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Electronic Signs on City-owned Property Project
West Mission Street and Mabury Road Digital Billboards Sites
Initial Study/Mitigated Negative Declaration
City of San José, Santa Clara County, California

Prepared for:

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

City of San José
Planning Division
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Report Date: February 5, 2025

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Acronyms and Abbreviations

µg/m^3	micrograms per cubic meter
AB	Assembly Bill
ABAG	Association of Bay Area Governments
Air Basin	San Francisco Bay Air Basin
ALUC	Airport Land Use Commission
APN	Assessor's Parcel Number
AQP	Air Quality Plan
ARB	California Air Resources Board
ATCM	Air Toxic Control Measures
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
BERD	California Built Environment Resource Directory
bgs	below ground surface
BMP	Best Management Practice
C&D	construction and demolition
CAAQS	California Ambient Air Quality Standards
Cal/EPA	California Environmental Protection Agency
CalEEMod	California Emissions Estimator Model
Caltrans	California Department of Transportation
CBC	California Building Standards Code
CCR	California Code of Regulations
CDDD	Construction and Demolition Diversion Deposit Program
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CESA	California Endangered Species Act
CFC	chlorofluorocarbon
CGS	California Geological Survey
CHL	California Historic Landmarks
CH_4	methane
CLUP	Comprehensive Land Use Plan
CMP	Congestion Management Program
CNEL	Community Noise Equivalent Level
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CNPSEI	California Native Plant Society Electronic Inventory
CO	carbon monoxide

CO_2	carbon dioxide
CO_2e	carbon dioxide equivalent
CP	Commercial Pedestrian
CPHI	California Points of Historical Interest
CRHR	California Register of Historical Resources
CWA	Clean Water Act
dB	decibel
dBA	A-weight decibel
DNL	Day-Night Level
DPM	diesel particulate matter
DTSC	California Department of Toxic Substances Control
DWR	California Department of Water Resources
EPA	United States Environmental Protection Agency
EQ Zapp	California Earthquake Hazards Zone Application
EV	electric vehicle
FCS	FirstCarbon Solutions
FEMA	Federal Emergency Management Agency
FGC	Fish and Game Code
FIRM	Flood Insurance Rate Map
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Administration
GHG	greenhouse gas
GHGRS	Greenhouse Gas Reduction Strategy
GIS	Geographic Information System
GSA	Groundwater Sustainability Agency
GWMP	Groundwater Management Plan
HRI	Historic Resources Inventory
in/sec	inches per second
IPaC	Information for Planning and Consultation
IS/MND	Initial Study/Mitigated Negative Declaration
kW	kilowatts
kWh	kilowatt-hour
lbs	pounds
LED	light-emitting diode
L_{eq}	equivalent continuous noise level
LI	Light Industrial
LID	Low Impact Development
L_{max}	maximum sound level

LOS	Level of Service
LRA	Local Responsibility Area
LUST	Leaking Underground Storage Tank
lux	foot-candle; a measure above ambient light
MBTA	Migratory Bird Treaty Act
MLD	Most Likely Descendant
MM	Mitigation Measure
MMT	million metric tons
mph	miles per hour
MRP	Municipal Regional Stormwater NPDES Permit
MT	metric tons
MTC	Metropolitan Transportation Commission
MWELO	Model Water Efficient Landscape Ordinance
MWh	megawatt-hours
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NCC	Neighborhood/Community Commercial
NFIP	National Flood Insurance Program
NHTSA	National Highway Traffic Safety Administration
NO_2	nitrogen dioxide
NO_X	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NPPA	Native Plant Protection Act
NRHP	National Register of Historic Places
NWIC	Northwest Information Center
O_3	ozone
OAAA	Outdoor Advertising Association of American
OPR	California Governor's Office of Planning and Research
OS	Open Space
OSPH	Open Space, Parklands, and Habitat
PBCE	Planning, Building and Code Enforcement
PG&E	Pacific Gas and Electric Company
PLS	Public Land Survey
PM	particulate matter
PM_{10}	particulate matter, including dust, 10 micrometers or less in diameter
$PM_{2.5}$	particulate matter, including dust, 2.5 micrometers or less in diameter
ppm	parts per million
PPV	peak particle velocity

PQP	Public/Quasi-Public
PRNS	Parks, Recreation, and Neighborhood Services
RCRA	Resource Conservation and Recovery Act
rms	root mean square
ROG	reactive organic gases
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCS	Sustainable Communities Strategy
SCVHP	Santa Clara Valley Habitat Plan
SGMA	Sustainable Groundwater Management Agency
SJCE	San José Clean Energy
SMARA	Surface Mining and Reclamation Act
SO_X	sulfur oxides
SOI	Sphere of Influence
SR	State Route
SRA	State Responsibility Area
State Water Board	California State Water Resources Control Board
STC	Sound Transmission Class
SVP	Society of Vertebrate Paleontology
San José Water	San José Water Company
TAC	toxic air contaminant
TCR	Tribal Cultural Resource
TDM	Transportation Demand Management
TEC	Transit Employment Center
UCMP	University of California Museum of Paleontology
US-101	United States Highway 101
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	underground storage tank
Valley Water	Santa Clara Valley Water District
VdB	vibration in decibels
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	Vehicle Miles Traveled
VTA	Santa Clara Valley Transportation Authority

SECTION 1: INTRODUCTION

1.1 - PURPOSE

In accordance with the California Environmental Quality Act (CEQA) of 1970, as amended (California Public Resources Code [PRC], § 21000–21177) and pursuant to the State CEQA Guidelines (Title 14, California Code of Regulations [CRR], Chapter 3, § 15063), the City of San José (City), acting in the capacity of the Lead Agency, is required to determine whether the proposed West Mission Street and Mabury Road Digital Billboards Project (proposed project) would have significant environmental impacts. The environmental documentation, which is ultimately selected by the City in accordance with CEQA, is intended as an informational document undertaken to provide an environmental basis for subsequent discretionary actions for the proposed project.

The purpose of this Initial Study/Mitigated Negative Declaration (IS/MND) is intended to identify any potential environmental impacts from implementation of the proposed project in the City of San José, California. Pursuant to the CEQA Guidelines Section 15367, the City of San José is the Lead Agency for the preparation of this document. The City has discretionary authority over the proposed project.

Clear Channel Outdoor (project applicant) proposes to install two roadside digital billboards and remove 11 existing billboards in the City. The proposed digital billboards would each be approximately 45 feet in height. One proposed billboard face would be 14 feet by 48 feet (height by width) and the second proposed billboard face would be 17 feet by 58 feet (height by width). The proposed project requires discretionary approval by the City.

1.2 - PUBLIC REVIEW PERIOD

Publication of this Draft IS/MND marks the beginning of a 30-day public review and comment period. During this period, the Initial Study will be available to local, State, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 30-day public review period should be sent to:

Cort Hitchens, Planner
City of San José
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, Tower 3rd Floor
San José, CA 95113
Phone: 408.794.7386
Email: Cort.Hitchens@sanjoseca.gov

Copies of this document are available at the City Department of Planning, Building and Code Enforcement, located at the address above, the Dr. Martin Luther King Jr. Branch Library located at 150 East San Fernando Street, the Joyce Ellington Branch Library located at 491 East Empire Street, and at the following link: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review/environmental-review-documents/electronic-signs-on-city-owned-property-freeway-sites

1.3 - CONSIDERATION OF THE DRAFT IS/MND AND PROPOSED PROJECT

Following the conclusion of the public review period, the City will consider the adoption of the final IS/MND for the proposed project at a regularly scheduled meeting. The City shall consider the IS/MND together with any comments received during the public review process. Upon adoption of the IS/MND, the City may proceed with project approval actions.

1.4 - DOCUMENT ORGANIZATION

Following this Section 1, Introduction, Section 2, Project Information, provides project details such as project location, owner and applicant contacts, land use and zoning information, Habitat Plan designations, and lists the required approvals and permits. Section 3, Project Description, describes the project site, provides details of the proposed development and construction schedule, and includes additional land use and zoning information. Section 4, Environmental Setting, Checklist, and Impacts Discussion, includes an environmental checklist, providing an overview of the potential impacts that may result from project implementation. Section 4 also provides a discussion and analysis that elaborates on the information contained in the environmental checklist, along with justification for the responses provided in the environmental checklist.

SECTION 2: PROJECT INFORMATION

2.1 - PROJECT TITLE AND FILE NUMBER

Electronic Sign on City-owned Property Project, West Mission Street and Mabury Road Digital Billboards Sites
File No. ER23-052

2.2 - LEAD AGENCY CONTACT

Cort Hitchens, Planner
City of San José
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, Tower 3rd Floor
San José, CA 95113
Phone: 408.794.7386
Email: Cort.Hitchens@sanjoseca.gov

2.3 - PROJECT LOCATION

Proposed Billboard No. 1 at West Mission Street (West Mission Street billboard):

Southeast corner of Guadalupe Parkway and West Mission Street
San José, CA

Proposed Billboard No. 2 at Mabury Road (Mabury Road billboard):

1404 Mabury Road
San José, CA 95133

2.4 - ASSESSOR'S PARCEL NUMBERS

Assessor Parcel Numbers (APNs) of proposed new billboards:

West Mission Street billboard: 259-04-019
Mabury Road billboard: 254-01-004

2.5 - PROPERTY OWNER/PROJECT APPLICANT

Property Owner:

City of San José

Project Applicant:

Clear Channel Outdoor
555 12th Street, Suite 950
Oakland, CA 94607

Project Applicant Contact:

Sarah Fishleder
Phone: 510.446.7215
Email: sarahfishleder@clearchannel.com

2.6 - GENERAL PLAN DESIGNATIONS AND ZONING DISTRICT

West Mission Street billboard:

General Plan Designation: Neighborhood/Community Commercial (NCC)
Zoning District: Commercial Pedestrian (CP)

Mabury Road billboard:

General Plan Designation: Light Industrial (LI)
Zoning District: Light Industrial (LI)[1]

2.7 - HABITAT PLAN DESIGNATION

The project sites are within the Santa Clara Valley Habitat Plan (SCVHP) coverage area and are mapped with the following land cover types, fee zones, and survey areas:

West Mission Street billboard

- Private Development Area: Area 4, Urban Development equal to or greater than 2 acres covered
- Land Cover: Urban–Suburban
- Land Cover Fee Zone: Urban Areas (No Land Cover Fee)

The West Mission Street billboard project site is not located within potential wetland fee zones, potential serpentine fee zones, burrowing owl survey and fee zones, wildlife survey areas, plant survey areas, Category 1 Streams and Setbacks, valley oak and blue oak woodland, or urban reserve system interface zones. The project site is not located next to, or adjacent to, a designated reserve.

The proposed billboard's long-term disturbed footprint would be approximately 28.25 square feet with a diameter of approximately 6 feet. Therefore, the SCVHP Coverage Screening Form concludes that the proposed project is not a covered project under the Habitat Plan (Appendix C).

Mabury Road billboard

- Private Development Area:
  Area 1 Private Development Covered (3.7 acres)
  Area 4, Urban Development equal to or greater than 2 acres covered (4.8 acres)
- Land Cover:
  Willow Riparian Forest and Scrub (3.7 acres)
  Urban–Suburban (4.8 acres)
- Land Cover Fee Zone:
  Urban Areas (No Land Cover Fee) (4.8 acres)
  Fee Zone B (Agriculture and Valley Floor Lands) (3.7 acres)
- Potential Wetland Fee Zone: Willow Riparian Forest and Scrub (3.7 acres)

[1] Zoning of the entire parcel includes both Light Industrial (LI) and OpenSpace, Parklands and Habitat (OSPH). However, the proposed billboard location is within the LI portion of the parcel.

- Category 1 Streams and Setbacks: Riparian buffer shown for illustrative purposes. Ground truthing will determine actual riparian buffer needed. (5.1 acres) (Condition 11 applies)
- Category 2 Streams and Setbacks (stream length): 1264 linear feet (Condition 11 applies)

The Mabury billboard project site is not located within potential serpentine fee zones, burrowing owl survey and fee zones, wildlife survey areas, plant survey areas, valley oak and blue oak woodland, or urban reserve system interface zones. The project site is not located next to, or adjacent to, a designated reserve.

The proposed billboard's long-term disturbed footprint would be approximately 28.25 square feet with diameter of approximately 6 feet. Therefore, the SCVHP Coverage Screening Form concludes that the proposed project is not a covered project under the Habitat Plan (Appendix C).

2.8 - PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

Development of the proposed project would require the following discretionary permit approvals by the City of San José:

- Approval of lease agreement between City and applicant for the West Mission Street project site
- Approval of lease agreement between the City and applicant for the Mabury Road project site
- Certification of the Environmental Document

Subsequent ministerial actions may be required for the implementation of the proposed project, including permits for removal of existing billboards.

2.9 - RESPONSIBLE AND TRUSTEE AGENCIES

A number of other agencies will serve as Responsible and Trustee Agencies, pursuant to CEQA Guidelines Section 15381 and Section 15386, respectively. This Draft IS/MND will provide environmental information to these agencies and other public agencies, which may be required to grant approvals or coordinate with other agencies as part of project implementation. These agencies may include, but are not limited to, the following:

- California Department of Fish and Wildlife

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SECTION 3: PROJECT DESCRIPTION

3.1 - EXISTING PROJECT SITE

3.1.1 - Project Location

The project includes development on two sites as described below and shown in Figure 1, Figure 2a, Figure 2b, and Figure 2c. The proposed project would also include the removal of 11 existing billboards as shown in Table 1 and Figure 6.

West Mission Street Billboard

The West Mission Street billboard is proposed on a City-owned, approximately 0.62-gross-acre parcel (APN 259-04-019) at the southeast corner of Guadalupe Parkway and West Mission Street (Figure 2a and 2b). The proposed billboard location is at the northwest corner of the parcel. The project site is located in the *San José West, California* United States Geological Survey (USGS) 7.5-minute Topographic Quadrangle Map.

The West Mission project site is bound by State Route (SR) 87 (also referred to as Guadalupe Parkway) on the west, West Mission Street on the north, North San Pedro Street on the east, and West Taylor Street on the south.

Mabury Road Billboard

The Mabury Road billboard is proposed on a City-owned, approximately 13.604-gross-acre parcel (APN 254-01-004) located along United States Highway 101 (US-101) south of Mabury Road (Figure 2a and 2c). Spur lines for the Bay Area Rapid Transit (BART) are located along the eastern edge of the property; the BART line terminates at the Berryessa North San José station, just north of Mabury Road. (Figure 2a and 2c).

The proposed billboard location is adjacent to the southern boundary of the parcel in a paved area of the site. According to the General Plan's Planned Growth Area Diagram, the Mabury Road project site is situated within the Mabury Employment Area Planned Growth Area. It is located in the *San José East, California* USGS 7.5-minute Topographic Quadrangle Map.

The Mabury Road project site is bound by Coyote Creek on the west, Mabury Road on the north, BART rail spur lines on the east, and US-101 the south.

3.1.2 - Land Use and Surrounding Uses

West Mission Street Billboard

The West Mission Street billboard project site is located within an urban area that includes industrial and commercial uses. General Plan land use designations of the surrounding areas are NCC to the east and south, Public/Quasi-Public (PQP) to the north, and Open Space, Parklands, and Habitat (OSPH) to the west, across SR-87.

The zoning of the West Mission Street billboard project site is CP. Surrounding zoning include CP to the east and south, PQP to the north, and Open Space (OS) to the west, across SR-87.

General Plan land use designations are shown in Figure 3a, and the zoning designations are shown in Figure 4a.

Mabury Road Billboard

The Mabury Road billboard project site is located within an urban area that includes industrial/commercial uses and open space. General Plan Land use designations surrounding the Mabury Road billboard project site include LI to the east and south; OSPH to the west and north (along Coyote Creek).

The zoning of the Mabury Road site is LI. Surrounding zoning includes LI to the east and south, Single-Family Residential (R-1-8) and OS to the west across US-101.

General Plan land use designation are shown in Figure 3b, and zoning is shown in Figure 4b.

3.1.3 - Existing Conditions On-site

West Mission Street Billboard

The West Mission Street Billboard project site is fully developed and the majority of the project site is currently used as a parking lot by the San José Police Department, while the southwestern portion of the site is paved but vacant. The Guadalupe Emergency Interim Housing facility is located at 702 Guadalupe Parkway, directly adjacent to the south end of the parking lot.

Mabury Road Billboard

The Mabury Road billboard project site is also fully paved with several structures; it is currently occupied and used as aby the City as its Mabury Service Yard.

3.2 - PROPOSED DEVELOPMENT

Clear Channel Outdoor (applicant) proposes to lease property from the City and construct two double-sided electronic billboards on two separate City-owned properties.

West Mission Street Billboard

The West Mission Street billboard project site is located at the southeast corner of Guadalupe Parkway and West Mission Street, on a parcel that is used as a San José Police Department parking lot. Within the parcel, the proposed billboard would be installed in the northwest corner of the lot. No trees or other vegetation would be removed as part of the proposed project.

Mabury Road Billboard

The Mabury Road billboard project site is located at 1404 Mabury Road. The eastern portion of the elongated parcel is used as a City service yard, while the western portion includes the Coyote Creek and an associated trail. No trees or other vegetation would be removed as part of the proposed

project. Standard canopy tree trimming will take place prior to installation of the proposed billboard at this location.

General Characteristics

The proposed billboards would be back-to-back designs with north- and south-facing displays, intended to be visible to passengers in vehicles traveling on SR-87 (West Mission Street site) and US-101 (Mabury Road site). Operation hours of both signs would be as governed by City Council Policy 6-4, which are currently 6:00 a.m. to midnight; the signs would operate 7 days per week. Non-commercial uses for the signs could include promoting community events, highlighting public awareness campaigns, and broadcasting emergency messages when necessary. Per the City of San José Sign Ordinance, the billboards would not show video or motion, nor would they emit noise or audio.

The proposed billboards would be approximately 45 feet in height. The billboard faces proposed for the West Mission Street project site would be 14 feet by 48 feet (height by width) and the billboard faces proposed for the Mabury Road project site would be 17 feet by 58 feet (height by width). The billboard frames would be equipped with upper and lower rear catwalks measuring approximately 2.5 feet wide and extending along the length of the back of the billboards. Access to the catwalks would be by access ladders attached to the structures.

Site plans are shown in Figures 5a (West Mission Street billboard) and Figure 5b (Mabury Road billboard).

Technology

Both of the proposed billboards would be equipped with Media Resources, Inc. (Media Resources) technology; specifically, VISIONiQ digital billboards. With this technology, during dusk, dawn, or cloudy days, the operation of the digital display, according to ambient light readings, would maintain a glare-free, light-trespass-free image. Media Resources digital billboards are equipped with factory-mounted dual photocell sensors that are redundant and capable of reading ambient brightness even if one unit suffers a hardware failure. The ambient brightness to output brightness response curves provide good readability on the display while keeping in line with the brightness of the overall visual context.

During nighttime, brightness control becomes critical as the digital billboards must be operated at a small percentage of its maximum brightness in order to avoid glare or light trespass. Media Resources comprehensive system of safeties and traceability ensures nighttime brightness management. The proposed digital billboards would be equipped with modern brightness controls. Besides the redundant photocells above, a number of secondary fail-safes would also be implemented, including a communications watchdog (automatic reduction to nighttime brightness in the event of a communication loss) and failback to a location/season-aware time-based schedule in the event of catastrophic photocell system failure. With these safety features in place, it would be extremely unlikely for the digital billboard to operate at high brightness levels at night. Additionally, the Media Resources' Network Operations Centre would monitor brightness and recall brightness history for traceability.

Media Resources' SITELINE technology address potential concerns where light emission into nearby areas is undesirable. The SITELINE system employs a mechanical baffle system similar to luminaire baffles to eliminate all projection of light from the light-emitting diodes (LEDs) into a "protected region." As a result, the protection is reliable, permanent, and not dependent on programming or settings.

3.3 - CONSTRUCTION DETAILS

Proposed New Billboard

Construction of the billboards is anticipated to occur over a period of approximately 2 weeks per billboard. Construction activities are expected to take place Monday through Friday and to occur in one phase, beginning with site preparation, followed by excavation, trenching, billboard installation, and coating. The construction staging areas would be located within the project sites and construction personnel would park on-site at each location.

A hole approximately 6 feet in diameter (approximately 28.25 square feet) would be excavated on each site to a depth of approximately 40 feet to facilitate the installation of each billboard.

Removal of Existing Billboards

In compliance with City Council Policy 6-4,[2] effective November 9, 2018, the applicant, as part of the proposed project, would remove 11 existing billboards within the City. The version of the policy in effect at the time the City issued its Request for Proposal for new digital billboards required removal of existing billboards at a ratio of four billboards to be removed for each new digital billboard that would be installed. The proposed project would include two double-sided electronic billboards, therefore requiring removal of 16 existing billboards per the 4:1 ratio. However, the applicant proposes to remove 11 existing billboards with a total of 18 faces, two more than required under Policy 6-4 (Table 1 and Figure 6). The 11 existing billboards that would be removed as part of the proposed project would be removed at their bases and no excavation would be required. Billboard removal would not result in change to impervious surfaces at the removal sites, as no excavation would be performed. All of the billboards identified for removal are located in urban, developed areas, and their removal would not result in adverse changes to their surrounding environment. Billboard removal would take a total of one day per billboard.

Table 1: Electronic Billboards Proposed for Removal

Location ID (see Figure 6)	Panel 1 ID No.	Panel 2 ID No.	Location
1	3039	3040	3120 Moorpark Avenue
2	2966	2967	690 Stockton Avenue
3[1]	3090	–	452 East Hedding Street
3[1]	2749	2750	452 East Hedding Street

[2] City of San José. City of San José, California Council Policy, Resolution No. 78814, Signs on City-owned Land Including Billboards, Programmable Electronic Signs, and Displaying Off-site Commercial Speech. Effective Date November 9, 2018.

Location ID (see Figure 6)	Panel 1 ID No.	Panel 2 ID No.	Location
4	2627	–	1817 Stone Avenue
5	2644	2645	2255–2257 Alum Rock Avenue
6	3004	3005	2510 Zanker Road
7	2606	–	1399 Vine Street
8	2954	–	Story Road and Senter Road (APN: 472-12-073)
9	1557	1562	2606 Bascom Avenue
10	1138	1179	Bonita Avenue (APN: 472-07-072)

Notes:
[1] Two structures would be removed at Location ID 3.
Source: Clear Channel Outdoor. 2024.

San José Greenhouse Gas Reduction Strategy

The City's Greenhouse Gas Reduction Strategy (GHGRS) is intended to meet the mandates outlined in the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and standards for "qualified plans," as established by the BAAQMD. In compliance with the City's GHGRS, the applicant will participate in the San José Clean Energy (SJCE) program at the TotalGreen level for accounts associated with the project. SJCE provides clean energy for residents and businesses, and the TotalGreen participants receive 100 percent of their power from renewable energy sources.

Compliance with City Code of Ordinances

Upon completion of construction, the double-sided electronic billboards would be operated in compliance with the City's Signs Code.[3] This would include ensuring the billboards would not display animated or flashing images or movement. The billboards would not have an audio message, and the maximum ambient light output level of the digital billboard faces would be 0.3 foot-candles above ambient light conditions when measured at 250 feet.[4] The City's Signs Code includes additional restrictions and requirements that are discussed in further detail in Section 4.11, Land Use, below.

3.4 - ENVISION SAN JOSÉ 2040 GENERAL PLAN AND ZONING DESIGNATION

West Mission Street Billboard

The General Plan land use designation for the West Mission Street project site is Neighborhood-Community Commercial (NCC), which supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood-serving retail and services and commercial/professional office development. City Policy 6-4 does not restrict installation of electronic billboards in areas designated NCC. The zoning for this project site is CP, which encourages mixed residential/commercial development and is designed to support the

[3] City of San José. San José, California Code of Ordinances, Title 23 Signs.
[4] City of San José. San José, California Code of Ordinances, Title 23, Section 23.02.905, Limitation on Programable Electronic Signs.

commercial goals and policies of the general plan.[5] Locating the proposed billboard on this parcel would further the General Plan by maintaining and protecting the integrity, character, and aesthetic environment of the streetscape in an existing industrial area.

Additionally, under Policy CD-9.6, billboards are not permitted adjacent to any Rural Scenic Routes. The project site is not adjacent to a Rural Scenic Route. The nearest Rural Scenic Route is Penitencia Creek Road, located approximately 3.6 miles to the northeast.

Mabury Road Billboard

The Mabury Road project site General Plan land use designation is Light Industrial (LI), which is intended for a wide variety of industrial uses, such as warehousing, wholesaling, and light manufacturing. Sites designated LI may also contain service establishments that serve only employees of businesses located in the industrial areas. Because of the limited supply of land available for industrial suppliers/services firms in the City, Land Use Policies in the General Plan restrict land use changes on sites designated LI. Uses with unmitigated hazardous or nuisance effects are not permitted in this zoning district. City Policy 6-4 does not restrict installation of electronic billboards in areas designated LI. The zoning for this project site is LI, which is intended for a variety of industrial uses, such as warehousing, wholesaling, and light manufacturing. Uses with unmitigable hazardous or nuisance effects are not permitted. Office and higher-end industrial uses, such as research and development, are discouraged in the LI zone. According to the City Code, billboards are allowed in LI zoning, and LI properties may also contain service establishments that serve only employees of businesses located in the industrial areas.[6]

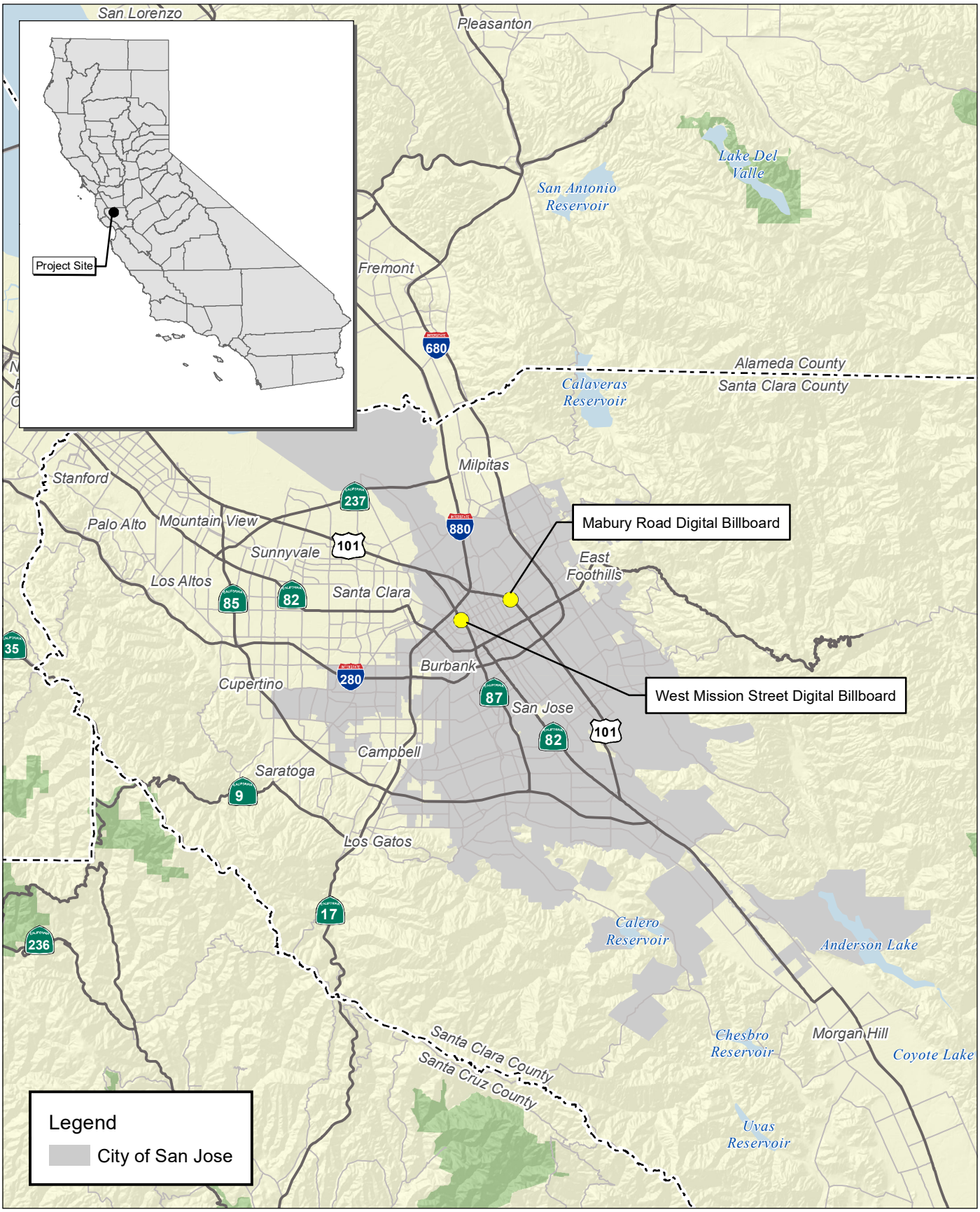
The Mabury Road project site is within the Mabury, East Gish, and Senter Road Employment Area.[7] According to the General Plan, Employment Areas—also referred to in the General Plan as Employment Lands—are planned to accommodate a wide variety of industry types and development forms, including high-rise and mid-rise office or research and development uses, heavy and light industrial uses, and supporting commercial uses to respond to the projected demand for each type of industrial land. Installation of a billboard in this area would be in accordance with these uses.

