				11.39				14.05	
Year 2015	321,159	1,016,087	13,617,822	13.40	Yes	418,721	6,758,646	16.14	Yes
Year 2040 General Plan	429,347	1,303,105	14,789,564	11.36	No	751,649	11,850,043	15.77	Yes
Year 2040 General Plan with Project	429,347	1,310,072	14,803,393	11.30	No	751,649	11,829,959	15.74	Yes

Source: Hexagon Transportation Consultants. 2024. *Five Wounds Urban Village Plan Update: Transportation Analysis*. June 26, 2024. (**Appendix D** of this EIR)
Notes:
[1] Residential VMT = Home-Based Trip Productions * Distance
[2] Residential VMT per Capita = Residential VMT / Population
[3] Employment VMT = Home-Based Work Trip Attractions * Distance
[4] Employment VMT per Job = Employment VMT / Jobs

Individual development projects within the Plan area that are found to be inconsistent with the planned growth as well as those within areas to which jobs were shifted will be required to complete an evaluation of project specific impacts on VMT in adherence to the City's Transportation Policy (Council Policy 5-1) and subject to subsequent CEQA review. In addition, all future development projects within the Plan area would be required to adhere to the new Parking and Transportation Demand Management (TDM) policy that also aims to reduce VMT of future development in the Plan area. Therefore, the Project would not exceed VMT thresholds of the City and impacts would be less than significant. **(Less than Significant Impact)**

c) Would the Project result in transportation hazards and inadequate emergency access?

The Project, as an urban village plan, would not result in any development that would result in transportation hazards and inadequate emergency access. Future development under the Five Wounds Urban Village Plan could impact emergency operations during construction or propose a new road or site access design that could result in traffic hazards. Consistent with City policies and practices, any future modifications to public and private street designs, site access, would be developed under the direction of the City's Department of Transportation and Department of Public Works. In addition, any construction of future development under the Project would be consistent with City policies to provide adequate emergency access under the supervision of the City's Office of Emergency Management. The roadway network and future development projects would be designed to accommodate emergency vehicles, which would be consistent with City's design guidelines and reviewed by the City's Office of Emergency Management and other departments as necessary.

Please refer to **Section 3.11, Hazards and Hazardous Materials**, and **Section 3.17**, **Public Services** of this EIR**,** for additional discussions on emergency access. With implementation of 2040 General Plan policies, the Project would not result in inadequate emergency access, nor substantially increase hazards due to design features or incompatible uses. **(Less than Significant Impact)**

3.19.3.4 Cumulative Impacts

Cumulative transportation related impacts are associated with the past, present, and foreseeable project in conjunction with buildout of the Project. Please refer to **Table 3.2-1,** for a list of past, present, and foreseeable projects considered for this analysis.

Cumulative Long-Range Analysis

Vehicle Miles Traveled Per Service Population

The San José forecasting model was used to calculate daily VMT per service population, where service population is defined as the number of residents plus the number of employees citywide. Any increase in VMT per service population over the current General Plan due to the Project would be a significant impact.

The citywide daily VMT and the VMT per service population would decrease when compared to the current General Plan. This is because (1) the total number of jobs and households would not change citywide as a result of the General Plan Amendments (GPA)-only shifting of households and jobs would occur and (2) the reallocation of households to the Urban Village area, where there are more jobs and transit options. Vehicle trips citywide would be reduced due to an increase in trips made via transit and non-motorized travel modes (bicycle and walk) within the Project area. Therefore, cumulatively, the Project would not have an impact on citywide daily VMT per service population.

Journey-to-Work Mode Share

Mode share is the distribution of all daily work trips by travel mode, including drive-alone, carpool with two persons, carpool with three persons or more, transit (rail and bus), bike, and walk trips.

Although work trips may occur at any time of the day, a majority of work trips occur during typical peak commute periods (6:00 – 10:00 AM and 3:00 – 7:00 PM). Any increase in the journey-to-work drive alone mode share percentage over the current General Plan due to the proposed land use amendments is considered a significant impact. The 2040 General Plan indicates that significant cumulative impact would occur since physical constraints and acquisition difficulties are limiting existing roadway improvements, which prevents multimodal systems from being fully operatable. However, the Project does not include road-widening as approaches to reduce congestion and instead facilitates transit improvement through the proposed BART extension and VTA light rail extension. In addition, the Project has incorporated the construction, extension and improvement of pedestrian and bicycle facilities.

Compared to the current 2040 General Plan, the percentage of journey-to-work drive alone trips would decrease slightly and the percentage of transit and walk trips would increase slightly. The reduced automobile dependency echoes with the ultimate goal in the 2040 General Plan to reduce significant local and regional impacts. Therefore, cumulatively, the Project would not result in cumulative impacts on citywide journey-to-work drive alone mode share.

Cumulative Impacts on Transit, Bicycle, and Pedestrian Circulation

Transit Services or Facilities

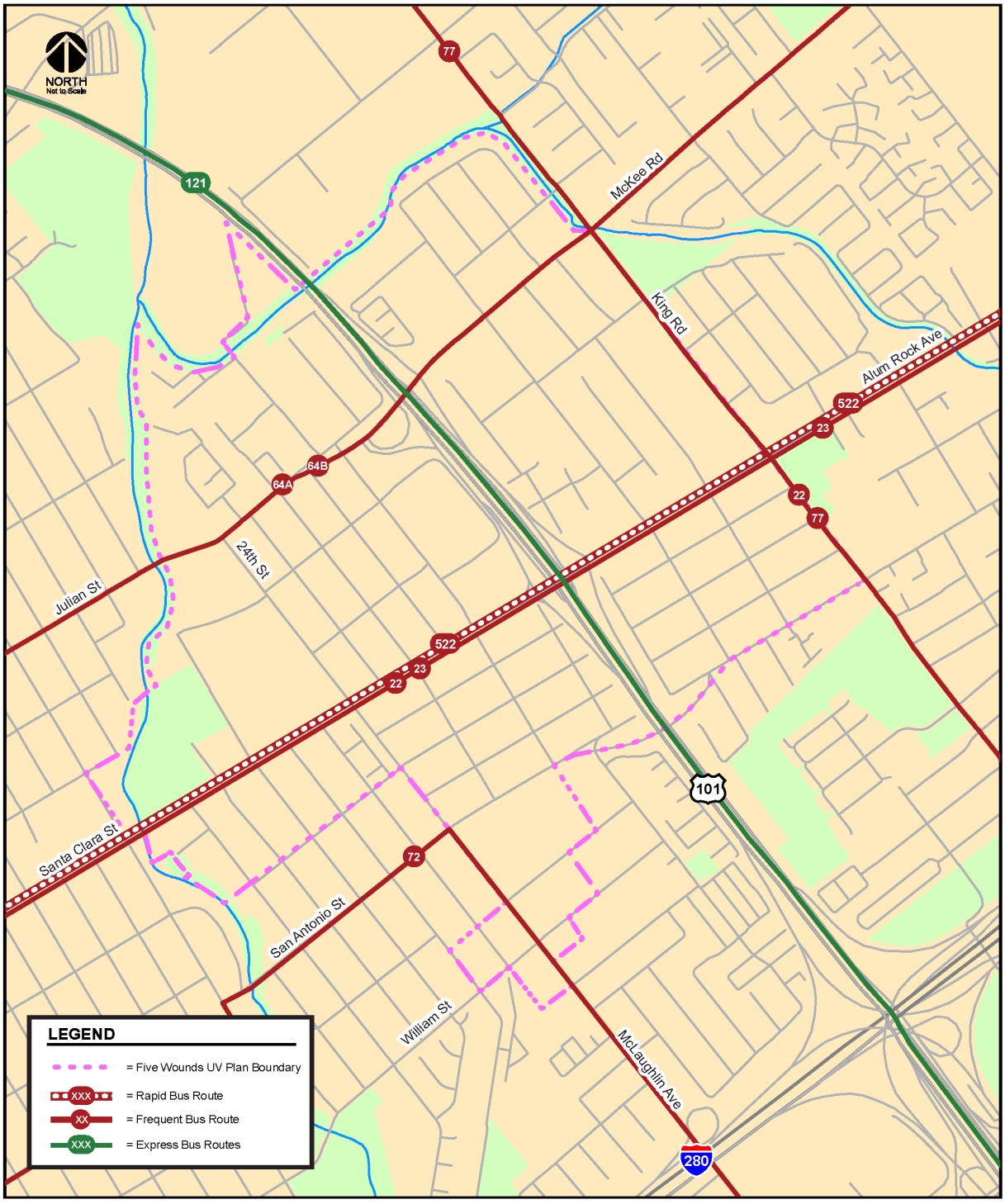
Planned transit services and facilities include additional rail service via the future BART extension, LRT extensions, and the bus service improvements. The proposed GPAs land use adjustments would not result in a change to the existing and planned roadway network that would result in an adverse effect on existing or planned transit facilities. Therefore, the Project would not substantially disrupt existing, or interfere with planned transit services or facilities.

Bicycle Facilities

The Project's land use adjustments would not result in a change to the existing and planned roadway network that would affect existing or planned bicycle facilities. Therefore, the Project would not substantially disrupt existing or interfere with planned bicycle facilities; conflict or create inconsistencies with adopted bicycle plans, guidelines, policies, or standards; and provide insecure and unsafe bicycle parking in adequate proportion to anticipated demand.

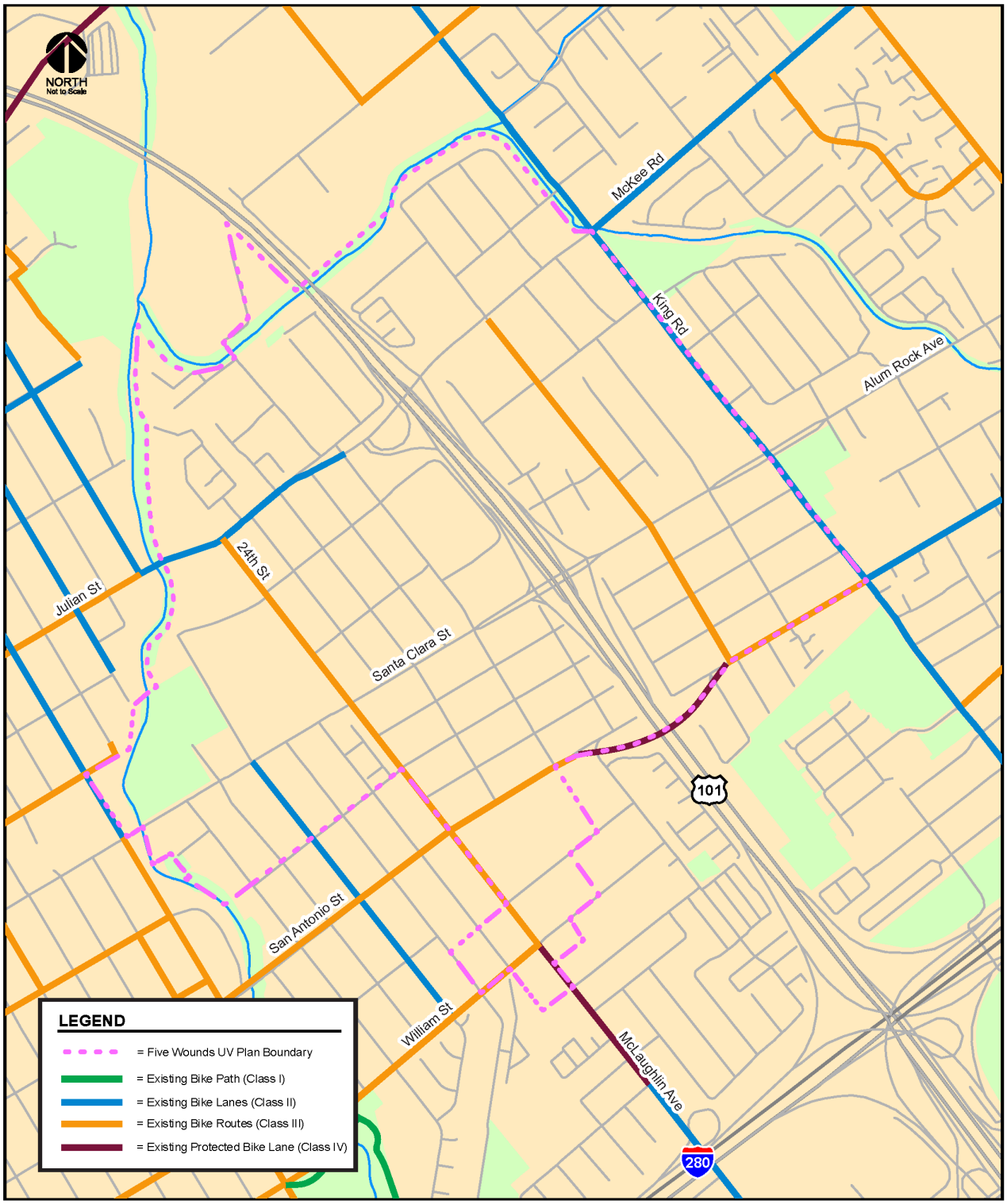
Pedestrian Facilities

The Project would not result in a change to the existing and planned roadway network that would affect existing or planned pedestrian facilities. Therefore, project would not substantially disrupt existing or interfere with planned pedestrian facilities; create inconsistencies with adopted pedestrian plans, guidelines, policies, or standards; and provide accessible pedestrian facilities that would not meet current ADA best practice. Therefore, the Project would not result in cumulative impact on transit, bicycle, and pedestrian circulation.



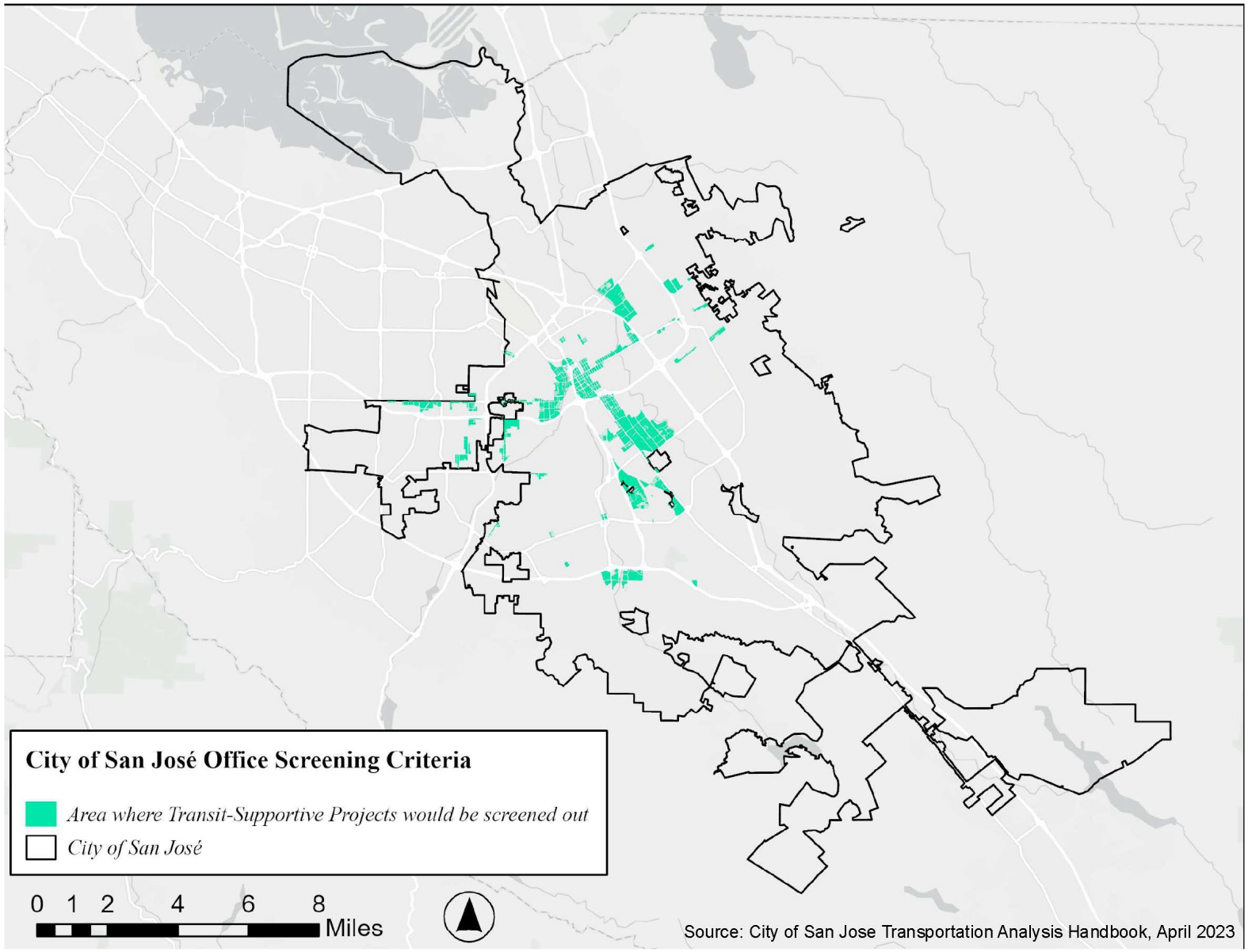
Existing Transit Services Figure **3.19-1**