Additionally, under Policy CD-9.6, billboards are not permitted adjacent to any Rural Scenic Routes. The Mabury Road project site is not adjacent to a Rural Scenic Route. The nearest Rural Scenic Route is Penitencia Creek Road, located approximately 1.9 miles to the northeast.

[5] City of San José. San José, California Code of Ordinances, Title 20 Zoning, Chapter 20.40 Commercial Zoning Districts and Public/Quasi-Public Zoning District, Section 20.50.010 Commercial Zoning Districts.

[6] City of San José. San José, California Code of Ordinances, Title 20 Zoning, Chapter 20.50 Industrial Zoning Districts, Section 20.50.010 Industrial Zoning Districts.

[7] City of San José. Envision San José 2040 General Plan Land Use Map. Website: https://csj.maps.arcgis.com/apps/instant/lookup/index.html?appid=ef685f767b484eb6bcfc70f8fb651ef6. Accessed February 13, 2024.



Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

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5 2.5 0 5
Miles

Figure 1
Regional Location Map

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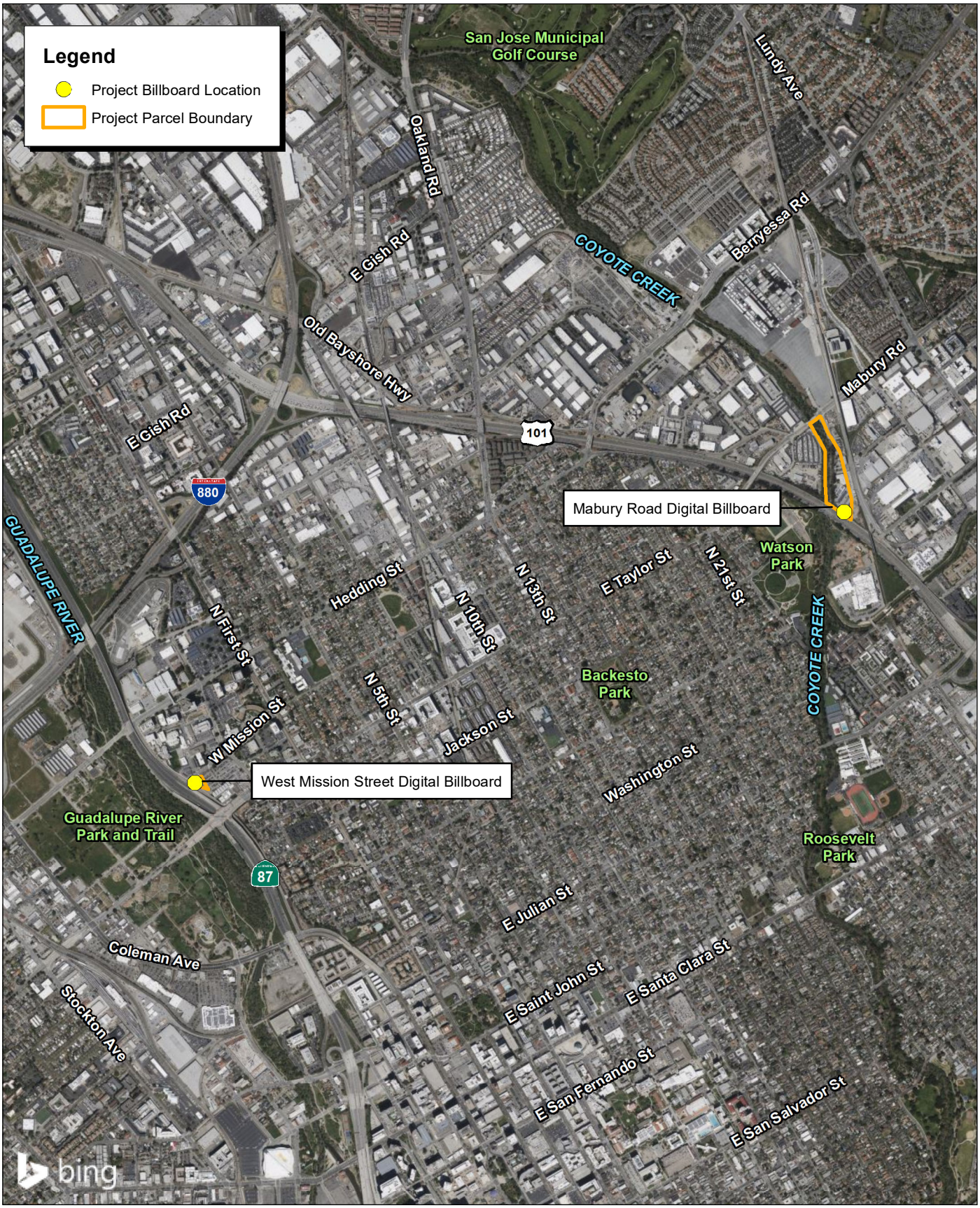

Source: Bing Aerial Imagery. City of San Jose.

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2,000 1,000 0 2,000 Feet

Figure 2a
Local Vicinity Map

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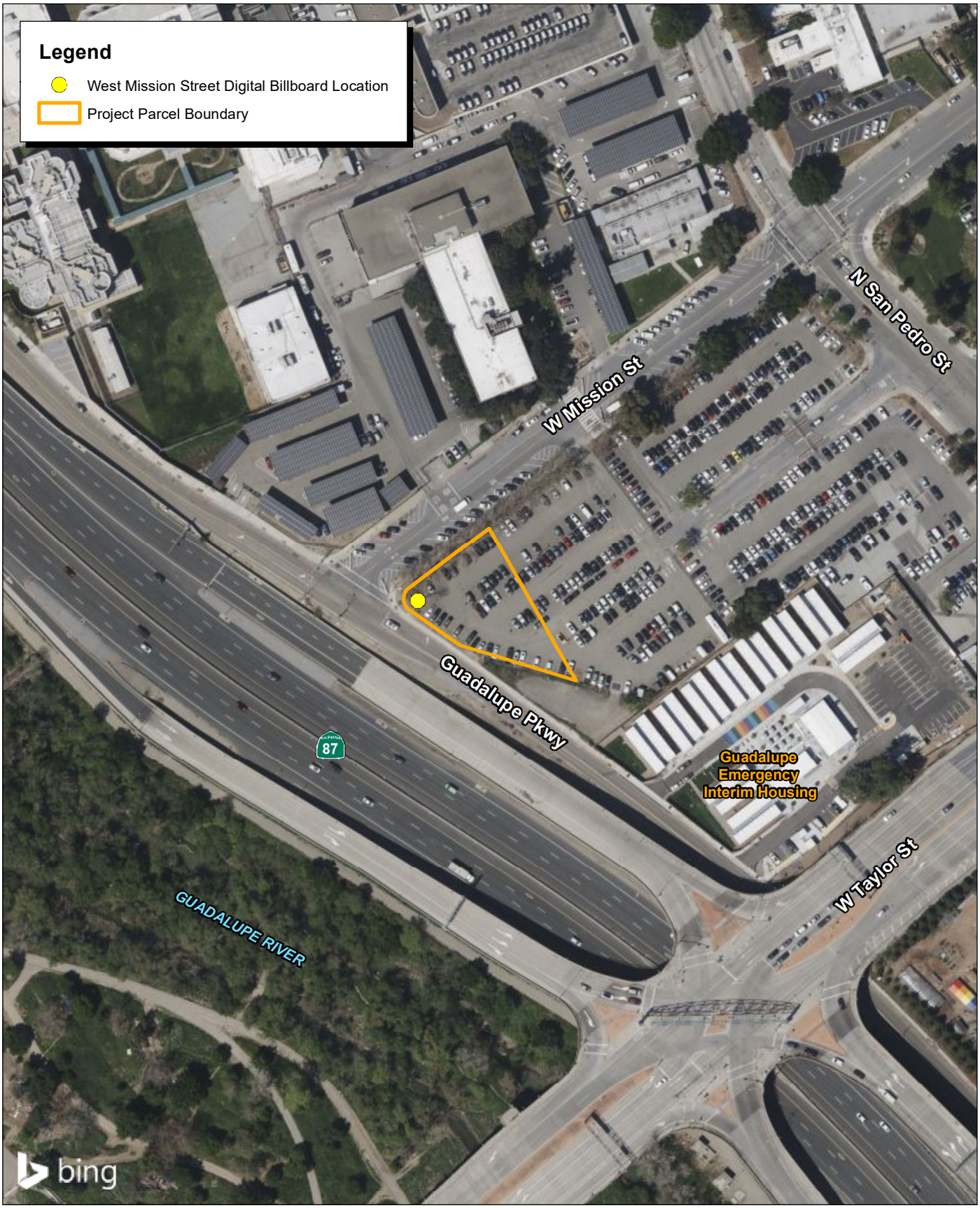

Source: Bing Aerial Imagery. City of San Jose.

FCS An ADEC Innovation

160 80 0 160 Feet

Figure 2b
Local Vicinity Map
West Mission Street Billboard

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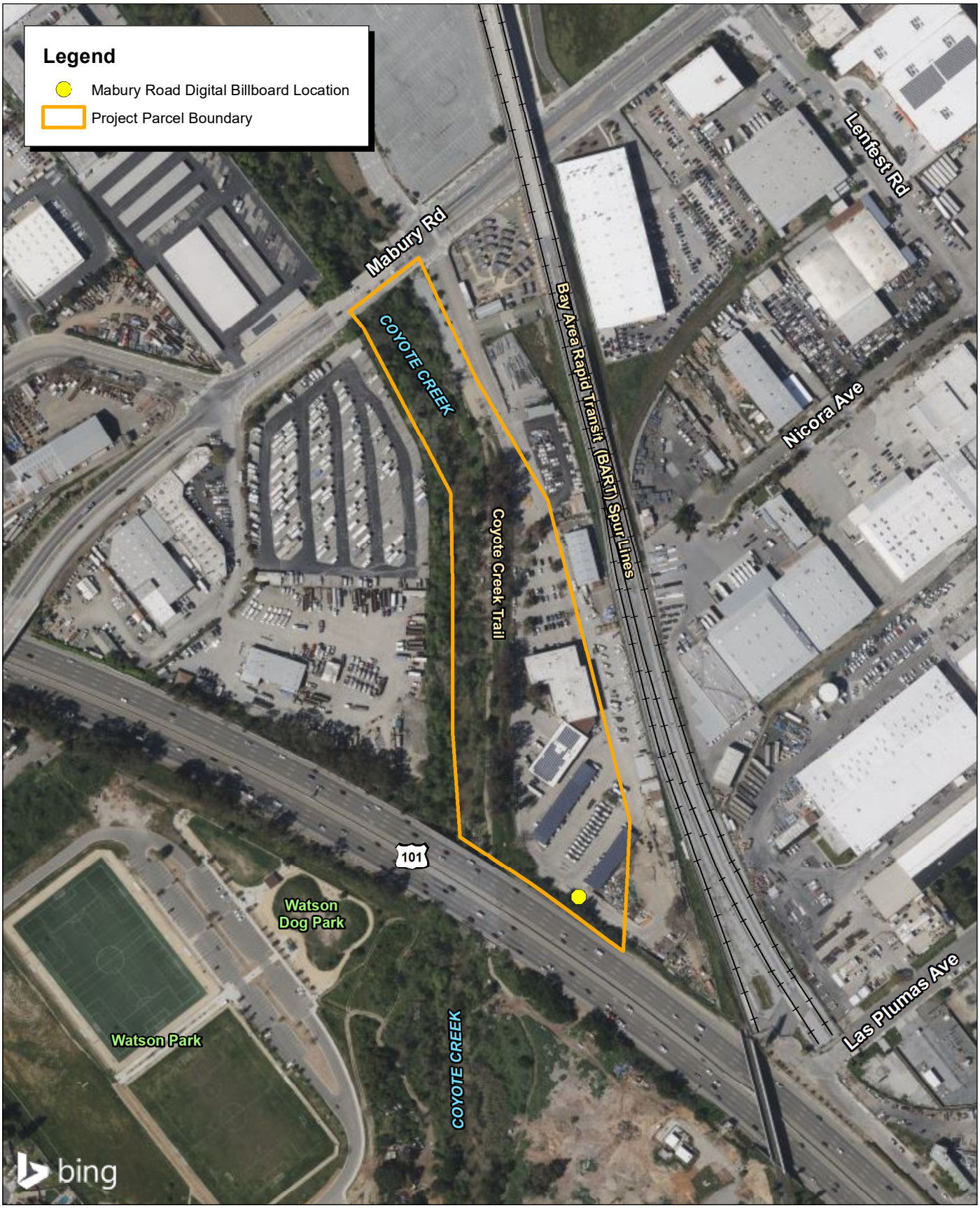

Source: Bing Aerial Imagery. City of San Jose.

FCS An ADEC Innovation

300 150 0 300 Feet

Figure 2c
Local Vicinity Map
Mabury Road Billboard

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Source: Bing Aerial Imagery. City of San Jose.

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160 80 0 160 Feet

Figure 3a
General Plan Land Use Designation
West Mission Street Billboard

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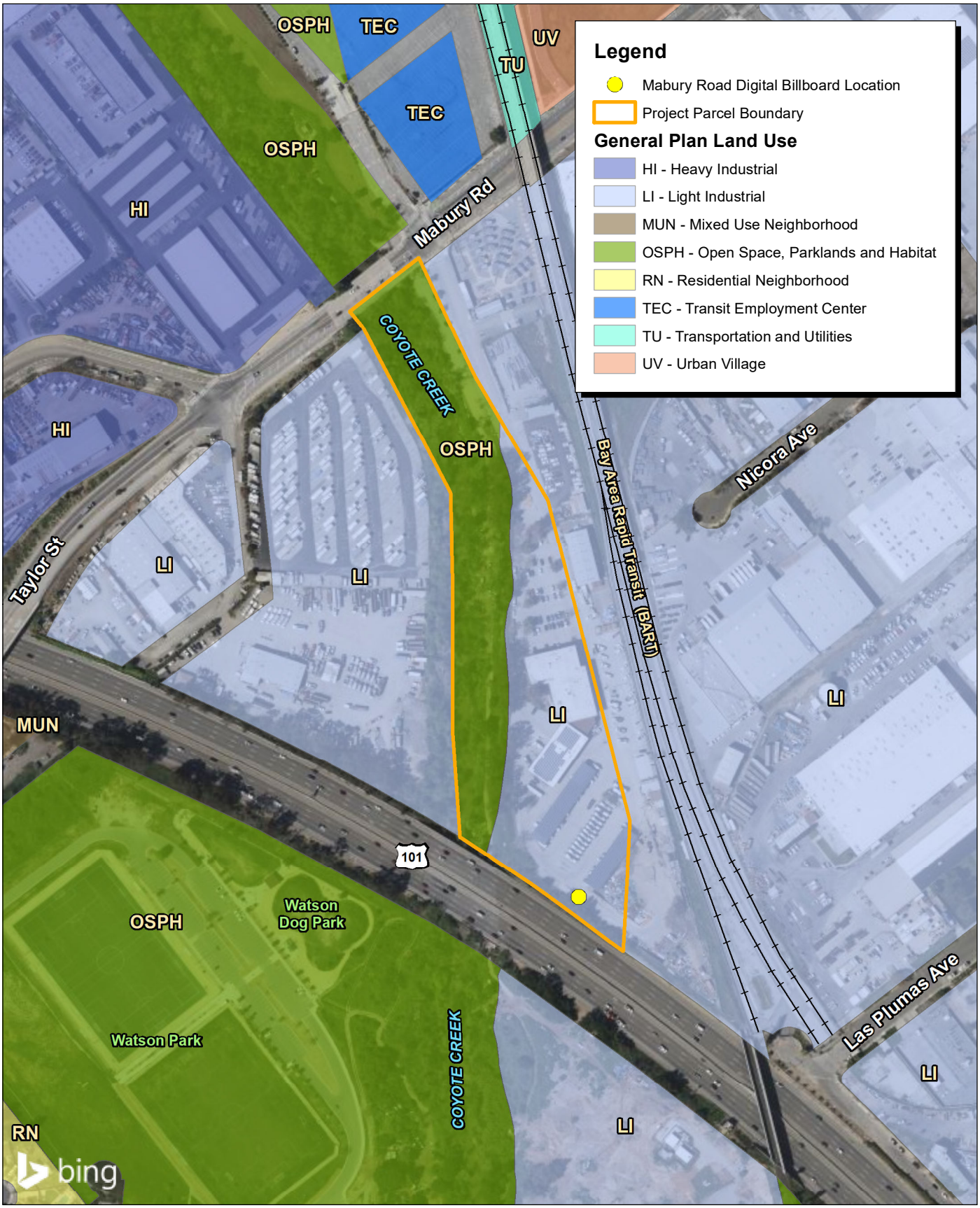

Source: Bing Aerial Imagery. City of San Jose.

FCS An ADEC Innovation

300 150 0 300 Feet

Figure 3b
General Plan Land Use Designation
Mabury Road Billboard

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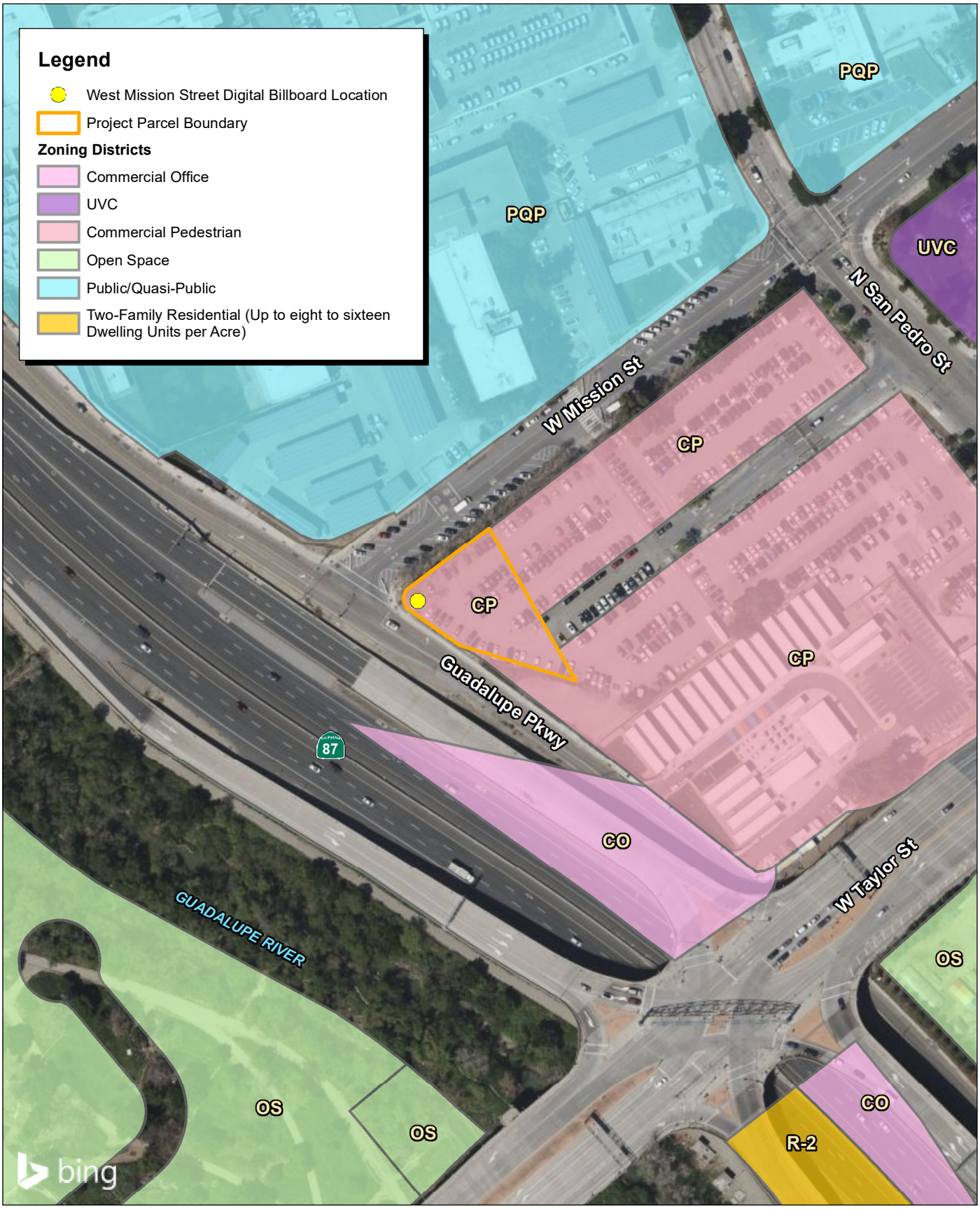

Source: Bing Aerial Imagery. City of San Jose.

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160 80 0 160 Feet

Figure 4a
Zoning
West Mission Street Billboard

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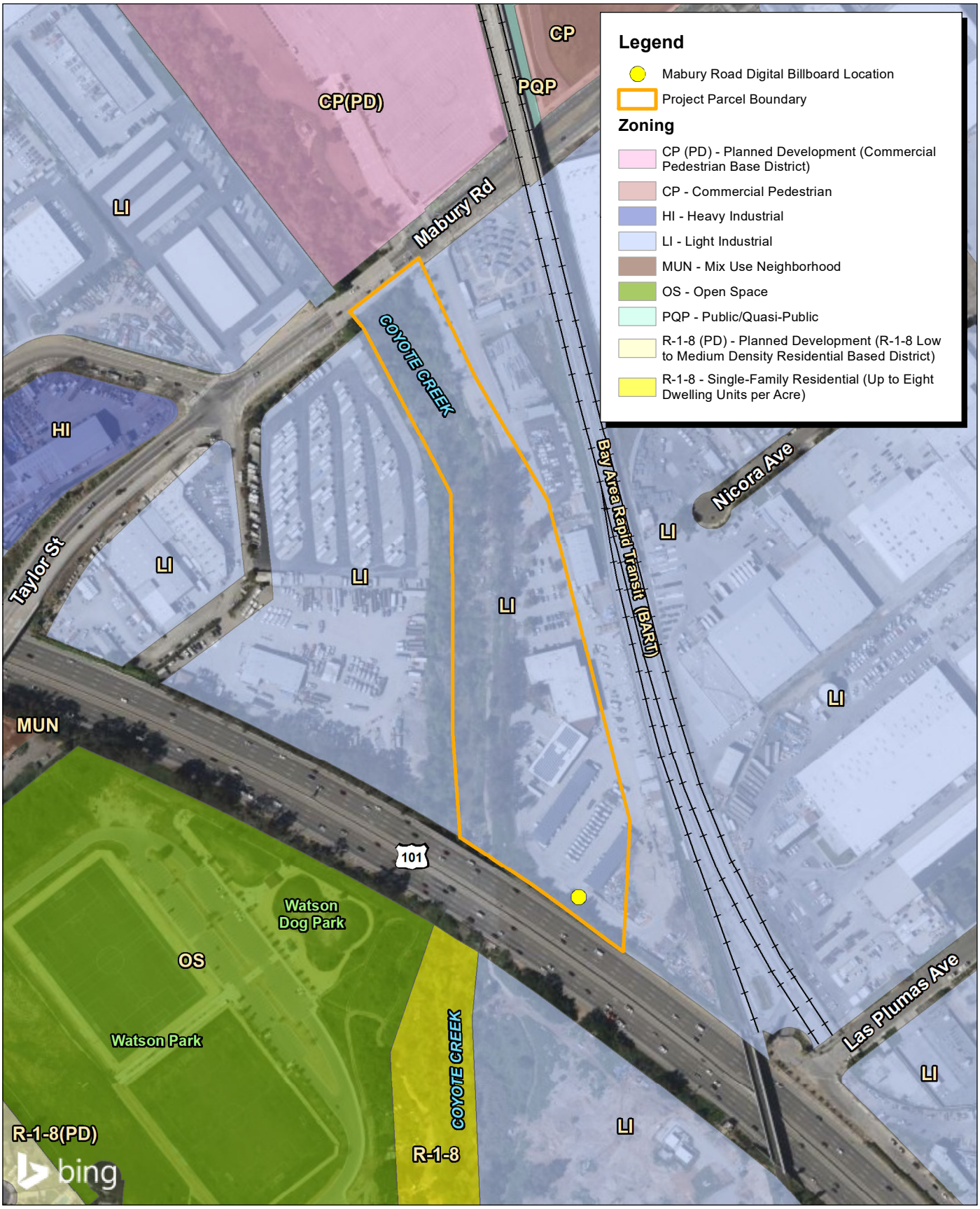

Source: Bing Aerial Imagery. City of San Jose.

FCS An ADEC Innovation

300 150 0 300 Feet

Figure 4b
Zoning
Mabury Road Billboard

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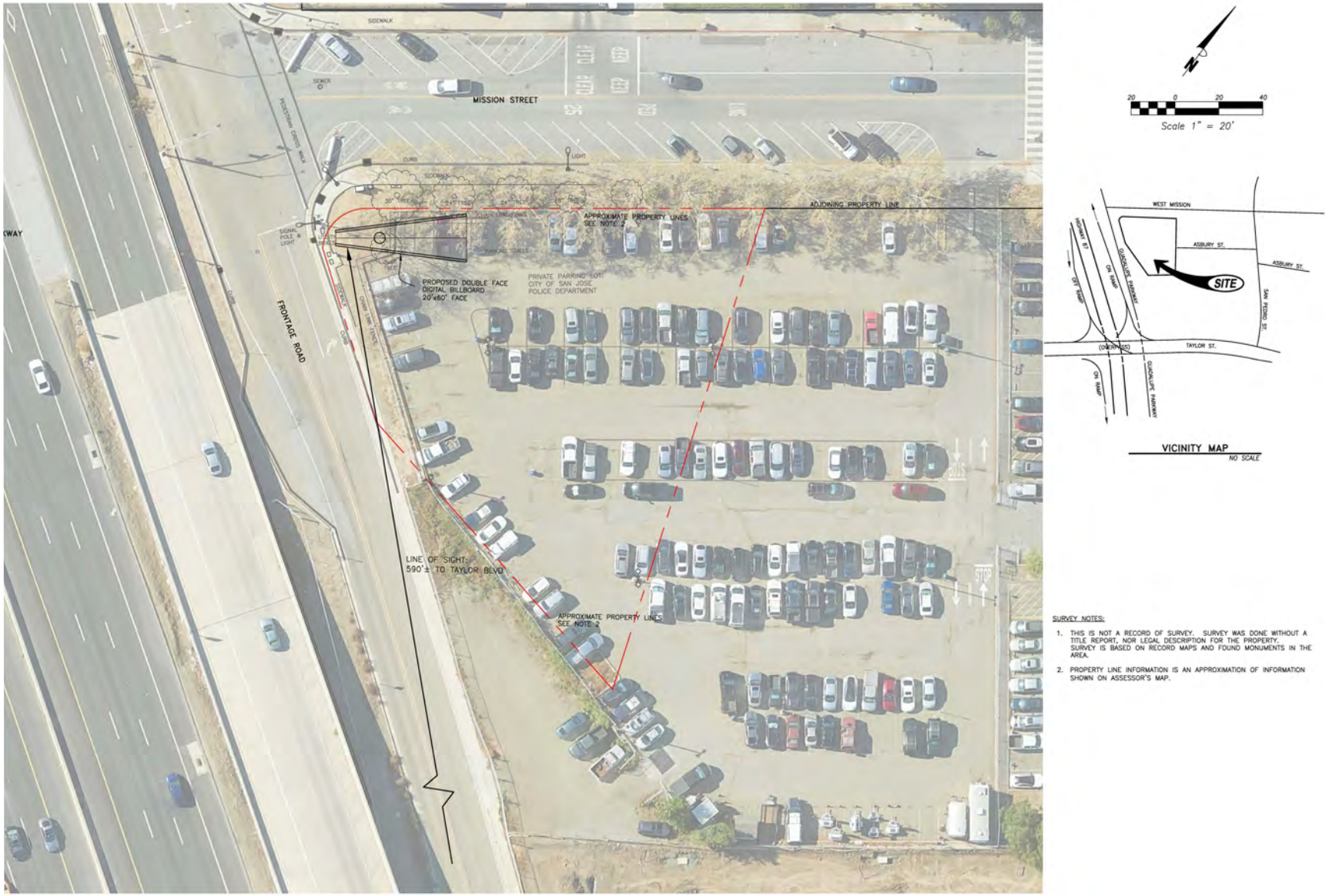

Source: Cullen-Sherry & Associates, Inc. Civil Engineering - Survey, August 17, 2023.

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An ADEC Innovation

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Figure 5a
Site Plan
West Mission Street Billboard

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Source: Cullen-Sherry & Associates, Inc. Civil Engineering - Survey, August 20, 2024.

FCS
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Figure 5b
Site Plan
Mabury Road Billboard

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Source: Bing Aerial Imagery. City of San Jose.

FCS
An ADEC Innovation

5,200 2,600 0 5,200
Feet

Figure 6
Billboards to be Removed

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SECTION 4: SETTING, ENVIRONMENTAL CHECKLIST, AND IMPACT ANALYSIS

This section describes the existing environmental conditions in and near the project area and analyzes environmental impacts associated with the proposed project. The environmental checklist, as recommended in the CEQA Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all potentially significant project impacts. "Mitigation Measures" are measures that minimize, avoid, or eliminate a significant impact (CEQA Guidelines § 15370).

Note to the Reader: In a December 2015 opinion (*California Building Industry Association [CBIA] v. BAAQMD, 62 Cal. 4th 369* (No. S 213478)), the California Supreme Court confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment and not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of San José currently has policies that address existing conditions (e.g., noise) affecting a proposed project, which are also addressed below. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an "environmental impact" as defined by CEQA.

Therefore, although not required by CEQA, this chapter will also discuss "planning considerations" that relate to City policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances. This additional discussion is provided for informational purposes only.

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4.1 - AESTHETICS

The findings in this section are based on the Visual Simulations and Photometric Analyses prepared for the two project sites. These studies are provided in Appendix A.

4.1.1 - Environmental Setting

West Mission Street Billboard Project Site

The project site is located in urban, developed areas of the City, adjacent to major roadways. The General Plan land use designation for the West Mission project site is NCC, and its zoning is CP.

The project site is relatively flat, completely paved, and developed as a parking lot. Existing conditions are shown in Figure 7a.

Mabury Road Billboard Project Site

The project site is located in urban, developed areas of the City, adjacent to US-101. The General Plan land use designation for the Mabury Road project site LI and its zoning is also LI.

The project site is relatively flat and developed. The billboard location within the Mabury Road project site is on the paved area, and no other development or construction would occur on the undeveloped area of the site as part of this project. Existing conditions are shown in Figure 7b.

Applicable Plans, Policies, and Regulations

California Outdoor Advertising Act

The California Outdoor Advertising Act (Act) is regulated by the California Department of Transportation (Caltrans) and applies to signs located along primary highways and freeways, including both locations proposed with this project. This Act specifies that if an on-site sign is located within 660 feet of the highway right-of-way and it is a programmable electronic sign, the sign cannot be located within 1,000 feet of another message center display on the same side of the highway. The Act states that no message center display may include illumination or message change that is in motion or appears to be in motion, or that changes in intensity or exposes its message for less than four seconds.[8] Further, this Act generally prohibits signs within 300 feet of the point of intersection of a highway or highway and railroad lines and signs that could prevent any traveler of the highway from having a clear view of approaching vehicles for a distance of at least 500 feet. The Act declares that the maximum ambient light output of a sign should be 0.3 foot-candles at a distance of 350 feet from the signs faces.[9]

[8] California Department of Transportation (Caltrans), Division of Research and Innovation. 2012. Effects of Outdoor Advertising Displays on Driver Safety. October 11. Website: https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/preliminary-investigations/digital-display-safety-pi-a11y.pdf. Accessed December 24, 2023.

[9] Setting a standard in foot-candles is a more appropriate metric by which to judge impacts on sensitive receptors, as a foot-candle measures light intensity experienced at the receptor, whereas measurement in candela/square meters or nits reveals only the intensity of light at its source.

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 Vehicle Miles Traveled (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 clarifies that local governments retain their ability to regulate a project's aesthetics impacts outside of the CEQA process.

California Scenic Highway Program

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by Caltrans. The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. There are no State-designated scenic highways in San José. Interstate 280 (I-280) from the San Mateo County line to SR-17, which includes segments in San José, is an eligible, but not officially designated, State Scenic Highway.

City San José Municipal Code

City of San José Municipal Code (Municipal Code) Chapter 13.32 (Tree Removal Controls) regulates the removal of trees on private property within the City, in part to promote the scenic beauty of the City.

The City's Zoning Ordinance (Title 20 of the Municipal Code) includes design standards, maximum building height, and setback requirements. Title 23 of the Municipal Code contains additional standards and requirements specific to signs, including programmable electronic signs.

City Design Guidelines and Design Review Process

Nearly all new private development is subject to a design review process (architecture and site planning). The design review process is used to evaluate projects for conformance with adopted design guidelines and other relevant policies and ordinances. The City prepared and adopted guidelines to assist those involved with the design, construction, review, and approval of development in San José. Adopted design guidelines include Residential, Industrial, Commercial, Downtown/Historic, and Downtown Design Guidelines.

City Council Policy 6-4: Signs on City-owned Land, Including Billboards, Programmable Electronic Signs, and Signs Displaying Off-site Commercial Speech

Council Policy 6-4 allows for new off-site advertising on City-owned sites throughout the City, including the exchange of existing legal static billboards on other sites for new electronic billboards on City-owned sites, as well as the exchange of existing legal static billboards for new electronic billboards on non-City-owned existing freeway-facing billboard sites and/or new freeway-facing sites

in the North San José Development Policy Area, and new off-site advertising on non-City-owned sites in the Downtown Sign Zone, including exchange of existing legal static billboards on other sites for new electronic billboards in the Downtown Sign Zone. The policy also includes regulations for the implementation of future signs. The policy requires signs to utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that the sign never exceeds a brightness level of three-tenths (0.3) foot-candle (lux) above ambient light. For signs over 1,000 square feet of area, such as the signs proposed by the project, the foot-candles shall be measured at a distance of 350 feet from the sign.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following policies are specific to aesthetic resources and are applicable to the proposed project.

Envision San José 2040 General Plan Relevant Aesthetic Policies

Policies	Description
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 businesses and organizations can effectively communicate through sign displays, promote way finding, achieve visually vibrant streetscapes, and control excessive visual clutter.
Policy CD-10.2	Require that new public and private development adjacent to Gateways, freeways (including U.S.101, I-880, I-680, I-280, SR-17, SR-85, SR-237, and SR-87), and Grand Boulevards consist of high-quality architecture, use high-quality materials, and contribute to a positive image of San José.
Policy CD-10.3	Require that development visible from freeways (including U.S.101, I-880, I-680, I-280, SR-17, SR-85, SR-237, and SR-87) be designed to preserve and enhance attractive natural and man-made vistas.

4.1.2 - Environmental Checklist and Impact Discussion

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?	☐	☐	☐	☒

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☒
4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Impact Discussion

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

No impact. According to Chapter 4, Quality of Life, of the General Plan, scenic resources within the City include the broad sweep of the Santa Clara Valley, the hills and mountains which frame the valley floor, the Baylands, and the urban skyline, particularly high-rise development. Scenic corridors that afford aesthetic views have been designated to help preserve thoroughfares that provide vistas of City's scenic resources. Additionally, the General Plan identifies gateways, urban corridors, and Rural Scenic Corridors as important scenic resources. Gateways announce to a visitor or resident that they are entering the City or a unique neighborhood. Urban corridors designated in the General Plan are all State and Interstate Highways within the City's Sphere of Influence (SOI). Together, gateways and urban corridors contribute greatly to the overall image of the City and the image of its individual communities. The City's SOI also contains a number of Rural Scenic Corridors.[10] The General Plan has several policies that are intended to preserve and enhance these attractive natural and manufactured vistas.

West Mission Street Billboard

The West Mission Street project site is located within an urban, developed area and, according to the General Plan Scenic Corridors Diagram, is not located within or adjacent to City-identified Rural Scenic Corridor.[11] The majority of the City-designated Rural Scenic Corridors are located east of the City's eastern Urban Growth Boundary, over 2 miles away from the project site, across urban development. The nearest Rural Scenic Corridor to the project site is along Penitencia Creek Road, between North Capitol Avenue and North White Road; this Scenic Corridor is approximately 3.6 miles northeast of West Mission Street billboard project site. Because of intervening development,

[10] City of San José Department of Planning, Building and Code Enforcement. 2016. Envision San José 2040 General Plan, Scenic Corridors Diagram. June 6. Website: https://www.sanjoseca.gov/home/showpublisheddocument/22565/636688980487230000. Accessed February 9, 2022.

[11] City of San José. 2016. Envision San José 2040 General Plan Scenic Corridors Diagram. June 6.

the project site is not visible from any of the City-designated scenic corridors and would not obstruct views of or from these scenic corridors.

As depicted in the visual simulations prepared for the proposed project (see Appendix A), existing views for drivers northbound on SR-87 in the vicinity of the West Mission Street billboard project site include urban landscape (buildings and parking lots) on the to the right, where the billboard is proposed to be installed, and trees and a freeway exit ramp on the left. None of these features constitute a scenic resource, scenic vista, or scenic corridor. As shown in Appendix A, the proposed billboard at the West Mission Street billboard project site would only slightly alter the views from SR-87 northbound lanes by obstructing the view of a large institutional building (the Santa Clara County Juvenile Hall).

As such, there would be no impact to scenic vistas from the construction and operation of billboard at the West Mission Street billboard project site.

Mabury Road Billboard

The Mabury Road project site is located within an urban, developed area and, according to the General Plan Scenic Corridors Diagram, is not located within or adjacent to City-identified Rural Scenic Corridor.[12] The majority of the City-designated Rural Scenic Corridors are located east of the City's eastern Urban Growth Boundary, over 2 miles away from the project site, across urban development. The nearest Rural Scenic Corridor to the project site is along Penitencia Creek Road, between North Capitol Avenue and North White Road; this Scenic Corridor is approximately 1.9 miles northeast of the Mabury Road billboard project site. Because of intervening development, the project site is not visible from any of the City-designated scenic corridors and would not obstruct views of or from these scenic corridors. Coyote Creek and the Coyote Creek Trail are located near the western boundary of Mabury Road billboard project site, approximately 150 feet west of the actual sign location. However, because of the intervening vegetation between the trail and the project site, as well as the Mabury Service Yard, the proposed billboard would not be visible from the trail and no impact would occur.

As depicted in the visual simulations prepared for the proposed project (see Appendix A), existing views for drivers northbound and US-101 in the vicinity of the Mabury Road billboard project site include trees, which do not constitute a scenic resource, scenic vista, or scenic corridor. Existing views for driving southbound on US-101 include trees, existing structures, and foothills in the distance.

While the General Plan lists the hills and mountains which frame the Santa Clara Valley floor as a scenic resource, the Mabury Road billboard project site is not located within a General Plan-designated Scenic Corridor. In addition, as shown in Appendix A, from a driver's viewpoint, the proposed billboard would rise above the foothill and would not obstruct their view.

[12] City of San José. 2016. Envision San José 2040 General Plan Scenic Corridors Diagram. June 6.

As such, there would be no impact to scenic vistas from the construction and operation of the proposed billboard at the Mabury Road billboard site.

Billboard Removals

Removal of the 11 billboards identified in Table 1 and Figure 6 would not adversely affect a scenic vista, and there would be no impact as a result of these removals.

2) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway?

No impact.

West Mission Street Billboard

There are no State Scenic Highways near the West Mission Street project site. The nearest officially designated State Scenic Highways is SR-9, over 9 miles southwest of the project site. The nearest route eligible for the State Scenic Highway Program is I-280 from its intersection with I-880 and heading west, which is approximately 2.9 miles southwest of West Mission Street billboard project site.[13] Because of intervening development, the project site is visible from either route. In addition, there are no other scenic resources (General Plan Scenic Corridors Diagram) within the project site's vicinity, at the project site, or visible from the project site. As such, there would be no impact to scenic resources, including trees, rock outcroppings, or historic buildings within a State Scenic Highway.

Mabury Road Billboard

There are no State Scenic Highways near the project site. The nearest officially designated State Scenic Highways is SR-9, over 9 miles southwest of the project site. The nearest route eligible for the State Scenic Highway Program is I-280 from its intersection with I-880 and heading west, which is approximately 4.9 miles southwest of Mabury Road billboard project site.[14] Because of intervening development, the project site is not visible from either route. In addition, there are no other scenic resources (General Plan Scenic Corridors Diagram) within the project site's vicinity, at the project site, or that can be viewed from the project site. As such, there would be no impact to scenic resources, including trees, rock outcroppings, or historic buildings within a State Scenic Highway.

Billboard Removals

Removal of the 11 billboards identified in Table 1 and Figure 6 would not adversely affect views within a State Scenic Highway, and there would be no impact as a result of these removals.

[13] California Department of Transportation (Caltrans). California State Scenic Highway System Map. Website: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa. Accessed August 9, 2023.
[14] Ibid.

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

No impact. Both project sites are located in urbanized areas. A potential impact would occur if a proposed project conflicted with the Outdoor Advertising Act. Per the provisions of the Outdoor Advertising Act discussed above, a programmable electronic sign within 1,000 feet of another programmable electronic sign would not be permitted. Both of the proposed signs would be over 1,000 feet apart and away from other existing signs, in compliance with the Outdoor Advertising Act. Additionally, both signs would comply with all regulations of the City's applicable regulations governing construction and operations of electronic billboards. There would be no impact associated with the construction or operation of billboards at the West Mission Street billboard site or the Mabury Road billboard site.

Removal of the 11 billboards identified in Table 1 and Figure 6 would not conflict with any applicable regulations governing scenic resources, and there would be no impact as a result of these removals.

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

Less than significant impact. Two Photometric Analyses, one for each site, were prepared (Appendix A) to study the proposed billboards screens' output brightness and to determine lighting impacts under no ambient light conditions, which is the worst-case scenario.

West Mission Street Billboard

According to the Photometric Analysis,[15] the Mission Street billboard project site was determined to have output reduced after dark to a level at or below the 330 nits (candela per square meter) level, per Outdoor Advertising Association of America (OAAA) recommendations, and no light levels in excess of 0.3 foot-candle beyond the 350-foot radius, in compliance with the OAAA Standards, were found (see Figure 8a). A portion of the Guadalupe Emergency Interim Housing facility at 702 Guadalupe Parkway is located approximately 350 feet from the proposed billboard location; however, those housing units face southwest toward SR-87; they do not face north toward the sign. Furthermore, City Policy 6-4 states that a sign shall not be visible from any dwelling unit that is located within 150 feet of the sign; the location of the proposed billboard exceeds this distance. Finally, in accordance with City Policy 6-4, the proposed billboard shall not be in operation between midnight and 6:00 a.m.

Therefore, implementation of the West Mission Street billboard would not result in any new source of substantial light or glare which would adversely affect views in the area and impacts would be less than significant.

[15] Exp. 2024. Clear Channel 84 W Mission St, San José, CA Digital Billboard Photometric Analysis. October 8.

Mabury Road Billboard

According to the Photometric Analysis,[16] the Mabury Road billboard project site would not have light levels in excess of 0.3 foot-candle beyond the 350-foot radius of the signs, in compliance with the OAAA Standard (see Figure 8b). The light that does extend past the radius would be less than 0.1 foot-candle and would have little to no impact on surrounding buildings because it is an industrial area of the City, and most of the businesses do not have windows facing the billboard. The existing residential uses across US-101 and beyond sports fields are located more than 1,200 feet from the sign and would not be adversely affected by the digital billboard.

Therefore, implementation of the Mabury Road billboard would not result in any new source of substantial light or glare which would adversely affect views in the area and impacts would be less than significant.

Billboard Removals

Removal of the 11 billboards identified in Table 1 and Figure 6 would not create a new source of light or glare, and there would be no impact as a result of these removals.

Mitigation Measures

None have been identified.

Standard Permit Conditions

None have been identified.

4.1.3 - Conclusion

Impacts related to aesthetics would be less than significant.

[16] Exp. 2024. Clear Channel 1404 Mabury Rd, San José, CA Digital Billboard Photometric Analysis. March 18.

View west along West Mission Street.

View south along Guadalupe Parkway.

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Figure 7a
Existing Conditions, West Mission Street Billboard

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View east within Mabury Road Yard toward the proposed billboard location.

View within Mabury Road Yard west toward Coyote Creek.

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Figure 7b
Existing Conditions, Mabury Road Billboard

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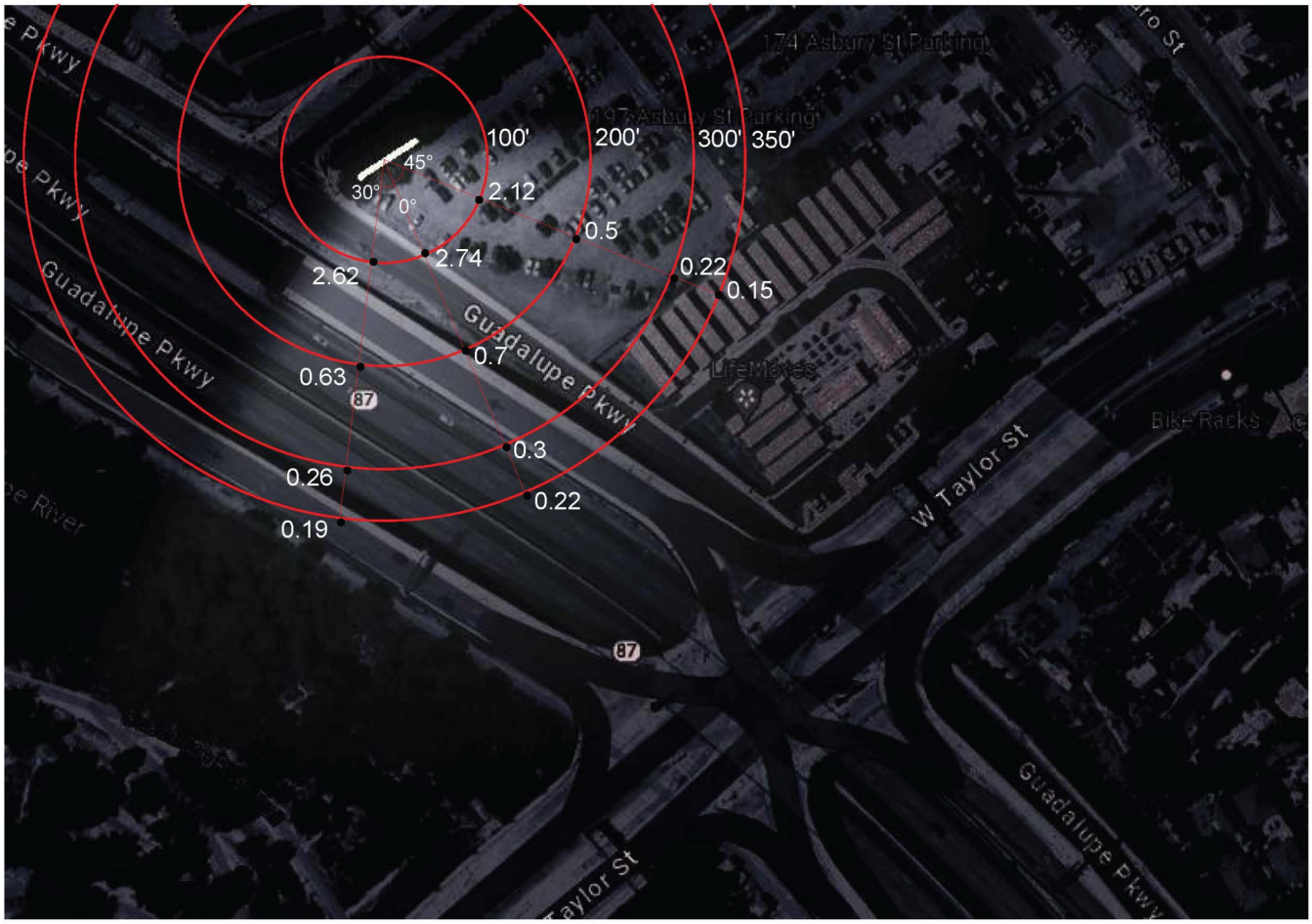

SHEET 2: Plan showing OAAA compliance measurements in Footcandles at 0°, 30°, & 45° emanating directly outward from the center of the sign (at +48'), parallel to the ground, out to 350' from the face.

Source: exp, 10/08/2024

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Figure 8a
OAAA Compliance
West Mission Street Billboard

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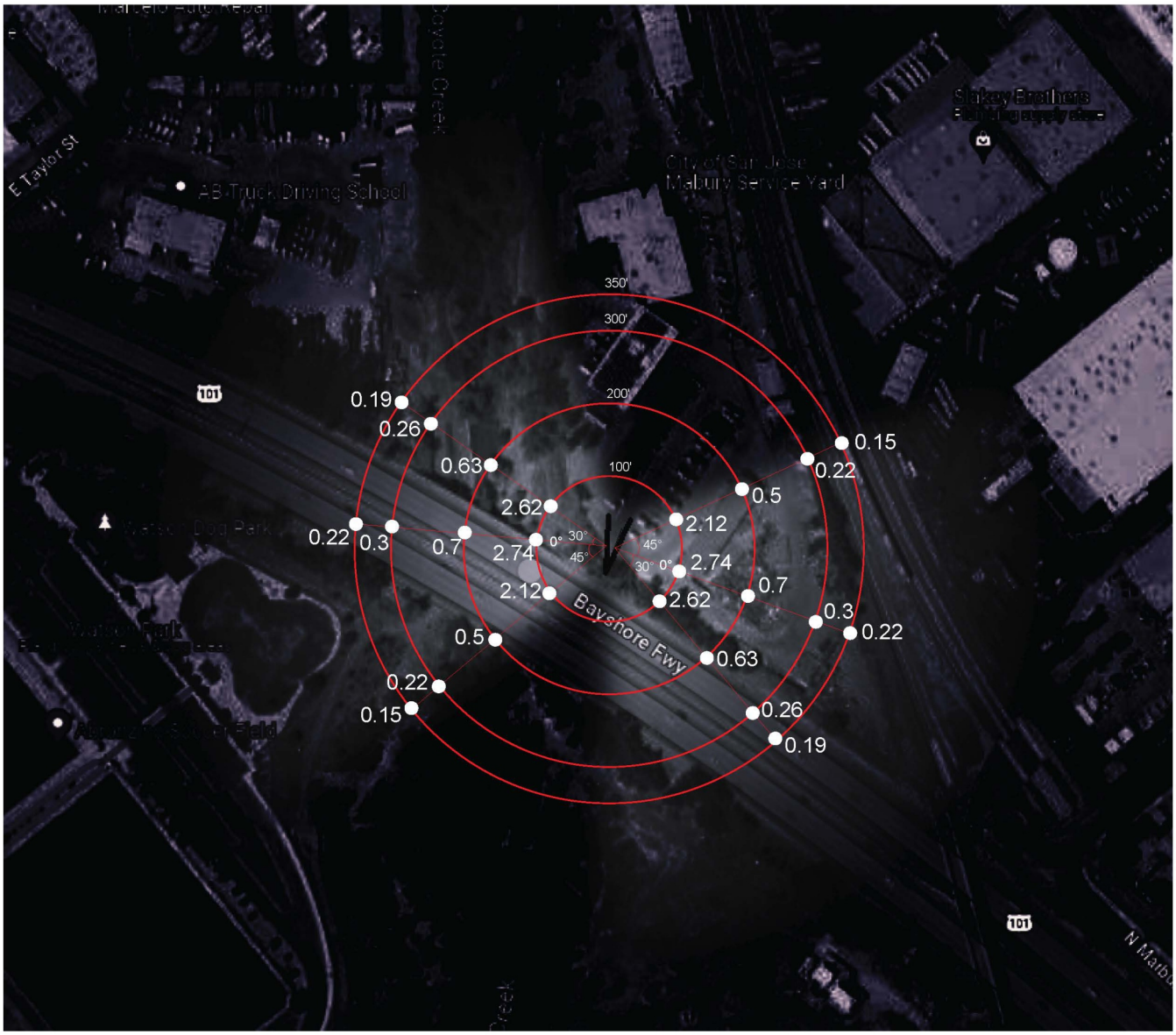

SHEET 2: Plan showing OAAA compliance measurements in Footcandles at 0°, 30°, & 45° emanating directly outward from the center of the sign (at +48'), parallel to the ground, out to 350' from the face.

Source: exp, 01/26/2024

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Figure 8b
OAAA Compliance
Mabury Billboard

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4.2 - AGRICULTURAL AND FORESTRY RESOURCES

This section describes the existing agricultural and forestry resources setting and the potential impacts from project implementation on the project sites and their surrounding areas.

4.2.1 - Environmental Setting

The project sites are located within urban, developed area of the City. There are no agriculture or forestry operations in the vicinity of the project sites, nor are the project sites subject to Williamson Act Contracts. The General Plan land use designation for the West Mission Street billboard project site is NCC and the zoning is CP; the General Plan land use designation for the Mabury Road billboard project site is LI and the zoning is LI.

Applicable Plans, Policies, and Regulations

Farmland Mapping and Monitoring Program

The State legislature established the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) in 1982 to assess the location, quality, and quantity of agricultural lands and conversion of them over time. The FMMP classifies the Mission Street billboard project site and the Mabury Road billboard project site and their surroundings as "Urban and Built-Up Land."[17] Common examples of "Urban and Built-Up Land" are residential, institutional, industrial, commercial, landfill, golf course, airports, and other utility uses.

The City has not designated the project sites for agricultural use. The majority of West Mission Street billboard project site is used as a parking lot, and the southwestern portion of it is vacant. Mabury Road billboard project site is occupied by the City's Mabury Service Yard.

Williamson Act

The Williamson Act, classified in 1965 as the California Land Conservation Act, allows local governments to enter into contracts with private landowners, offering tax incentives in exchange for an agreement that the land will remain undeveloped or related open space use only for a period of 10 years. The project sites are not subject to a Williamson Act Contract.

Envision San José 2040 General Plan

The General Plan does not include agricultural and forestry resources-related policies that are applicable to the proposed project.

[17] California Department of Conservation. 2016. California Important Farmland Finder. Website: https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed July 28, 2023.

4.2.2 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	☐	☐	☐	☒
2. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	☐	☐	☐	☒
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
4. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Impact Discussion

1) 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 nonagricultural use?

No Impact. The project proposes construction of two billboards within an urban, developed area of the City. It would not support agricultural activities. The California Department of Conservation designates the project sites as Urban and Built-up Land. [18] The proposed project would not support agricultural activities. As discussed above, the project sites are designated as Urban and Built-Up Land by the FMMP and are not considered Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. For these reasons, the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural use. No impact would occur.

[18] California Department of Conservation. 2016. California Important Farmland Finder. Website: https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed July 28, 2023.

The 11 billboards identified for removal are located in urban, developed areas of the City and would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural use. No impact would occur.

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

No impact. West Mission Street billboard project site is zoned CP, and Mabury Road billboard project site is zoned LI.