Source: Hexagon, 2024



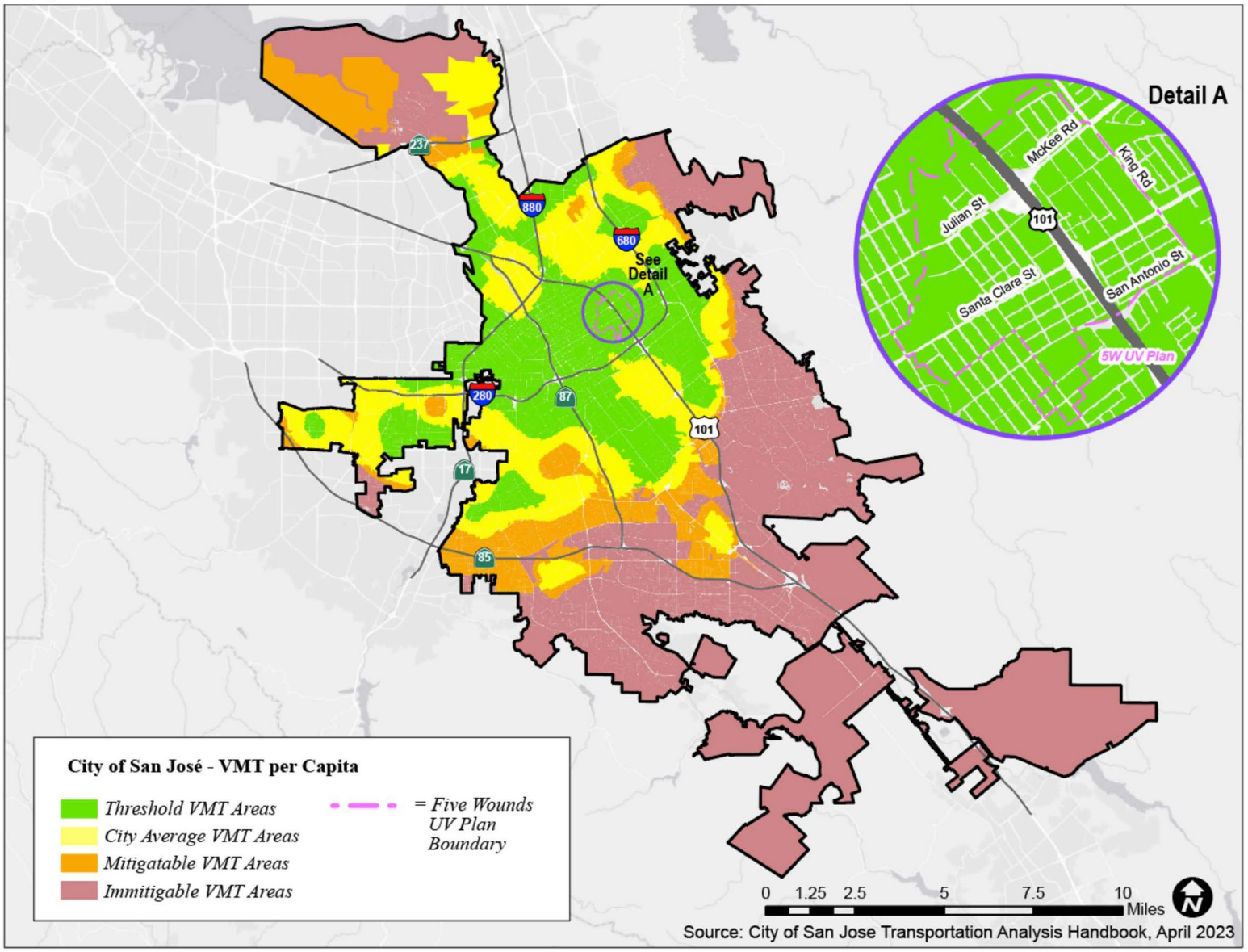
Existing Bicycle Network Figure **3.19-2**

Source: Hexagon, 2024



Low VMT per Job Areas in San José Figure **3.19-3**

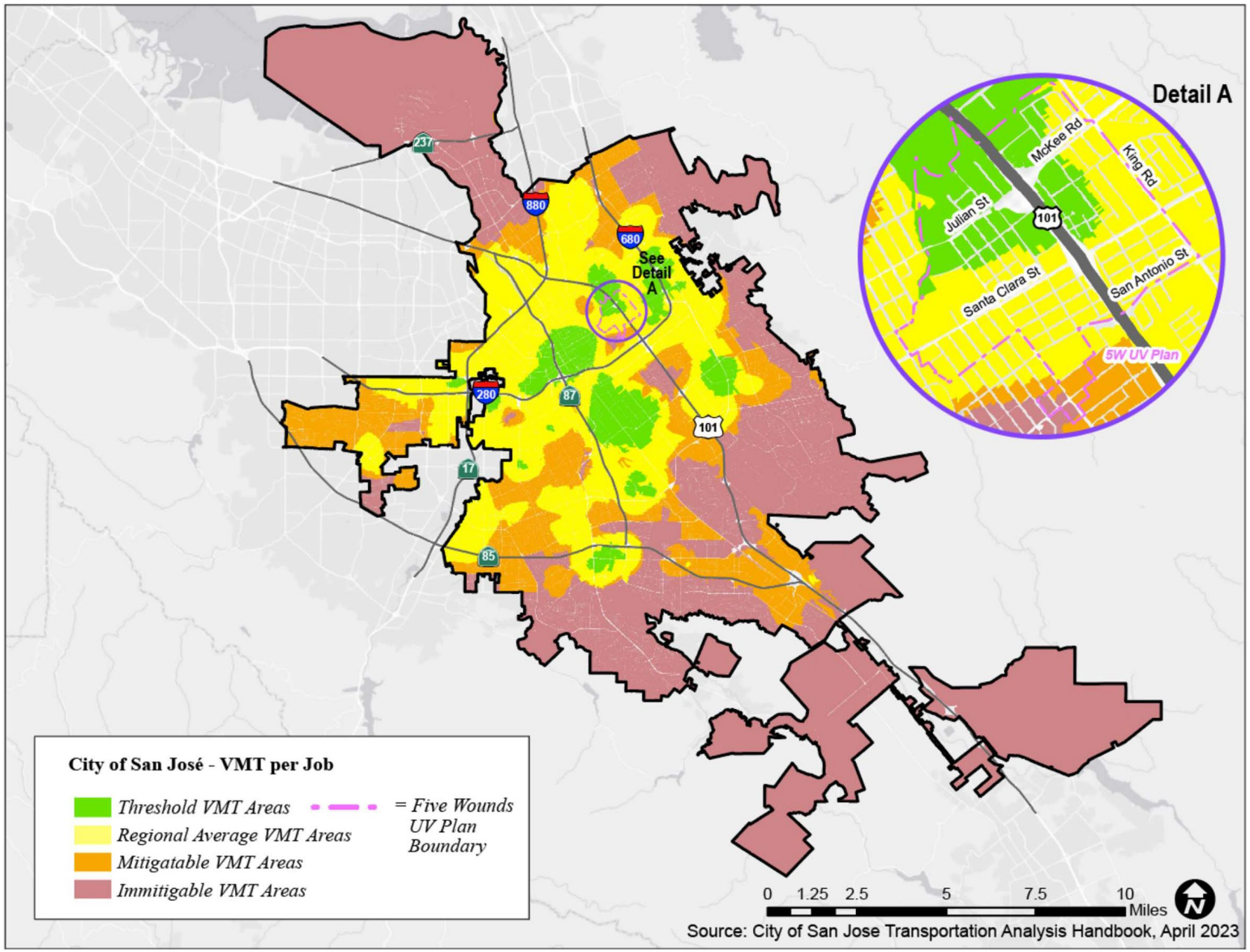
Source: Hexagon, 2024



VMT per Capita (Residential) Heat Map in San José

Figure **3.19-4**

Source: Hexagon, 2024



VMT per Employee Heat Map in San José Figure **3.19-5**

Source: Hexagon, 2024

3.20 Tribal Cultural Resources

This section discusses the impacts on tribal cultural resources that would result from implementation of the Project. The analysis is based in part on a cultural resources assessment report that was prepared by ESA in January 2023.

During the public scoping period, the Amah Mutsun Tribal Band of San Juan Bautista Tribe submitted a letter. The letter requested a Sacred Lands File (SLF) and California Historical Resource Information Systems (CHRIS) report, as well as reaching out to the Native American Heritage Commission (NAHC) to determine whether the Project boundary contains cultural and/or historic sensitivities.

3.20.1 Environmental Setting

3.20.1.1 Existing Conditions

The Native American people who originally inhabited the Santa Clara Valley belong to a group known as the "Costanoan" or Ohlone. The Ohlone people, historically inhabited a vast region from San Francisco Bay to Monterey Bay, renowned for their rich basketry and semi-sedentary villages. The Tamien Nation, a linguistic division of the Ohlone, lived in the Santa Clara Valley, practicing hunting, fishing, and gathering. Prehistoric era sites associated with Native Americans include habitation sites (e.g., large villages or temporary campsites) and non-habitation sites such as stone tool and other manufacturing areas, cemeteries, isolated burial locations, rock art sites, and trails. Most prehistoric archaeological sites have been found along or very near fresh water sources adjacent to the major Native American trails, and near stone sources in the foothills.

The archaeological sensitivity in the Project area includes the region west of North 16th Street, northeast of North 33rd Street and East Saint James Street, and southeast of San Antonio Street. Areas within a half-mile walking distance of a water source have heightened sensitivity. These water sources include Coyote Creek, which borders the west of the Project area, and Silver Creek, located in the northern part of the Project area.

Tribal Cultural Resources

The types of tribal cultural resources that meet the definition of historical resources under PRC Section 21080.3.1 generally consist of districts, sites, landscapes, buildings, structures, and objects that are significant for their traditional, cultural, and/or historical associations. Further, a cultural place is a landscape feature, site, or cultural resource that has some relationship to particular tribal religious heritage or is a historic or archaeological site of significance or potential significance. Under CEQA, both prehistoric and historic-period archaeological sites may qualify based on historical associations as tribal cultural resources (TCRs).

3.20.2 Regulatory Framework

3.20.2.1 State

Assembly Bill 52

AB 52, effective July of 2015, established a new category of resources for consideration by public agencies when approving discretionary projects under CEQA, called Tribal Cultural Resources. AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached. 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 PRC Section 5020.1(k).
- Resources determined by the lead agency to be TCRs.

AB 52 notification and consultation applies to projects for which a Notice of Intent or Notice of Availability is issued after the effective date of AB 52 in 2015. Notification and consultation are not required for projects covered by a prior EIR or Mitigated Negative Declaration that either predates AB 52 or that has already complied with AB 52.

The Native American Heritage Commission

The NAHC was created by statute in 1976, is a nine-member body appointed by the Governor to identify and catalog cultural resources (i.e., places of special religious or social significance to Native Americans and known graves and cemeteries of Native Americans on private lands) in California. The Commission is responsible for preserving and ensuring accessibility of sacred sites and burials, the disposition of Native American human remains and burial items, maintaining an inventory of Native American sacred sites located on public lands, and reviewing current administrative and statutory protections related to these sacred sites.

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.

Health and Safety Code Section 7050.5

California Health and Safety Code Section 7050.5 protects human remains by prohibiting the disinterment, disturbance, or removal of human remains from any location other than a dedicated cemetery.

Government Code Sections 6254(r) and 6254.10

These sections of the California Public Records Act were enacted to protect archaeological sites from unauthorized excavation, looting, or vandalism. Section 6254(r) explicitly authorizes public agencies to withhold information from the public relating to "Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission." Section 6254.10 specifically exempts from disclosure requests for "records that relate to archaeological site information and reports, maintained by, or in the possession of the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a Native American tribe and a state or local agency."

3.20.2.2 Local

2040 General Plan

Table 3.20-1 contains the 2040 General Plan archeological and tribal cultural resources policies applicable to the Project.

Table 3.20-1 Envision San José 2040 Tribal Cultural Resources Policies

Policy	Description
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the Project and then require, if needed, that appropriate mitigation measures be incorporated into the Project design.

Policy	Description
Policy 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.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.
Action ER-10.4	The City will maintain a file of archaeological and paleontological survey reports by location to make such information retrievable for research purposes over time.

Source: City of San José. 2024. *Envision San José 2040 General Plan*. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.

3.20.3 Impacts and Mitigation

3.20.3.1 Thresholds of Significance

For the purposes of this analysis and in accordance with CEQA Guidelines, a project impact to tribal cultural resources would be considered significant if the Project would cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC 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:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k), or;

b) 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 PRC Section 5024.1. In applying the criteria set forth in subdivision(c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native America Tribe.

3.20.3.2 Methodology

The evaluation of potential impacts to tribal cultural resources is based the Project and its potential to affect areas of cultural sensitivity. This analysis follows the requirements of Public Resources Code Section 21074, which defines tribal cultural resources, and AB 52, which mandates consultation with California Native American tribes traditionally and culturally affiliated with the Project area.

As required under AB 52, formal consultation was initiated by sending written notices to tribal representatives identified by the NAHC as having affiliation with the region. These notices were sent early in the environmental review process and within the timeframe prescribed by law. Consultation was conducted in good faith and included correspondence, meetings, and information-sharing, where applicable.

The analysis does not evaluate impacts at the parcel or project-specific level. Instead, it identifies broad areas where ground-disturbing activities under the Project buildout could potentially impact tribal cultural resources. Future development projects will require site-specific cultural resource assessments and, if applicable, further consultation with tribal representatives to determine appropriate avoidance, preservation, or mitigation measures.

3.20.3.3 Project Impacts

a) Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 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:

i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)

Or

ii. 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 subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native America Tribe.

Tribal cultural resources consider the value of a resource to tribal cultural tradition, heritage, and identity, in order to establish potential mitigation and to recognize that California Native American tribes have expertise concerning their tribal history and practices. According to the cultural resources assessment report, no tribal cultural resources have been listed or determined eligible for listing in the California Register or a local register of historical resources.

Archaeological deposits that meet the definition of historical resource under CEQA Section 21084.1 or CEQA Guidelines Section 15064.5 could be present within the Project area. The Project area is situated in a setting that offered early inhabitants a nearby diversity of rich ecological communities from which to gather necessary plant and animal resources. Research indicates that human occupancy and use of the general area spans 5,000 to 7,000 years before present, and possibly longer. The presence of waterways and the proximity of the historical bay margins indicate that the Project area is sensitive for prehistoric archaeological sites. Numerous prehistoric archaeological sites are documented in similar environmental contexts relatively near the Project area. A review of recorded prehistoric sites in Santa Clara Valley (as of 1982) indicated that nearly 43 percent were situated in a linear arrangement along water courses, such as the Guadalupe River.[132] Given these environmental factors, and the ethnographic sensitivity of the area, there is a moderate to high potential for unrecorded Native American resources to be within the proposed Project area. Thus, future developments could directly or indirectly impact tribal cultural resources.

AB 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. On March 9, 2024, Tamien Nation sent an email requesting consultation. On March 21, 2024, City discussed the Project with Tamien Nation during standing meeting. On April 4, 2024, the City sent a formal request for consultation under AB 52 to tribal representatives from Tamien Nation, Muwekma, and Indian Canyon Band of Costanoan Ohlone People. The Indian Canyon Band of Costanoan Ohlone People requested consultation in an email on April 10, 2024, and recommended cultural sensitivity training, placement of commemorative signs in consultation with native tribes. The City responded on April 17, 2025, with acknowledging the consultation request from The Indian Canyon Band of Costanoan Ohlone People. Amah Mutsun submitted a standard comment letter in response to the Notice of Preparation that included recommendations for cultural sensitivity training, and monitoring by tribal monitor and archaeologist. However, both Amah Mutsun and Muwekma did not request tribal consultation.

[132] City of San José. "City of San Jose Historic Landmark Designation Nomination Form." September 19, 2018. Accessed July 2, 2024. https://www.sanjoseca.gov/home/showpublisheddocument/44054/637082061948370000.

The confidential sacred lands file search was emailed to Tamine Nation[133], Indian Canyon Band of Costanoan Ohlone People, and Amah Mutsun on May 26, 2026. The email also included the City's SPCs. No response was received from Indian Canyon Band of Costanoan Ohlone People and Amah Mutsun. Tamien Nation responded on June 5, 2026, with recommended edits to the City's SPCs. The recommendations are incorporated as project specific mitigation measures. Consultation close out letters were sent out to Tamien Nation on July 10, 2026; and to Indian Canyon Band of Costanoan Ohlone People on July 13, 2026.

Project implementation activities such as site clearing, preparation, excavation, grading, trenching, boring etc. could potentially encounter buried cultural resources. Should this occur, the ability of the deposits to convey their significance, either as containing information about prehistory or history, or as possessing traditional or cultural significance to the Native American or other descendant communities, would be materially impaired. The following mitigation measures **MM TCR-1** through **MM TCR-3**, and SPCs noted in **Section 3.7, Cultural Resources** would be applied to future development as feasible in order to reduce impacts to potential tribal cultural resources to less than significant level:

Impact TCR-1: Future development under the Five Wounds Urban Village Plan could result in a significant impact to sensitive tribal cultural resources. **(Potentially Significant Impact)**

MM TCR-1: **Retention of a Qualified Archaeologist and Tribal Monitor.** Prior to issuance of any demolition, tree removal, grading, or building permits, whichever occurs first, the permittee shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology (codified in 36 Code of Federal Regulations Part 61; 48 Federal Register 44738-44739) and shall retain one or more Native American monitors designated by the consulting tribe(s) that are traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 to monitor all ground disturbance and ensure that any required measures related to archaeological and tribal cultural resources are carried out. The Native American monitor(s) shall have authority equal to that of the Qualified Archaeologist to halt or redirect ground-disturbing work upon the discovery of archaeological or tribal cultural resources. The monitoring program shall be developed in collaboration with the consulting tribe(s). The permittee shall provide the contract agreement with the and the Native American monitor(s) to the Director of Planning, Building and Code Enforcement or the Director's designee to demonstrate compliance.

MM TCR-2: Tribal Cultural Resources Awareness Training and Monitoring. Prior to issuance of any tree removal, demolition or grading permits, whichever occurs first, the permittee shall be required to submit evidence that a Cultural Awareness Training has been provided to construction personnel prior to ground disturbance, such as copies of worker sign-in sheets to confirm attendance. The training shall be facilitated by a qualified project archaeologist in collaboration with a Native American monitor designated by the consulting tribe(s) that are 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 including training attendance logs and training materials shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee.

Cultural Awareness Training shall be provided to any construction personnel who join the project after the original training session in accordance with the requirements of this condition. In addition, a qualified archaeologist in collaboration with a Native American monitor registered with the NAHC for the City of San José and that is designated by the consulting tribe(s) that are traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall be present during applicable earthmoving activities (e.g., trenching, initial or full grading, lifting of foundation, boring on site, or major landscaping, etc.). If a consulting tribe does not provide a monitor within 30 days of a written request, the permittee shall document its good-faith efforts to secure tribal monitoring, including the dates and methods of all contacts, and shall provide that documentation

[133] Since Amah Mutsun did not request formal consultation, close out letter was not sent to them. But the City did send them proposed mitigation measures for review and comment.

to the Director of Planning, Building and Code Enforcement or the Director's designee. In the absence of a tribal monitor, the qualified archaeologist shall monitor all earthmoving activities and shall halt work in the immediate vicinity of any discovery of archaeological or tribal cultural resources until the consulting tribe(s) have been notified and afforded a reasonable opportunity to consult. If archaeological or tribal cultural resources are encountered during any ground-disturbing activity, all such work shall stop within 100 feet of the find and shall not resume until the find has been evaluated and cleared by both the Qualified Archaeologist and the consulting tribe(s). Upon discovery, the consulting tribe(s) shall be contacted, and a treatment plan for the find shall be developed in collaboration with the consulting tribe(s). The consulting tribe(s) shall determine what constitutes a significant tribal cultural resource.

MM TCR-3: Final Disposition of Cultural Materials. This measure applies to all discretionary projects implemented under the Five Wounds Urban Village Plan Update that involve demolition, grading, excavation, building construction, or infrastructure construction.

For any archaeological materials recovered from the projects site during construction, the following shall apply:

a. Disposition of Native American archaeological materials shall be determined through consultation with the consulting tribe(s) that are traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, the Director of Planning, Building and Code Enforcement or the Director's designee, and the Qualified Archaeologist. Native American archaeological materials shall be repatriated to, or reinterred under the direction of, the consulting tribe(s), in or as near as feasible to their original place of recovery, and shall not be curated, accessioned, donated, or subjected to destructive analysis without the prior written consent of the consulting tribe(s). Disposition of human remains and associated grave goods shall be determined through consultation between the Most Likely Descendant and the landowner, in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. The Most Likely Descendant's recommendations shall provide for the dignified treatment and reinterment of the human remains and associated grave goods, which shall not be curated, subjected to destructive analysis, or photographed without the consent of the Most Likely Descendant.

b. Disposition of significant historic-era archaeological materials shall include the following options, in order of preference. Historic-era archaeological materials of Native American origin or association are tribal cultural resources governed by subpart (a) above and shall not be curated. Final disposition of these materials shall be made in consultation with, and with the concurrence of, the consulting tribe(s). Return of the materials to the consulting tribe(s) for repatriation, reinterment, or disposition under tribal direction.

With implementation of SPCs, and **MM TCR-1** through **3**, Envision San José 2040 General Plan policies, and existing regulations, future development that would be allowed by the Project would not result in a significant impact to tribal cultural resources. **(Less than Significant Impact with Mitigations Incorporated)**

3.20.3.4 Cumulative Impacts

There are two types of potentially cumulative cultural resource impacts associated with the past, present, and foreseeable project in conjunction with buildout of the Project. These include direct and indirect impacts to cultural resources generated by project buildout in conjunction with buildout of the 2040 General Plan, as well as impacts generated by the construction and operation of past, present, and future development within and adjacent to the Project area. Please refer to **Chapter 3, Table 3-1** of this EIR, for a list of past, present, and foreseeable projects considered for this analysis. These potential cumulative impacts are addressed below. Impacts to tribal cultural resources were not analyzed in the 2040 General Plan EIR. However, all impacts to cultural resources were found to be less than significant.

No known tribal cultural resources have been identified in the Project area. While construction activities of future developments under the Project could unearth previously undiscovered resources, implementation of implementation of SPC TCR-1 through TCR-3, 2040 General Plan policies, and existing regulations, discussed above would ensure the proper identification and treatment of such resources. Therefore, past, present, and foreseeable projects, including the Project would not result in a cumulative impact to tribal cultural resources.

3.21 Utilities and Service Systems

This section discusses the impacts on utilities and service systems that would result from implementation of the Project. During the public scoping period Valley Water requested that a WSA be prepared to evaluate water supply availability. A WSA was prepared for the Project by San José Water in June 2024 and is included in this EIR as **Appendix G** of this EIR.

3.21.1 Environmental Setting

3.21.1.1 Existing Conditions

Utilities and services are furnished to the Project area by the following providers:

- Wastewater Treatment: treatment and disposal provided by the San José/Santa Clara Water Regional Wastewater Facility (RWF); sanitary sewer lines maintained by the City
- Water Service: San José Municipal Water (SJMW)
- Storm Drainage: City of San José
- Solid Waste: GreenTeam of San José (Garbage & Recycling); Republic Services of San José (Garbage and Recycling); GreenWaste Recovery (Yard Trimmings);

Existing Water Supply System

Water service in the Project area is provided by SJWC, which is the largest private water retailer in the city. SJWC obtains its potable water supply through groundwater, imported treated water, and local surface water (collected and stored in reservoirs). Groundwater accounts for approximately 40 percent of San José's water supply. Approximately 50 percent of the SCVWD's water supply is imported surface water from the Sacramento-San Joaquin Delta. This water is purchased from the SCVW district. Local mountain surface water, collected from a watershed in the Santa Cruz Mountains, accounts for approximately 10 percent of the water supply. During droughts, the SJWC has a Water Shortage Contingency Plan that entails specific actions for prohibiting certain uses of water and provides enforcement mechanisms. The Project area has an existing water usage of 552.9-acre feet per year (AFY).

Groundwater

The Project area falls within the Santa Clara Subbasin and has not been identified or projected to be in overdraft by the DWR (see **Appendix G** of this EIR). The Project area is located within the North San José (NSJ)/Alviso service area of the SJMW. SJMW system owns and operates four wells in the NSJ/Alviso service area, with a combined pumping capacity of approximately 6,000 gallons per day (gpd).[134] Of these wells, two are currently permitted to be used under normal conditions to supply water within the NSJ/Alviso service area, while the other two are available for emergency use purposes.

Surface Water

Customers in the NSJ/Alviso service areas are serviced by the SJMW System that receives treated water from the San Francisco Public Utilities Commission (SFPUC). The Hetch Hetchy Watershed provides a majority of the SFPUC water supply. This water comes from snowmelt that flows down the Tuolumne River before being stored in the Hetch Hetchy Reservoir. Additional SFPUC water supply comes from watersheds in Alameda and Santa Clara Counties. Surface water from rainfall and runoff is collected in local reservoirs. Prior to use, the water is treated at the Sunol Valley Water Treatment Plant.[135]

134 San José Municipal Water has three separate service areas, NSJ/Alviso, Evergreen/Edendale, and Coyote Valley. The NSJ Alviso service area is generally bounded by Coyote Creek and the San Francisco Bay to the north, the city boundaries of Mountain View, Sunnyvale, and Santa Clara to the west and south, and the City of Milpitas to the east.

135 "Water Supply." City of San José. 2024. https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/water-utilities/drinking-water/water-supply

Recycled Water

The City operates the South Bay Water Recycling (SBWR) system and distributes recycled water generated by the San José/Santa Clara RWF. The SBWR program delivers disinfected tertiary treated wastewater through an extensive recycled water distribution system consisting of over 150 miles of pipeline. The recycled water is used for non-potable purposes such as agriculture; industrial cooling and processing; and irrigation of golf courses, parks, and schools. [136] SBWR pipelines are present within Epic Way, adjacent to the Project area, and potentially within the levee north of the site (see **Figure 3.21-1**).

Wastewater/Sanitary Sewer System

The City's sanitary sewer/wastewater treatment system has two distinct components: 1) a network of sewer mains/pipes that conveys effluent from its source to the treatment plant; and 2) the water pollution control plant that treats the effluent, including a system of mains/pipes that transports a portion of the treated wastewater for non-potable uses (e.g., irrigation of landscaping, agricultural irrigation, dust suppression during construction, etc.).

Wastewater treatment service for the Project area is provided by the City through the San José-Santa Clara RWF. The RWF is located approximately 7 miles northwest of the Project area in Alviso, and it serves over 1,400,000 people in San José, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga, and Monte Sereno. The San José-Santa Clara RWF treats approximately 110 million gallons per day (mgd) of sewage during dry weather flow and has a capacity of 167 mgd.[137] The City generates approximately 69.8 mgd of dry weather average flow. The treated water from the San José-Santa Clara RWF is discharged to the South San Francisco Bay or delivered to the SBWR Project for distribution to SBWR partner agencies for non-potable use (recycled water). SBWR partner agencies include the City of San José, City of Milpitas, City of Santa Clara, West Valley Sanitation District, Burbank Sanitary District, Cupertino Sanitary District, Sunol Sanitary District, County Sanitation District No. 2-3, San José Water Company, Great Oaks Water Company, Santa Clara Valley Water District, and United States Bureau of Reclamation. All recycled water in the SBWR is treated to a disinfected tertiary level before being delivered to customers. [138]

The existing sanitary sewer collection system which serves the Project area serves approximately 17,000 sewer connections in San Jose, Santa Clara, Milpitas, Cupertino, Campbell, Los Gatos, Monte Sereno, and Saratoga. It consists of a system of pipelines, consisting of lateral lines and interconnected main lines in the public right-of-way, draining to treatment at the Plant. In 2013, the City prepared a Sanitary Sewer Master Plan that established a sewer Capital Improvement Program (CIP) to prioritize and construct capital projects needed to improve sewer capacity. The key elements of the CIP include more efficient dewatering processes to reduce odors, increased efficiency and reliability of the treatment process, and new methods of sustainable energy generation.[139] The Sanitary Sewer Master Plan identified priority capacity improvement projects that would need to be implemented to address capacity deficiencies. Within the Downtown area, the Forest-Rosa 18 line is proposed for expansion and/or improvement at the intersection of Cinnabar Street and Stockton Avenue.

Existing Solid Waste Disposal System

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by CalRecycle in 1996 and was reviewed in 2004, 2007, 2011, and 2016. Each jurisdiction in the county has a diversion requirement of 50 percent for 2000 and each year thereafter. Each jurisdiction in the County has a landfill diversion requirement of 50

[136] "Recycled Water". City of San José. 2025. https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/water-utilities/recycled-water

137 "San José-Santa Clara Regional Wastewater Facility." City of San José. 2024. https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/water-utilities/regional-wastewater-facility

138 City of San José. *Envision San José 2040 General Plan FEIR.* September 2011.

139 "Capital Improvement Program." City of San José. 2024. https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/water-utilities/regional-wastewater-facility/capital-improvement-program

percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.[140] Solid waste generated within the County is landfilled at the Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road landfills.

The closest landfill to the Project area is Zanker Road Landfill located approximately 7.5 miles north of the Project area. The Zanker Road landfill has a capacity of 1300,000 cubic yards and the maximum daily permitted throughput is 1,300 tons per day.[141]

Existing Storm Drainage System

As described in **Section 3.12, Hydrology and Water Quality**, of this EIR the City's stormwater drainage system is comprised of a network of inlets, manholes, pipes, outfalls, channels, and pump stations that function to collect, convey, and discharge runoff to receiving water bodies, protecting infrastructure and the public from flood waters during storm events.

The Project site is primarily served by an underground storm drainage line maintained by the City via an existing network of 94-inch to 278-inch mains under Watson Park.[142]

Electricity and Natural Gas

SJCE is the electricity provider for residents and businesses in the City. SJCE sources electricity, and PG&E delivers it to customers using existing PG&E utility lines. SJCE buys its power from a number of suppliers. Sources of renewable and carbon-free power include California wind, solar, and geothermal; Colorado wind; and hydroelectric power from the Pacific Northwest. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can enroll in the TotalGreen program through SJCE and receive 100 percent GHG-free electricity from entirely renewable resources. It is assumed that, once operational, the Project would utilize SJCE.[143]

PG&E also furnishes natural gas for residential, commercial, industrial, and municipal uses. In 2022, natural gas facilities provided 5 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 49 percent; hydroelectric operations provided 8 percent; and renewable energy facilities including solar, geothermal, and biomass provided 38 percent.[144]

Total energy usage in California was approximately 7,359 trillion British thermal units (Btu) in 2021, the most recent year in which this data was available. In 2021, California was ranked second in total energy consumption in the nation, and 48th in energy consumption per capita. Most of California's energy usage was attributed to the transportation sector, which used approximately 38 percent (2,785 trillion Btu), followed by 23 percent (1,704 trillion Btu) for industrial usage, 20 percent (1,473 trillion Btu) for residential usage, and 19 percent (1,397 trillion Btu) for commercial usage. Energy in California is primarily supplied as natural gas, petroleum, nuclear electric power, and hydroelectric power.[145]

140 Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* 2016. https://files.santaclaracounty.gov/exjcpb1356/2026-05/scc-6th-five-year-report-2026.pdf?VersionId=yQiSOTzEZQ7s3Zxyxg18zYQYWrJNnYRv

141 CalRecycle. Solid Waste Information System. Accessible at https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1362?siteID=3388. Accessed June 14, 2024.

142 City of San José, San José CA GIS Open Data. Storm Open Drains. 2024. Accessible at https://gisdata-csj.opendata.arcgis.com/datasets/d21944bdb0af4deabfebf110f6cbb395

143 "Your Choices." San Jose Clean Energy. 2024. https://sanjosecleanenergy.org/your-choices/

144 Pacific Gas & Electric (PG&E), Clean energy solutions, 2022. https://www.pge.com/en/about/corporate-responsibility-and-sustainability/taking-responsibility/clean-energy-solutions.html

145 United States Energy Information Administration, California State Profile and Energy Estimates, 2024. https://www.eia.gov/state/?sid=CA

3.21.2 Regulatory Framework

3.21.2.1 State

Urban Water Management Plan

Pursuant to The State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of San José adopted its most recent UWMP in 2020. Water service to the downtown area is provided by the San José Water Company, which gets its water from a variety of sources including groundwater (approximately 40 percent), imported surface water (approximately 50 percent), and local mountain surface water (approximately 10 percent)[146].

Assembly Bill 939

California AB 939 established the California Integrated Waste Management Board (CalRecycle), which required all California counties to prepare Integrated Waste Management Plans. In addition, AB 939 required all municipalities to divert 50 percent of their waste stream by the year 2000.

Assembly Bill 341

California AB 341 sets forth the requirements of the statewide mandatory commercial recycling program for businesses that generate four or more cubic yards of commercial solid waste per week and multi-family dwellings with five or more units in California. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Assembly Bill 1826

California 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.