The CP zoning district is intended to support pedestrian-oriented retail activity at a scale compatible with surrounding residential neighborhoods. This district is designed to support the goals and policies of the General Plan related to Neighborhood Business Districts. The CP District also encourages mixed residential/commercial development where appropriate and is designed to support the commercial goals and policies of the General Plan in relation to Urban Villages. This district is also intended to support intensive pedestrian-oriented commercial activity and development consistent with General Plan urban design policies. West Mission Street billboard project site is not zoned for agricultural use.

A wide variety of industrial uses are permitted uses in the LI zoning district and typically include warehousing, wholesaling, and light manufacturing. Sites designated LI may also contain service establishments that serve only employees of businesses located in the industrial areas. When located within an area with a combined industrial/commercial general plan designation, a broader range of uses will be considered including uses such as retail, church/religious assembly, social and community centers, recreational uses, or similar uses but only when the non-industrial use does not result in the imposition of additional constraints on neighboring industrial users in the exclusively industrial areas. Uses with unmitigated hazardous or nuisance effects are not permitted in this zoning district. Mabury Road billboard project site is not zoned for agricultural use.

The project sites are not subject to a Williamson Act Contract, as indicted by the Santa Clara GIS Property Assessment interactive mapping tool.[19] Therefore, the proposed project would not conflict with agricultural zoning or with a Williamson Act Contract. No impact would occur.

The 11 billboards identified for removal are located in urban, developed areas of the City. They are not zoned for agricultural use and are not under Williamson Act Contracts. No impact would occur.

3) 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))?

No impact. The project sites are zoned CP and LI, which are non-forest zoning designations. The project sites are not zoned as forest land, timberland, or timberland zoned Timberland Production.

[19] County of Santa Clara. Williamson Act Properties. Website: https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce. Accessed August 11, 2023.

Therefore, the proposed project would not conflict with existing zoning or cause rezoning of forest land, timberland, or timberland zoned Timberland Production. No impact would occur.

The 11 billboards identified for removal are located in urban, developed areas of the City. They are not zoned as forest land, timberland, or timberland zoned Timberland Production. No impact would occur.

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

No Impact. The project sites do not contain, nor are they adjacent to, forest land. Therefore, the proposed project would not result in a loss of forest land or a conversion of forest land to non-forest uses. No impact would occur.

The 11 billboards identified for removal are located in urban, developed areas of the City and would not result in conversion of forest land to non-forest use. No impact would occur.

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

No impact. The project sites are not located within areas zoned for agriculture or forestry-related uses. There is no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance in the City. Furthermore, the project sites are not forested. For these reasons, the proposed project would not result in the conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use. No impact would occur.

Removal of the 11 billboards would not result in conversion of farmland to nonagricultural use or conversion of forest land to non-forest use. No impact would occur.

Mitigation Measures

None have been identified.

Standard Permit Conditions

None have been identified.

4.2.3 - Conclusion

There would be no impacts to agricultural or forestry resources.

4.3 - AIR QUALITY

This section describes existing air quality conditions regionally and locally as well as the relevant regulatory framework. This section also evaluates the possible impacts related to air quality that could result from implementation of the proposed project. Information included in this section is based on project-specific air quality modeling results utilizing California Emissions Estimator Model (CalEEMod) Version 2022.1. Complete modeling output is provided in Appendix B.[20]

4.3.1 - Environmental Setting

The proposed project is located within the San Francisco Bay Area Air Basin (Air Basin), which consists of the entirety of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties; the western portion of Solano County; and the southern portion of Sonoma County. The Air Basin is characterized by complex terrain consisting of coastal mountain ranges, inland valleys, and bays. The regional climate of the Air Basin is characterized by mildly dry summers and moderately wet winters.

The proximity of San José to both the Pacific Ocean and San Francisco Bay has a moderating influence on the climate. Meteorological factors make air pollution potential in the Santa Clara Valley quite high. Northwest winds and northerly winds are most common in the project area, reflecting the orientation of the Bay and the San Francisco Peninsula. Winds from these directions carry pollutants released by autos and factories from upwind areas of the Peninsula toward San José, particularly during the summer months. Winds are lightest on average in fall and winter. Prevailing winds during the summer and fall can transport and trap ozone precursors from the more urbanized portions of the Bay Area. Every year in fall and winter there are periods of several days when winds are very light and local pollutants can accumulate.

The combined effects of moderate ventilation, frequent inversions that restrict vertical dilution, and terrain that restricts horizontal dilution give San José a relatively high atmospheric potential for pollution compared to other parts of the San Francisco Bay Air Basin and provide a high potential for transport of pollutants to the east and south.

The air pollutants for which national and State standards have been promulgated and that are most relevant to air quality planning and regulation in the Bay Area include ozone; nitrogen oxides (NO_X); carbon monoxide (CO); particulate matter, including dust, 10 micrometers or less in diameter (PM_{10}); and particulate matter, including dust, 2.5 micrometers or less in diameter ($PM_{2.5}$). In addition, toxic air contaminants (TACs) are of concern in the Bay Area. Each of these pollutants is briefly described below. Other pollutants that are regulated but not considered an issue in the project area are sulfur dioxide, vinyl chloride, sulfates, hydrogen sulfide, and lead; the proposed project would not emit substantial quantities of those pollutants, so they are not discussed further in this section.

Ozone is a gas that is formed when reactive organic gases (ROG) and NO_X—both byproducts of internal combustion engine exhaust—undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct

[20] Modeling was conducted in February 2024, when the proposed project included removal of 13 existing billboard. Since then, project components have changed and now include removal of only 11 existing billboards. As such air quality impacts based on the modeling would be greater than actual impacts.

sunlight, light wind, and warm temperature conditions are conducive to its formation. Its effects can include the following: irritate respiratory system; reduce lung function; cause breathing pattern changes; reduce breathing capacity; inflame and damage cells that line the lungs; make lungs more susceptible to infection; aggravate asthma; aggravate other chronic lung diseases; cause permanent lung damage; cause some immunological changes; increase mortality risk; and cause vegetation and property damage.

CO is a colorless, odorless gas produced by the incomplete combustion of fuels. CO concentrations tend to be the highest during winter mornings, with little to no wind, when surface-based inversions trap the pollutant at ground levels. Because CO is emitted directly from internal combustion engines—unlike ozone—and motor vehicles operating at slow speeds are the primary source of CO in the Bay Area, the highest ambient CO concentrations are generally found near congested transportation corridors and intersections. Potential health effects from CO ranges depending on exposure: slight headaches; nausea; aggravation of angina pectoris (chest pain) and other aspects of coronary heart disease; decreased exercise tolerance in persons with peripheral vascular disease and lung disease; impairment of central nervous system functions; possible increased risk to fetuses; and death.

PM_{10} and $PM_{2.5}$ consist of extremely small, suspended particles or droplets 10 microns and 2.5 microns or smaller in diameter, respectively. Some sources of particulate matter, like pollen and windstorms, are naturally occurring. However, in populated areas, most particulate matter is caused by road dust, diesel soot, combustion products, abrasion of tires and brakes, and construction activities. Health effects from short-term exposure (hours per days) can include the following: irrigation of the eyes, nose, throat; coughing; phlegm; chest tightness; shortness of breath; aggravation of existing lung disease causing asthma attacks and acute bronchitis; those affected with heart disease can suffer heart attacks and arrhythmias. Health effects from long-term exposure can include the following: reduced lung function; chronic bronchitis; changes in lung morphology; and death.

TACs refer to a diverse group of air pollutants that can affect human health but have not had ambient air quality standards established for them. Diesel particulate matter (DPM) is a toxic air contaminant that is emitted from construction equipment and diesel-fueled vehicles and trucks. Some short-term (acute) effects of DPM exposure include eye, nose, throat, and lung irritation, coughs, headaches, light-headedness, and nausea. Studies have linked elevated particle levels in the air to increased hospital admissions, emergency room visits, asthma attacks, and premature deaths among those suffering from respiratory problems. Human studies on the carcinogenicity of DPM demonstrate an increased risk of lung cancer, although the increased risk cannot be clearly attributed to diesel exhaust exposure.

Construction and operation of the proposed project would be subject to applicable BAAQMD rules and requirements. The BAAQMD CEQA Guidelines were developed to assist local jurisdictions and lead agencies in complying with the requirements of CEQA regarding potentially adverse impacts to air quality.[21]

[21] Bay Area Air Quality Management District (BAAQMD). 2022. CEQA Guidelines. April. Website: https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines. Accessed December 22, 2023.

Applicable Plans, Policies and Regulations

Federal Clean Air Act

The federal Clean Air Act establishes pollutant thresholds for air quality in the United States and the United States Environmental Protection Agency (EPA) administers it at the federal level. The EPA is responsible for establishing the National Ambient Air Quality Standards (NAAQS), which are required under the federal Clean Air Act and have been established for six major air pollutants: CO, NO_X, ozone, PM_{10}, $PM_{2.5}$, SO_X, and lead.

California Clean Air Act

In addition to being subject to federal requirements, California has its own more stringent regulations under the California Clean Air Act, which is administered by the California Air Resources Board (ARB) at the State level under the California EPA (Cal/EPA). The ARB is responsible for meeting the State requirements of the federal Clean Air Act, administering the California Clean Air Act, and establishing the California Ambient Air Quality Standards (CAAQS). The California Clean Air Act requires all air districts in the State to achieve and maintain CAAQS.

Clean Air Plan

The BAAQMD is primarily responsible for assuring that the NAAQS and CAAQS are attained and maintained in the Air Basin. Santa Clara County, and the Bay Area as a whole, is classified as a nonattainment area for the 8-hour ozone and $PM_{2.5}$ NAAQS and nonattainment for the ozone, PM_{10}, and $PM_{2.5}$ CAAQS. The County is either in attainment or unclassified for other pollutants.

Regional air quality management districts, such as the BAAQMD, must prepare air quality plans (AQPs) specifying how State air quality standards would be met. The BAAQMD's most recently adopted AQP is the 2017 Clean Air Plan: Spare the Air, Cool the Climate. The 2017 Clean Air Plan focuses on two closely related BAAQMD goals, protecting public health and protecting the climate. To protect public health, the 2017 Clean Air Plan describes how the BAAQMD will continue its progress toward attaining State and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To that end, the 2017 Clean Air Plan includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as PM, ozone, and TACs. To protect the climate, the 2017 Clean Air Plan includes control measures intended to reduce greenhouse gas (GHG) emissions by reducing fossil fuel combustion.

The BAAQMD also has permit authority over stationary sources, acts as the primary reviewing agency for environmental documents, and develops regulations that must be consistent with or more stringent than, federal and State air quality laws and regulations.

BAAQMD CEQA Air Quality Guidelines

The BAAQMD is the primary agency responsible for ensuring that air quality standards (NAAQS and CAAQS) are attained and maintained in the Air Basin through comprehensive planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The BAAQMD prepares plans to attain ambient air quality standards in the Air Basin and prepares ozone attainment plans for the national ozone standard, Clean Air Plans for the California standard, and

particulate matter plans to fulfill federal air quality planning requirements. The BAAQMD also inspects stationary sources of air pollution; responds to citizen complaints; monitors ambient air quality and meteorological conditions; and implements programs and regulations required by the Clean Air Act and the California Clean Air Act.

In April 2022, BAAQMD updated the CEQA Guidelines that supersede the previous guidance. BAAQMD's CEQA Guidelines for implementation of the thresholds are for informational purposes only, to assist local agencies.

Envision San José 2040 General Plan

The General Plan includes policies applicable to all development projects in San José. Various policies in the General Plan have been adopted for reducing or avoiding impacts related to air quality, listed below.

Envision San José 2040 General Plan Relevant Air Quality Policies

Policies	Description
Policy MS-10.1	Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to State and federal standards. Identify and implement air emissions 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-11.1	Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
Policy MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
Policy MS-11.3	Review projects generating significant heavy-duty truck traffic to designate truck routes that minimize exposure of sensitive receptors to TACs and particulate matter.
Policy MS-11.4	Encourage the installation of air filtration, to be installed 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.
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 separate distance will be determined based upon the type, size and operations of the facility.

Envision San José 2040 General Plan Relevant Air Quality Policies

Policies	Description
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 a minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
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 Toxic Control Measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

4.3.2 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
2. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard?	☐	☐	☒	☐
3. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
4. Result in other emissions (such as those leading to odors or) adversely affecting a substantial number of people?	☐	☐	☒	☐

Threshold of Significance

Where available, the significance criteria established or recommended by the BAAQMD were used to make the following CEQA significance determinations. The BAAQMD has adopted standards of significance for construction and operation. The thresholds of significance are shown in Table 2. In developing thresholds of significance for air pollutants, the BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions.

Table 2: BAAQMD Thresholds of Significance

Pollutant	Construction Thresholds Average Daily Emissions (lbs/day)	Operational Thresholds	
		Average Daily Emissions (lbs/day)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG	54	54	10
NO_X	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Construction Dust Ordinance, other Best Management Practices (BAAQMD Basic Construction Mitigation Measures)	Not Applicable	
Health Risks and Hazards for New Sources			
Excess Cancer Risk	10 per one million	10 per one million	
Chronic or 1-hour Acute Hazard Index	1.0	1.0	
Incremental annual average $PM_{2.5}$	0.3 µg/m^3	0.3 µg/m^3	
Health Risks and Hazards for Sensitive Receptors (Cumulative from All Sources within 1,000-Foot Zone of Influence) and Cumulative Thresholds for New Sources			
Excess Cancer Risk	100 per 1 million		
Chronic Hazard Index	10.0		
Annual Average $PM_{2.5}$	0.8 µg/m^3		

Notes:
µg/m^3 = micrograms per cubic meter
BAAQMD = Bay Area Air Quality Management District
CO = carbon monoxide
lbs = pounds
NO_X = nitrogen oxides
PM_{10} = particulate matter, including dust, 10 micrometers or less in diameter
$PM_{2.5}$ = particulate matter, including dust, 2.5 micrometers or less in diameter
ROG = reactive organic gases
Source: Bay Area Air Quality Management District (BAAQMD). 2022. California Environmental Quality Act Air Quality Guidelines. April.

Impact Discussion

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

Less than significant impact. The 2017 Clean Air Plan is the currently applicable regional AQP for the Air Basin. The primary goals of the 2017 Clean Air Plan are to protect public health and protect the climate. The 2017 Clean Air Plan acknowledges that the BAAQMD's two stated goals of protection

are closely related. As such, the 2017 Clean Air Plan identifies a wide range of control measures intended to decrease both criteria pollutants and GHG emissions. Because the proposed project does not involve population or employment growth, determining consistency with the 2017 Clean Air Plan involves assessing whether applicable control measures contained in the 2017 Clean Air Plan are implemented and whether implementation of the proposed project would disrupt or hinder implementation of AQP control measures. The control measures are organized into five categories: stationary and area source control measures, mobile source measures, transportation control measures, land use and local impact measures, and energy and climate measures. The control measures are geared toward traditional land uses (e.g., residential, commercial, and industrial uses) and buildings. None of the control measures contained in the 2017 Clean Air Plan are applicable to the removal or operation of electronic billboards; however, all projects within BAAQMD's jurisdiction are required to implement the BAAQMD Best Management Practices (BMPs) during construction activities. Standard Permit Condition SC AQ-1 requires the inclusion of BMPs recommended by the BAAQMD. Similarly, the applicant would be required to comply with applicable BMPs in the removal of the 11 billboards.

Furthermore, the proposed project would not include any special features that would disrupt or hinder implementation of the AQP control measures. Therefore, the proposed project would not conflict with or obstruct implementation of the 2017 Clean Air Plan. This impact would be less than significant.

2) Would the project 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)

Less than significant impact. The BAAQMD's thresholds of significance represent the allowable amount of emissions a project can generate without generating a cumulatively considerable contribution to regional air quality impacts. Therefore, a project that would not exceed the BAAQMD thresholds of significance on a project-level also would not be considered to result in a cumulatively considerable contribution to these regional air quality impacts. The region is nonattainment for the federal and State ozone standards, State PM_{10} standards, and federal and State $PM_{2.5}$ standards. Impacts related to construction and operations of the proposed project are addressed separately below. For purposes of this air quality analysis, construction emissions include estimates for the activities associated with the demolition of the 11 existing billboards and the installation of two new electronic billboards.

Construction Emissions

Emissions from construction-related activities are generally short-term in duration but may still cause adverse air quality impacts. The proposed project would generate emissions from construction equipment exhaust, worker travel, and fugitive dust. These construction emissions include criteria air pollutants and precursors from the operation of heavy construction equipment. As discussed below, the proposed project's construction schedule is estimated to be completed within 10 working days, and construction emissions would not exceed any significance threshold adopted for this

proposed project. Therefore, the proposed project would have a less than significant contribution to cumulative impacts during construction.

Construction Fugitive Dust

For all proposed projects, the BAAQMD requires the implementation of BMPs to ensure that construction-related fugitive dust emissions are considered less than significant. The City has similar best practices as part of the standard condition listed below that all projects must implement during construction. With the incorporation of this condition, short-term construction fugitive dust impacts would be less than significant.

Construction: ROG, NO_X, PM_{10} (exhaust), and $PM_{2.5}$ (exhaust)

Construction emissions were estimated for the activities associated with the demolition of 13 existing billboards and the installation of two new electronic billboards.[22] The existing billboards would be removed at the base and no excavation would be required. For the purpose of air emission modeling, it is estimated that construction activities associated with the proposed project would last 2 weeks, or 10 workdays. The construction schedule used to estimate emissions is shown in Table 3. Details related to construction equipment and trips assumptions can be found in Appendix B.

Table 3: Construction Schedule as Analyzed in Air Quality Modeling

Phase	Total Number of Working Days
Demolition of 13 Existing Billboards	
Demolition	2
Construction of New Electronic Billboards	
Trenching	2
Grading	2
Building Construction (Installation of Billboards)	2
Paving	2
Note: Modeling was based on removal of 13 existing billboards, inflating the actual impact of the proposed removal of 11 billboards. For the purpose of air emission modeling, it was previously anticipated that a total of 2 working days would be needed to demolish all billboards slated to be removed, as shown in this table. The actual demolition schedule is to remove one billboard per day, which would be 11 days. Because demolition is compressed into 2 total days in CalEEMod, the overall average daily emissions from construction would be higher than a longer construction schedule. Therefore, the emissions as shown in Table 4 are conservative estimates. Source: California Emissions Estimator Model (CalEEMod) Output. (See Appendix B.)	

Annual project construction emissions are shown in Table 4.

[22] As noted above, modeling was based on removal of 13 existing billboards, inflating the actual impact of the proposed removal of 11 billboards.

Table 4: Construction Emissions

Construction Activity	Regional Pollutant Emissions (lbs)			
	ROG	NO_X	PM_{10} (Exhaust)	$PM_{2.5}$ (Exhaust)
Demolition	12.3	108.3	4.6	4.2
Trenching	1.3	10.6	0.5	0.5
Grading	6.3	60.0	2.8	2.6
Installation of Billboards	1.6	16.0	0.6	0.6
Paving	2.4	18.9	0.9	0.8
Total Emissions (lbs)	**23.9**	**213.8**	**9.4**	**8.6**
Average Daily Emissions (lbs/day)[1]	**2**	**21**	**1**	**1**
BAAQMD Significance Threshold (lbs/day)[1]	**54**	**54**	**82**	**54**
Exceed Threshold?	**No**	**No**	**No**	**No**

Notes:
CO = carbon monoxide
lbs = pounds
NO_X = nitrogen oxides
PM_{10} = particulate matter less than 10 microns in diameter
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
SO_X = sulfur oxides
VOC = volatile organic compound
[1] Average daily emissions equal total emissions divided by working days, which is 10 days for the proposed project.
Source of Table: Appendix B.

As shown in Table 4, the combined construction emissions from all components of the proposed project are well below the recommended thresholds of significance. Therefore, project construction would have a less than significant impact.

Operational Emissions

The proposed project would generate operational emissions principally from vehicle traffic due to maintenance vehicles accessing the site. The following analysis relates to localized and regional criteria pollutant impacts. Emissions resulting from various aspects of the proposed project are discussed separately below.

Operations: ROG, NO_X, PM_{10}, and $PM_{2.5}$

The BAAQMD has developed screening criteria whereby the lead agency can quickly determine whether a given development project has the potential to exceed adopted significance thresholds. If all screening criteria are met by a proposed project, then the lead agency would not need to perform a detailed air quality assessment of their project's air pollutant emissions. Although the screening criteria do not include a category for billboards, a comparison to the land uses in that screening table can be used to inform the operational analysis. For comparison, the BAAQMD has determined that a

multi-family apartment development of up to 638 units would not violate emission significance thresholds during project operation.[23]

During operation, the proposed project would operate two new electronic billboard structures, which would require minimal and irregular maintenance vehicle trips which would occur only as needed (less than once per month and likely only one vehicle per billboard). Additionally, project operations would not include other sources of emissions as the proposed project would be limited to the operation of two electronic billboards and would not include other land uses, such as an industrial processing facility or a gas station. As such, operation of the proposed project would entail significantly less activity than operation of a 638-unit apartment building. Accordingly, operational criteria pollutant emissions would not be anticipated to exceed the recommended thresholds of significance. Therefore, the proposed project's long-term operational impacts would be less than significant.

Operational CO Hotspots

CO emissions from project-related traffic would be the pollutant of greatest concern at the local level because congested intersections with large volumes of traffic have the greatest potential to cause high, localized concentrations of CO.

The BAAQMD recommends a screening analysis to determine whether a project has the potential to contribute to a CO hotspot. The screening criteria identify when subsequent site-specific CO dispersion modeling is necessary.

The BAAQMD considers a project's local CO emissions to be less than significant if one of the following screening criteria is met:

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

Billboards require occasional upkeep and maintenance activities, which generate vehicle trips. The long-term operation of the proposed electronic billboards would include minimal vehicle trips related to maintenance activities, occurring only as needed (less than once per month and likely only one vehicle per billboard). The expected increase in traffic would not substantially increase traffic volumes at any affected intersection. Therefore, the proposed project would not exceed the CO

[23] Bay Area Air Quality Management District (BAAQMD). 2022. California Environmental Quality Act (CEQA) Guidelines. April. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-4-screening_final-pdf.pdf?la=en. Accessed February 18, 2024.

screening criteria. Furthermore, the adjacent roadways are not located in an area where vertical or horizontal mixing is substantially limited. Therefore, based on the above criteria, the proposed project would have a less than significant impact related to CO hotspots.

In conclusion, the proposed project would not result in a cumulatively considerable net increase of any criteria pollutants during construction or operation. Impacts would be less than significant.

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

Less than significant impact. The BAAQMD considers a sensitive receptor to be any facility or land use that includes members of the population who are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. If a project is likely to be a place where people live, play, or convalesce, it should be considered a receptor. It should also be considered a receptor if sensitive individuals are likely to spend a significant amount of time there. Examples of receptors include residences, schools and school yards, parks and playgrounds, daycare centers, nursing homes, and medical facilities.

- West Mission Street Billboard: The Guadalupe Emergency Interim Housing facility is located at 702 Guadalupe Parkway, directly adjacent to the parking lot where the West Mission Street billboard would be located. There are single-family homes located approximately 850 feet southeast, across Taylor Street, from the West Mission Street billboard project site.
- Mabury Road Billboard: There are no sensitive receptors within 1,000 feet of the Mabury Road billboard project site.

The following analysis evaluates whether the proposed project would result in construction or operational-period impacts to sensitive receptors. The following three criteria were applied to determine whether project emissions would result in less than significant impacts to sensitive receptors:

> **Criterion 1:** Construction of the project would not result in localized emissions that, if when combined with background emissions, would result in exceedance of any health-based air quality standard.
>
> **Criterion 2:** Operation of the project would not result in localized emissions that, if when combined with background emissions, would result in exceedance of any health-based air quality standard.
>
> **Criterion 3:** Construction of the project would not result in an exceedance of asbestos exposure.

Criterion 1: Project Construction Toxic Air Pollutants

The proposed project would generate TACs, such as DPM, during construction due to the use of off-road construction equipment. DPM is represented as exhaust emissions of $PM_{2.5}$ and PM_{10}. As shown in Table 4, project construction would emit at most 10 pounds total of $PM_{2.5}$ exhaust and PM_{10} exhaust. As discussed in Impact 4.3(b), emissions during construction would not exceed the

BAAQMD's significance thresholds for $PM_{2.5}$ and PM_{10} and would not be expected to result in concentrations that could exceed ambient air quality standards or contribute substantially to an existing exceedance of an ambient air quality standard. Given the small scale and short duration of construction, TAC emissions, and thus impacts to receptors, would be negligible. The proposed demolition of existing billboards would release TAC emissions elsewhere at various locations where sensitive receptors could be in proximity; however, demolition would take approximately one to two days and no excavation would be needed. TAC emissions from billboard demolitions would also be negligible. Therefore, construction of the proposed project would not result in significant TAC impacts to sensitive receptors. Impacts relating to Criterion 1 would be less than significant.

Criterion 2: Project Operation Localized Emissions

The proposed project would entail the operation of two electronic billboard structures, which is not a land use which would result in substantial localized emissions. Maintenance would involve irregular trips to the sites, usually involving only one light vehicle per billboard. Furthermore, as discussed in Impact 4.3(b), the proposed project's operational vehicle trips would not result in an increase in traffic volumes such that a CO hotspot would occur. Therefore, the proposed project would not expose sensitive receptors to substantial criteria air pollutant concentrations during operation or result in localized emissions that, when combined with background emissions, would result in exceedance of any health-based air quality standard. Impacts relating to Criterion 2 would be less than significant.

Criterion 3: Asbestos from Demolition

The age of the existing billboards slated for removal is unknown; therefore, there is potential for asbestos-containing materials to be present within the project area because of the presence of structures that predate the federal prohibition of asbestos-containing materials. Any demolition of existing buildings and structures would be subject to BAAQMD Regulation 11, Rule 2 (Asbestos Demolition, Renovation, and Manufacturing), which is intended to limit asbestos emissions from demolition or renovation of structure and the associated disturbance of asbestos-containing waste material generated or handled during these activities.[24] By complying with BAAQMD Regulation 11, Rule 2, thereby minimizing the release of airborne asbestos emissions, demolition activity would not result in a significant impact to air quality. Impacts relating to Criterion 3 would be less than significant.

Therefore, the proposed project would not expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant.

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

Less than significant impact. The proposed electronic billboards would not be a source of other emissions, such as those leading to odors, during operations because electronic billboards would not result in emissions of odors. For example, the proposed project would not include sanitary sewer

[24] Bay Area Air Quality Management District (BAAQMD). 1998. Regulation 11, Rule 2. Website: https://www.baaqmd.gov/~/media/dotgov/files/rules/reg-11-rule-2-asbestos-demolition-renovation-and-manufacturing/documents/rg1102.pdf?la=en. Accessed July 8, 2024.

processing plants or coffee roasting facilities that generate significant odors. During construction, including the removal of 11 existing billboards, a limited number of diesel engines would be operated on each project site for limited durations. Diesel exhaust and ROGs from these diesel engines would be emitted during construction of the proposed project, which are objectionable to some; however, project construction is expected to be short-term (2 weeks), emissions would disperse rapidly from the project site, and diesel exhaust odors would be consistent with existing vehicle odors in the area. Furthermore, the proposed project includes 13 unique locations, one for each proposed installation or removal; therefore, emissions and associated odor would be spread widely over their respective areas and not concentrated to a single location. Considering this information, neither construction and operation of the proposed billboards or the removal of 11 existing billboards would create other emissions or odors adversely affecting a substantial number of people; impacts would be less than significant.

Mitigation Measures

None have been identified.

Standard Permit Conditions

Construction-related Air Quality

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

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

ii. Cover all haul trucks transporting soil, sand, and other loose materials off-site.

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

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

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

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

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

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

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

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

xi. 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.

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

4.3.3 - Conclusion

With adherence to Standard Permit Conditions, impacts to air quality would be less than significant.