Senate Bill 610

SB 610, codified as Water Code Section 10910 et seq., requires that certain water supply and demand information be prepared for "projects" which are the subject of an EIR. Water Code Section 10912 defines a "project" as, among other things, 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.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling

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

146 San José Water, 2020 Urban Water Management Plan. June 1, 2021. Accessed June 15, 2024. https://www.sjwater.com/sites/default/files/2021-06/2020%20UWMP%20FINAL%20with%20Appendices.pdf

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 ("C&D") 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.

NPDES Permit Program

As described in **Section 3.12, Hydrology and Water Quality**, of this EIR, the federal Clean Water Act establishes the NPDES permit program. Under the NPDES program, the San Francisco Bay Regional Water Quality Control Board (RWQCB) administers a wastewater permit to the San José/Santa Clara Water Pollution Control Plant (WPCP) and a Municipal Regional Stormwater NPDES Permit to all Bay Area municipalities and flood control agencies that discharge directly to San Francisco Bay, including the City of San José. The wastewater permit sets limits for two types of pollutants (conventional and toxic) and limits the amount of treated water (effluent) discharged to the San Francisco Bay to 120 mgd.

3.21.2.2 Local

San José Zero Waste Strategic Plan/ Climate Smart San José

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 foster a healthier community and achieve its Climate Smart San José goals, including 75 percent diversion of waste from the landfill by 2013 and zero waste by 2022. Climate Smart San José also includes ambitious goals for economic growth, environmental sustainability, and enhanced quality of life for San José residents and businesses.

Sanitary Sewer Level of Service Policy

The City of San José has adopted a local sanitary level of service policy for design of wastewater mains. The levels of service range from "A" to "F", with LOS A defined as unrestricted flow, and LOS F defined as being inadequate to convey existing wastewater flow. New developments must meet level of service D or better. At level of service D, the sewer main runs full during peak conditions.[147] The City is currently revising the level of service to address State and Federal regulations and BMPs for sanitary sewer systems. Under current City policy, new development is required to avoid or minimize impacts upon existing or anticipated sewer line deficiencies by constructing or contributing to the construction of new lines or by waiting for completion of planned sewer system improvements.[148]

Water Conservation Program

The City's water conservation programs are intended to meet future water needs and minimize flows to the sanitary sewer and sewage treatment systems. The program includes limited landscape watering hours; restrictions on the use of potable water for construction purposes; ultra-low flow toilet incentives; a showerhead retrofit program; landscape ordinances for non-residential new construction; commercial/industrial water audits;

147 Peak wet weather flow assumes rainfall-derived and infiltration flow from a 10-year storm in addition to normal wastewater flows. Sewage flow increases during storm events due to inflow from surface water that enters the system through improper sewer connections and manhole covers and from infiltration of groundwater through leaky sewer pipes and connections.

148 City of San José. "Council Policy 8-7: Sanitary Sewer Level of Service." Effective June 15, 1982. https://www.sanjoseca.gov/home/showpublisheddocument/12745/636669895915600000

financial incentives for commercial/industrial conservation; water use prohibitions; and a ban on cleaning vehicles without an automatic shut-off valve.

Municipal Code – Water Supply

The City has implemented a list of conservation actions in the San José Municipal Code Chapter 15.10 that are in force at all times to prohibit water waste. These conservation actions include, but are not limited to:

- No irrigating landscapes between 10 AM and 8 PM, unless using a bucket, hand-carried container, or a hose with a shut-off nozzle (15.10.290A)
- Sprinklers cannot run more than 15 minutes per station per day (15.10.290B)
- No excessive water runoff is allowed (15.10.220A & B)
- Leaking or broken water pipes, irrigation systems, and faucets must have repairs initiated within five working days and repaired as soon as practical (15.10.210 A & B)
- No cleaning of structures or paved surfaces with a hose without a positive shut-off nozzle (15.10.240)
- No cleaning of vehicles with a hose without a positive shut-off nozzle (15.10.250)
- Commercial car washes must use water recycling equipment, a bucket and handwashing, or a hose with positive shut-off nozzle (15.10.255A,B,C)
- No serving water in food service establishments unless requested by the customer (15.10.230A)

Construction and Demolition Diversion Deposit Program

The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50 percent of total projected project waste to be refunded the deposit. Permit holders pay this fully refundable deposit upon application for the construction permit with the City if the Project is a demolition, alteration, renovation, or a certain type of tenant improvement. The minimum project valuation for a deposit is $2,000 for an alteration-renovation residential project and $5,000 for a non-residential project. There is no minimum valuation for a demolition project and no square footage limit for the deposit applicability. The deposit is fully refundable if construction and demolition materials were reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photographs, estimated weight quantities, and receipts from donations centers stating materials and quantities. Though not a requirement, the permit holder may want to consider conducting an inventory of the existing building(s), determining the material types and quantities to recover, and salvaging materials during deconstruction.[149] California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling

The City requires 75 percent diversion of nonhazardous construction and demolition debris for projects that quality under CALGreen, which is more stringent than the state requirement of 65 percent.[150]

City of San José Council Policy 6-32 Green Building Policy

Council Policy 6-32 "Green Building Policy" for private sector new construction encourages building owners, architects, developers, and contractors to incorporate sustainable building goals early in the building design process. This policy establishes baseline green building standards for new private construction projects and provides a framework for the implementation of these standards. The Policy is also intended to enhance the public health, safety, and welfare of the City's residents, workers, and visitors by encouraging design, construction, and maintenance practices that minimize the use and waste of energy, water, and other resources in the City.

149 City of San José Municipal Code, Section 9.10.15, Construction and Demolition Diversion Deposit Program, April 19, 2024. Accessed June 16, 2024. https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT9HESA_CH9.10SOWAMA_PT15CODEDIDEPR

150 City of San José Municipal Code, Section 9.10.2480, Construction and Demolition Diversion Deposit Program, April 19, 2024. Accessed June 16, 2034. https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT9HESA_CH9.10SOWAMA_PT15CODEDIDEPR

2040 General Plan

Policies in the 2040 General Plan have been adopted for the purpose of avoiding or mitigating utilities and service system impacts from development projects. Policies applicable to the Project are presented in **Table 3.21-1** below.

Table 3.21-1 Envision San José 2040 Utilities and Service System Policies

Policy	Description
Policy MS-1.4	Foster awareness in San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
Policy MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.
Policy MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
Policy MS-3.7	Update the Green Building Ordinance to require installation of water efficient fixtures and appliances that are WaterSense certified, Energy Star rated, or equivalent during construction or renovation of bathrooms, kitchens, laundry areas, and/or other areas with water fixtures/appliances that are proposed to be replaced.
Policy MS-17.1	Manage the limited water supply in an environmentally, fiscally, and economically sustainable manner, by working with local, regional and statewide agencies to establish policies that promote water use efficiency programs, including recycled water programs to support the expanded use of recycled water within San José and neighboring jurisdictions.
Policy MS-17.8	Review and provide input to Urban Water Management Plans prepared by water suppliers to ensure that they maximize water conservation and reuse in order to fulfill San José's water supply needs. Consider projected water supplies in updated Urban Water Management Plans as a part of each Major Review of this General Plan.
Policy MS-18.4	Retrofit existing development to improve water conservation.
Policy MS-18.5	Reduce per capita water consumption by 25 percent by 2040 from a baseline established using the 2010 Urban Water Management Plans of water retailers in San José.
Policy MS-18.6	Achieve by 2040, 50 million gallons per day of water conservation savings in San José, by reducing water use and increasing water use efficiency.
Policy MS-19.1	Require new development to contribute to the cost-effective expansion of the recycled water system in proportion to the extent that it receives benefit from the development of a fiscally and environmentally sustainable local water supply.

Policy	Description
Policy MS-19.3	Expand the use of recycled water to benefit the community and the environment.
Policy MS-19.4	Require the use of recycled water wherever feasible and cost-effective to serve existing And new development.
Policy MS-19.6	Develop and enact ordinance(s) that require new development to contribute to the improvement and expansion of the South Bay Water Recycling system.
Policy ER-9.3	Utilize water resources in a manner that does not deplete the supply of surface or groundwater or cause overdrafting of the underground water basin.
Policy ER-9.5	Protect groundwater recharge areas, particularly creeks and riparian corridors.
Policy IN-1.5	Require new development to provide adequate facilities or pay its fair share of the cost for facilities needed to provide services to accommodate growth without adversely impacting current service levels.
Policy IN-1.6	Ensure that public facilities and infrastructure are designed and constructed to meet ultimate capacity needs to avoid the need for future upsizing. For facilities subject to incremental upsizing, initial design shall include adequate land area and any other elements not easily expanded in the future. Infrastructure and facility planning should discourage over-sizing of infrastructure which could contribute to growth beyond what was anticipated in the 2040 General Plan.
Policy IN-1.7	Implement financing strategies, including assessment of fees and establishment of financing mechanisms, to construct and maintain needed infrastructure that maintains established service levels and mitigates development impacts to these systems (e.g., pay capital costs associated with existing infrastructure that has inadequate capacity to serve new development and contribute toward operations and maintenance costs for upgraded infrastructure facilities).
Policy IN-3.1	Achieve minimum level of services: • For sanitary sewers, achieve a minimum level of service “D” or better as described in the Sanitary Sewer Level of Service Policy and determined based on the guidelines provided in the Sewer Capacity Impact Analysis (SCIA) Guidelines. For storm drainage, to minimize flooding on public streets and to minimize the potential for property damage from stormwater, implement a 10-year return storm design standard throughout the City, and in compliance with all local, State and Federal regulatory requirements.
Policy IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
Policy IN-3.4	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before

Policy	Description
	development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
Policy IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
Policy IN-3.14	Maintain and implement the Sanitary Sewer Master Plan Program to determine sewer system capacity needs using a computerized hydraulic model of San José's sewer system, supported by sewer flow monitoring at strategic locations within the system.
Policy IN-3.15	Develop a sewer capacity improvement program to prioritize and construct improvement projects to address the capacity needs identified in the Sewer Master Plan Program.
Policy IN-3.16	Develop a Storm Drainage Infrastructure Master Plan to • Identify facilities needed to prevent 10-year event street flooding and 100- year event structure flooding. • Ensure that public facilities and infrastructure are designed pursuant to approved State, regional and local regulatory requirements. • Ensure that adequate land area and any other elements are provided for facilities subject to incremental sizing (e.g., detention basins and pump stations). Identify opportunities to meet water quality protection needs in a cost-effective manner.
Policy IN-4.1	Monitor and regulate growth so that the cumulative wastewater treatment demand of all development can be accommodated by San José's share of the treatment capacity at the San José/Santa Clara Regional Wastewater Facility.
Policy IN-4.2	Maintain adequate operational capacity for wastewater treatment and water reclamation facilities to accommodate the City's economic and population growth.
Policy IN-4.3	Adopt and implement new technologies for the operation of wastewater treatment and water reclamation facilities to achieve greater safety, energy efficiency and environmental benefit.
Policy IN-4.4	Maintain and operate wastewater treatment and water reclamation facilities in compliance with all applicable local, State and federal clean water, clean air, and health and safety regulatory requirements.
Policy IN-4.6	Encourage water conservation and other programs which result in reduced demand for wastewater treatment capacity.

Policy	Description
Policy IN-5.1	Monitor the continued availability of long-term collection, transfer, recycling and disposal capacity to ensure adequate solid waste capacity. Periodically assess infrastructure needs to support the City's waste diversion goals. Work with private Material Recovery Facilities (MRF) and Landfill operators to provide facility capacity to implement new City programs to expand recycling, composting and other waste processing.
Policy IN-5.3	Use solid waste reduction techniques, including source reduction, reuse, recycling, source separation, composting, energy recovery and transformation of solid wastes to extend the life span of existing landfills and to reduce the need for future landfill facilities and to achieve the City's Zero Waste goals.
Policy IN-5.4	Support the expansion of infrastructure to provide increased capacity for Materials Recovery Facilities (MRF)/transfer, composting, and Construction and Demolition materials processing (C&D) at privately operated facilities and on lands under City control to provide increased long-term flexibility and certainty.
Policy IN-5.13	Designate no new candidate landfill sites until the need for additional landfill capacity has been established. Source reduction, recycling/composting alternatives, and waste conversion should be taken into account when evaluating the need for a landfill.
Policy IN-5.15	Expand the capacity of existing landfill sites as the preferred method for increasing the City's landfill capacity and monitor the continued availability of recycling, resource recovery and composting capacity to ensure adequate long term capacity.
Policy IP-15.2	To finance the construction and improvement of facilities and infrastructure systems for which the demand for capacity cannot be attributed to a particular development, consider a series of taxes or fees through which new growth collectively finances those facilities and systems, as follows: 1. Construction Tax and the Conveyance Tax (the latter paid in connection with any transfer of real property, not just new development) provide revenue for parks, libraries, library book stock, fire stations, maintenance yards and communications equipment. 2. The Building and Structures Tax and Commercial/Residential/Mobile home Park Tax provide revenue for the construction of San José's major street network. 3. Connection Fees provide revenue for the construction of storm sewers, sanitary sewers and expansions of sewage treatment capacity at the Water Pollution Control Plant. 4. Fees and taxes may need to be adjusted from time to time to reflect changing costs and new requirements. Additionally, new fees or taxes may need to be imposed to finance other capital and facility needs generated by growth.

Policy	Description
	Where possible, if a developer constructs facilities or infrastructure for which these taxes are imposed, the developer may be provided with corresponding credits against the applicable taxes or fees.

Source: City of San José. 2024. *Envision San José 2040 General Plan*. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.

3.21.3 Impacts and Mitigation

3.21.3.1 Thresholds of Significance

For the purposes of this analysis and in accordance with CEQA Guidelines, a project impact to utilities and service systems would be considered significant if the Project would:

a) Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects;

b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years;

c) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments;

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or

e) Not comply with federal, state, and local management and reduction statutes and regulations related to solid waste project impacts

3.21.3.2 Methodology

The assessment of impacts on service systems was based on the CEQA Guidelines (Appendix G) and relevant local and state regulations. Impacts on utilities and service systems was based on desktop research including data on provided by public utilities, and utility use projections included in the 2040 General Plan EIR and the Zero Waste Strategic Plan.

Development anticipated under the proposed Plan would require improvements to utilities and service systems. Since future development would occur in already developed areas, infrastructure improvements would be relatively minor since utilities are generally available. The impacts of construction of these public facilities are addressed in the applicable resource sections throughout this EIR as part of the overall buildout anticipated under the Plan. Where development (including any new or expanded utilities or service systems) would result in potentially significant or significant environmental impacts, mitigation measures or SPCs are identified to reduce those impacts to less-than-significant levels in the applicable resource sections throughout this EIR. There are no additional potentially significant or significant impacts related to construction of utilities or service systems beyond the construction impacts that are analyzed throughout this EIR. Therefore, the physical effects from construction of new or expanded utilities or service systems are not evaluated further in this section.

The Five Wounds Urban Village Plan does not include goals or policies pertaining to utilities or service systems. For a complete list of all objectives, policies, or guidelines included in the Project, please refer to **Appendix B** of this EIR.

3.21.3.3 Project Impacts

a) Would the Project require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or

telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

The Project has the potential to increase the population of the Project area by approximately 27,756 persons which would incrementally increase demands on utility services.

Water Supplies

The proposed Plan would include construction and operation of primarily infill and redevelopment comprising residential, commercial, office, civic, industrial, and other uses along with parks and open space, potentially resulting in increased demand for potable water supply. The Plan area is predominantly served by SJW. A water supply assessment was prepared for the Plan are and is included as **Appendix G**. Based on the water supply assessment, the total net potable water demand for the Project is estimated at 990.4 acre-feet per year and represents a 0.82 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. San Jose Water currently has contracts or owns rights to receive either groundwater of surface water from the following sources: Santa Clara Subbasin, Valley Water, Los Gatos Creek, Saratoga Creek, and local watersheds. Recycled water is received from South Bay Water Recycling. San Jose Water works closely with Valley Water to manage its demands and imported water needs. The projected water demand for the Plan area development is within previously determined growth projections for water demand in SJW's system. The following analysis is based on the water supply assessment. Cal Water's UWMP, which was adopted in June 2021, and addresses water supply and demand issues, water supply reliability, water conservation, and water shortage contingency planning for the Marysville District.

San Jose Water expects to have enough water supply to meet the service area's needs through at least 2045, including this Project, under normal and single-dry year conditions without requiring water use reductions. Based on current capacity and Valley Water's planned supply projects, SJW believes the project's water demand falls within expected growth projections and can be adequately served through buildout. Valley Water is also pursuing additional projects to maintain its drought-year service goal of meeting 80% of annual demand. However, future water availability is not guaranteed because supply and demand projections may be affected by factors such as climate change, and there is uncertainty about whether Valley Water's planned projects and programs will ultimately be completed.

State law requires demonstration of adequate long-term water supply for large development as defined by SB 610 (i.e., more than 500 dwelling units or nonresidential equivalent) through preparation of a water supply assessment that discusses whether the system's total projected water supplies (available during normal, single-dry, and multiple-dry water years over a 20-year planning horizon) would meet individual project's water demand in addition to the system's existing and planned future uses. Implementation of 2040 General Plan policies and the existing regulations would substantially reduce demand for water generated by current and future development. In conformance with the current CALGreen code and the City's goals for reducing per capita water consumption and increasing water use efficiency (GP Policies MS-18.5 and MS-18.6), the City will continue to require new development to incorporate water conservation measures into project design or as conditions of approval. Additionally, new developments may be required to contribute to the expansion of the recycled water system (GP Policies MS-19.1 and MS-19.6). Implementation of these policies would likely involve the use of recycled water for irrigation, particularly of large, landscaped areas, and/or the installation of dual plumbing for both interior and exterior recycled water use.

Implementation of water conservation/efficiency measures and use of recycled water would minimize the long-term potable water demand generated by future development, as well as reduce the vulnerability of development in the case of future water shortages due to global climate change. Additional measures may be required to further minimize water use to the extent feasible and to comply with current regulations. In addition, the City will

ensure that the water supply would adequately serve the new development at the time specific projects are proposed. Therefore, it is anticipated that new or expanded entitlements for water supplies would not be required to serve future development under the proposed Plan. A less than significant impact would occur. **(Less than Significant Impact)**

Wastewater Treatment

Wastewater generated in the Plan area would predominantly originate from residential and commercial sources. Future development would increase the local demand for wastewater treatment. All wastewater in the Plan area is collected in City-owned pipelines and conveyed for treatment at the RWF. The wastewater treated at the RWF is discharged to the South San Francisco Bay and/or distributed as recycled water for nonpotable uses (e.g., irrigation and industrial uses), consistent with applicable permits and recycled water regulations. The RWF includes an advanced (tertiary) level of treatment that is necessary to meet regulations for the shallow waters and sensitive ecosystem of the southern Bay. The RWF treats an average of 110 million gallons of wastewater per day and has the capacity to treat up to 167 million gallons per day.[151]

The Project reallocates planned growth within the Envision San José 2040 General Plan growth framework and does not increase total citywide planned growth capacity.

The City's RWF's Capital Improvement Program (CIP), recommended by the 2013 Plant Master Plan, includes projects for infrastructure rehabilitation, replacing aging infrastructure and updating treatment processes for operational reliability and regulatory compliance, including major projects addressing nutrient removal, filtration rehabilitation, and biosolids handling upgrades. In addition, Envision San José 2040 General Plan includes policies and actions including but not limited to IN-3.1 (achieve minimum level of service), IN-3.4 (provide adequate capacity to prevent overflows), IN-3.5 (require measure from future development to mitigate downstream impact), IN-3.6 (expand infrastructure for the delivery of recycled water), and IN-4.1 (regulate growth to accommodate cumulative wastewater demand), that would help reduce impacts to wastewater facilities from increased sewage generation resulting from the development of the Plan area.

Future development would be required to incorporate water conservation measures and to use recycled water whenever feasible. The increased use of recycled water would decrease the amount of effluent discharged to the bay, reducing the potential for exceeding the RWQCB limit, while minimizing water use would decrease the amount of both influent and effluent. In addition, the City will ensure that there is adequate treatment capacity (both in terms of influent and effluent) at the time specific development projects are proposed, in accordance with GP Policy IN-4.1. For these reasons, adoption and implementation of the Plan would not be expected to require new or expanded regional wastewater treatment facilities beyond those already planned and programmed. Accordingly, impacts related to wastewater treatment capacity would be less than significant, provided that future projects comply with City utility requirements and any conditions of approval necessary to maintain adequate service. If a future project requires off-site wastewater infrastructure beyond local connections, subsequent project-level CEQA review may be required. (Less than Significant Impact)

Stormwater

Development within the Project area would occur in predominately developed and paved areas. As described in **Section 3.12, Hydrology and Water Quality** of this EIR, development allowed under the Project could contribute runoff that adversely affects operations of the existing stormwater drainage system. Redevelopment allowed under the proposed Plan will be required to design and construct storm sewer systems meeting the City's 10-year storm event design standard. Constructing improvements to the existing storm drainage system would occur primarily in existing roadway right-of-ways and within project sites planned for redevelopment. Replacement of storm sewers consistent with City permits would avoid impacts from the replacement of existing systems. The construction of storm sewer improvements on sites proposed for development and redevelopment would not

[151] About our Plant, website: 636703801187470000, accessed May 27, 2026.

result in any greater impact than a proposed development project and would be subject to the City's construction permits to avoid impacts to stormwater quality. Implementation of the City's NPDES permit, which requires the use of BMPs for development projects that create, add, or replace 10,000 square feet or more of impervious surface area, would ensure that runoff from these sites would not result in significant impacts. The use of BMPs in addition to the City's HMP would reduce the rate and amount of runoff such that increased pipeline sizes conforming to the City's design standards are not anticipated to result in significant impacts.

Envision San José 2040 General Plan includes policies and actions including but not limited to EC-5.7 (ensure that new urban runoff does not increase flood risks), EC-5.11 (reduce amount of impervious areas), and EC-5.16 (implement NPDES permit), that would help reduce impacts to wastewater facilities from increased sewage generation resulting from the development of the Plan area. Adoption and implementation of the Plan would not be expected to require new or expanded stormdrain infrastructure beyond those already planned and programmed. Accordingly, impacts related to increased run off and adequate stormdrain infrastructure would be less than significant, provided that future projects comply with City utility requirements and any conditions of approval necessary to maintain adequate service. If a future project requires stormdrain infrastructure beyond local connections, subsequent project-level CEQA review may be required. (Less than Significant Impact)

Development envisioned under the Plan would result in population growth and therefore, would increase demand for electricity, natural gas, and telecommunication facilities. New development would require typical on-site utility connections and could, in some cases, require localized distribution upgrades (e.g., transformer upsizing, line extensions, new vaults, or replacement of small segments of distribution lines) depending on existing system conditions and the type of redevelopment. Plan implementation is expected to occur within an existing urbanized area where utility infrastructure is already present, and future development would be required to obtain service and comply with the utility providers' standard service requirements at the time of project approval. Overall growth would be consistent with the General Plan, and therefore, impact to these utilities is not anticipated to be significant. **(Less than Significant Impact)**

b) Would the Project have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?

Water service to the Project area would be provided by SJW. Development under the project would contribute to total demand for SJWC and SCVWD water supplies. Total future water demand for buildout of the Project is estimated at 1,377,825 gallons per day (gpd), which is equivalent to an annual usage of about 1,543.4 acre-feet of water. The Project area has an existing water usage of 552.9 acre feet per year (AFY). Therefore, the annual net demand increase in water usage associated with this project is 990.4 AFY and represents a 0.82 percent increase over the system wide 2020 water production of 121,504 acre-feet. The Projected water demand for the Project is within normal growth projections for water demand in SJW's system.

Future development that would be allowed by the Project may include but are not limited to:

- Use high-efficiency indoor fixtures (e.g., low-flow toilets that use less than 1.6 gallons per flush, urinals that require less than one gallon per flush, showerheads that require less than 2.5 gallons per minute, aerators to reduce flow in lavatory faucets to as low as one gallon per minute, automatic shut-off sensors on lavatory faucets, etc.).
- Use high-efficiency devices for outdoor water uses (e.g., self-adjusting weather-based irrigation controllers and sensors, soaker hoses and drip irrigation technology to minimize evaporative water loss, timers on watering systems, etc.).
- Provide separate meters for indoor and outdoor potable water use.
- Prevent irrigation spray on buildings.

Future development allowed under the Project would be subject to City requirements for the use of recycled water wherever feasible and cost-effective (General Plan Policy MS-19.4). Additionally, new developments may be

required to contribute to the expansion of the recycled water system to serve the Project area (General Plan Policies MS-19.1 and MS-19.6).

Implementation of these policies would likely involve the use of recycled water for irrigation, particularly of large, landscaped areas, and/or the installation of dual plumbing for both interior and exterior recycled water use. Implementation of water conservation/efficiency measures and use of recycled water would minimize the long-term potable water demand generated by future development, as well as reduce the vulnerability of development in the case of future water shortages due to global climate change. adequately serve the new development at the time specific projects are proposed. Therefore, it is anticipated that new or expanded entitlements for water supplies would not be required to serve future development allowed under the Project and impacts would be less than significant. **(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 has inadequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?

According to the 2040 General Plan EIR, development under the 2040 General Plan is estimated to generate approximately 30.8 mgd of average dry weather influent flow. Given the city has approximately 38.8 mgd of excess treatment capacity, planned growth in San José is not expected to exceed allotted capacity, leaving the City with approximately 8 mgd of excess treatment capacity. The increase in wastewater from development could cause effluent to exceed the RWQCB wastewater discharge limit of 120 mgd, although according to the 2040 General Plan EIR future average dry weather effluent flow is not expected to exceed 120 mgd under long-term conditions. Thus the project would not increase citywide overall development capacity beyond what was included in the 2040 General Plan and thus, the Project would not cause an increase in wastewater that exceeds the City's capacity as estimated in the 2040 General Plan.

Implementation of existing regulations and 2040 General Plan policies would ensure that planned growth created by the Project can be accommodated and that there is a reduced potential for future exceedances of the RWQCB effluent limit. Future development would be required to incorporate water conservation measures and use recycled water when possible. For example, the City has committed to maintaining adequate operational capacity for wastewater treatment to accommodate planned growth, which includes development in the Downtown area (Policy IN-4.2). This would involve adoption of new technologies and expansion of water reclamation facilities over time (Policy IN-4.3). Increased usage of recycled water may increase the amount of effluent discharged to the bay, although lower water use would decrease the amount of influent. Therefore, based on the analyses above, future development allowed under the Project would not require new or expanded wastewater treatment capacity. Therefore, development of the Project would have a less than significant impact on wastewater treatment capacity. **(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?

According to the 2040 General Plan EIR, the total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year to receive the additional waste generated by new development in the City.[152] The most recent review of the Santa Clara County's IWMP showed that Santa Clara County has adequate disposal capacity beyond 2025.[153]

Planned growth under the 2040 General Plan would result in an increase in solid waste generation. The amount of solid waste could increase by approximately 571,500 tons per year through 2035 using current generation rates according to the 2040 General Plan EIR. This estimate represents the maximum disposal volume given that disposal

152 CalRecycle, Disposal Reporting System, 2023. Available: https://calrecycle.ca.gov/lgcentral/drs/ Accessed June, 2024
153 Santa Clara County. Five-Year CIWMP/RAIWMP Review Report, 2016.

rates will likely continue to decrease overtime. Decreases in solid waste generation would occur through the development, implementation and adoption of diversion programs (including many jurisdictions adopting zero waste plans) established by all jurisdictions help extend landfill capacity and will continue to do so as these programs and outreach help the community understand and buy into the zero-waste concept and alternatives to landfilling waste.

Using similar assumptions as the 2040 General Plan EIR, it is estimated that development under the project could generate approximately 9,974.6 tons of solid waste per year, as shown in **Table 3.21-2**. The 2040 General Plan EIR evaluated the impacts associated with an increase in solid waste generation of approximately 571,500 tons per year through 2035 from residential and non-residential development. In addition to the operation of new businesses and residences, demolition, land clearing, and construction activities associated with redevelopment would also generate a substantial amount of solid waste. Because the Project would not increase development capacity citywide beyond what was evaluated in the 2040 General Plan EIR, the Project would not generate new waste above projected levels and existing landfills would have capacity to serve the project.

Table 3.21-2 Estimated Solid Waste Generation

Type	Generation Rate	Units	Waste Generated
Residential	31.1 pounds per household per week[154]	8,022 dwelling units	6,486.6 tons/year
Employment	10.53 pounds per employee per day[155]	2,500 employees	3,488.1 tons/year
Total			**9,974.6 tons/year**

Source: City of San José. 2024. *Envision San José 2040 General Plan*. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.

The development, implementation and adoption of diversion programs (including many jurisdictions adopting zero waste plans) established by all jurisdictions help extend landfill capacity and will continue to do so as these programs and outreach help the community understand and buy into the zero-waste concept and alternatives to landfilling waste. In addition, compliance with the CALGreen Code and CARB's Mandatory Commercial Recycling Measure would complement local efforts and further reduce demand for landfill facilities. As redevelopment proceeds and diversion rates increase overtime, the City will ensure adequate landfill capacity through monitoring the availability of collection, transfer, recycling, disposal, and waste processing services; periodically assessing infrastructure needs; and working with MRF and landfill operators to expand capacity as needed (GP Policies IN-5.1, IN-5.4, and IN-5.15). With implementation of 2040 General Plan policies and the Zero Waste Strategic Plan, the 2040 General Plan EIR concluded that solid waste generated by future development under the 2040 General Plan would not exceed the permitted or actual capacity of existing landfills.

Future development allowed under the Project would be required to comply with existing local and state programs and regulations. For example, in accordance with the current CALGreen Code, future projects are required to provide on-site recycling facilities, develop a construction waste management plan, salvage at least 50 percent of nonhazardous construction/demolition debris (by weight), and implement other waste reduction measures. Future projects may be required to incorporate additional measures and programs as part of the City's Zero Waste Strategic Plan. For these reasons, future development under the Project is not expected to conflict with any state and local regulations related to solid waste, including AB 939 and the City's zero waste goal and impacts would be less than significant. **(Less than Significant Impact)**

154 This is the same rate used in the 2040 General Plan EIR.

155 Although the 2040 General Plan EIR used various rates for industrial, office, retail, and institutional uses to estimate the total waste generated by non-residential uses, this EIR uses the highest rate (commercial) to provide a conservative estimate for the undetermined mix of commercial, and office uses proposed by project, as well as retail and hotel uses.

e) Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

As part of Project implementation, final project design for future development would be required to comply with all federal, state, and local statutes and regulations related to solid waste disposal, including requirements of the CDDD Program described in **Subsection 3.21.1.1, Existing Conditions** of this EIR. Therefore, this impact would be less than significant. **(Less than Significant Impact)**

3.21.3.4 Cumulative Impacts

The cumulative setting for the Utilities and Service Systems analysis comprises all past, present, and reasonably foreseeable future land use projects in the City within the Project. Please refer to **Table 3.2-1** for a list of past, present, and foreseeable projects considered for this analysis. These potential cumulative impacts are addressed below.

The 2040 General Plan EIR states that the City has anticipated meeting future water demands associated with the growth through the continued use of the existing and previously identified water sources and conservation. The underlying assumption is that the groundwater and recycled water use and conservation would increase over time to meet future demands. Therefore, sufficient water supply exists to provide for growth envisaged in the 2040 General Plan EIR. New entitlements of new sources of water would not be needed to serve the cumulative water demand. Therefore, there is no cumulative impact.

Additionally, future projects under the Five Wounds Urban Village Plan would not result in a considerable contribution to the cumulative impact due to the buildout of the wastewater collection and treatment facility capacity associated with the City's Capital Improvement Program, meeting the 10-year design standard of the Program.

The 2040 General Plan EIR concluded that planned growth would not result in a significant impact associated with the capacity of the water supply, sanitary sewer, wastewater treatment, storm drainage, or solid waste systems, with implementation of existing programs, regulations, and 2040 General Plan policies.

Because the maximum development allowed under the Project was generally accounted for, the Project would not result in a new cumulative impact related to any utility or service systems.



SBWR Recycled Water Pipelines Figure **3.21-1**

Source: Circlepoint, 2025; CGS, 2025

3.22 Wildfire

This section analyzes potential wildfire impacts resulting from the Project. No comments related to wildfire were received during the public scoping process.

3.22.1 Environmental Setting

3.22.1.1 Existing Conditions

The Project area is a fully urbanized area of San José and is surrounded by residential and commercial development. Furthermore, the Project area is not located within a very high Fire Hazard Severity Zone (FHSZ) for wildland fires and is located more than 10 miles away from the nearest very high FHSZ for wildland fires, as designated by the California Department of Forestry and Fire Protection ("Cal Fire").[156]

3.22.2 Regulatory Framework

3.22.2.1 State

Public Resources Code Section 4201-4204

Sections 4201 through 4204 of the California Public Resources Code direct Cal Fire to map FHSZ within state responsibility areas, based on relevant factors such as fuels, terrain, and weather. Mitigation strategies and building code requirements to reduce wildland fire risks to buildings within SRAs are based on these zone designations.

Government Code Section 51175-51189

Sections 51175 through 51189 of the California Government Code directs Cal Fire to recommend FHSZs within Local Responsibility Areas. Local agencies are required to designate very high FHSZs in their jurisdiction within 120 days of receiving recommendations from Cal Fire and may include additional areas not identified by Cal Fire as very high FHSZs.

California Fire Code 49

The 2016 California Fire Code Chapter 49 establishes the requirements for development within wildland-urban interface areas, including regulations for wildfire protection building construction, hazardous vegetation and fuel management, and defensible space maintained around buildings and structures.