4.4 - BIOLOGICAL RESOURCES

This section evaluates potential effects on biological resources that may result from the construction of two proposed billboards within the City of San José. Prior to the field survey, a FirstCarbon Solutions (FCS) Biologist reviewed the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB), a special-status species and plant community account database; the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) system; and the California Native Plant Society (CNPS) Electronic Inventory (CNPSEI) of Rare and Endangered Vascular Plants of California database for the *San José West, California* USGS 7.5-minute Topographic Quadrangle Map and the eight surrounding quadrangles (Appendix C). An on-site assessment of biological resources was completed by a qualified FCS Biologist on September 14, 2023. In addition, a Light Analysis and a SITELINE Analysis were conducted for the proposed Mabury Road billboard and are included in Appendix C

4.4.1 - Environmental Setting

The project parcels lie within the central portion of the Santa Clara Valley. The Santa Clara Valley is bounded by the Diablo Range to the northeast and by the Santa Cruz Mountains to the southwest, which separate the valley from the Pacific Ocean. Much of the valley is urbanized, although the far southern reaches remain more agrarian. Billboards are proposed to be installed at two separate project parcels, hereafter referred to as West Mission Street billboard and Mabury Road billboard.

West Mission Street Billboard

The West Mission Street billboard is proposed to be installed at the southeastern corner of Mission Street and the Guadalupe Parkway frontage road to the east of SR-87. This parcel is bounded by development on all sides, specifically by the offices associated with the San José Police Department to the north, an active parking lot to the south and east, and SR-87 to the west. The Guadalupe River is located on the west side of SR-87, approximately 400 feet from the proposed billboard parcel and the proposed billboard footing location is approximately 375 feet from the Guadalupe River. See Figure 2b.

Mabury Road Billboard

The Mabury Road billboard is proposed to be installed at 1404 Mabury Road. The parcel is bordered by commercial development to the north, BART spur tracks and industrial developments to the east, US-101 and vacant land to the south, and Coyote Creek to the west. The edge of the riparian corridor associated with Coyote Creek is located approximately 150 feet from the proposed billboard location. The project parcel is fully built out, surrounded by a chain-link fence, and functions as an active maintenance yard operated by the City of San José. See Figure 2c.

Applicable Plans, Policies, and Regulations

Federal Endangered Species Act

The USFWS has jurisdiction over species listed as threatened or endangered under the federal Endangered Species Act. Section 9 of the Endangered Species Act protects listed species from "take," which is broadly defined as actions taken to "harass, harm, pursue, hunt, shoot, wound, kill, trap,

capture, or collect, or attempt to engage in any such conduct." The Endangered Species Act protects threatened and endangered plants and animals and their critical habitat. Candidate species are those proposed for listing; these species are usually treated by resource agencies as if they were actually listed during the environmental review process. Procedures for addressing impacts to federally listed species follow two principal pathways, both of which require consultation with the USFWS, which administers the Endangered Species Act for all terrestrial species. The first pathway is the Section 10(a) incidental take permit, which applies to situations where a non-federal government entity must resolve potential adverse impacts to species protected under the Endangered Species Act. The second pathway is Section 7 consultation, which applies to projects directly undertaken by a federal agency or private projects requiring a federal permit or approval.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) implements international treaties between the United States and other nations devised to protect migratory birds, their parts, eggs, and nests from activities such as hunting, pursuing, capturing, killing, selling, and shipping, unless expressly authorized in the regulations or by permit. The State of California has incorporated the protection of birds of prey in Sections 3800, 3513, and 3503.5 of the Fish and Game Code. All raptors and their nests are protected from take or disturbance under the MBTA (16 United States Code [USC] § 703, *et seq*.) and California statute (Fish and Game Code [FGC] § 3503.5).

Bald and Golden Eagle Protection Act

The golden eagle (*Aquila chrysaetos*) and bald eagle (*Haliaeetus leucocephalus*) are also afforded additional protection under the Eagle Protection Act, amended in 1973 (16 USC § 669, *et seq*.) and the Bald and Golden Eagle Protection Act (16 USC §§ 668–668d).

California Endangered Species Act

The State of California enacted the California Endangered Species Act (CESA) in 1984. CESA is similar to the Endangered Species Act but pertains to State-listed endangered and threatened species. CESA requires State agencies to consult with the CDFW when preparing CEQA documents. The purpose is to ensure that the State lead agency actions do not jeopardize the continued existence of a listed species or result in the destruction or adverse modification of habitat essential to the continued existence of those species if there are reasonable and prudent alternatives available (FGC § 2080). CESA directs agencies to consult with the CDFW on projects or actions that could affect listed species, directs the CDFW to determine whether jeopardy would occur, and allows the CDFW to identify "reasonable and prudent alternatives" to the project consistent with conserving the species. CESA allows the CDFW to authorize exceptions to the State's prohibition against take of a listed species if the "take" of a listed species is incidental to carrying out an otherwise lawful project that has been approved under CEQA (FGC § 2081).

California Fish and Game Code

Under CESA, the CDFW has the responsibility for maintaining a list of endangered and threatened species (FGC § 2070). Fish and Game Code Sections 2050 through 2098 outline the protection provided to California's rare, endangered, and threatened species. Fish and Game Code Section 2080 prohibits the taking of plants and animals listed under the CESA. Fish and Game Code Section 2081

established an incidental take permit program for State-listed species. The CDFW maintains a list of "candidate species," which it formally notices as being under review for addition to the list of endangered or threatened species.

In addition, the Native Plant Protection Act of 1977 (NPPA) (FGC § 1900, *et seq*.) prohibits the taking, possessing, or sale within the State of any plants with a State designation of rare, threatened, or endangered (as defined by the CDFW). An exception to this prohibition in the NPPA allows landowners, under specified circumstances, to take listed plant species, provided that the owners first notify CDFW and give the agency at least 10 days to come and retrieve (and presumably replant) the plants before they are plowed under or otherwise destroyed. Fish and Game Code Section 1913 exempts from "take" prohibition "the removal of endangered or rare native plants from a canal, lateral ditch, building site, or road, or other right-of-way." Project impacts to these species are not considered significant unless the species are known to have a high potential to occur within the area of disturbance associated with construction of the proposed project.

In addition to formal listing under the Endangered Species Act and CESA, some species receive additional consideration by the CDFW and local lead agencies during the CEQA process. Species that may be considered for review are those listed as a "Species of Special Concern." The CDFW maintains lists of "Species of Special Concern" that serve as species "watch lists." Species with this status may have limited distributions or limited populations, and/or the extent of their habitats has been reduced substantially, such that their populations may be threatened. Thus, their populations are monitored, and they may receive special attention during environmental review. While they do not have statutory protection, they may be considered rare under CEQA and specific protection measures may be warranted. In addition to Species of Special Concern, the CDFW Special Animals List identifies animals that are tracked by the CNDDB and may be potentially vulnerable but warrant no federal interest and no legal protection.

Sensitive species that would qualify for listing but are not currently listed are afforded protection under CEQA. CEQA Guidelines Section 15065 (Mandatory Findings of Significance) requires that a substantial reduction in numbers of a rare or endangered species be considered a significant effect. CEQA Guidelines Section 15380 (Rare or Endangered Species) provides for the assessment of unlisted species as rare or endangered under CEQA if the species can be shown to meet the criteria for listing. Unlisted plant species on the CNPS List ranked 1A, 1B, and 2 would typically require evaluation under CEQA.

Fish and Game Code Sections 3500 to 5500 outline protection for fully protected species of mammals, birds, reptiles, amphibians, and fish. Species that are fully protected by these sections may not be taken or possessed at any time. The CDFW cannot issue permits or licenses that authorize the take of any fully protected species except under certain circumstances such as scientific research and live capture and relocation of such species pursuant to a permit for the protection of livestock.

Under Fish and Game Code Section 3503.5, it is unlawful to take, possess, or destroy any birds in the orders of *Falconiformes* or *Strigiformes* (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant

thereto. To comply with the requirements of CESA, an agency reviewing a proposed project within its jurisdiction must determine whether any State-listed endangered or threatened species may be present in the project study area and determine whether the proposed project will have a potentially significant impact on such species. In addition, the CDFW encourages informal consultation on any proposed project that may impact a candidate species.

Project-related impacts to species on the CESA endangered or threatened list would be considered significant. State-listed species are fully protected under the mandates of CESA. "Take" of protected species incidental to otherwise lawful management activities may be authorized under Fish and Game Code Section 206.591. Authorization from the CDFW would be in the form of an Incidental Take Permit.

Fish and Game Code Section 1602 requires any entity to notify the CDFW before beginning any activity that "may substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake" or "deposit debris, waste, or other materials that could pass into any river, stream, or lake." "River, stream, or lake" includes waters that are episodic and perennial and ephemeral streams, desert washes, and watercourses with a subsurface flow. A Lake or Streambed Alteration Agreement will be required if the CDFW determines that project activities may substantially adversely affect fish or wildlife resources through alterations to a covered body of water.

California Department of Fish and Wildlife Species of Concern

In addition to formal listing under the Endangered Species Act and CESA, species receive additional consideration by the CDFW and local lead agencies during the CEQA process. Species that may be considered for review are included on a list of "Species of Special Concern," developed by the CDFW. It tracks species in California whose numbers, reproductive success, or habitat may be threatened. In addition to Species of Special Concern, the CDFW identifies animals that are tracked by the CNDDB but warrant no federal interest and no legal protection. These species are identified as California Special Animals.

California Native Plant Society

The CNPS maintains a rank of plant species native to California that has low population numbers, limited distribution, or are otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Vascular Plants of California. Following are the definitions of the CNPS ranks:

- **Rank 1A:** Plants presumed extirpated in California and either rare or extinct elsewhere
- **Rank 1B:** Plants rare, threatened, or endangered in California and elsewhere
- **Rank 2A:** Plants presumed extirpated in California but common elsewhere
- Rank 2B: Plants rare, threatened, or endangered in California but more common elsewhere
- **Rank 3:** Plants about which more information is needed
- **Rank 4:** Watch List: Plants of limited distribution

Potential impacts to populations of CNPS ranked plants receive consideration under CEQA review. All plants appearing on the CNPS List ranked 1 or 2 are considered to meet the CEQA Guidelines Section

15380 criteria. While only some of the plants ranked 3 and 4 meet the definitions of threatened or endangered species, potential impacts to these species or their habitats should be analyzed during the preparation of environmental documents pursuant to CEQA, as they may meet the definition of rare or endangered under the CEQA Guidelines Section 15380 criteria.

Santa Clara Valley Habitat Plan

The SCVHP provides a framework for promoting the protection and recovery of natural resources, including a specific subset of special-status species, while streamlining the permitting process for planned development, infrastructure, and maintenance activities.[25] The purpose of the SCVHP is to protect, enhance, and restore natural resources in specific areas of Santa Clara County and contribute to the recovery of specific special-status species. The SCVHP comprehensively evaluates natural-resource impacts and mitigation requirements in a way that is more efficient and effective for at-risk species and their essential habitats. The SCVHP was adopted on January 29, 2013, by Santa Clara County, the Santa Clara Valley Water District (Valley Water) and Santa Clara Valley Transportation Authority, as well as the cities of San José, Gilroy, and Morgan Hill.

The SCVHP Geobrowser can be used to provide a preliminary assessment of sensitive habitat types that may exist on-site. The SCVHP then requires on-site habitat assessments to be conducted by qualified Biologists on specific project sites. The results of the site visit may either confirm or override the preliminary landscape-scale mapping and determinations presented in the SCVHP Geobrowser. This Draft IS/MND satisfies the SCVHP requirements of a site-specific and ground-truthed habitat assessment and is intended to be used as the basis of the SCVHP permit application. The completed SCVHP Coverage Screening Form can be found in Appendix C.

Envision San José 2040 General Plan

The General Plan includes the following policies applicable to all development projects in San José.

Envision San José 2040 General Plan Relevant Biological Policies

Policies	Description
Policy ER-4.4	Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.
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.
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

[25] Santa Clara Valley Habitat Agency. 2012. Santa Clara Valley Habitat Plan. August. Website: https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan. Accessed September 18, 2023.

Envision San José 2040 General Plan Relevant Biological Policies

Policies	Description
	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 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.

City of San José Municipal Code

Municipal Code Chapter 13.32: Tree Removal Controls, requires the applicant to obtain a Tree Removal Permit prior to the removal or relocation of a tree with a circumference of 38 inches or more measured at a height 54-inches above natural grade slope. Additionally, it sets forth protections given to heritage trees, trees given additional protections due to their special significance to the community because of their size, history, unusual species, or unique quality.

4.4.2 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
3. Have a substantial adverse effect on State or federally protected wetlands federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
4. Interfere substantially with the movement of any Native resident or migratory fish or wildlife species or with established Native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	☐	☒	☐	☐

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan?	☐	☐	☒	☐

Impact Discussion

1) 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 Wildlife or United States Fish and Wildlife Service?

Less than significant with mitigation incorporated.

Special-status Plants

The potential for plant species to occur on the proposed project parcels was evaluated based on the presence of suitable habitats, soil types, and occurrences recorded by the CNPS and CNDDB listings in the generally vicinity of the site, as well as a site survey conducted by a qualified Biologist. The Special-status Plant Species Habitat Value Evaluation Table (Table 1; Appendix C) provides a summary of the listing status, habitat requirements, and the potential for occurrence of other sensitive plant species that have been documented within the *San José West, California* USGS 7.5-minute Topographic Quadrangle Map and the eight surrounding quadrangles. Forty-five special-status plant species were evaluated for their potential to occur within the proposed project parcels based on the literature review described above.

Based upon the field survey, literature review, and professional experience, no special-status plant species occur or are expected to occur within either of the proposed project parcels due to the absence of suitable habitat, previous land uses, and the extent and frequency of ground disturbance. Both proposed project parcels have been subjected to decades of past disturbance from soil compaction, creation of impervious surfaces from past development, and competition from non-native species. For these reasons, the proposed project parcels do not promote the establishment of, or provide suitable conditions for rare plants, which are typically sensitive to these types of disturbances. Moreover, each proposed project parcel lacks microhabitats such as vernal pools, chenopod scrub, and alkaline or acidic soils that are typically necessary to support many rare plants. For the reasons outlined above, it is reasonable to conclude that special-status plant species are determined to be absent from the proposed billboard project parcels.

Special-Status Wildlife

The potential for wildlife species to occur on the proposed project parcels was evaluated based on the presence of suitable habitats, and occurrences recorded by the CNDDB in the generally vicinity of the site, as well as a site survey conducted by a qualified Biologist. The Special-status Wildlife Species Habitat Value Evaluation (Table 2; Appendix C) provides a summary of the listing status, habitat requirements, and the potential for occurrence of other sensitive wildlife species that have been documented within the *San José West, California* USGS 7.5-minute Topographic Quadrangle Map and the eight surrounding quadrangles. A total of 45 special-status wildlife species were evaluated for their potential to occur within the proposed project parcels. Of the 45 species evaluated, two species, Cooper's hawk (*Accipiter cooperii*) and pallid bat (*Antrozous pallidus*), have a low potential to occur within the proposed project parcels. These species are discussed in further detail below.

Nesting Birds (Including Cooper's hawk)

Trees located within disturbance distance on each proposed project parcel could provide suitable nesting habitat for a variety of native, migratory, or other bird species, including special-status species such Cooper's hawk. Construction activities that occur during the avian nesting season (generally from February 1 to August 31) could disturb or destroy nesting sites for bird species protected under the Fish and Game Code or MBTA. Any removal of trees during the nesting season could result in direct harm to nesting birds, while noise, light, and other manufactured disturbances associated with the construction of the billboards may cause nesting birds to prematurely abandon their nests. Therefore, the applicant shall adhere to the City's Standard Permit Condition requiring compliance with the SCVHP which would reduce impacts. Additionally, the applicant shall implement Mitigation Measure (MM) BIO-1, which would require pre-construction nesting bird surveys, and MM BIO-2, which would require limits on billboard light luminance, to ensure that potential project impacts on nesting birds on each project parcel are reduced to a less than significant level.

Bats (Including Pallid Bat)

Both project parcels offer marginal but potentially viable roosting habitat for bat species, including pallid bat. Bats could potentially use the trees within disturbance distance for roosting and foraging within the Guadalupe River and Coyote Creek floodplains.

Roosts are used during the daytime to seek refuge; at night between foraging excursions to rest, digest prey, seek refuge from predators or poor weather conditions, or for social purposes; and in winter for hibernation. Adult females and their young use some particularly secure roosts as maternity roosts. The number of bats occupying a given roost can vary from a solitary individual to a large colony, depending on the species. Roosting sites are very sensitive to human disturbance, especially when bats are hibernating or rearing young.

At dusk, bats leave their roosts to forage for insects in nearby ponds or riparian habitats. Bats generally prey on insect species that are locally abundant near water bodies. Ecotone areas (areas of transition between habitats) are also used as foraging areas.

The applicant would be required to adhere to the Standard Permit Condition requiring compliance with the SCVHP. It cannot be ruled out that bat roosts have the potential to occur within disturbance

distance of the proposed project parcels. Therefore, the applicant shall implement MM BIO-3, which would require pre-construction roosting bats surveys to ensure that project impacts on roosting bats on each project parcel are reduced to a less than significant level.

The 11 billboards proposed for removal are located in urban, developed sites and their removals would not adversely modify the environment. However, compliance with MM BIO-1 and MM BIO-3 would ensure protection of nesting birds and roosting bats. Impacts would be less than significant with mitigation incorporated. Biological Resources specific mitigation measures are provided at the end of the Biological Resources Section of this document.

2) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?

Less than significant impact: Both of the project parcels are composed of formally developed land that has been subject to high levels of anthropogenic disturbances for decades.

West Mission Street Billboard

West Mission Street billboard is located approximately 400 feet from Guadalupe River. The river is separated from the proposed project parcel by SR-87 and its associated access road which acts as a barrier preventing any project-related activities from adversely affecting the river. Therefore, the project parcel does not contain any sensitive natural communities, nor would the proposed project impact the Guadalupe River. As such, impacts to riparian habitat or other sensitive natural communities as a result project construction-related to the West Mission Street billboard would be less than significant.

Mabury Road Billboard

As previously noted, the proposed Mabury Road billboard parcel operates as an active maintenance yard and contains no natural habitat features. Coyote Creek is located approximately 150 feet from the perimeter of Mabury Road billboard's project parcel. However, the creek is separated from the parcel by a walking trail, an elevated upland-dominated transitional woodland which appears to function as a levee or flood control structure, and a chain-link fence. Additionally, the elevated upland transitional woodland located immediately adjacent to the proposed parcel serves as a topographic barrier preventing any project-related activities from adversely affecting the creek.

A SITELINE Analysis prepared for the proposed Mabury Road billboard (included in Appendix C) concluded that light reaching a distance of 200 feet from the proposed billboard would range between 0.001 and 0.637 foot-candle (see Figure 9). Furthermore, as stated in Section 3.2, Proposed Development, the proposed billboard would be equipped with the SITELINE system which includes a baffle system similar to luminaire baffles to eliminate all projection of light from the LEDs into a "protected region." These mechanical baffles/louvers (made of matte-finished black polymer) do not have the effect of any optical focusing or re-direction of light and thus do no increase the light

emission from the LEDs in any direction. They serve strictly as carefully configured mechanical baffles which absorb the light from the LEDs and prevent its passage in the protected direction.[26]

Therefore, the project parcel associated with Mabury Road billboard does not contain any sensitive natural communities, nor would it result in any direct impacts to Coyote Creek or its riparian corridor. As such, impacts to riparian habitat or other sensitive natural communities as a result project construction-related to the Mabury Road billboard would be less than significant.

Billboard Removals

Ten of the billboards proposed for removal are located in urban, developed sites and are not located near sensitive habitats. No impacts to riparian habitats or other sensitive habitats would occur from their removal. The billboard proposed for removal at Location ID 8 as shown on Figure 6 is in close proximity to Coyote Creek. However, the proposed project would be required to comply with applicable water quality control permits and plans and the City's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while a site is under construction. These measures include, but are not limited to, those listed in the Standard Permit Condition for Construction-related Water Quality. With compliance with all applicable regulations and adherence to City Standard Permit Condition Construction-related Water Quality, impacts would be less than significant.

3) 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?

No Impact. Both of the proposed billboard sites and those associated with the 11 billboards designated for removal, as stated above, consist of previously developed land. These parcels are therefore highly disturbed and do not contain any State or Federally protected wetlands. Therefore, the proposed project would not impact any State or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. No impact would occur.

4) 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 wildlife nursery sites?

Less than significant impact with mitigation incorporated.

West Mission Street Billboard

The proposed parcel associated with West Mission Street billboard is surrounded by development on all sides. Moreover, the nearest wildlife movement corridor is located approximately 400 feet from the proposed parcel and is separated by SR-87. Project construction associated with West Mission Street billboard would not interfere substantially with the movement of any Native resident or migratory fish or wildlife species or with established Native resident or migratory wildlife corridors,

[26] Media Resources. n.d. Use of SITELINE digital display at 14004 Mabury Road, San José, CA.

not would construction impede the use of wildlife nursery sites. Impacts would be less than significant.

Mabury Road Billboard

The proposed location of the Mabury Road billboard consists of developed land that functions as a City maintenance yard and does not contain riparian corridors or waterways. However, Coyote Creek lies approximately 150 feet west of Mabury Road billboard's location (within the project site parcel) and could function as a local wildlife movement corridor. Developments around most of the parcel limit wildlife movement and construction of the proposed project would avoid direct impacts to Coyote Creek. However, trees within the creek's riparian corridor could provide nesting habitat for migratory bird and roosting bat species. Implementation of MM BIO-1, MM BIO-2, and MM BIO-3 would reduce potential impacts to nesting birds/roosting bats and the wildlife movement corridor associated with Coyote Creek and the construction of Mabury Road billboard to a less than significant level. Therefore, impacts would be less than significant with mitigation.

Billboard Removals

The 11 billboards proposed for removal are located in urban, developed sites that are surrounded by roadways and urban development. Compliance with MM BIO-1 and MM BIO-3 would reduce potential impacts. Impacts would be less than significant with mitigation incorporated.

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

Less than significant impact.

- West Mission Street Billboard: The Guadalupe River is located approximately 400 feet and across SR 87 from the West Mission Street billboard location.
- Mabury Road Billboard: Coyote Creek is located approximately 150 feet from the Mabury Road billboard location.

The City of San José Council Policy Number 6-34 dictates that projects within 300 feet of a riparian corridor top of bank or vegetation edge require approval of a Development Permit as defined in Chapter 20.200 of Title 20 of the Municipal Code in order to protect riparian corridors. As further defined in Policy 6-34, projects consisting of new construction in urban infill areas are governed by a minimum setback from a riparian corridor of 100 feet from a construction footprint. Given the landcover present within both proposed project parcels, it is assumed that the construction of the proposed billboards falls under the "New Buildings in Existing Urban Infill Areas" land use type. As the construction footprint of this project is over 100 feet from both the Guadalupe River and Coyote Creek, the proposed project would not conflict with the City of San José Council Policy Number 6-34.

Additionally, no trees are expected to be removed within either project site for development of this project. Project compliance with Municipal Code Chapter 13.32 would ensure that impacts to protected trees would be reduced to less than significant. Observance of General Plan Policies ER-4.4, ER-5.1, and ER-5.2 and MS-21.4, MS-21.5, and MS-21.6 would also ensure the protection of

biological resources within the project site. Through the compliance of City of San José Council Policy Number 6-34, Municipal Code Chapter 13.32, and General Plan Policies ER-4.4, ER-5.1, and ER-5.2 and MS-21.4, MS-21.5, and MS-21.6, the proposed project would not conflict with any local policies or ordinances protecting biological resources. Impacts would be less than significant.

Removal of the 11 billboards would be conducted in compliance with all applicable General Plan policies and local ordinances. Impacts would be less than significant.

6) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan?

Less than significant impact. Both project sites are located within SCVHP area, are within the "Urban–Suburban" land cover as defined by the SCVHP, and are not located in any special-status plant and wildlife survey areas or fee zones. The SCVHP Coverage Screening Form concludes that the proposed project is not a covered project under the SCVHP (Appendix C). The land cover types and the absence of plant and wildlife survey areas has been confirmed on the ground through the survey conducted by a qualified Biologist, as required by the SCVHP. Therefore, with implementation the City Standard Permit Condition requiring compliance with the SCVHP, potential impacts regarding adopted conservation plans would be reduced to a less than significant level.

Removal of the 11 billboards would not result in any impact to an area covered by the SCVHP. There would be no impact.

Mitigation Measures

MM BIO-1 Impacts to Nesting Birds

The proposed project shall implement the following measures to avoid impacts to nesting migratory birds:

- **Avoidance:** Ground disturbance and vegetation removal activities shall be restricted to the nonbreeding season for birds (September 1 to January 31, inclusive), when feasible.
- **Nesting Bird Surveys:** For ground disturbance and vegetation removal activities occurring during the bird nesting season (February 1 to August 31, inclusive), general pre-construction nesting bird surveys shall be conducted by a qualified Biologist not more than 14 days prior to construction activities involving ground clearing, vegetation removal/trimming, or building demolition. The surveys shall include the disturbance area plus a 200-foot buffer around the site and a 500-foot buffer for raptors.
- **Buffer Zones:** If active nests are located, an appropriate avoidance buffer shall be established within which no work activity would be allowed that would impact these nests. The avoidance buffer shall be established by the qualified Biologist on a case-by-case basis based on the species and site conditions. In no case shall the buffer be smaller than 50 feet for non-raptor bird species or smaller than 200 feet

for raptor species. Larger buffers may be required depending on the status of the nest and the construction activities occurring near the nest. The buffer area(s) shall be closed to all construction personnel and equipment until juveniles have fledged and until the nest is inactive. The qualified Biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer. If there are delays in on-site activities for more than 14 days during the breeding season, an additional survey shall be required within 14 days prior to the start of work.

- **Limitation on Noise:** If no nests are found, construction may proceed within normal limits of noise. If noises are to regularly exceed 110 decibel (dB) (such as pile driving), additional bird surveys and a Biological Monitor should be employed during the duration of the noise, and the Biological Monitor shall stop construction if any protected species are harassed by construction activities.

MM BIO-2 Protection from Potential Light Impacts

The project applicant shall implement the following measure to avoid sources of light impacts on birds:

- Keep billboard intensity below 300 NIT from 30 minutes before sunset until midnight.

MM BIO-3 Impacts to Roosting Bats

No more than 7 days in advance of tree and structure removal or adaptive reuse, a qualified Biologist shall conduct a pre-construction survey for special-status bats to characterize potential bat habitat and identify active roost sites within 100 feet of the project site. The results of the surveys and the locations of any designated buffer zones shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE), or the Director's designee, for review and approval prior to issuance of any demolition or building permits. Should potential roosting habitat or active bat roosts be found in trees and/or structures to be removed or renovated under the project or within a 100-foot buffer zone from these areas, the following measures shall be implemented:

- Removal of trees and structures with active roosts shall occur when bats are active, approximately between March 1 and April 15 inclusive and between September 1 and October 15 inclusive. To the extent feasible, removal shall occur outside of bat maternity roosting season (approximately April 15 to August 31 inclusive) and outside of the months of winter torpor (approximately October 16 to February 28 inclusive).
- If removing trees and structures during the periods when bats are active is not feasible and active bat roosts being used for maternity or hibernation purposes are found on or in the immediate vicinity of the project area where tree and structure removal is planned, a no-disturbance buffer shall be established around

these roost sites, typically 100 feet, or an area determined to be adequate by the qualified Biologist based on site conditions, construction activity, species, number of roosting individuals, and/or noise attenuation and frequency, along with coordination with California Department of Fish and Wildlife (CDFW), if necessary, until the qualified Biologist has determined that they are no longer active.

The qualified Biologist shall be present during removal of trees and structures when active bat roosts not being used for maternity or hibernation purposes are present. Trees and structures with active roosts shall be removed only when no rain is occurring and rain is not forecast to occur for 3 days following removal of the roost, and when daytime temperatures are at least 50°F (degrees Fahrenheit).

- Removal of trees with active or potentially active roost sites shall follow a two-step removal process:

  (1) On the first day of tree removal and under the supervision of the qualified Biologist, branches and limbs that do not contain cavities or fissures in which bats could roost shall be cut only using chain saws. Removal of the canopy makes the tree unappealing for bats to return that evening to roost.
  (2) On the following day and under the supervision of the qualified Biologist, after confirmation that bats have not returned, the remainder of the tree may be removed, using either chain saws or other equipment (e.g., excavator or backhoe).