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 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.

3.22.2.2 Local

Envision San José 2040 General Plan

Policies in the 2040 General Plan have been adopted for the purpose of avoiding or mitigating wildfire impacts from development projects. Relevant policies applicable to the Project are presented in **Table 3.22-1** below.

156 Cal Fire (2024). "Fire Hazard Severity Zones". https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones

Table 3.22-1 Envision San José 2040 Wildfire Policies

Policy	Description
Policy EC-8.1	Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.
Policy EC-8.2	Avoid actions which increase fire risk, such as increasing public access roads in very high fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.
Policy EC-8.3	For development proposed on parcels located within a very high fire hazard severity zone or wildland-urban interface area, implement requirements for building materials and assemblies to provide a reasonable level of exterior wildfire exposure protection in accordance with City-adopted requirements in the California Building Code.
Policy EC-8.4	Require use of defensible space vegetation management best practices to protect structures at and near the urban/wildland interface.

Source: City of San José. 2024. *Envision San José 2040 General Plan*. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed March 13, 2025.

3.22.3 Impacts and Mitigation

3.22.3.1 Thresholds of Significance

For the purposes of this analysis and in accordance with CEQA Guidelines, a project impact to wildfire would be considered significant if the Project would:

a) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, substantially impair an adopted emergency response plan or emergency evacuation plan;

b) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project 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;

c) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project 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; or

d) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project 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

3.22.3.2 Methodology

This analysis evaluates the potential impacts of the project on wildfire risk, emergency response, and public safety in areas where state or local responsibility for fire protection exists. The evaluation is based on a review of mapping and data from the Cal Fire, including FHSZ maps in both SRAs and LRAs.

Relevant land use and hazard planning documents were reviewed to assess existing conditions and regulatory context, including:

- Cal Fire's FHSZ maps
- 2040 General Plan Safety Elements
- Applicable fire codes and development standards

The analysis considers how the proposed land use changes may affect fire risk, exacerbate wildfire behavior, or impair emergency evacuation routes or response access. Factors evaluated include slope, vegetation, proximity to wildland areas, and access to existing road networks and firefighting infrastructure.

Consistence with relevant local policies, such as those related to defensible space, emergency preparedness, and risk-reduction strategies, was also evaluated. The analysis does not rely on parcel-level data but provides a planning-level assessment to determine if the Project would substantially impair fire prevention strategies or exacerbate wildfire hazards in or near FHSZs.

3.22.3.3 Project Impacts

a) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?

The Project area is not located within an area of moderate, high, or very high Fire Hazard Severity for the LRA nor does it contain any areas of moderate, high, or very high Fire Hazard Severity for the SRA. As stated in **Section 3.11, Hazards and Hazardous Materials** of this EIR, the Project would not create any barriers to emergency vehicles or other vehicle movement in the area and final design of future development projects would be required to incorporate all Fire Code requirements. Therefore, the Project would not have any impact on adopted emergency response plans. **(No Impact)**

b) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project 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?

The Project would not exacerbate wildfire risks due to slope, prevailing winds, and other factors due to the Project's urbanized location away from natural areas susceptible to wildfire. The Project area is not located within an area of moderate, high, or very high Fire Hazard Severity for the LRA nor does it contain any areas of moderate, high, or very high Fire Hazard Severity for the SRA. Therefore, the Project would impact areas classified as very FHSZs. **(No Impact)**

c) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project 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?

The Project area is not located within an area of moderate, high, or very high Fire Hazard Severity for the LRA nor does it contain any areas of moderate, high, or very high Fire Hazard Severity for the SRA. Due to the Project's urbanized location and lack of interface with any natural areas that are susceptible to wildfire, the Project would not require the installation or maintenance of associated fire suppression or related infrastructure. Therefore, the Project would not impact areas classified as FHSZs. **(No Impact)**

d) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project 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?

See above discussion. The Project would not expose people or structures to significant wildfire risks given its highly urban location away from natural areas susceptible to wildfire. Therefore, the Project would not impact areas classified as FHSZs. **(No Impact)**

3.22.3.4 Cumulative Impacts

The 2040 General Plan EIR concluded that the buildout of the 2040 General Plan would occur in or adjacent to very high FHSZs within the City limits. Please refer to **Table 3.2-1** for a list of past, present, and foreseeable projects. However, implementation of 2040 General Plan policies and existing regulations would substantially avoid exposure of people or structures to a significant risk of loss, injury or death involving wildland fires and therefore, no cumulative impact would occur with implementation of past, present, and foreseeable projects, including the Project.

4 GROWTH-INDUCING IMPACTS

Section 15126.2(d) of the CEQA Guidelines requires that this section discuss the ways in which the project could foster economic, population or housing growth, either directly or indirectly, in the surrounding environment. Also, the EIR must discuss the characteristics of the Project that could encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. New employees from commercial or industrial development and new populations from residential development represent direct forms of growth. These direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area. Therefore, a Project would have a growth-inducing impact if it would:

- Directly or indirectly foster economic or population growth or the construction of additional housing;
- Remove obstacles to population growth;
- Require the construction of new or expanded facilities that could cause significant environmental effects; or
- Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

Should a project meet any one of the above-listed criteria, it may be considered growth inducing. The potential growth-inducing impacts associated with implementation of the proposed project are evaluated below against these criteria. It is important to note that the CEQA Guidelines (Section 15145) do not require that an EIR predicts (or speculate) specifically where such growth would occur, in what form it would occur, or when it would occur, as this would be speculative.

Would the Project foster or stimulate significant economic or population growth in the surrounding environment?

The Project area is located within the City of San José and would not result in a direct expansion of urban services or create pressure to expand beyond the City's existing Sphere of Influence. This project focuses on governing potential land use and transportation development in the area through 2040 anticipated with the construction of the 28th Street/Little Portugal BART Station. Implementation of the Project would shift planned growth capacity within the Plan Area by decreasing planned employment capacity by approximately 2,355 jobs and increasing planned housing capacity by approximately 6,000 units, changing allowed capacities from 4,855 jobs and 2,022 housing units to 2,500 jobs and 8,022 housing units through General Plan amendments and zoning changes.

The Project area is generally built out and would not make additional undeveloped land available for growth or expand utility capacity to enable development outside the existing urbanized area. Instead, it would facilitate the reuse of underutilized land in an existing urban setting near transit facilities and services.

Reallocation of job and housing capacity would be achieved through General Plan amendments and would not increase the total citywide amount of growth planned under the 2040 General Plan. Therefore, while the Project would accommodate more housing within the Plan Area, it would not induce population or economic growth beyond levels already anticipated and evaluated in the 2040 General Plan EIR; rather, it would redistribute that planned growth to a transit-accessible location served by existing infrastructure. Mitigation measures identified in this EIR are intended to reduce the physical environmental effects of that planned growth.

Although the Project would not increase the citywide number of jobs and housing planned under the 2040 General Plan, the 2040 General Plan EIR recognizes that citywide job growth at the General Plan scale could indirectly induce population growth outside the City. The Project does not increase that citywide growth and therefore would not create a new or more severe growth-inducing impact beyond what was already identified at the General Plan level. Accordingly, the Project would not be growth-inducing.

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5 SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES

State CEQA Guidelines Section 15126.2(c) requires that an EIR must identify any significant irreversible environmental changes that would be caused by the proposed project being analyzed. Irreversible environmental changes may include current or future commitments to the use of non-renewable resources, or secondary or growth-inducing impacts that commit future generations to similar uses. In addition, irreversible damage can result from environmental accidents associated with the Project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified. The CEQA Guidelines describe three categories of significant irreversible changes that should be considered, as further detailed below.

The Project would establish a new Five Wounds Urban Village Plan, focusing on key hubs for concentrated growth. This initiative aims to create vibrant, sustainable communities that prioritize walkability, cycling, and accessibility to public transit and existing infrastructure.

The Project would result in the modification of some of the existing land use and zoning designation in the Project area. The Project would modify the area's planned capacities, reducing the number of jobs from approximately 4,855 to 2,500, while increasing the housing units from 2,022 to 8,022. Infill development and reinvestment under the proposed project would constitute a long-term commitment of resources from construction and operation of future projects. These resources include the building materials used in construction (such as wood and aggregate minerals for concrete), and energy in the form of natural gas, petroleum products, and electricity consumed during construction and operation of residential, commercial, industrial, and public/quasi-public land uses. Loss of these resources is considered irreversible because their reuse for some other purpose than infill and redevelopment under the proposed Plan would be impossible or highly unlikely. Actual energy usage could vary substantially, depending on factors such as the type of uses that would occupy the buildings, actual miles driven by future residents and employees, and the degree to which energy conservation measures are incorporated into the design of the various facilities. In addition, policies and implementation strategies of the proposed Plan as well as the 2040 General Plan include actions to increase energy efficiency and water conservation associated with existing facilities, increase infrastructure to support electric vehicle use, and provide for land use and transportation planning such as densification near future BART station that supports reduced vehicle miles traveled for residents and employees.

The future infill and reinvestment anticipated under the proposed Plan would occur in the existing developed area and therefore substantial infinite land resources would not be converted. Implementation of the proposed project would result in the irretrievable commitment of limited, slowly renewable and nonrenewable resources, which could limit the availability of these resource quantities for future generations or for other uses during buildout of the proposed Plan. However, continued use of such resources would be nominal. Therefore, although irreversible changes would result from implementation of the proposed project, such changes would not be considered significant.

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6 SIGNIFICANT AND UNAVOIDABLE IMPACTS

CEQA Section 15126.2(b) requires that an EIR disclose all significant impacts, including those where no feasible mitigation measures exist to reduce impacts to a less-than-significant level. Throughout this draft EIR, project design features and mitigation measures have been identified that would reduce the majority of potential impacts to less-than-significant levels. However, as discussed below, buildout of the Project would result in the following significant and unavoidable project-related and/or cumulative impact:

Impact CUL-1: Future development that would be allowed by the Project could result in physical changes to historical resources or their immediate surroundings, such that the resources' ability to convey their significance would be materially impaired, resulting in a significant impact. **(Significant and Unavoidable Impact)**

7 ALTERNATIVES

CEQA Guidelines Section 15126.6 requires the consideration of a range of reasonable alternatives to the Project that could feasibly attain most of the basic objectives of the Project.

> *The range of alternatives required in an EIR is governed by a "rule of reason" that considers only those alternatives necessary to permit a reasoned choice. The alternatives are limited to those that would avoid or substantially lessen the significant environmental effects of the Project*

7.1 Requirements for the Consideration of Alternatives

The Guidelines further require that the discussion focus on alternatives capable of eliminating significant adverse impacts of the Project or reducing them to a less-than-significant level. In addition to mandating consideration of the no project alternative, CEQA Guidelines (Section 15126.6[e]) emphasize the selection of a reasonable range of feasible alternatives and adequate assessment, which allows decision-makers to use a comparative analysis. 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 which 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. (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553 and Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376).*

In accordance with CEQA Guidelines 15126.6, this EIR contains a comparative impact assessment of alternatives to the Project. The primary purpose of this assessment is to provide decision makers and the public with a reasonable number of feasible project alternatives that could attain most of the basic project objectives while avoiding or reducing any of the Project's significant adverse environmental effects. The Lead Agency may make an initial determination of which alternatives are feasible and merit in-depth consideration, and which are infeasible (see CEQA Guidelines Section 15126.6[f][3]). Alternatives may be rejected from detailed consideration in the EIR if they fail to meet project objectives, are infeasible, or do not avoid any significant environmental effects.

7.1.1 No Project Alternative

CEQA Guidelines 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]). Section 15126.6(d)(e)(1) states:

> *The specific alternative of "no project" shall also be evaluated along with its impact. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The no project alternative analysis is not the baseline for determining whether the proposed project's environmental impacts may be significant, unless it is identical to the existing environmental setting analysis which does establish that baseline.*

The purpose of describing and analyzing a no project alternative is to allow decision-makers to compare the impacts of approving the Project with the impacts of not approving the Project.

7.2 Project Objectives

Pursuant to CEQA Guidelines Section 15124, the EIR must identify the objectives sought by the Project. The objectives of the Project are as follows:

- Preserve the neighborhood character of each of the existing four Districts as part of the consolidated Five Wounds Urban Village Plan.
- Incorporate land use policies that support anti-displacement efforts, and preserve existing small businesses and affordable housing as new development occurs around the future BART station.
- Update General Plan land use designations to support and organize new development to create a mix of housing and employment opportunities.
- Facilitate and support affordable housing efforts for current and future residents.
- Incorporate parking management and Transportation Demand Management strategies to reduce parking impacts, optimize parking supply, and support multimodal access for residents, businesses, and visitors.
- Promote pedestrian-oriented, bicycle-friendly, and transit-centric communities within the Plan area that reduce reliance on driving.
- Implement the recommendations of the Valley Transit Authority's Transit Oriented Community Playbook.
- Promote community health and wellness through equitable access to health care; bicycle, pedestrian, and transit infrastructure; and a variety of high-quality local parks, trails, community centers, recreational opportunities, and regional open space.
- Identify and protect cultural, historical, archaeological and paleontological resources that are important to the community.
- Support business continuity by strategically locating new commercial land uses in appropriate locations and intensities.

7.3 Significant and Unavoidable Impacts of the Project

The CEQA Guidelines advise that the alternatives analysis in an EIR should be limited to alternatives that would avoid or substantially lessen any of the significant effects of the Project and would achieve most of the Project objectives.

Alternatives are discussed that could reduce the following identified *significant and unavoidable impacts* associated with the Project:

- **Cultural Resources (Historical Resources)**: The Project facilitates densification within the urban village area which could result in a potential demolition of buildings, structures and site features that are collectively or individually listed or eligible for listing in the CRHR and in the San José Historic Resources Inventory as a City Landmark, Candidate City Landmark or City Landmark District.

7.4 Alternatives Considered but Rejected

CEQA Guidelines Section 15126.6(c) recommends that an EIR identify any alternatives that were considered by the lead agency but were rejected as infeasible and briefly explain the reasons for their rejection. With respect to the feasibility of potential alternatives to a project, CEQA Guidelines Section 15126.6(t)(l) states the following:

> *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, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.*

In determining an appropriate range of project alternatives to be evaluated in this EIR, several possible alternatives were initially considered and then rejected. A potential alternative for the Project was considered in detail, but ultimately rejected from further analysis in the EIR, consistent with Section 15126.6(c) of the CEQA Guidelines. A description of the potential alternative considered, but not carried forward, and the rationale for rejection is provided below.

7.4.1 Location Alternative (Shift Density Outside Five Wounds Area)

Under this alternative, housing growth would be relocated to other Urban Villages. Given that the main objective of the Project is to establish a long-term strategy to guide future development in a specific area of the City (i.e., Five Wounds), and to facilitate TOD for BART station, this alternative would not meet one of the core objectives of the Project. Also, this alternative would require Citywide growth capacity redistribution that is beyond the scope of this Plan. CEQA Guidelines Section 15126.6(a) allows for consideration of alternatives to a project, or its location (emphasis added), but does not mandate inclusion of a location alternative in an EIR. Accordingly, Location Alternative was rejected from consideration.

7.5 Alternatives Selected for Further Analysis

The following section discusses the alternatives evaluated in this EIR and the comparative environmental effects of each. The alternatives considered in this analysis are as follows:

- Alternative 1: No Project (Current General Plan Buildout) Alternative
- Alternative 2: Reduced Intensity/Lower Height Alternative
- Alternative 3: Historic Resource Overlay

7.5.1 Alternative 1: No Project - No Development Alternative

The CEQA Guidelines specifically advise that the No Project alternative is "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." [Section 15126.6(e)(2)] The Guidelines emphasize that an EIR should take a practical approach, and not "…create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment [Section 15126.6(e)(3)(B)]." To that end, the No Project Alternative assumes that if the Project did not move forward, the underutilized Project area would be redeveloped with development projects consistent with what is allowed under the City's General Plan, Municipal Code and state housing laws. The four existing adopted Urban Village Plans could accommodate approximately 2,022 housing units and 4,855 jobs but they would not provide sufficient residential capacity and associated development of an intensity need in the future BART station area. Future development within the Project area could still occur pursuant to existing General Plan land use designations, zoning regulations, and the existing Urban Village Plans, as well as previously approved projects and other applicable regulations.

Conclusion: Compared to the Proposed Project, the No Project Alternative could potentially result in reduced environmental impacts to historical resources because it may not incentivize private development to the same extent as the proposed increases in residential capacity and development intensity. Therefore, the No Project Alternative could potentially result in the retention instead of demolition of more historical resources with reduced construction activity. However, the No Project Alternative would also not meet the objective of the Project's TOD and associated plan-level multimodal and place-based policies intended to shape growth around the future BART station. With the No Project Alternative, redevelopment could still occur under the existing Urban Village Plans and existing General Plan/zoning framework with lower residential capacity and intensity; Redevelopment pressure on low density older building stock could potentially be reduced because there would be less incentive to redevelop at the scale and intensity associated with substantial adverse change to historical resources. Future discretionary projects would continue to be subject to environmental review if applicable under state laws and the City's existing historic preservation review procedures (including screening against the Historic Resources Inventory and documentation and evaluation of buildings over 45 years old), which would identify known and eligible historical resources and require avoidance analysis and/or appropriate treatment where historical resources are present. Accordingly, impacts to historical resources under the No Project Alternative would be less than significant.

7.5.2 Alternative 2: Reduced Intensity/Lower Height Alternative

The Reduced Intensity/Lower Height Alternative would retain the overall planning framework and objectives of the proposed update to the Five Wounds Urban Village Plan, including consolidation of the four existing Urban Village Plans into a single Plan and continued transit-oriented development (TOD) focus around the future 28th Street/Little Portugal BART Station. However, under this alternative total residential capacity of the proposed Project would be reduced from approximately 8,022 dwelling units to approximately 6,000 dwelling units. Employment capacity would remain consistent with the proposed Project's job allocation of 2,500 jobs. To achieve the lower residential capacity, Alternative 2 would reduce maximum allowable residential densities (dwelling units per acre) and would generally reduce maximum building heights and/or height transitions in the most intensive areas (including portions of the Five Wounds District and along major corridors), while maintaining the Plan's district-based framework and multimodal circulation strategy.

Because the Reduced Intensity/Lower Height Alternative is a program-level alternative, it does not identify specific development projects, exact parcel-level buildout, or final building designs. Accordingly, the reduced capacity should be understood as a reduced development envelope relative to the Proposed Project (i.e., fewer total units and reduced intensity/height potential in targeted areas).

Conclusion: Compared to the proposed Project, the Reduced Intensity/Lower Height Alternative could potentially result in reduced environmental impacts to historical resources because it lowers overall residential capacity and reduces maximum building heights. The reduction of approximately 2,000 dwelling units relative to the proposed Project would proportionally decrease associated construction activity, demolition, and site disturbance.

The Reduced Intensity/Lower Height Alternative would reduce the overall redevelopment envelope, which could reduce the likelihood and frequency of high-intensity redevelopment associated with demolition and major alteration. However, because redevelopment would still occur, particularly along corridors and near the station area, individual projects could still involve demolition or material impairment of buildings that qualify as historical resources. Therefore, impacts to historical resources under Alternative 2 would remain potentially significant, and in the circumstance where future projects require demolition or material impairment of a historical resource and feasible avoidance is not possible.

7.5.3 Alternative 3 – Historic Preservation Overlay Alternative

The Historic Preservation Overlay Alternative would consolidate the four existing Urban Village Plans into one plan and retain the transit-oriented development framework. However, this alternative would modify land use designations, zoning standards, and implementation policies on properties and/or areas containing historical resources to ensure that redevelopment does not result in demolition, relocation, or a substantial adverse change in the significance of historical resources as defined by CEQA. All structures identified as City Landmarks, Candidate City Landmarks, and listed or eligible for listing on the California Register of Historical Resource would be subject to a mandatory historic preservation requirement that would prohibit demolition or relocation of such resources and require adaptive reuse when redevelopment is proposed. All proposed exterior alterations, additions, or infill within the overlay would be required to comply with the Secretary of the Interior's Standards for Rehabilitation.

The overlay would supplement the historic-resource policies and project-review procedures included in the Proposed Project. The Proposed Project requires project-specific evaluation, consideration of avoidance and design modifications, and decision-maker review when a discretionary project could affect a historical resource; however, it does not categorically prohibit demolition or material impairment when preservation is determined to be infeasible. Under Alternative 3, preservation would be mandatory, and project approval would be conditioned on retention and treatment of the historical resource consistent with the overlay standards.

To address resources that have not yet been identified, the overlay provisions would also apply to any property subsequently determined through project-level review to contain a historical resource under CEQA. Discretionary projects involving demolition, relocation, exterior alteration, major additions, or new construction on parcels

containing structures 45 years of age or older, or of unknown age, would first be required to complete a historic-resource evaluation. If a resource is determined eligible, the property would become subject to the same mandatory preservation and Secretary of the Interior's Standards requirements as resources identified at the time of Plan adoption. This provision is necessary because limiting the overlay only to currently known resources would not avoid impacts to historical resources identified after adoption of the Plan.

Conclusion. Compared to the proposed Project, the Historic Preservation Overlay Alternative would eliminate the potential for demolition, relocation, or substantial adverse change of identified historical resources by requiring conformance with preservation standards incorporated in a Historic Preservation Overlay Zone. Because this alternative would require compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and prohibit actions that would materially impair a resource's significance or integrity, impacts to historic resources would be reduced from significant and unavoidable under the proposed Project to less than significant.

This conclusion assumes that the overlay would apply both to historical resources identified at the time of Plan adoption and to resources subsequently determined through project-level review to qualify as historical resources under CEQA. For structures 45 years of age or older, or of unknown age, that have not previously been evaluated, a project-specific historic-resource evaluation would be required before approval of demolition, relocation, exterior alteration, major additions, or new construction. If the property is determined to contain a historical resource, the mandatory preservation requirements of the overlay would apply.

However, the overlay would potentially reduce redevelopment flexibility, capacity and financial feasibility on parcels containing historical resources due to the need for preservation and compliance with the Secretary of the Interior's Standards, particularly in areas planned for higher-intensity transit-oriented development. Mandatory preservation and adaptive reuse requirements could affect building placement, massing, access, parking, additions, and the configuration of new construction. These requirements could also increase project design, review, rehabilitation, and construction costs and could lengthen the development review process. However, because no parcel-specific development program or feasibility analysis has been prepared for this alternative, the extent to which these requirements would affect achievable residential or employment capacity cannot be quantified.

The alternative could affect the timing or feasibility of redevelopment on individual parcels because some property owners could choose not to pursue redevelopment where mandatory preservation is incompatible with the proposed development concept. This would not necessarily eliminate development capacity within the Plan Area because development could occur through adaptive reuse, additions, infill on the remainder of a parcel, or redevelopment of other opportunity sites. Nevertheless, the alternative could make it more difficult to achieve the same development intensity on parcels containing historical resources.

The Historic Preservation Overlay Alternative could constrain the Project's ability to meet housing and TOD objectives and increase implementation challenges. However, by extending the overlay requirements to resources subsequently identified through project-level evaluation, the alternative would also address historical resources that were not known at the time of Plan adoption. Overall, the Historic Preservation Overlay Alternative would avoid the Project's significant and unavoidable historical-resource impact while retaining the consolidated Urban Village Plan and transit-oriented development framework. It would achieve the Project's historic-preservation objectives to a greater degree than the Proposed Project but could achieve the housing-production and higher-intensity TOD objectives to a lesser degree because of the mandatory retention and adaptive-reuse requirements applicable to historical resources.

A comparison of alternatives selected for further consideration based upon whether they avoid or substantially lessen the significant environmental effects of the Project are outlined in **Table 7.5-1**.

Table 7.5-1 Comparison of Environmental Impacts for Alternatives to the Project

Environmental Resource	Alternative 1: No Project - Development Consistent with Existing Land Use and Zoning	Alternative 2: Reduced Intensity/Lower Height	Alternative 3: Historic Preservation Overlay
Aesthetics	**Similar to Project.** Although less residential development and generally lower development intensity would occur under Alternative 1, redevelopment could still occur in the same urbanized Plan Area and in many of the same locations. Similar types of development could alter the existing visual character and introduce new sources of light and glare. Therefore, Alternative 1 would result in aesthetic impacts similar to the Project.	**Similar to Project.** Alternative 2 would reduce maximum residential densities and building heights in the most intensive portions of the Plan Area. This reduction could lessen the degree of visual change in some locations; however, mid- and high-density development would continue to occur in the same general locations and would remain subject to the same design and lighting requirements. Aesthetic impacts would be similar to the Project.	**Similar to Project.** Alternative 3 would retain the consolidated Urban Village Plan and transit-oriented development framework. Although preservation requirements would retain the character-defining features of historical resources, adaptive reuse, additions, infill, and redevelopment on other sites could still alter the visual character of the Plan Area and introduce new light and glare. Aesthetic impacts would be similar to the Project.
Agricultural and Forestry Resources	**No Impact.** The Plan Area is fully urbanized and does not contain agricultural land, Williamson Act lands, forest land, timberland, or timberland production zoning. Development under Alternative 1 would occur within the same urban setting and would not convert agricultural or forestry resources. No impact would occur.	**No Impact.** The reduced development capacity under Alternative 2 would not change the absence of agricultural and forestry resources within the Plan Area. Development would remain confined to the existing urban area and would not convert farmland or forest land. No impact would occur.	**No Impact.** Alternative 3 would apply preservation requirements to properties containing historical resources and would not expand development into agricultural or forest lands. Because the Plan Area contains no agricultural or forestry resources, no impact would occur.
Air Quality	**Similar to Project.** Development under Alternative 1 would continue to generate construction and operational emissions. Although this alternative would accommodate less housing than the Project, it would retain a higher employment capacity, and the overall emissions profile would not necessarily be reduced. Future development	**Less Severe than Project.** Alternative 2 would reduce residential capacity from approximately 8,022 dwelling units to approximately 6,000 dwelling units while retaining the Project's employment capacity of approximately 2,500 jobs. The reduced development envelope would decrease construction activity, operational emissions, and vehicle activity. Air quality	**Similar to Project.** Alternative 3 would retain the Plan's overall growth and transit-oriented development framework. Construction and operational emissions would continue to occur from rehabilitation, additions, infill, and redevelopment on other sites. Because Alternative 3 would not substantially reduce Plan-wide development capacity, air

	would remain subject to applicable Air District requirements, City Standard Permit Conditions, and project-level mitigation. Air quality impacts would be similar to the Project.	impacts would therefore be less severe than under the Project.	quality impacts would be similar to the Project.
Biological Resources	**Similar to Project.** Development under Alternative 1 would occur within the same predominantly developed urban area and could involve demolition, tree removal, and disturbance of nesting birds, roosting bats, and other urban biological resources. The same regulatory requirements, surveys, avoidance measures, and mitigation would apply. Biological resource impacts would be similar to the Project.	**Similar to Project.** Although Alternative 2 would reduce the overall amount of development, redevelopment would continue throughout the same Plan Area and could affect trees, nesting birds, and roosting bats. The same regulatory requirements and mitigation measures would apply. Biological resource impacts would be similar to the Project.	**Similar to Project.** Alternative 3 could reduce demolition of some older buildings; however, rehabilitation, additions, infill, and redevelopment on other parcels could still disturb trees and urban wildlife habitat. The alternative would not change the Plan Area or eliminate construction activity. Biological resource impacts would be similar to the Project.
Cultural Resources	**Impact Reduced to Less-Than-Significant Level.** Alternative 1 would accommodate substantially less residential development and generally lower development intensity than the Project. The reduced development potential would decrease redevelopment pressure on older building stock and reduce the potential for demolition or material alteration of historical resources. Future discretionary projects would remain subject to the City's historic preservation review procedures. Accordingly, impacts to historical resources would be less than significant.	**Similar to Project.** Alternative 2 would reduce residential capacity and maximum building heights, which would reduce the overall amount of demolition and construction. However, redevelopment would continue near the future BART station and along major corridors, and individual projects could still demolish or materially impair historical resources where feasible avoidance is not possible. Therefore, impacts to historical resources would remain significant and unavoidable, similar to the Project.	**Impact Reduced to Less-Than-Significant Level.** Alternative 3 would prohibit demolition or relocation of historical resources, require adaptive reuse, and require alterations and infill to comply with the Secretary of the Interior's Standards. The overlay would also apply to resources identified through future project-level review. These requirements would avoid material impairment of historical resources and reduce the Project's significant and unavoidable impact to a less-than-significant level.
Energy	**Similar to Project.** Development under Alternative 1 would continue to consume electricity, natural gas, and transportation fuels during construction and	**Less Severe than Project.** Alternative 2 would reduce residential capacity by approximately 2,000 dwelling units. The reduced development envelope would	**Similar to Project.** Alternative 3 could shift some redevelopment from demolition and replacement to adaptive reuse, rehabilitation, and additions.

	operation. Although the housing and employment mix would differ from the Project, development would remain subject to the same energy codes, green building requirements, and transportation efficiency measures. Energy impacts would be similar to the Project.	decrease construction energy use and long-term building and transportation energy demand. Because the same energy efficiency requirements would apply to a smaller amount of development, energy impacts would be less severe than under the Project.	These activities would still require construction energy and would result in operational energy demand. Because Plan-wide development capacity would not be substantially reduced, energy impacts would be similar to the Project.
Geology and Soils	**Similar to Project.** Development under Alternative 1 would occur within the same geologic setting and would be subject to the same potential for seismic ground shaking, liquefaction, unstable soils, erosion, and disturbance of paleontological resources. Applicable building code, geotechnical, erosion-control, and paleontological requirements would continue to apply. Geology and soils impacts would be similar to the Project.	**Similar to Project.** Alternative 2 would reduce the overall amount of development but would not change the geologic conditions within the Plan Area. Future development would remain subject to the same seismic, soil, erosion, and paleontological constraints and the same project-specific requirements. Geology and soils impacts would be similar to the Project.	**Similar to Project.** Alternative 3 would not change the geologic setting of the Plan Area. Rehabilitation, additions, infill, and redevelopment could still involve excavation and foundation work and would remain subject to the same geotechnical and paleontological requirements. Geology and soils impacts would be similar to the Project.
Greenhouse Gas Emissions	**Similar to Project.** Alternative 1 would accommodate less housing but more employment than the Project. Development would continue to generate construction emissions, building energy emissions, and vehicle travel, and would remain subject to the same greenhouse gas reduction policies and requirements. Because the development mix would change rather than be eliminated, greenhouse gas impacts would be similar to the Project.	**Less Severe than Project.** Alternative 2 would reduce residential capacity from approximately 8,022 dwelling units to approximately 6,000 dwelling units. The reduction in development would decrease construction activity, building energy demand, water-related energy use, solid waste generation, and associated greenhouse gas emissions. Greenhouse gas impacts would be less severe than under the Project.	**Similar to Project.** Alternative 3 would retain the Plan's overall growth and mobility framework. Adaptive reuse could avoid some demolition and new construction; however, rehabilitation, additions, infill, and redevelopment on other sites would continue to generate construction and operational emissions. Greenhouse gas impacts would be similar to the Project.
Hazards and Hazardous Materials	**Similar to Project.** Development under Alternative 1 could disturb the same known and potentially	**Similar to Project.** Alternative 2 could reduce the number of redevelopment sites disturbed over time; however,	**Similar to Project.** Preservation requirements under Alternative 3 could reduce disturbance at some

	contaminated properties within the Plan Area and could expose workers or the public to contaminated soil, groundwater, or hazardous building materials. The same investigation, remediation, and regulatory requirements would apply. Hazards and hazardous materials impacts would be similar to the Project.	development would still occur on potentially contaminated properties within the same urban area. Site-specific investigations, cleanup requirements, and regulatory oversight would remain necessary. Hazards and hazardous materials impacts would be similar to the Project.	sites, but rehabilitation, additions, infill, and redevelopment elsewhere could still encounter contaminated soil, groundwater, asbestos-containing materials, lead-based paint, or other hazardous materials. The same cleanup and safety requirements would apply. Impacts would be similar to the Project.
Hydrology and Water Quality	**Similar to Project.** Development under Alternative 1 would occur within the same watersheds and urban drainage setting and could generate construction runoff, modify impervious surfaces, and require stormwater improvements. The same water quality, drainage, groundwater, and floodplain requirements would apply. Hydrology and water quality impacts would be similar to the Project.	**Similar to Project.** Alternative 2 would reduce residential capacity and could reduce the overall amount of construction disturbance and water demand. However, redevelopment would continue within the same Plan Area and would require the same erosion-control, stormwater, drainage, groundwater, and flood-protection measures. Hydrology and water quality impacts would be similar to the Project.	**Similar to Project.** Alternative 3 would not change watershed conditions, flood hazards, or applicable stormwater requirements. Although adaptive reuse could reduce ground disturbance on some parcels, additions and infill could still modify impervious surfaces and require drainage improvements. Hydrology and water quality impacts would be similar to the Project.
Land Use and Planning	**Similar to Project.** Alternative 1 would retain the four existing Urban Village Plans, existing General Plan designations, and existing zoning. Development would remain within established communities and would not physically divide a community. Although this alternative would not implement the Project's consolidated district framework and updated station-area policies, future development would remain governed by adopted land use plans and regulations. Land use impacts would be similar to the Project.	**Similar to Project.** Alternative 2 would retain the consolidated Plan, district framework, and transit-oriented development strategy while reducing residential densities and building heights in selected areas. The alternative would not relocate growth or physically divide an existing community. Land use and planning impacts would be similar to the Project.	**Similar to Project.** Alternative 3 would supplement the Plan with mandatory historic preservation standards. Although these requirements could constrain redevelopment on parcels containing historical resources, the alternative would retain the consolidated Plan, district framework, and transit-oriented development strategy. Land use and planning impacts would be similar to the Project.