Structures that contain or are suspected to contain active bat roosts, but that are not being used for maternity or hibernation purposes, shall be dismantled under the supervision of the qualified Biologist in the evening, after bats have emerged from the roost to forage. The structures shall be partially dismantled to substantially change roost conditions, causing the bats to abandon and not return to the roost.

Standard Permit Conditions

Santa Clara Valley Habitat Plan **(applies to both sites)**

The project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant would be required to submit the SCVHP Coverage Screening Form (https://www.scv-habitatagency.org/DocumentCenter/View/151/Coverage-Screening-Form?bidId=) to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of all applicable fees prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at www.scv-habitatplan.org.

4.4.3 - Conclusion

With adherence to Standard Permit Conditions and implementation of MM BIO-1, MM BIO-2, and MM BIO-3, impacts to biological resources on each project parcel would be less than significant.

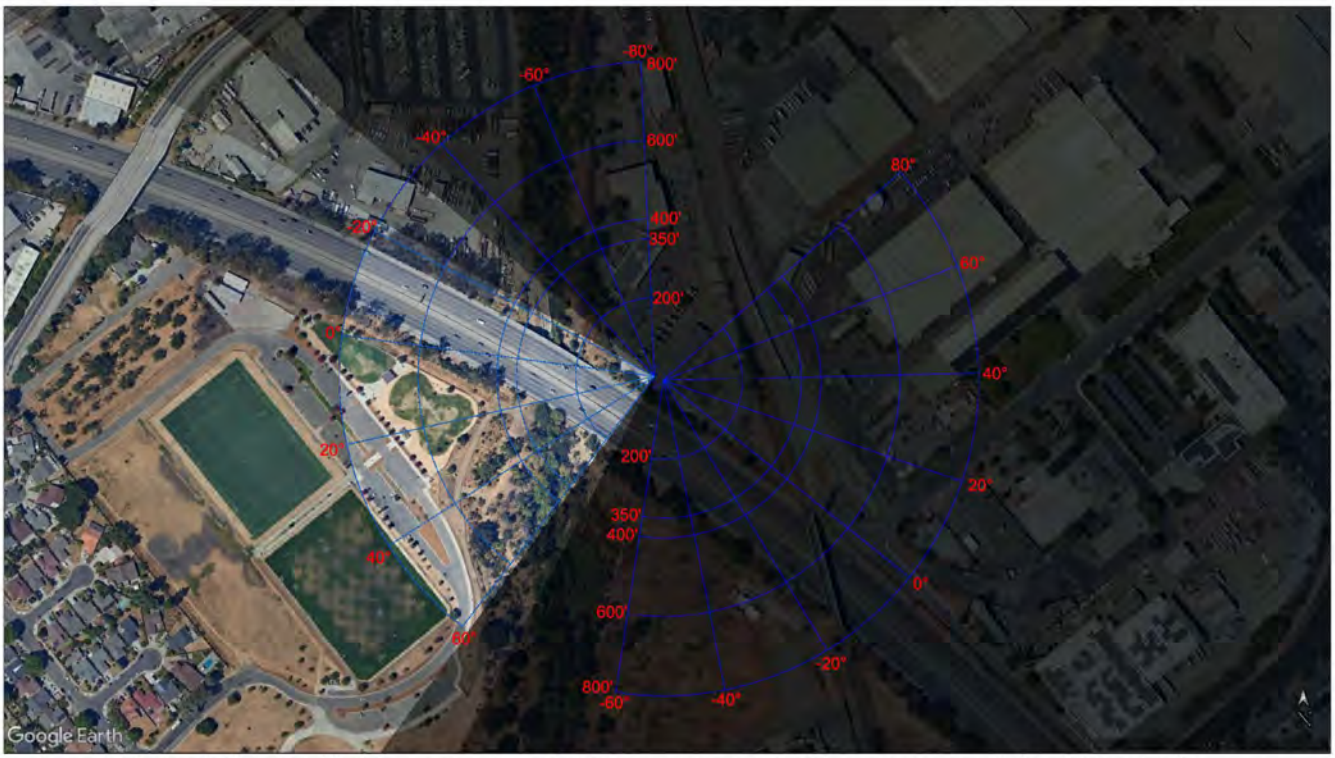

Figure 6. Site satellite photo overlay of distances and angles from proposed digital billboard site, corresponding to calculated illuminance figures in fc provided in Table 1.

Site Calculations - 300NITS Left-Blocking									
	Measurement Angle								
Distance (ft)	-80°	-60°	-40°	-20°	0°	20°	40°	60°	80°
200'	0.001fc	0.004fc	0.009fc	0.514fc	0.637fc	0.612fc	0.462fc	0.209fc	0.001fc
350'	0.000fc	0.001fc	0.003fc	0.187fc	0.222fc	0.211fc	0.157fc	0.070fc	0.000fc
400'	0.000fc	0.001fc	0.002fc	0.146fc	0.171fc	0.163fc	0.121fc	0.053fc	0.000fc
600'	0.000fc	0.000fc	0.001fc	0.067fc	0.078fc	0.073fc	0.054fc	0.024fc	0.000fc
800'	0.000fc	0.000fc	0.001fc	0.038fc	0.044fc	0.041fc	0.030fc	0.013fc	0.000fc
1000'	0.000fc	0.000fc	0.000fc	0.025fc	0.028fc	0.027fc	0.020fc	0.009fc	0.000fc

Table 1. Site calculations based on MRI VIQ3 Siteline Left Blocking.

Source: media resources, 10/2024.

FCS
An ADEC Innovation

Figure 9
Expected Illuminance Impact
Mabury Road Billboard

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4.5 - CULTURAL AND TRIBAL CULTURAL RESOURCES

This section describes the existing cultural resources setting and potential effects from project implementation on the project site and its surrounding area. The following discussion is based on a records search at the Northwest Information Center (NWIC), contact with the Native American Heritage Commission (NAHC), and a cultural resources pedestrian survey conducted by FCS. The non-confidential NWIC records search, pedestrian survey photos, and NAHC correspondence are included in Appendix D.

4.5.1 - Environmental Setting

The West Mission Street project site is located on APN 259-04-019, Public Land Survey (PLS) location: *San José West, California* 7.5-minute USGS Topographic Quadrangle Map; Land Grant Pueblo Lands of San José; and El Potrero de Santa Clara. This parcel is also adjacent to industrial uses and to the Guadalupe Emergency Interim Housing facility located at 702 Guadalupe Parkway. The Mabury Road project site is located at APN 254-01-004; PLS location: *San José West and San José East, California* 7.5-minute USGS Topographic Quadrangle Map; and Land Grant Pueblo Lands of San José. This parcel is used as a City service yard.

Cultural Background Setting

The following is a brief summary of the prehistoric and historic background of the general project area, which provides context to understand the relevance of cultural resources that may be located in proximity to the project site. This section is not intended to be a comprehensive review of the current resources available; rather, it serves as a general overview. Unless otherwise stated, the following is based on information provided by the NAHC, NWIC, the current inventories of the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), California Historic Landmarks (CHL) list, California Points of Historical Interest (CPHI) list, and the California Built Environment Resource Directory (BERD) for Santa Clara County.

The Ohlone

At the time of European contact in the eighteenth century, the San José area was occupied by the Ohlone Tribe of California Native Americans. The Ohlone group designates a linguistic family consisting of eight different yet related languages. The eight Ohlone languages were quite different from one another, with each language being related to its geographically contiguous neighbors.

The arrival of Ohlone groups into the Bay Area appears to be temporally consistent with the appearance of the Late Period artifact assemblage in the archaeological record, as documented at sites such as the Emeryville Shellmound and the Ellis Landing Shellmound. It is probable that the Ohlone moved south and west from the Delta region of the San Joaquin-Sacramento River region into the Bay Area. The Tribal group that most likely occupied the project area was the Chochenyo language group, whose territory extended from the southern end of the Carquinez Strait south to Mission San José, or the Tamien, who were centered in the south of San Francisco Bay and lower Santa Clara Valley.

The various Ohlone Tribes subsisted as hunter-gatherers and relied on local terrestrial and marine flora and fauna for subsistence. The predominant plant food source was the acorn, but they also exploited a wide range of other plants, including various seeds, buckeye, berries, and roots. Protein sources included grizzly bear, elk, sea lions, antelope, and black-tailed deer as well as smaller mammals such as raccoon, brush rabbit, ground squirrels, and wood rats. Waterfowl, including Canadian geese, mallards, green-winged teal, and American widgeon, were captured in nets using decoys to attract them. Fish also played an important role in the Chochenyo diet and included steelhead, salmon, and sturgeon.

The Ohlone constructed watercraft from tule reeds and possessed bow and arrow technology. They fashioned blankets from sea otter pelts, fabricated basketry from twined reeds of various types, and assembled a variety of stone and bone tools in their assemblages. Ohlone villages typically consisted of domed dwelling structures, communal sweathouses, dance enclosures, and assembly houses constructed from thatched tule reeds and a combination of wild grasses, wild alfalfa, and ferns.

The Ohlone were politically organized into autonomous tribelets that had distinct cultural territories. Individual Tribelets contained one or more villages with a number of seasonal camps for resource procurement within the tribelet territory. The Tribelet Chief could be either male or female, and the position was inherited patrilineally, but approval of the community was required. The Tribelet Chief and council were essentially advisers to the community and were responsible for feeding visitors, directing hunting and fishing expeditions, and leading ceremonial activities and warfare on neighboring tribelets.

The first European contact with the Ohlone was probably in 1602, when Sebastian Vizcaíno's expedition moored in Monterey. The estimated Ohlone population in 1770—when the first mission was established in Ohlone territory—was approximately 10,000. By 1832, the population had declined to fewer than 2,000, mainly due to diseases introduced by the European explorers and settlers. When the Spanish mission system rapidly expanded across California, the Ohlone traditional way of life was irreversibly altered. The pre-contact hunter-gatherer subsistence economy was replaced by an agricultural economy, and the Spanish missionaries prohibited traditional social activities. After secularization of the missions between 1834 and 1836, some Native Americans returned to traditional religious and subsistence practices while others labored on Mexican ranchos. Thus, multi-ethnic Indian communities grew up in and around the area and provided informant testimony to ethnologists from 1878 to 1933.

The California Gold Rush brought further disease to the Native inhabitants, and by the 1850s, nearly all of the Ohlone had adapted in some way or another to economies based on cash income. Hunting and gathering activities continued to decline and were rapidly replaced with economies based on ranching and farming.

Santa Clara County and the City of San José

Santa Clara County derives its name from Mission Santa Clara de Asís, which was founded on January 12, 1777, and it is one of the original counties created at statehood, sharing its name with the City of Santa Clara. Santa Clara County was founded on February 18, 1850, originally having been named San José County a month prior. The California legislature decided to change the name a month after

recommendations from General Mariana Guadalupe Vallejo's committee. Santa Clara is made up of 15 cities, with San José serving as the county seat and encompassing of 1,312 square miles.

The City of San José similarly can trace its roots back to 1777, with the founding of The Pueblo of San José de Guadalupe by the Spanish government. The town, a small farming community founded by 68 colonists, was the first of three established in Alta California to help administer and coordinate the missions and presidios in the province. The original pueblo, established along the Guadalupe River near what is today Taylor Street, had to be abandoned in 1785 due to severe winter flooding. By 1791, it had been reestablished on higher ground approximately 1 mile to the south, centering on what is today César Chávez Plaza.

In 1821, Mexico won independence from Spain and lands held in common, such as pueblo and mission lands, were granted to private individuals. In 1824, Mexico passed a law that allowed both foreign and Native citizens to petition the Governor for ownership of unoccupied tracts of land in an effort to stimulate further colonization. Drawn by opportunities to establish farms and small-scale commercial operations under Mexican rule, Anglo-American settlers increasingly came to San José, and by the 1840s, the Native Californians found themselves in the minority. In 1846, the United States declared war on Mexico and acquired the Mexican province of California in the Treaty of Guadalupe Hidalgo 2 years afterward. The discovery of gold in the Sierra foothills precipitated a sudden influx of population to the State, and as a central supply station for prospectors during the Gold Rush, San José underwent a population explosion. This event accelerated California's path to statehood and in 1850, California became the thirty-first state in the United States with San José serving as the first State Capitol. A railroad line between San Francisco and San José was completed in 1864, followed a few years later by the Central Pacific line connecting San José with the transcontinental railroad in 1869. With the City now linked to national and international markets where the agricultural and manufactured goods of the valley could be sold, San José increasingly became a major center for farming, industrial, and commercial activity and exhibited steady growth over the following two decades.

Following the turn of the century, San José, with its 18 canneries and 13 packinghouses, became the world's largest canning and dried-fruit packing center. It also pioneered the manufacture of specialized mechanical farm equipment in California. The war years had a major effect on the region, with the construction of the naval air station at Moffett Field, and San Francisco acting as the Gateway to the pacific from 1941 to 1945. Following World War II, San José shifted its focus away from agriculture in an attempt to attract new industries to the City. IBM had already established its West Coast headquarters in San José in 1943 and opened a new research and development facility in 1952. Both would prove to be forerunners of the City's future economy as Reynold Johnson and his team would later invent RAMAC, the first commercial computer, as well as the hard disk drive (Ward 1995). The 1970s saw a series of major innovations as San José electronics companies abandoned traditional vacuum tubes in favor of integrated circuits and silicon chips in the manufacture of computers and small electronics. The boom in production and consequent birth of the personal computer industry led Don C. Hoefler, then editor of Microelectronics News, to begin referring to the Santa Clara Valley as "Silicon Valley" for the first time in 1971.

Today, Santa Clara County is home to technology companies like Apple, Facebook, Google, and Tesla, etc. Its population of nearly 1.8 million is one of the largest in the State and the largest of the nine Bay Area Counties. Aside from being a leader in technology, Santa Clara County is also home to Stanford University, San José State University, and Santa Clara University, as well as several sports teams, such as the San José Sharks. Santa Clara County is continuously listed as one of the best places to live in the United States and is celebrated for its high standards of living and natural diversity.

Applicable Plans, Policies, and Regulations

National Historic Preservation Act

The NRHP, established under the National Historic Preservation Act, is a comprehensive inventory of known historic resources throughout the United States. The NRHP is administered by the National Park Service and includes buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological or cultural significance.

The NRHP significance criteria are listed below, and include districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and are:

A. Associated with events that have made a significant contribution to the broad patterns of our history; or

B. Associated with the lives of significant persons in our past; or

C. Embodiment of 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. Having yielded or may be likely to yield, information important in history or prehistory.

For a resource to be eligible for listing, it also must retain integrity of those features necessary to convey its significance in terms of: (1) location, (2) design, (3) setting, (4) materials, (5) workmanship, (6) feeling, and (7) association. CEQA requires evaluation of project effects on properties that are listed in or eligible for listing in the NRHP.

California Register of Historical Resources

The CRHR is a guide to cultural resources that must be considered when a government agency undertakes a discretionary action subject to CEQA. The CRHR aids government agencies in identifying, evaluating, and protecting California's historical resources, and indicates which properties are to be protected from substantial adverse change (PRC § 5024.1[a]). The CRHR is administered through the California Office of Historic Preservation, which is part of the California State Parks system. A historic resource listed in, or formally determined to be eligible for listing in, the NRHP is, by definition, included in the CRHR (PRC § 5024.1[d][1]).

State Regulations Regarding Cultural Resources

Archaeological and historical sites are protected by several State policies and regulations under the California Public Resources Code, California Code of Regulations (Title 14 § 1427), and California Health and Safety Code. California Public Resources Code Sections 5097.9-5097.991 require notification of discoveries of Native American remains and provide for the treatment and disposition of human remains and associated grave goods. Both State law and County of Santa Clara Ordinance Code (Sections B6-19 and B6-20) require that the Santa Clara County Coroner be notified if cultural remains are found on a site. If the Coroner determines the remains are those of Native Americans, the NAHC and a "most likely descendant" must also be notified.

Tribal Cultural Resources

A Tribal Cultural Resource (TCR) can be a site, feature, place, or 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. It also must be either on or eligible for the CRHR, a local historic register, or the lead agency, at its discretion, chooses to treat the resource as a TCR. The Public Resources Code requires lead agencies to participate in formal consultations with California Native American Tribes during the CEQA process, if requested by any Tribe, to identify TCRs that may be subject to significant impacts by a project. Where a project may have a significant impact on a TCR, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. Consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a TCR or when it is concluded that agreement cannot be reached.

Historic Preservation Ordinance

The City's Historic Preservation Ordinance is under Municipal Code Section 13.48.110, which sets forth factors that may be considered in order to determine whether a property qualifies as a local landmark. Based on the ordinance, proposed City landmarks have special historical, architectural, cultural, aesthetic, or engineering interest or value of a historical nature, and its designation as a landmark conforms to the goals and policies of the General Plan. In making such findings, the following factors, among other relevant factors, are considered with respect to the proposed landmark:

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.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following policies are specific to cultural resources and are applicable to the proposed project.

Envision San José 2040 General Plan Relevant Cultural Resource Policies

Policies	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 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 prehistoric resources.

4.5.2 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?	☐	☐	☒	☐
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☒	☐
3. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4. Would the project cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:				
a. 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	☐	☐	☒	☐
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 Public Resources Code Section 5024.1.	☐	☐	☒	☐

Environmental Evaluation

Descriptions and analysis in this section are based on information provided by the NAHC, NWIC, NRHP, CRHR, CHL list, the CPHI list, the San José Historic Resources Inventory (HRI) and the BERD for Santa Clara County. The non-confidential records search results and other correspondence are included in Appendix D.

Northwest Information Center

On June 28, 2023, a records search for the project site and a 0.5-mile search radius was conducted at the NWIC located at Sonoma State University in Rohnert Park, California. The current inventories of the NRHP, the CRHR, the CHL list, the CPHI list, and the BERD for Santa Clara County were also reviewed to determine the existence of previously documented local historical resources.

West Mission Street Billboard

The results of the records search for the West Mission Street project site indicate that there are 78 resources (six prehistoric, three multicomponent, and 69 historic) within the 0.5-mile search radius, none of which are located within the project site boundaries. Additionally, there are 151 survey reports on file within the 0.5-mile search radius, eight of which address the project area, indicating that the project has been surveyed for cultural resources.

Mabury Road Billboard

The results of the records search for the billboard on 1404 Mabury Road indicate that there are 26 historic resources within the 0.5-mile search radius, two of which are located within the project boundaries. One informal resource, located within the project boundaries, was recorded as a historic refuse scatter. The pedestrian survey confirmed that the resource is no longer present. In addition,

134 survey reports are on file within the 0.5-mile search radius, five of which address the project area, indicating that the project site has been surveyed for cultural resources.

Resources within 200-foot radius

West Mission Street

- P-43-000722: Identified as the Police Administration Building. Built between 1968 and 1969 in the *Brutalist* Architectural Style. The resource was recorded in 1982 and determined ineligible for the NRHP and CRHR at the time of recordation.
- P-43-000990: Identified as a prehistoric and historic resource. The information is confidential and not for publication due to the identification of prehistoric resources.

These resources are shown on Figure 10a.

1404 Mabury Road

- P-43-003902: Identified as Mabury Service Yard. The metal frame warehouse building was constructed in 1966 in the Utilitarian architectural style. The building was recorded in 2006 and determined to lack historical significance and is thus ineligible for the NRHP and CRHR.

This resource is shown on Figure 10b.

Historic Preservation Ordinance Historic Resource Inventory

The Mabury Service Yard does not meet the criteria set forth by the City's Historic Landmark Commission.

- *Its character, interest or value as part of the local, regional, State or national history, heritage or culture*—The warehouse is not significant for its association with the development of the City.
- *Its location as a site of a significant historic event*—The warehouse is not associated with any historically significant event.
- *Its identification with a person or persons who significantly contributed to the local, regional, State or national culture and history*—The warehouse is not associated with any historically significant person(s).
- *Its exemplification of the cultural, economic, social, or historic heritage of the City of San José*—The warehouse does not representative of the economic, cultural, historic heritage, or social development of the City.
- *Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style*—The warehouse does not exhibit distinctive architectural style that portrays or illustrates a group of people, or era in history of a specific architectural style.
- *Its embodiment of distinguishing characteristics of an architectural type or specimen*—The warehouse does not exhibit any distinguishing characteristics of a specific architectural type or specimen.

- *Its identification as the work of an architect or master builder whose individual work has influenced the development of the City of San José* – The warehouse is not associated with the work of architect or master.
- *Its embodiment of elements of architectural or engineering design, detail, materials, or craftsmanship which represents a significant architectural innovation, or which is unique*—The warehouse is not associated with any innovation in architectural engineering or innovation.

Native American Heritage Commission

On June 27, 2023, FCS sent a request to the NAHC in an effort to determine whether any sacred sites are listed on its Sacred Lands File for the project site. A response was received on July 7, 2023, indicating that the Sacred Lands File search produced a positive result for Native American cultural resources in the project vicinity. The NAHC included a list of 13 Tribal representatives available for consultation. To ensure that all Native American knowledge and concerns over potential TCRs that may be affected by implementation of the proposed project are addressed, letters were sent to each Tribal representative on July 24, 2023. No responses have been received to date.

Pedestrian Cultural Resources Survey

On September 13, 2023, FCS Archaeologists Dr. Dana DePietro and Ti Ngo conducted a pedestrian survey for unrecorded cultural resources at both project sites. Survey conditions were documented using digital photographs and field notes. Dr. DePietro and Mr. Ngo applied the same field survey methodology for both project sites. All traversable areas of the project site were closely inspected for culturally modified soils or other indicators of potential historic or prehistoric resources. Dr. DePietro and Mr. Ngo examined all areas of the exposed ground surface for prehistoric artifacts (e.g., fire-affected rock, milling tools, flaked stone tools, toolmaking debris, ceramics), soil discoloration and depressions that might indicate the presence of a cultural midden, faunal and human osteological remains, and features indicative of the former presence of structures or buildings (e.g., postholes, standing exterior walls, foundations) or historic debris (e.g., glass, metal, ceramics).

West Mission Street Billboard Project Site

The West Mission Street billboard project site is located at the southeast corner of Guadalupe Parkway and West Mission Street (APN 259-04-019). The proposed billboard location is at the northwest corner of the parcel. The project site is bounded by Guadalupe Parkway and SR-87 on the west, West Mission Street on the north, North San Pedro Street on the east, and West Taylor Street on the south.

The survey began in the southeast corner of the project site and moved north and west, using north–south transects spaced at 10-meter intervals, wherever possible. The project site is currently a parking lot used by the San José Police Department. As a result, visibility of native soils was non-existent across the project site. No indications of historic or prehistoric archaeological resources were found over the course of the pedestrian survey.

Mabury Road Billboard Project Site

Mabury Road billboard project site is located at the northwest corner of US-101 Bayshore Freeway and the BART rail line. The project site is bounded by Coyote Creek on the west, Mabury Road on the

north, BART spur lines on the east, and US-101 in the south. The project site is occupied by the City of San José Mabury Service Yard. The proposed billboard location is adjacent to the southern boundary of the parcel.

The survey began in the northwest corner of the project site and moved south and east, using north–south transects spaced at 10-meter intervals, wherever possible. The majority of the project site is completely hardscaped as it is currently being utilized by the City of San José Mabury Service Yard. Visibility of native soil occurred on a 20-meter-wide corridor on the western boundary of the project site adjacent Coyote Creek running north to south. Visible soil comprised of light brown (7.5 YR 6/4) sandy soil interspersed with schist and smooth river stone ranging from 2 to 6 centimeters. No indications of historic or prehistoric archaeological resources were found over the course of the pedestrian survey. Pedestrian survey photos of both project sites can be found in Appendix D.

Historic Building Survey and Evaluation

The proposed project does not involve the removal or demolition of any existing historical buildings or resources. The pedestrian survey did not encounter any unrecorded historical resources on the project site.

Indirect Effects to Potential Historic Resources

There are no existing historical resources within the project boundaries; however, 72 cultural resources (three multicomponent and 69 historic) were identified within a 0.5-mile search radius of the West Mission Street billboard project site, and 26 historic resources have been identified within a 0.5-mile search radius of the Mabury Road billboard project site. However, the angle and location of the two proposed billboards would not pose a significant impact to historic resources.

Impact Discussion

Cultural Resources

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

Less than significant impact. Section 15064.5 of the State CEQA Guidelines defines a historical resource as (1) a resource listed in or determined to be eligible by the State Historical Resources Commission, for listing in the CRHR; (2) a resource listed in a local register of historical resources or identified as significant in a historical resource survey meeting certain State guidelines; or (3) an object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided that the lead agency's determination is supported by substantial evidence in light of the whole record.

West Mission Street Billboard

Results from the NWIC indicate that 72 historic have been identified within the 0.5-mile search radius for the West Mission billboard project site, none of which are located within the project site boundaries. No historic resources were identified during the pedestrian survey.

Therefore, due to the proposed project's small footprint at each site, the location and angle of billboard viewshed relative to the historic resources, and the fact that the proposed project does not involve the demolition or removal of any architectural historical resources within the project sites or other changes to the environment, the impact to historical resources would be less than significant with Standard Permit Condition (Subsurface Cultural Resources) implemented.

Mabury Road Billboard

The results of the NWIC records search for the Mabury Road billboard site indicate that there is one recorded historic resource—the Mabury Service Yard—located within the project boundary; however, the resource was found to be ineligible for inclusion in the NRHP and CRHR. No historic resources were identified during the pedestrian survey. Although one recorded historic resource was identified during the records search, because of the location and angle of viewshed of the electronic billboard relative to the historic district, the proposed project would not pose a significant impact to historic resources.

Therefore, due to the proposed project's small footprint at each site, the location and angle of billboard viewshed relative to the historic resources, and the fact that the proposed project does not involve the demolition or removal of any architectural historical resources within the project sites or other changes to the environment, the impact to historical resources would be less than significant with Standard Permit Condition (Subsurface Cultural Resources) implemented.

Billboard Removals Removal of the 11 billboards would not include excavation and would therefore not have the potential to affect a historic resource. No impact would occur.

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

Less than significant impact. Section 15064.5 of the CEQA Guidelines defines significant archaeological resources as resources that meet the criteria for historical resources, as discussed above, or resources that constitute unique archaeological resources. A project-related significant adverse effect could occur if a project were to affect archaeological resources that fall under either of these categories.

West Mission Street Billboard

Results from the NWIC indicate that 78 resources (six prehistoric, three multicomponent, and 69 historic) have been recorded within the 0.5-mile search radius of the West Mission Street project site. Additionally, the pedestrian survey failed to identify any archaeological resources. The West Mission Street project site is in close proximity to the Guadalupe River. According to the geologic maps of Dibble and Minch, the proposed project sites are underlain by surficial sediments composed of Holocene-age alluvial deposits (Qa and Qya). Holocene-era deposits in close proximity to water resources have a moderate to high probability of containing subsurface archaeological deposits.

Although unlikely due to the proposed project's limited footprint, subsurface construction activities always have the potential to destroy or damage previously undiscovered archaeological resources. Archaeological resources can include, but are not limited to, stone, bone, wood, or shell artifacts or

features, including hearths and structural elements. Damage or destruction of these resources would be a potentially significant impact. However, implementation of Standard Permit Condition, Subsurface Cultural Resources, would ensure that potential impacts to archaeological resources would be reduced to a less than significant level.

Mabury Road Billboard

Results from the NWIC indicate that 26 historic resources have been recorded within the 0.5-mile search radius of the Mabury Road project site, one of which—the Mabury Service Yard—is located within the project boundary, although it was found to be ineligible for inclusion in the NRHP and CRHR. Additionally, the pedestrian survey failed to identify any archaeological resources. The Mabury Road project site is in close proximity to Coyote Creek. According to the geologic maps of Dibble and Minch, the proposed project sites are underlain by surficial sediments composed of Holocene-age alluvial deposits (Qa and Qya). Holocene-era deposits in close proximity to water resources have a moderate to high probability of containing subsurface archaeological deposits.

Although unlikely due to the proposed project's limited footprint, subsurface construction activities always have the potential to destroy or damage previously undiscovered archaeological resources. Archaeological resources can include, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths and structural elements. Damage or destruction of these resources would be a potentially significant impact. However, implementation of Standard Permit Condition, Subsurface Cultural Resources, would ensure that potential impacts to archaeological resources would be reduced to a less than significant level.