Mineral Resources	**No Impact.** The Plan Area is urbanized and does not contain known mineral resources or locally important mineral resource recovery sites. Development under Alternative 1 would not result in the loss of availability of a known mineral resource. No impact would occur.	**No Impact.** Alternative 2 would not change the absence of known mineral resources or designated mineral recovery sites within the Plan Area. No impact would occur.	**No Impact.** Alternative 3 would not affect mineral resources, and the Plan Area does not contain known mineral resources or designated recovery sites. No impact would occur.
Noise and Vibration	**Similar to Project.** Construction and redevelopment under Alternative 1 would continue to expose nearby receptors to temporary construction noise and vibration and to operational traffic and stationary-source noise. Although the alternative would accommodate less housing, it would retain a higher employment capacity. The same noise standards and mitigation measures would apply. Noise and vibration impacts would be similar to the Project.	**Less Severe than Project.** Alternative 2 would reduce residential capacity and lower maximum densities and building heights in the most intensive areas. The reduced development envelope would decrease the amount and duration of demolition and construction and could reduce operational traffic and stationary-source noise. Noise and vibration impacts would be less severe than under the Project.	**Similar to Project.** Alternative 3 could avoid demolition of some historical resources; however, rehabilitation, additions, infill, and redevelopment on other sites would continue to generate construction noise and vibration. The alternative would retain the broader growth and transportation framework. Noise and vibration impacts would be similar to the Project.
Population and Housing	**Similar to Project.** Alternative 1 would accommodate approximately 2,022 housing units and 4,855 jobs under the existing Urban Village Plans. This growth is planned within adopted General Plan growth areas and would not result in substantial unplanned population growth. Redevelopment could still displace existing housing on individual sites. Population and housing impacts would be similar to the Project.	**Similar to Project.** Alternative 2 would accommodate approximately 6,000 dwelling units and 2,500 jobs. Although this represents less residential growth than the Project, the growth would remain planned within the same Urban Village framework and would not require the extension of growth-inducing infrastructure. Population and housing impacts would be similar to the Project.	**Similar to Project.** Alternative 3 could affect the timing or feasibility of housing development on parcels containing historical resources. However, development could occur through adaptive reuse, additions, infill, or redevelopment of other opportunity sites, and the alternative would retain the overall Plan growth framework. Population and housing impacts would be similar to the Project.
Public Services	**Similar to Project.** Development under Alternative 1 would increase demand for fire protection, police protection, schools,	**Similar to Project.** The reduced residential capacity under Alternative 2 would lessen some demand for schools, fire protection, police	**Similar to Project.** Alternative 3 could affect the timing or form of redevelopment on parcels containing historical resources but would not

	libraries, and other public services. Although the housing and employment capacities would differ from the Project, development would occur within the same urban service area and would be subject to the same service review and development fee requirements. Public services impacts would be similar to the Project.	services, and libraries. However, the alternative would still accommodate substantial planned growth and the same employment capacity within the same service area. Public services impacts would be similar to the Project.	substantially change the geographic service area or eliminate planned growth. New residents and employees would continue to generate demand for public services. Public services impacts would be similar to the Project.
Recreation	**Similar to Project.** Development under Alternative 1 would increase use of parks, trails, community centers, and other recreational facilities. Although the lower housing capacity would reduce demand relative to the Project, planned growth would continue within the same area and would remain subject to applicable parkland and fee requirements. Recreation impacts would be similar to the Project.	**Similar to Project.** Alternative 2 would reduce the number of future residents generating demand for parks and recreation. However, it would retain the Plan's open space, trail, placemaking, and floating park framework, and substantial residential growth would still occur. Recreation impacts would be similar to the Project.	**Similar to Project.** Alternative 3 would retain the Plan's open space and recreation strategy. Preservation requirements could affect site design on individual parcels, but the alternative would not substantially change Plan-wide demand for parks, trails, and community facilities. Recreation impacts would be similar to the Project.
Transportation	**Similar to Project.** Development under Alternative 1 would continue under the existing General Plan, zoning, and four Urban Village Plans. Although this alternative would accommodate less housing, it would retain a higher job capacity and would not include the consolidated Plan's full set of updated station-area, multimodal, parking, and transportation demand management policies. Transportation impacts would be similar to the Project.	**Similar to Project.** Alternative 2 would reduce residential capacity by approximately 2,000 dwelling units while retaining the Plan's transit-oriented development pattern, multimodal circulation strategy, parking management, and transportation demand management policies. The reduced development envelope would decrease total number of trips but it would potentially result in reduced transit ridership. Therefore, transportation impacts would be trips and VMT. Transportation impacts would be more or less similar to the Project.	**Similar to Project.** Alternative 3 would retain the Plan's transit-oriented development, multimodal circulation, parking, and transportation demand management framework. Preservation requirements could affect access, parking, or site configuration on individual parcels, but would not substantially reduce Plan-wide housing, employment, or travel demand. Transportation impacts would be similar to the Project.

Tribal Cultural Resources	**Similar to Project.** Ground-disturbing development under Alternative 1 could encounter previously unknown tribal cultural resources within the same geographic area. The same consultation, monitoring, discovery, and mitigation requirements would apply. Tribal cultural resource impacts would be similar to the Project.	**Similar to Project.** Alternative 2 would reduce the overall development envelope and could reduce the amount of excavation and site disturbance. However, redevelopment would continue throughout the same Plan Area and could encounter previously unknown tribal cultural resources. Tribal cultural resource impacts would be similar to the Project.	**Similar to Project.** Preservation of historical buildings under Alternative 3 would not eliminate subsurface disturbance associated with rehabilitation, additions, utility work, infill, or redevelopment on other parcels. Previously unknown tribal cultural resources could still be encountered. Tribal cultural resource impacts would be similar to the Project.
Utilities and Service Systems	**Similar to Project.** Development under Alternative 1 would increase demand for water, wastewater treatment, storm drainage, energy, telecommunications, and solid waste services. Although the housing and employment mix would differ from the Project, development would occur within the same utility service systems and would be subject to the same capacity and conservation requirements. Utilities and service systems impacts would be similar to the Project.	**Similar to Project.** Alternative 2 would reduce water demand, wastewater generation, energy use, and solid waste generation relative to the Project. However, substantial planned growth and the same employment capacity would remain, and localized utility improvements could still be required. Utilities and service systems impacts would be similar to the Project.	**Similar to Project.** Alternative 3 could encourage adaptive reuse on some parcels, but development and occupancy would continue to generate demand for utility services and solid waste handling. Because the alternative would not substantially reduce Plan-wide development capacity, utilities and service systems impacts would be similar to the Project.
Wildfire	**No Impact.** The Plan Area is highly urbanized and is not within a State Responsibility Area or a designated Fire Hazard Severity Zone. Development under Alternative 1 would not expose people or structures to significant wildland fire hazards. No impact would occur.	**No Impact.** The reduced development capacity under Alternative 2 would not change the Plan Area's urban setting or its location outside designated Fire Hazard Severity Zones. No impact would occur.	**No Impact.** Alternative 3 would not change the Plan Area's wildfire setting. The Plan Area is highly urbanized and outside designated Fire Hazard Severity Zones. No impact would occur.

7.6 Environmentally Superior Alternative

CEQA requires the identification of an environmentally superior alternative. The environmentally superior alternative must be an alternative to the Project that reduces some of the environmental impacts, regardless of the financial costs associated with this alternative. Identification of the environmentally superior alternative may

not be that which best meets the goals or needs of a project. Additionally, if the No Project Alternative is determined to reduce most impacts, CEQA requires that the EIR identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6[e]).

The No Project Alternative would generally result in less development than the proposed Project and would reduce the potential for demolition or material impairment of historical resources. However, development could continue under the existing General Plan, zoning, and adopted Urban Village Plans. Therefore, the No Project Alternative would not eliminate all environmental impacts associated with future development in the Plan Area.

Among the other two alternatives, Alternative 3, the Historic Preservation Overlay Alternative, would be the environmentally superior alternative. The proposed Project's only identified significant and unavoidable impact is the potential for future development to demolish, relocate, or materially impair historical resources. Alternative 3 would require retention and treatment of historical resources, prohibit demolition or relocation, require adaptive reuse where redevelopment is proposed, and require applicable work to comply with the Secretary of the Interior's Standards. These requirements would reduce the historical resource impact from significant and unavoidable to less than significant. For the other environmental resource areas evaluated in this EIR, impacts under Alternative 3 would generally be similar to those of the proposed Project.

Alternative 3 would retain the consolidated Urban Village Plan and transit-oriented development framework but could reduce redevelopment flexibility and the achievable development intensity on parcels containing historical resources. Mandatory preservation and adaptive-reuse requirements could affect building placement, massing, access, parking, project costs, and development timing. Consequently, Alternative 3 could achieve the Project's historic-preservation objectives to a greater degree than the Proposed Project but could achieve the housing-production and higher-intensity transit-oriented and pedestrian friendly development objectives to a lesser degree.

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9 ACRONYMS AND ABBREVIATIONS

Acronym or Abbreviation	Definition
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACMs	Asbestos Containing Materials
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
AFY	Acre-feet Per Year
APN	Assessor's Parcel Number
ATCM	Air toxics control measures
Air District	Bay Area Air District
BART	Bay Area Rapid Transit
Basin Plan	San Francisco Bay Basin Plan
BAU	Business as Usual
BFE	Base flood elevation
BMPs	Best Management Practices
BRT	Bus Rapid Transit
Btu	British Thermal Unit
CAAQS	California Ambient Air Quality Standards
CARB	California Air Resources Board
CARE	Community Air Risk Evaluation
CalARP	California Accidental Release Prevention
CalEEMod	California Emissions Estimator Model
CalEnviroScreen	California Communities Environmental Health Screening Tool
CalGreen	California Green Building Standards Code
CalRecycle	California Department of Resource Recycling and Recovery
Caltrans	California Department of Transportation
Cal EPA	California Environmental Protection Agency
Cal Fire	California Department of Forestry and Fire Protection
CalRecycle	California Integrated Waste Management Board
CAL/OSHA	California Occupational Safety Health Program
CAP	Climate Action Plan
CARE	Community Air Risk Evaluation
CARB	California Air Resource Board
CBC	California Building Standards Code

Acronym or Abbreviation	Definition
CCR	California Code of Regulations
CC&Rs	Covenants, conditions, and restrictions
CDDD	Construction and Demolition Diversion Deposit Program
CDFW	California Department of Fish and Wildlife
CDWR	California Department of Water Resources
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFCs	Chlorofluorocarbons
CFGC	California Fish and Game Code
CGP	Construction General Permit
CH_4	Methane
CHRIS	California Historical Resources Information System
CIP	Capital Improvement Program
CMP	Congestion Management Program
CO	Carbon Monoxide
CO_2	Carbon Dioxide
CO_2e	Carbon Dioxide Equivalent
CPUC	California Public Utilities Commission
CWA	Clean Water Act
dB	Decibels
DEIR	Draft Environmental Impact Report
DNL	Day-Night Level
DPM	Diesel Particulate Matter
DTSC	California Department of Toxic Substances Control
du	Dwelling Units
DWR	Department of Water Resources
EIR	Environmental Impact Report
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
ESLs	Environmental Screening Levels
EV	Electric Vehicle
FAR	Floor Area Ratio
FCAA	Federal Clean Air Act

Acronym or Abbreviation	Definition
FEIR	Final Environmental Impact Report
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FHSZ	Fire Hazard Severity Zone
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Maps
FMMP	Farmland Mapping and Monitoring Program
FRAP	Fire and Resource Assessment Program
General Plan	Envision 2040 San José General Plan
GHG	Greenhouse Gas
GHGRS	Greenhouse Gas Reduction Strategy
GIS	Geographic Information Systems
GPD	Gallons per day
GSI Plan	Green Stormwater Infrastructure Plan
GWh	Gigawatt Hours
Habitat Plan	Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan
HABS	Historical American Building Survey
HAPs	Hazardous Air Pollutants
HCP	Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan
HI	Hazards Index
HMBP	Hazardous Materials Business Plan
HMP	Hydromodification Management Plan
HOV	High-occupancy vehicle
Hp	Horsepower
HRI	Historic Resources Inventory
HVAC	Heating, ventilation, and air conditioning
IHO	Inclusionary Housing Ordinance
in/sec	inches per second
ITE	Institute of Transportation Engineers
IWMP	Integrated Waste Management Plan
LEED	Leadership in Energy and Environmental Design
Ldn	Day/Night Noise Level
Leq	Equivalent Noise Level
LESA	California Agricultural Land Evaluation and Site Assessment

Acronym or Abbreviation	Definition
LID	Low Impact Development
LOS	Levels of Service
LRA	Local Responsibility Area
LRT	Light rail transit
LTA	Local Transportation Analysis
LUCHA	Learning in an Urban Community with High Achievement
LUST	Leaking underground storage tank
MBTA	Migratory Bird Treaty Act
MEI	Maximally Exposed Individual
MLD	Most Likely Descendant
mgd	Million Gallons per Day
mg/kg	Milligrams per Kilogram
MMT	Million Metric Tons
MT	Metric Tons
mm/sec	Millimeters per second
MOEs	Measures of effectiveness
mpg	Miles per Gallon
MRF	Materials Recovery Facility
MRP	Municipal Regional Stormwater NPDES Permit
MRZ	Mineral Resource Zone
MSAT	Mobile Source Air Toxics
MSDS	Material Safety Data Sheet
MTC	Metropolitan Transportation Commission
N_2O	Nitrous Oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NFIP	National Flood Insurance Program
NIC	Northwest Information Center
NMFS	National Marine Fisheries Service
N_2O	Nitrous Oxide
NO_2	Nitrogen Dioxide
NO_x	Oxides of Nitrogen
NOD	Notice of Determination
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System

Acronym or Abbreviation	Definition
NRHP	National Register of Historic Places
NSJ	North San José
NWIC	Northwest Information Center
O_3	Ozone
OCPs	Organochlorine Pesticides
OEHHA	Office of Environmental Health Hazard Assessment
OPR	Office of Planning and Research
Pb	Lead
PBCE	Planning, Building and Code Enforcement
PDO	Parkland Dedication Ordinance
PG&E	Pacific Gas & Electric
PIO	Park Impact Ordinance
PM	Suspended Particulate Matter
$PM_{2.5}$	Fine Particulate Matter
PM_{10}	Respirable Particulate Matter
PPMW	Parts per million by way
PPV	Peak Particle Velocity
PRC	Public Resources Code
RCRA	Resource Conservation and Recovery Act
RHNA	Regional Housing Need Allocation
RMP	Risk Management Plan
RCNM	Roadway Construction Noise Model
RMP	Risk Management Plan
RMS	Root Mean Square
ROG	Reactive Organic Gases
RPS	Renewables Portfolio Standard
RTP	Regional Transportation Plan
RWF	San José/Santa Clara Water Regional Wastewater Facility
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SBWR	South Bay Water Recycling
SCS	Sustainable Community Strategies
SCVURPPP	Santa Clara Valley Urban Runoff Pollution Prevention Program
SCVWD	Santa Clara Valley Water District

Acronym or Abbreviation	Definition
SEIS/SEIR	Supplemental Environmental Impact Statement/ Subsequent Environmental Impact Report
SFPUC	San Francisco Public Utilities Commission
SIP	State Implementation Plan
SJCE	San José Clean Energy
SJFD	San José Fire Department
SJMW	San José Municipal Water
SJPD	San José Police Department
SJPL	San José Public Library
SJPRNS	San José Department of Parks, Recreation and Neighborhood Services
SJUSD	San José Unified School District
SJWC	San José Water Company
SJUSD	San José Unified School District
SLF	Sacred Lands File
SMARA	Surface Mining and Reclamation Act of 1975
SMP	Site Management Plan
SO_2	Sulfur Dioxide
SR	State Route
SRA	State responsibility area
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminants
TCR	Tribal Cultural Resources
TDM	Transportation Demand Management
UGB	Urban Growth Boundary
ULSD	Ultra-low Sulfur Diesel
UPRR	Union Pacific Railroad
USACE	United States Army Corps of Engineers
USDOT	United States Department of Transportation
USGS	United States Geological Survey
USFWS	U.S. Fish and Wildlife Service
Valley Water	Santa Clara Valley Water District
V/C	Volume-to-Capacity Ratio
VCP	Vitrified Clay Pipe
VMT	Vehicle Miles Traveled
VOCs	Volatile Organic Compounds

Acronym or Abbreviation	Definition
VTA	Santa Clara Valley Transportation Authority
WPCP	Water Pollution Control Plan
WSA	Water Supply Assessment
ZNE	Zero Net Carbon Emissions

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