Billboard Removals

Removal of the 11 billboards would not include excavation and would therefore not have the potential to affect an archaeological resource. No impact would occur.

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

Less than significant impact. While no formal cemeteries or areas containing human remains are known to be in both project sites' vicinities, the possibility always exists that construction-related ground disturbance may uncover previously undiscovered human remains. In the unlikely event such a discovery is made, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 must be followed. Additionally, implementation of the City's Standard Permit Conditions for Human Remains will reduce impacts to less than significant.

The 11 billboards would be cut near their bases and no ground disturbance would occur. Therefore, the removal would not have the potential to disturb human remains. However, adherence to the City's Standard Permit Condition for Human Remains would further enhance protection of possible human remains.

Tribal Cultural Resources

4) Would the project cause a substantial adverse change in the significance of a Tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:

a) 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)?

Less than significant impact. A review of the CRHR, local registers of historical resources, and the NWIC records search results failed to identify any TCR's that may be adversely affected by the proposed project. The NAHC Sacred Lands File search was positive for TCRs and included a list of 16 Tribal representatives available for consultation. FCS sent letters to all listed representatives for additional information, however, no responses have been received to date. Nonetheless, implementation of the City's Standard Permit Conditions for Human Remains would ensure that impacts to human remains would be less than significant.

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 Public Resources Code Section 5024.1.

Less than significant impact. Tribal consultation efforts conducted by the City of San José pursuant to AB 52 to identify additional significant TCRs meeting the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1 are ongoing. Impact is to be determined. As part of these efforts, on July 24, 2024, the City sent letters to the Tamien Nation, Indian Canyon Mutsun Band of Costanoan, Muwekma Ohlone Indian Tribe of San Francisco Bay Area, and the Ohlone Indian Tribe. A representative of the Indian Canyon Mutsun Band of Costanoan asked the City for consultation but did not respond when the City proposed a meeting. No additional responses were received prior to publication of this Draft IS/MND. With adherence to City's Standard Permit Condition for Human Remains, impacts would be less than significant. Removal of the 11 billboards would not include excavation and would be limited to their existing footprints. Therefore, removal activities would not have the potential to affect historic resources. No impact would occur.

Mitigation Measures

None have been identified.

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 PBCE or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified Archaeologist shall examine the find. The Archaeologist shall (1) evaluate the find(s) to determine whether 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 Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the NWIC (if applicable). Project personnel shall not collect or move any cultural materials.

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 AB 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 PBCE or the Director's designee and the qualified Archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner shall make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner shall contact the NAHC within 24 hours. The NAHC shall then designate a Most Likely Descendant (MLD). The MLD shall 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 their authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

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

4.5.3 - Conclusion

With adherence to Standard Permit Conditions, impacts to cultural resources and TCRs would be less than significant.

Figure 10a: Historic Resources West Mission Street Billboard

This figure contains sensitive information relating to cultural resources and is not intended for public distribution pursuant to Public Resources Code Section 21082.3(C)(2). A copy of confidential Figure 10a is on file with the City of San José and is available to qualified professionals upon request.

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Figure 10b: Historic Resources Mabury Road Billboard

This exhibit contains sensitive information relating to cultural resources and is not intended for public distribution pursuant to Public Resources Code Section 21082.3(C)(2). A copy of confidential Exhibit 10b is on file with the City of San José and is available to qualified professionals upon request.

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4.6 - ENERGY

4.6.1 - Environmental Setting

Energy use, especially through fossil fuel consumption and combustion, relates directly to environmental quality since it can adversely affect air quality and generate GHG emissions that contribute to climate change. Electrical power is generated through a variety of sources, including fossil fuel combustion, hydropower, wind, solar, biofuels, and others. Natural gas is widely used to heat buildings, prepare food in restaurants and residences, and fuel vehicles, among other uses. Fuel use for transportation is related to the fuel efficiency of cars, trucks, and public transportation; choice of different travel modes such as auto, carpool, and public transit; and miles traveled by these modes, and generally based on petroleum-based fuels such as diesel and gasoline. Electric vehicles may not have any direct emissions but do have indirect emissions via the source of electricity generated to power the vehicle. Construction and routine operation and maintenance of transportation infrastructure also consume energy.

Applicable Plans, Policies, and Regulations

Federal Energy Policy and Conservation Act of 1975

Vehicle fuel efficiency is regulated at the federal level. Pursuant to the Federal Energy Policy and Conservation Act of 1975, the National Highway Traffic Safety Administration (NHTSA) is responsible for establishing additional vehicle standards and for revising existing standards.

EPA Off-Road Diesel Engine Emissions Standards

The EPA regulates nonroad diesel engines that power both mobile equipment (bulldozers, scrapers, frontend loaders, etc.) and stationary equipment (generators, pumps, compressors, etc.). The EPA has no formal fuel economy standards for nonroad (e.g., construction) diesel engines but does regulate diesel emissions, which indirectly affects fuel economy. In 1994, EPA adopted the first set of emission standards ("Tier 1") for all new nonroad diesel engines greater than 37 kilowatts (kW [50 horsepower]). The Tier 1 standards were phased in for different engine sizes between 1996 and 2000, reducing NO_X emissions from these engines by 30 percent. Subsequently, the EPA adopted more stringent emission standards for NO_X, hydrocarbons, and PM from new nonroad diesel engines. This program included the first set of standards for nonroad diesel engines less than 37 kW. It also phased in more stringent "Tier 2" emission standards from 2001 to 2006 for all engine sizes and added yet more stringent "Tier 3" standards for engines between 37 and 560 kW (50 and 750 horsepower) from 2006 to 2008. These standards further reduced nonroad diesel engine emissions by 60 percent for NO_X and 40 percent for PM from Tier 1 emission levels. In 2004, the EPA issued the Clean Air Nonroad Diesel Rule. This rule cut emissions from nonroad diesel engines by more than 90 percent and was phased in between 2008 and 2014. These emission standards are intended to promote advanced clean technologies for nonroad diesel engines that improve fuel combustion, but they also result in slight decreases in fuel economy.

California Renewable Energy Standards

In 2002, California established its Renewables Portfolio Standard Program with the goal of increasing the percentage of renewable energy in the State's electricity mix to 20 percent of retail sales by

2010. In 2006, California's 20 percent by 2010 Renewables Portfolio Standard goal was codified under 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. Pacific Gas and Electric Company's (PG&E's) electricity mix in 2015 was 30 percent renewable. In October 2015, former 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. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

Executive Order B-55-18 To Achieve Carbon Neutrality

In September 2018, former Governor Brown issued Executive Order, B-55-18 establishing a target of carbon neutrality in California by 2045. The Executive Order requires the ARB to "ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal." Executive Order B-55-18 supplements Executive Order S-3-05 by requiring not only emissions reductions, but also that, by no later than 2045, the remaining emissions be offset by equivalent net removals of CO_2 from the atmosphere through sequestration.

California Building Standards Code

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

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to energy and are relevant to the proposed project.

Envision San José 2040 General Plan Relevant Energy Policies

Policies	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-2.4	Promote energy-efficient construction industry practices.
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.

Envision San José 2040 General Plan Relevant Energy Policies

Policies	Description
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 or other area functions.
Policy MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
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 TR-1.468	Through the entitlement process for new development fund needed transportation improvements for all modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
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 toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

4.6.2 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
1) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
2) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Impact Discussion

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

Less than significant impact. A discussion of the proposed project's energy use is presented below. The estimated energy consumption for project construction is based on CalEEMod estimates. The anticipated operational electricity consumption relies on information provided by the applicant. Energy calculations and supporting information are included as part of Appendix B of this Draft IS/MND.

Construction

During construction, the proposed project would result in energy consumption through the combustion of fossil fuels in construction vehicles, worker commute vehicles, and construction equipment, and the use of electricity for lighting and other sources. No natural gas would be utilized as part of construction. Fossil fuels used for construction vehicles and other energy-consuming equipment would be used during grading, paving, and building construction activities. The types of equipment could include gasoline- and diesel-powered construction and transportation equipment, including trucks, bulldozers, frontend loaders, aerial lifts, and cranes.

Based on the CalEEMod estimates for the proposed project, (see modeling output files in Appendix B), construction-related worker vehicle trips would consume an estimated 678 gallons of diesel and gasoline, combined, and construction-related equipment would consume an estimated 1,692 gallons of diesel and gasoline, combined, during project construction.

Limitations on idling of vehicles and equipment and requirements that equipment be properly maintained would result in fuel savings. California Code of Regulations Title 13, Sections 2449(d)(3) and 2485 limit idling from both on-road and off-road diesel-powered equipment and are enforced by the ARB. In addition, given the cost of fuel, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary consumption of energy during construction.

Because of the temporary nature of construction and the financial incentives for developers and contractors to implement energy-efficient practices, project construction activities would not result in wasteful, inefficient, and unnecessary consumption of energy. Therefore, the construction-related impact related to fuel and electricity consumption would be less than significant.

Operation

Electricity and Natural Gas

Building operations for the proposed project would involve energy consumption for lighting and cooling fans. Based on applicant-provided information, each of the two proposed two-sided LED billboards would be operated from 6:00 a.m. to midnight, 365 days per year. However, the energy usage analysis was based on operations of 24 hours per day, which would result in an estimated 35,172 kWh per billboard, or a total of 70,343 kWh per year (exceeding actual project usage). The proposed project is not anticipated to result in wasteful, inefficient, or unnecessary electricity consumption as the electronic billboard would require electricity to operate and would not facilitate

greater electricity consumption beyond that required for their passive operative design. Moreover, the electronic billboard would not consume natural gas. To demonstrate consistency with the City's Greenhouse Gas Reduction Strategy (GHGRS) (discussed in Section 4.8, Greenhouse Gas Emissions), the proposed project would participate in the SJCE at the Total Green level (i.e., 100 percent renewable energy source). Therefore, the operational impact related to building electricity and natural gas consumption would be less than significant.

Fuel

Long-term operational energy consumption related to fuel consumption would be very minimal because the only vehicle trips would be from irregular and infrequent maintenance vehicle trips. Maintenance vehicle trips associated with the proposed project are anticipated to occur every one to two months at most and would not result in wasteful, inefficient, or significant energy use. This impact would be less than significant.

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

Less than significant impact. A discussion of the proposed project's potential to conflict with or obstruct a State or local plan for renewable energy or energy efficiency is presented below.

Construction

As described above, construction activities would involve energy consumption in various forms and would be limited by California regulations such as California Code of Regulations Title 13, Sections 2449(d)(3) and 2485 which limit idling from both on-road and off-road diesel-powered equipment and are enforced by the ARB. The proposed project would be required to comply with these regulations. There are no renewable energy standards applicable to construction activities for the proposed project.

Thus, it is anticipated that construction of the proposed project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing energy use or increasing the use of renewable energy. Therefore, impacts would be less than significant.

Operation

To demonstrate consistency with the City's Greenhouse Gas Reduction Strategy (discussed in Section 4.8, Greenhouse Gas Emissions), the proposed project would participate in the SJCE at the Total Green level (i.e., 100 percent renewable energy source). The proposed project would also be required to comply with the City's Green Building Ordinance and the most recent the California Green Building Standards Code (CALGreen) requirements. As a result, the proposed project would not conflict with or obstruct State or local plans for renewable energy or energy efficiency. Therefore, impacts would be less than significant.

Removal of 11 Billboards

Removal of existing billboards is consistent with City Council Policy 6-4 and would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing energy use or increasing the use of renewable energy. During removal, activities would be limited by California

regulations as discussed above with respect to construction. Therefore, impacts would be less than significant.

Mitigation Measures

None have been identified.

Standard Permit Conditions

None have been identified.

4.6.3 - Conclusion

There would be less than significant impacts to energy.

4.7 - GEOLOGY AND SOILS

4.7.1 - Environmental Setting

The City is located within the geologically complex Coast Ranges geomorphic province.[27] The Coast Ranges are northwest-trending mountain ranges and valleys. The ranges and valleys trend subparallel to the San Andreas Fault system. The Coast Ranges are divided into the Northern and Southern Coast Ranges and are separated by a depression containing the San Francisco Bay. The City is within the northern-most extent of the Southern Coast Ranges.

The City and project sites are in the northern portion of the Santa Clara Valley. The sediments in the Santa Clara Valley as characterized as large Quaternary-age alluvial complexes deposited through the erosion of the Santa Cruz Mountains and the Diablo Range, which border the Santa Clara Valley on the west and the east, respectively. The Santa Clara Valley extends from the San Francisco Bay to the north to approximately the location of the City of Hollister to the south.

West Mission Street Billboard

The City and the project site are within a seismically active area of California. The San Andreas Fault Zone is approximately 11.7 miles southwest of the proposed West Mission Street billboard project site.[28,29]

Mabury Road Billboard

The City and the project site are within a seismically active area of California. The Hayward Fault Zone is approximately 3 miles northeast from the proposed Mabury Road billboard, and the Calaveras Fault Zone is approximately 5.8 miles northeast from the proposed Mabury Road billboard.[30,31]

Applicable Plans, Policies, and Regulations

California Building Standards Code

The International Conference of Building Officials publishes the International Building Code, which is the widely adopted model building code in the United States. The 2022 California Building Standards Code (CBC) is another name for the body of regulations known as California Code of Regulations, Title 24, Part 2, which is a portion of the CBC. The CBC incorporates by reference the International Building Code requirements, with necessary California amendments. The California Building Standards Commission by law is responsible for coordinating all building standards and implementing Title 24.

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[27] A geomorphic province is an area that possesses similar bedrock, structure, history, and age. California has 11 geomorphic provinces.

[28] California Geological Survey (CGS). Fault Activity Map of California. Website: https://maps.conservation.ca.gov/cgs/fam/. Accessed June 9, 2023.

[29] California Geological Survey (CGS). California Earthquake Hazards Zone Application. Website: https://maps.conservation.ca.gov/cgs/EQZApp/app/. Accessed June 9, 2023.

[30] California Geological Survey (CGS). Fault Activity Map of California. Website: https://maps.conservation.ca.gov/cgs/fam/. Accessed June 9, 2023.

[31] California Geological Survey (CGS). California Earthquake Hazards Zone Application. Website: https://maps.conservation.ca.gov/cgs/EQZApp/app/. Accessed June 9, 2023.

Compliance with the 2022 CBC requires (with very limited exceptions) that structures for human occupancy be designed and constructed to resist the effects of earthquake motions. The Seismic Design Category for a structure is determined in accordance with either CBC Section 1613—Earthquake Loads or the American Society of Civil Engineers Standard No. 7-05, Minimum Design Loads for Buildings and Other Structures. In brief, based on the engineering properties and soil type at a proposed site, the site receives a Site Class ranging from A to F. The Site Class is then combined with Spectral Response (ground acceleration induced by earthquake) information for the location to arrive at a Seismic Design Category ranging from A to D, of which D represents the most severe conditions. A qualified Geotechnical Engineer must determine the classification of a specific site and related calculations.

Finally, the CBC requires that a geotechnical investigation be prepared for all new buildings that are 4,000 square feet or larger, as well as for smaller buildings if they meet certain criteria. A California Registered Geotechnical Engineer must prepare the geotechnical investigation and prepare a report addressing the classification and investigation of the soil, including requirements for geotechnical designs necessary to meet standards for reducing exposure to geological hazards.

Alquist-Priolo Earthquake Fault Zoning Act

In response to the severe fault rupture damage of structures by the 1971 San Fernando earthquake, the State of California enacted the Alquist-Priolo Earthquake Fault Zoning Act in 1972. This Act required the State Geologist to delineate Earthquake Fault Zones along known active faults that have a relatively high potential for ground rupture. Faults zoned under the Alquist-Priolo Act must meet the strict definition of being "sufficiently active" and "well-defined" for inclusion as an Earthquake Fault Zones. The Earthquake Fault Zones are revised periodically, and they extend 200 to 500 feet on either side of identified fault traces. No structures for human occupancy may be built across an identified active fault trace. An area of 50 feet on either side of an active fault trace is assumed to be underlain by the fault, unless proven otherwise. Proposed construction in an Earthquake Fault Zone is permitted only following the completion of a fault location report prepared by a California Registered Geologist.

Seismic Hazards Mapping Act

In 1990, following the 1989 Loma Prieta earthquake, the California legislature enacted the Seismic Hazards Mapping Act to protect the public from the effects of strong ground shaking, liquefaction, landslides, and other seismic hazards. The Seismic Hazards Mapping Act established a Statewide mapping program to identify areas subject to violent shaking and ground failure. The program intends to assist cities and counties in protecting public health and safety. The Seismic Hazards Mapping Act requires the State Geologist to delineate various seismic hazard zones and requires cities, counties, and other local permitting agencies to regulate certain development projects within these zones. As a result, the California Geological Survey is mapping Seismic Hazards Mapping Act Zones and has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, ground shaking, and landslides, primarily the San Francisco Bay Area and Los Angeles basin.

Paleontological Resource Regulations

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

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within City limits. The following policies are specific to geology and soils and are applicable to the proposed project.

Envision San José 2040 General Plan Relevant Geology and Soil Policies

Policies	Description
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 will be followed.
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.
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.
Policy EC-4.2	Approve development in areas subject to soils and geologic hazards, including unengineered 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 will 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

Envision San José 2040 General Plan Relevant Geology and Soil Policies

Policies	Description
	to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, 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 1 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 whether hazards can be adequately mitigated.

City of San José Municipal Code

Title 24 of the Municipal Code includes the current California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Chapters 17.10 (Geologic Hazards Regulations) and 17.40 (Dangerous Buildings) address requirements for building safety and earthquake hazard reduction. Requirements for grading, excavation, and erosion control are included in Chapter 17.04 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

4.7.2 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
a) 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.	☐	☐	☒	☐
b) Strong seismic ground shaking?	☐	☐	☒	☐
c) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
d) Landslides?	☐	☐	☒	☐
2. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
3. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site	☐	☐	☒	☐

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
landslide, lateral spreading, subsidence, liquefaction or collapse?				
4. 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?	☐	☐	☒	☐
5. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
6. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

Impact Discussion

1) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

a) 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.

Less than significant impact. According to the California Earthquake Hazards Zone Application (EQ Zapp), there are no established Earthquake Fault Zones within the project sites.[32] However, there are multiple fault systems within Santa Clara County as well as the larger San Francisco Bay Area.[33] The nearest Earthquake Fault Zones to the project sites are the Southeast Extension section of the Hayward Fault Zone and the Peninsula section of the San Andreas Fault Zone.

- West Mission Street Billboard: The Peninsula section of the San Andreas Fault Zone is approximately 11.7 miles southwest of the proposed West Mission Street billboard.
- Mabury Road Billboard: The Southeast Extension section of the Hayward Fault Zone is approximately 3 miles northeast of proposed Mabury Road billboard.

Design and construction of the proposed project would be undertaken using standard engineering and seismic safety design techniques in accordance with the most recently adopted CBC, in

[32] California Geological Survey (CGS). 2024. California Earthquake Hazards Zone Application (EQ Zapp). Website: www.conservation.ca.gov/cgs/geohazards/eq-zapp. Accessed March 15, 2024.

[33] California Geological Survey (CGS). 2010. Fault Activity Map of California. Website: https://maps.conservation.ca.gov/cgs/fam/. Accessed March 15, 2024.

adherence to the City's Standard Permit Condition (Seismic Hazards), and in compliance with all applicable State and local regulations. As such, the impact would be less than significant.

Removal of the 11 billboards would not include excavation and would be limited to their existing footprints. No impact would occur.

b) Strong seismic ground shaking?

Less than significant impact. As stated above, the City is located in a seismically active region of California and strong ground shaking would be expected during the lifetime of the proposed project. According to the Association of Bay Area Governments (ABAG), Santa Clara County is categorized under the "Very Strong" shaking category.[34] To avoid and minimize potential impacts from seismic shaking, the proposed project would be constructed using standard engineering and seismic safety design techniques outlined in the City's Building Division and CBC. Additionally, the proposed project would be constructed in accordance with the City's Standard Permit Conditions (Seismic Hazards), which requires a site-specific geotechnical report to identify the appropriate design and construction techniques to minimize risk to people and structures. With adherence to the Standard Permit Conditions and compliance with all applicable regulations, the impact would be less than significant.

Removal of the 11 billboards would not include excavation and would be limited to their existing footprints. No impact would occur.

c) Seismic-related ground failure, including liquefaction?

Less than significant impact. The City's Public Geographic Information System (GIS) Viewer shows that both project sites are subject to liquefaction.[35] Similarly, according to the EQ Zapp, the project sites are within an established liquefaction hazard zone.[36] However, the proposed project would be subject to the most recently adopted CBC to ensure the proposed billboard would be designed to withstand seismic activity. Additionally, the proposed project would be constructed in accordance with the City's Standard Permit Conditions (Seismic Hazards) which requires a site-specific geotechnical report to identify the appropriate design and construction techniques to minimize risk to people and structures. With adherence to the Standard Permit Conditions and compliance with all applicable regulations, the impact would be less than significant.

Removal of the 11 billboards would not include excavation and would be limited to their existing footprints. No impact would occur.

d) Landslides?

Less than significant impact. Both of the proposed project sites are within an urbanized area with relatively flat topography. According to the City's Public GIS Viewer and the EQ Zapp, the project

[34] Association of Bay Area Governments (ABAG). 2021. Probabilistic Earthquake Shaking Hazard, Hazard Viewer Map. Website: https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8. Accessed March 15, 2024.

[35] City of San José. 2024. Public GIS Viewer. Website: https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=3c5516412b594e79bd25c49f10fc672f. Accessed March 15, 2024.

[36] California Geological Survey (CGS). 2024. California Earthquake Hazards Zone Application (EQ Zapp). Website: www.conservation.ca.gov/cgs/geohazards/eq-zapp. Accessed March 15, 2024.

sites are not within an earthquake-induced landslide hazard zone.[37,38] Nonetheless, the proposed project would be subject to the requirements of the CBC and the City's Standard Permit Conditions (Seismic Hazards), which requires a site-specific geotechnical report to identify the appropriate design and construction techniques to minimize risk to people and structures. With adherence to the Standard Permit Conditions and compliance with all applicable regulations, impacts would be less than significant.

Removal of the 11 billboards would not include excavation and would be limited to their existing footprints. No impact would occur.

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

Less than significant impact. Soil exposed by construction activities during project development could be subject to erosion if exposed to heavy rain, winds, or other storm events. Most of the erosion potential or loss of topsoil would occur during grading and excavation. Grading and ground disturbance increase the potential for accelerated erosion by removing protective vegetation or cover and changing natural drainage patterns.

As discussed in Section 4.7.1, Environmental Setting, the proposed project would be subject to the Municipal Code, which contains requirements for grading, excavation, and erosion control through a Grading and Drainage Permit. Additionally, the proposed project would be subject to the City's Standard Permit Condition (Construction-Related Water Quality, listed in Section 4.10, Hydrology and Water Quality). Compliance with the Municipal Code and Standard Permit Condition would reduce potential impacts associated with soil erosion. Impacts would be less than significant.

Removal of the 11 billboards would not include grading or excavation and would be limited to their existing footprints. No impact would occur.

3) 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?

Less than significant impact. See Impact Discussions for items 1) and 2) above.

Removal of the 11 billboards would not include excavation and would be limited to their existing footprints. No impact would occur.

4) 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?

Less than significant impact. Construction of the proposed billboards would include limited excavation for the installation of the electronic billboard structure. The area of ground disturbance is estimated to be approximately 28.25 square feet at each proposed location. Standard construction

[37] City of San José. 2024. Public GIS Viewer. Website: https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=3c5516412b594e79bd25c49f10fc672f. Accessed March 15, 2024.

[38] California Geological Survey (CGS). 2024. California Earthquake Hazards Zone Application (EQ Zapp). Website: www.conservation.ca.gov/cgs/geohazards/eq-zapp. Accessed March 15, 2024.

practices would be followed to minimize soil erosion during construction. The proposed project would comply with General Plan Policy EC-4.4, which requires that all new development conform to the City's Geologic Hazard Ordinance, and it would adhere to City's Standard Permit Conditions (Seismic Hazards). With adherence to the Standard Permit Conditions and compliance with all applicable regulations, impacts would be less than significant.

Removal of the 11 billboards would not include excavation and would be limited to their existing footprints. No impact would occur.

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

No Impact. The proposed project would not include new housing or employment opportunities or other services that would require sanitary services. The proposed project does not include new septic tanks or alternative wastewater disposal systems. Therefore, no impact would occur.

Septic tanks would not be part of removal of the 11 billboards. No impact would occur.

6) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than significant impact. Paleontological resources are the fossilized remains of plants and animals, including vertebrates (animals with backbones; fish, amphibians, reptiles, birds, mammals, etc.), invertebrates (animals without backbones; starfish, clams, coral, etc.), microscopic plants and animals (microfossils), and trace fossils/ichnofossils (i.e., footprints, burrows, etc.). They are valuable, nonrenewable scientific resources used to document the existence of extinct life forms and to reconstruct the environments in which they lived. Fossils can be used to determine the relative ages of the depositional layers in which they occur and of the geologic events that created those deposits. Despite the tremendous volume of sedimentary rock deposits preserved worldwide, and the enormous number of organisms that have lived through time, preservation of plant or animal remains as fossils is an extremely rare occurrence. Because of their rarity and the scientific information they can provide, fossils are highly significant records of ancient life.

The Society of Vertebrate Paleontology (SVP) has helped define the value of paleontological resources and indicates that geologic units of high paleontological potential are those from which vertebrate or significant invertebrate or plant fossils have been recovered in the past (i.e., are represented in institutional collections). Geologic units of low paleontological potential are those that are not known to have produced a substantial body of significant paleontological material. As such, the sensitivity of an area with respect to paleontological resources hinges on its geologic setting and whether significant fossils have been discovered in the area or in similar geologic units. A geologic unit known to contain significant fossils considered "sensitive" to adverse impacts if there is a high probability that earthmoving or ground-disturbing activities in that rock unit will either directly or indirectly disturb or destroy fossil remains.

Geologic mapping by T.W. Dibblee and J.A. Minch indicates that both project sites are underlain by surficial sediments composed of Holocene-age alluvial deposits (Qa and Qya).[39] Dibblee and Minch describe these sediments as alluvial gravel, sand, silt, and clay, which represents undifferentiated stream alluvium in drainages and younger alluvial fan deposits (Qa); and alluvial sand, fine-grained, silt, clay, which represents distal alluvial fan deposits on the outer edges of fan deposits (Qya).[40] Mapping also indicates Pleistocene-age alluvial deposits (Qoa) in proximity to the project site.[41] While not mapped at the surface at the project sites, the Pleistocene-age deposits are present at depth.

In some cases, Pleistocene-age deposits may be several feet beneath the surface; however, recent vertebrate fossil discoveries in the Guadalupe River (within approximately 3 miles of the project sites) indicate that Pleistocene-age deposits are close to the surface along the river.[42] A 2016 study by Kaitlin Maguire and Patricia Holroyd (Maguire and Holroyd) revealed that several Pleistocene-age vertebrate fossil have been recovered from deposits mapped as Holocene-age alluvium, suggesting that Pleistocene-age deposits are closer to the surface than may have been previously thought.[43] The recent discoveries from the Guadalupe River have yielded several Pleistocene-age vertebrate specimens—including mammoth, horse, sloth, pronghorn, camel, and bison fossils.[44]

A search of the University of California Museum of Paleontology (UCMP) online fossil localities database was conducted for localities from unnamed geologic formations dating to the Holocene and Pleistocene epochs in Santa Clara County. The UCMP database lists 10 invertebrate fossil specimens from 21 localities in Holocene-age sediments in Santa Clara County.[45] Additionally, there are 12 vertebrate and two invertebrate fossil specimens from 14 localities in Pleistocene-age sediments in Santa Clara County—including the localities discussed by Maguire and Holroyd.[46]

In general, Holocene-age alluvial deposits have a low potential to contain significant paleontological resources near the surface due to the relatively young age of these deposits. However, the potential increases with increasing depth into the subsurface where Holocene-age deposits transition into older Pleistocene-age deposits, which are generally considered to have a high potential to contain significant paleontological resources. As indicated by the study by Maguire and Holroyd, areas along the Guadalupe River previously mapped as Holocene-age alluvium have produced significant Pleistocene-age vertebrate fossils.

Construction activities would include site preparation, excavation, trenching, and billboard installation. Each billboard's construction would include excavating a hole approximately 6 feet in

[39] Dibblee, T.W., and J.A. Minch. 2007. Geologic Map of the Cupertino and San José West Quadrangles, Santa Clara and Santa Cruz Counties, California. Dibblee Geological Foundation. Dibblee Foundation Map DF-351. Map. Scale 1:24,000.
[40] Ibid.
[41] Ibid.
[42] Maguire, Kaitlin, and Patricia Holroyd. 2016. Pleistocene Vertebrates of Silicon Valley (Santa Clara County, California). PaleoBios. 33:1-14. Ucmp_paleobios_31767.
[43] Ibid.
[44] Ibid.
[45] University of California Museum of Paleontology (UCMP). 2023. UC Museum of Paleontology Localities database. Quaternary-age fossil localities within Santa Clara County.
[46] Ibid.

diameter (approximately 28.25 square feet) to a depth of approximately 40 feet below ground surface (bgs).

The loss of a unique paleontological resource or site that could yield information important to prehistory, or that embodies the distinctive characteristics of a type of organism, environment, period of time, or geographic region, would be a significant environmental impact. Direct impacts on paleontological resources primarily concern the potential destruction of nonrenewable paleontological resources and the loss of information associated with these resources. This includes the unauthorized collection of fossil remains. If potentially fossiliferous bedrock or surficial sediments are disturbed, the disturbance could result in the destruction of paleontological resources and subsequent loss of information.

For project sites that are underlain by paleontologically sensitive geologic units, the greater the amount of ground disturbance, the higher the potential for significant impacts on paleontological resources. Given the high potential for the presence of such resources, it is assumed that excavation and grading that exceeded 2 feet bgs in areas of previously undisturbed sediments would have a high likelihood of destroying paleontological resources. However, compliance with the City's Standard Permit Condition listed below, impacts would be less than significant.

Removal of the 11 billboards would not include excavation and would therefore not have the potential to affect a paleontological resource. No impact would occur.

Mitigation Measures

None have been identified.

City Standard Permit Conditions

Avoid or Minimize Seismic Damage

- To avoid or minimize potential damage from seismic shaking, project construction shall use standard engineering and seismic safety design techniques. Complete building design and construction at the site in conformance with the recommendations of an approved geotechnical investigation. The report shall be reviewed and approved by the City of San José Department of Public Works as part of the building permit review and entitlement process. The buildings shall meet the requirements of applicable Building and Fire Codes as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on-site and off-site to the extent feasible and in compliance with the Building Code.
- 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.
- The project shall be constructed in accordance with the standard engineering practices in the California Building Standards Code, as adopted by the City of San José. A grading permit

from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.

Paleontological Resources

If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, the Director of 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 project applicant 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.

4.7.3 - Conclusion

With adherence to the Standard Permit Conditions, impacts to geology and soils would be less than significant.

4.8 - GREENHOUSE GAS EMISSIONS

4.8.1 - Environmental Setting

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. Greenhouse gases, 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. On a national, State, and County scale, the transportation sector is the largest emitter of GHG emissions, followed by electricity generation and the industrial sector.[47,48,49]

The City of San José also has the transportation sector as the largest emitter of GHG emission, followed by residential and commercial development.[50]

Applicable Plans, Policies and Regulations

Legislative Actions to Reduce Greenhouse Gas Emissions

California State legislature has enacted a series of bills to reduce GHGs. Some legislation, such as the landmark AB 32 California Global Warming Solutions Act of 2006 was specifically enacted to address GHG emissions. Other legislation such as Title 24 and Title 20 energy standards were originally adopted for other purposes such as energy and water conservation but also provide GHG reductions. This section describes the major provisions of the legislation.

Assembly Bill 32 and Senate Bill 32

Under AB 32, the ARB established a Statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources. In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require the ARB to ensure that Statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. The ARB updated

[47] United States Environmental Protection Agency (EPA). 2023. Inventory of U.S. Greenhouse Gas Emissions and Sinks 1990-2021. Website: https://www.epa.gov/system/files/documents/2023-04/US-GHG-Inventory-2023-Main-Text.pdf. Accessed February 18, 2024.

[48] California Air Resources Board (ARB). Current California GHG Emission Inventory Data 2000-2020 GHG inventory (2022 Edition). Website: https://ww2.arb.ca.gov/ghg-inventory-data. Accessed December 7, 2023.

[49] County of Santa Clara. 2022. 2020 County Operations Greenhouse Gas Inventory. February. Website: https://sustainability.sccgov.org/sites/g/files/exjcpb976/files/documents/2020%20County%20Operations%20GHG%20Emissions%20Inventory_FINAL%2003042022.pdf. Accessed February 18, 2024.

[50] City of San José. 2020. 2030 Greenhouse Gas Reduction Strategy. August. Website: https://www.sanjoseca.gov/home/showpublisheddocument/63667/637347412207870000. Accessed December February 18, 2024.

its Climate Change Scoping Plan in December of 2017 to express the 2030 Statewide target in terms of million metric tons (MMT) of carbon dioxide equivalent (CO_2e). Based on the emissions reductions directed by SB 32, the annual 2030 Statewide target emissions level for California is 260 MMT CO_2e.

2022 ARB Scoping Plan

The 2022 Scoping Plan reaffirms and clarifies the role of local governments in achieving the State's climate goals, particularly concerning the approval of new land use development projects and their environmental review under CEQA. It encourages local governments to adopt a CEQA-qualified Clean Air Plan addressing three priority areas: (1) transportation electrification, (2) VMT reduction, and (3) building decarbonization. By prioritizing climate action in these three priority areas, local governments can address the largest sources of GHGs within their jurisdiction. Local governments that prepare qualified Clean Air Plans that include strategies in these areas contribute to alignment between local climate action and the State's climate goals.

California Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. It builds on AB 32 by requiring the ARB to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035 compared to 2005 emissions. The per capita reduction targets for passenger vehicles in the San Francisco Bay Area include a 7 percent reduction by 2020 and a 15 percent reduction by 2035.[51]

Metropolitan Transportation Commission (MTC) and ABAG adopted Plan Bay Area in October 2021. The strategies in the plan are intended to promote compact, mixed-use development close to public transit, jobs, schools, shopping, parks, recreation, and other amenities, particularly within priority development areas identified by local jurisdictions.

2017 Clean Air Plan

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

BAAQMD GHG Guidelines

The BAAQMD's 2022 CEQA Air Quality Guidelines provides recommended significance thresholds for GHGs for land use development projects and plans. The new thresholds state that if a project would contribute its "fair share" of what will be required to achieve California's long-term climate goal of carbon neutrality by 2045, then a reviewing agency can find that the impact will not be significant because the project will help to solve the problem of global climate change. The thresholds for new land use projects require projects to meet one of two enumerated Criteria: "A" or "B." If a land use development project cannot demonstrate consistency with Criterion A or Criterion B, then that project would result in a potentially significant impact related to the generation of direct and indirect GHG emissions.

[51] The emission reduction targets are for those associated with land use and transportation strategies only. Emission reductions due to the California Low Carbon Fuel Standards or Pavley emission control standards are not included in the targets.

Project consistency with Criteria A is established by incorporating project design criteria based on key attributes consistent with the 2022 Scoping Plan and long-term carbon neutrality goals. Projects incorporating these elements would be contributing their "fair share" of what will be required to achieve California's long-term climate goal of carbon neutrality by 2045. These include criteria for building energy design (elimination of natural gas) as well as criteria related to reduction in transportation emissions via VMT reductions and installation of electrical vehicle (EV) charging infrastructure.

Project consistency with Criterion B involves demonstrating compliance with a local "qualified" GHG plan. CEQA Guidelines Section 15183.5(b) allows projects and plans to be analyzed through a streamlined or tiered approach utilizing an adopted Greenhouse Gas Reduction Plan. A "qualified" reduction strategy capable of being utilized for a streamlined or tiered analysis under CEQA must meet the following requirements:

- Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;
- Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable;
- Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area;
- Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;
- Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendments if the plan is not achieving specified levels; and
- Be adopted in a public process following environmental review.

The City's GHGRS is a qualified GHG plan that allows a streamlined GHG analysis for this project.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within City limits. The following policies are specific to reducing GHG emissions and are relevant to the proposed project.

Envision San José 2040 General Plan Relevant Greenhouse Gas Policies

Policies	Description
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-2.4	Promote energy-efficient construction industry practices.

Envision San José 2040 General Plan Relevant Greenhouse Gas Policies

Policies	Description
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.

4.8.2 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
2. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Impact Discussion

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

Less than significant impact. Projects generate GHG emissions during construction and operation (e.g., mobile emissions, emissions from generation of electricity for operations, and emissions of from the manufacturing and transport of construction materials).

Construction GHG Emissions

During project construction, GHGs would be generated by construction activities such as operation of heavy-duty construction vehicles, materials and debris hauling, paving, and construction worker vehicle trips. These emissions would be considered short-term in duration. The BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions; however, the BAAQMD does recommend that lead agencies quantify, disclose, and provide a significance determination for construction-related GHG emissions.

Construction emissions were estimated using CalEEMod. Construction assumptions used to estimate GHG emissions are consistent with those used to estimate air pollutant emissions, as described under Impact 4.3(b). Table 5 shows that GHG emissions generated by project construction were estimated to be approximately 23.5 metric tons (MT) CO_2e.

Table 5: Construction GHG Emissions

Construction Phase	Total MT CO_2e/year
Demolition	14.1
Trenching	1.6
Grading	4.2
Building Construction (Installation of Billboard)	1.8
Paving	1.8
Total Construction Emissions	23.5
Notes: Because of rounding, total MT CO_2e may be marginally different from California Emissions Estimator Model (CalEEMod) Output. MT CO_2e = metric tons of carbon dioxide equivalents Source: CalEEMod Output (Appendix B).	

Considering GHG emissions from construction would be temporary and not represent recurring annual emissions, the proposed project would not conflict with reduction goals contained in SB 32. Therefore, the proposed project would not present a potentially significant impact from construction-related GHG emissions.

Operational GHG Emissions

Operational or long-term GHG emissions would occur over the life of the proposed project. Sources for operational emissions include electricity and maintenance vehicle trips. LED electronic billboards (programmable electronic signs) are subject to energy efficiency requirements under Title 24 of the California Code of Regulations. The billboards are required to be dimmable, which would reduce energy use and GHG emissions associated with the generation of electricity. Consistent with the City Council Policy 6-4 related to electronic billboards, each of the proposed new electronic billboards would be illuminated 18 hours per day, 365 days per year. The light levels emitted from each of the billboards would be set to adjust based on ambient light conditions at any given time (i.e., nighttime versus daytime). Based on data from a similar digital/electronic billboard (two-facings) that illuminates 24 hours a day, the proposed project would result in an estimated annual electricity demand 70,343 kWh (35,171 kWh per billboard), or 70.3 megawatt-hours (MWh), per year (35.2 MWh per billboard). To demonstrate consistency with the City's GHGRS (discussed below), the proposed project would participate in the SJCE at the Total Green level (i.e., 100 percent renewable energy source). Therefore, the proposed project's electricity use would be powered by renewable energy sources and would result in a less than significant impact of GHG emissions from electricity use.

Billboards require occasional upkeep and maintenance activities, which generate vehicle trips and resulting GHG emissions. These mobile source GHG emissions are difficult to quantify as no data is available at the time of this analysis to accurately represent these maintenance trips. However, it is expected the proposed project would require fewer than one maintenance and associated vehicle trips to the proposed billboards per month. Therefore, the estimated amount of GHG emissions

generated from vehicle trips for maintenance of the billboards would be negligible and operational GHG emissions would be less than significant.

Consistency with GHGRS

The City's GHGRS is intended to meet the mandates outlined in the CEQA Air Quality Guidelines, as well as the BAAQMD requirements for Qualified GHG Reduction Strategies. The GHGRS provides GHG reduction targets for 2030 and strategic implementation measures in compliance with the State's adopted SB 32 2030 GHG reduction targets and is thus considered a "Qualified Greenhouse Gas Reduction Strategy" as defined by CEQA Guidelines Section 15183.5(b). As such, if the proposed project is consistent with the Clean Air Plan, the proposed project would satisfy Criterion B of the BAAQMD's 2022 CEQA Air Quality Guidelines GHG thresholds.

The proposed project's consistency with the GHGRS is discussed in Table 6, below. A completed copy of the GHGRS is also included in Appendix B.

Table 6: Project Consistency with GHGRS

Measure	Description	Consistency
Table A: General Plan Consistency		
Land Use/ Transportation Diagram	Is the project consistent with the Land Use and Transportation Diagram?	The West Mission Street billboard site has a General Plan designation of Neighborhood/Community Commercial (NCC) and a zoning designation of Commercial Pedestrian (CP). The Mabury Road billboard site has a General Plan designation of Light Industrial (LI) and zoning designation of LI. Construction and operation of an electronic billboard is allowed within the LI and CP zoning districts (Municipal Code Chapter 23.04). Therefore, the proposed project is consistent with this measure.
MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings	The proposed project plans to construct two electronic billboard structures and does not propose constructing any buildings. Therefore, this measure does not apply to the proposed project.
MS-2.3	Encourage consideration of solar orientation, including building placement, landscaping, design and construction techniques for new construction to minimize energy consumption.	The solar orientation of the proposed electronic sign would not affect the sign's ability to minimize energy consumption. However, the proposed project would be required to comply with Title 24 green building measures and energy conservation requirements. Furthermore, the proposed project would also follow the City's Greenhouse Gas Reduction Strategy, the applicant will participate in

Measure	Description	Consistency
		the San José Clean Energy (SJCE) program at the Total Green level for accounts associated with the project. Therefore, the proposed project is consistent with this measure.
MS-2.7	Encourage the installation of solar panels or other clean energy power generation sources over parking areas.	The proposed project involves two electronic billboard structures and does not propose including any parking areas. Therefore, this measure does not apply to the proposed project.
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).	The proposed project does not plan to construct any buildings, and therefore the Green Building Ordinance would not apply to the project. This measure is not applicable to the proposed project.
MS-16.2	Promote neighborhood-based distributed clean/renewable energy generation to improve local energy security and to reduce the amount of energy wasted in transmitting electricity over long distances.	The proposed project does not include energy generation or transmission infrastructure. This measure is not applicable to the proposed project.
CD-2.1	Promote the Circulation Goals and Policies in the Envision San José 2040 General Plan. Create streets that promote pedestrian and bicycle transportation by following applicable goals and policies in the Circulation section of Envision San José 2040 General Plan. a.) Design the street network for safe shared use by pedestrians, bicyclists, and vehicles. Include elements that increase driver awareness. b.) Create a comfortable and safe pedestrian environment by implementing wider sidewalks, shade structures, attractive street furniture, street trees, reduced traffic speeds, pedestrian-oriented lighting, mid-block pedestrian crossings, pedestrian activated crossing lights, bulb-outs and	The proposed project plans to construct two electronic billboard structures and does not propose any changes related to circulation. The proposed project would comply with all policies related to illumination and driver safety, such as those included within California Department of Transportation (Caltrans) regulations and Municipal Code regulations. Therefore, the proposed project is consistent with this measure.

Measure	Description	Consistency
	curb extensions at intersections, and on-street parking that buffers pedestrians from vehicles. c.) Consider support for reduced parking requirements, alternative parking arrangements, and Transportation Demand Management strategies to reduce area dedicated to parking and increase area dedicated to employment, housing, parks, public art, or other amenities. Encourage de-coupled parking to ensure that the value and cost of parking are considered in real estate and business transactions.	
CD-2.5	Integrate Green Building Goals and Policies of the Envision San José 2040 General Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.	The proposed project does not plan to construct any buildings and therefore the Green Building Ordinance would not apply to the project. This measure is not applicable to the proposed project.
CD-2.11	Within the Downtown and Urban Village Overlay areas, consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures.	The proposed project would not construct a surface parking lot. For this reason, the proposed project would be consistent with this measure.
CD-3.2	Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.	The proposed project would construct two electronic billboard structures and would not affect connectivity for pedestrians or bicyclists. This measure is not applicable to the proposed project.
CD-3.4	Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle	The proposed project would construct two electronic billboard structures and would not affect connectivity for

Measure	Description	Consistency
	connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.	pedestrians or bicyclists. This measure is not applicable to the proposed project.
LU-3.5	Balance the need for parking to support a thriving Downtown with the need to minimize the impacts of parking upon a vibrant pedestrian and transit-oriented urban environment. Provide for the needs of bicyclists and pedestrians, including adequate bicycle parking areas and design measures to promote bicyclists and pedestrian safety.	The proposed project would not be located in Downtown. Therefore, this measure is not applicable to the proposed project.
TR-2.8	Require new development to promote on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land use to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.	The new development would consist of two electronic billboards on City-owned parking lot and service yard. The proposed project would not have the capacity to create on-site facilities or provide connectivity for pedestrians and bicyclists. Because of the nature of the proposed project, the project also would not attract visitors to the site. Therefore, the measure is not applicable to the proposed project.
TR-7.1	Require large employers to develop TDM programs to reduce the vehicle trips and vehicle miles generated by their employees through the use of shuttles, provision for car-sharing, bicycle sharing, carpool, parking strategies, transit incentives and other measures.	The proposed project would not include employees. Occasionally, a technician would visit the site for maintenance. Therefore, the measure is not applicable to the proposed project.
TR-8.5	Promote participation in car share programs to minimize the need for parking spaces in new and existing development.	The proposed project includes two billboard structures and does not involve visitors to the site. Additionally, the proposed project does not include any parking. Therefore, the measure is not applicable to the proposed project.
MS-3.1	Require water efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance (MWELO), for all new commercial, institutional, industrial, and developer-installed residential development unless	The proposed project would not involve any landscaping. If the proposed project removed trees from the site and therefore would be required to pay an off-site tree replacement fee or replace the trees on-site. If replacement trees are

Measure	Description	Consistency
	for recreation needs or other area functions.	planted on-site, they would be water efficient and would conform to the State's MWELO.
MS-3.2	Promote the use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source of nonpotable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.	Construction of two electronic billboard structures would use a negligible amount of water on a temporary basis. The operation of the proposed project would generate no demand for water and, therefore, would not exceed existing water entitlements. Therefore, the proposed project is consistent with this measure.
MS-19.4	Require the use of recycled water whenever feasible and cost-effective to serve the existing and new development.	The operation of the proposed project would generate no demand for water and, therefore, would not require the use of recycled water to serve the development. Thus, the measure is not applicable to the proposed project.
MS-21.3	Ensure that San José's Community Forest is comprised of species that have low water requirements and are well adapted to its Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure perpetuation of the Community Forest.	The proposed project would not involve any landscaping. If the proposed project removed trees from the site, an off-site tree replacement fee or replacement of the trees on-site would be required. If replacement trees were planted on-site, they would have low water requirements. Therefore, the proposed project would be consistent with this measure.
MS-26.1	As a condition of new development, require 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.	The proposed project would not involve any landscaping. If the proposed project removed trees from the site, an off-site tree replacement fee or replacement of the trees on-site would be required. Therefore, the proposed project would comply with the City's tree replacement policy and would be consistent with this measure.
ER-8.7	Encourage stormwater reuse for beneficial uses in existing infrastructure and future development through the installation of rain barrels, cisterns, or other water storage and reuse facilities.	Construction of two electronic billboard structures would use a negligible amount of water on a temporary basis. The operation of the proposed project would generate no demand for water and, therefore, would not require stormwater reuse. Therefore, the measure is not applicable to the proposed project.

Measure	Description	Consistency
Table B: Greenhouse Gas Reduction Strategy		
Renewable Energy Development	1. Install solar panels, solar hot water, or other clean energy power generation sources on development sites, or 2. Participate in community solar programs to support development of renewable energy in the community, or 3. Participate in San José Clean Energy at the Total Green level for accounts associated with the project.	The proposed project would be required to comply with Title 24 green building measures and energy conservation requirements. The sign would also follow the City's Greenhouse Gas Reduction Strategy, and the applicant would participate in the SJCE program at the Total Green level for accounts associated with the project. Therefore, the proposed project is consistent with this measure.
Building Retrofits–Natural Gas	This strategy applies to projects that include a retrofit of an existing building. If the proposed project does not include a retrofit, select "Not Applicable."	This measure is not applicable.
Zero Waste Goal	Provide space for organic waste collection containers; exceed the City's construction and demolition waste diversion requirement.	Organic waste containers would not be required, as the proposed project would not create organic waste during operation. However, the proposed project would meet the City's construction and demolition waste diversion requirements. Therefore, the proposed project is consistent with this measure.
Caltrain Modernization	For projects located within 1.2 mile of a Caltrain station, establish a program through which to provide project tenants and/or residents with free or reduced Caltrain passes; develop a program that provides project tenants and/or residents with options to reduce their vehicle miles traveled (e.g., a TDM program), which could include transit passes, bike lockers and showers, or other strategies to reduce project-related VMT.	The proposed project would not have tenants and/or residents. Therefore, this measure is not applicable.
Water Conservation	Install high-efficiency appliances/fixtures to reduce water use, and/or include water sensitive landscape design, and or provide access to reclaimed water for outdoor water use on the project site.	The proposed project would not involve any landscaping. If the proposed project removed trees from the site, an off-site tree replacement fee or replacement of the trees on-site would be required. If replacement trees were planted on-site, they would have low water requirements. Therefore, the proposed project would be consistent with this measure.

As demonstrated above, the proposed project would be consistent with a Qualified GHG Reduction Plan as per Criterion B of the BAAQMD CEQA GHG thresholds. Therefore, the proposed project's GHG impacts would be less than significant.

2) Would the project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

Less than significant impact. As described previously, the proposed project would be consistent with the City's GHGRS, which is a qualified Climate Action Plan that allows for tiering and streamlining of GHG analyses under CEQA. Projects that comply with the policies and strategies outlined in the 2030 GHGRS would have less than significant GHG impacts under CEQA.

Mitigation Measures

None have been identified.

Standard Permit Conditions

None have been identified.

Conclusion

There would be less than significant impacts to GHG emissions.

4.9 - HAZARDS AND HAZARDOUS MATERIALS

This section describes the existing hazards and hazardous materials setting and the potential impacts from project implementation on the project sites and their surrounding areas. The Federal Aviation Administration (FAA) issued letters determining the proposed project would pose no hazard risk to air navigation. These letters are included in Appendix F.

4.9.1 - Environmental Setting

The project sites are a City-owned lot used as a service yard (Mabury Road project site) and a parking lot (West Mission Street project site) and are surrounded by urban development. No open cleanup sites are located at the project site or its vicinity.

Applicable Plans, Policies and Regulations

Federal Aviation Regulation Part 77 Rule

Federal Aviation Regulation Part 77, Objects Affecting Navigable Airspace, provides navigable airspace criteria for airports and imaginary surface criteria for heliports. Federal Aviation Regulation Part 77 regulates the safe and efficient use of navigable airspace and navigational facilities. Regulations cover construction noticing requirements, standards for determining obstructions to air navigation or navigational facilities, aeronautical studies and determinations, and petitions for discretionary review.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) regulates hazardous waste from the time that the waste is generated through its management, storage, transport, and treatment until its final disposal. The EPA authorizes the California Department of Toxic Substances Control (DTSC) to administer RCRA in California. DTSC acts as the general agency for soil and groundwater cleanup projects and establishes cleanup and action levels for subsurface contamination that are equal to, or more restrictive than, federal levels.

Comprehensive Environmental Response, Compensation & Liability Act

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), commonly known as Superfund, was designed to clean up abandoned hazardous waste sites that may endanger public health or the environment. The law authorizes the EPA to identify parties responsible for contamination of sites and compel the parties to clean up the sites. Where responsible parties cannot be found, the EPA is authorized to perform the cleanup using a special trust fund. This law outlines the potential liability related to the cleanup of hazardous substances, available defenses to such liability, appropriate inquiry into site status under Superfund, and statutory definitions of hazardous substances and petroleum products.

The Cortese List

The Cortese List (Hazardous Waste and Substances Site List) is a document used by State and local agencies and developers to comply with CEQA requirements to consider Government Code Section 5962.5 in evaluating proposed development projects. The Government Code requires the DTSC to

compile and update a list of hazardous waste sites, handling facilities, disposal facilities, and abandoned sites.

Santa Clara County Department of Environmental Health

The Santa Clara County Department of Environmental Health acts as the local oversight agency for investigation and cleanup of petroleum releases from Underground Storage Tanks (USTs) through implementation of the local oversight program by contract with the State and Regional Water Resources Control Board.

San Francisco Bay Regional Water Quality Control Board

There are nine Regional Water Quality Control Boards (RWQCBs) throughout the State. The San Francisco Bay RWQCB has jurisdiction over projects in the City of San José. Individual RWQCBs function as the lead agencies responsible for identifying, monitoring, and cleaning up Leaking Underground Storage Tanks (LUSTs). Storage of hazardous materials in USTs is regulated by the California State Water Resources Control Board (State Water Board), which oversees the nine RWQCBs.

San José Mineta International Airport Comprehensive Land Use Plan

The San José Mineta International Airport (SJC) Airport Land Use Compatibility Plan (ALUCP) is intended to safeguard the general welfare of the inhabitants within the vicinity of the airport and aircraft occupants. The ALUCP establishes an airport land use planning area, referred to as the Airport Influence Area (AIA). The AIA is a composite of areas surrounding the airport that are affected by noise, height, and safety considerations. The ALUCP includes land use compatibility guidelines, with topics such as noise, safety (i.e., lighting and glare), and building height, to ensure that surrounding land uses and development do not interfere with the airport's continuing operations. The following ALUCP safety compatibility policies are relevant to the project:

Policy G-6 Any proposed uses that may cause a hazard to aircraft in flight are not permitted within the Airport Influence Area. Such uses include electrical interference, high intensity lighting, attraction of birds (certain agricultural uses, sanitary landfills), and activities that may produce smoke, dust, or glare.

Policy G-7 All new exterior lighting within the Airport Influence Area shall be designed so as to create no interference with aircraft operations. Such lighting shall be constructed and located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting shall be arrayed in such a manner that it cannot be mistaken for airport approach or runway lights by pilots.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within City limits. The following policies are specific to hazards and hazardous materials and are applicable to the proposed project.

Envision San José 2040 General Plan Relevant Hazardous Material Policies

Policies	Description
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, State and federal laws, regulations, guidelines and standards.
Action EC-7.8	When 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 worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

4.9.2 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school?	☐	☐	☒	☐

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☒	☐
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
7. Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

Impact Discussion

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

Less than significant impact. Construction of the proposed electronic billboards may involve the use, transport, and disposal of hazardous materials such as gasoline, diesel fuel, lubricating oil, hydraulic oil, lubricating grease, automatic transmission fluid, paints, solvents, glues, and other substances typically used during construction. Construction of the electronic billboards would also require the use of gasoline- and diesel-powered heavy equipment such as bulldozers, backhoes, water pumps, and air compressors. If not appropriately managed, accidental spills of these hazardous materials could result in a significant impact.

Any handling of hazardous materials would be limited in both quantity and concentration. Furthermore, project implementation would be required to conform to Title 49 of the Code of Federal Regulations, USDOT, State of California, and local laws, ordinances, and procedures.

Operation of the proposed project would require sporadic maintenance, but this maintenance would not involve the use of any hazardous materials with the potential to significantly impact the public. Therefore, impacts would be less than significant.

Removal of the 11 billboards would involve minimal use, transport, and disposal of hazardous materials such as gasoline and fuel and would be required to comply with all applicable regulations. Impacts would be less than significant.

2) 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?

Less than significant impact. As described above, construction activities would require the use and transport of potentially hazardous materials including oils and combustible fuels but would not be stored in large quantities on-site. The applicant and its contractors would be required to comply with all relevant local, State, and federal regulations related to the handling, transport, and storage of hazardous materials.

Disturbance of on-site soils at the project sites would be limited to soil removal in the immediate area as required to install a foundation for the electronic billboard. Operation of the proposed project, which entails the changing of messages on electronic billboard faces and sporadic maintenance by a *de minimis* number of workers and trucks, would not involve the use of any hazardous materials with the potential to significantly impact the public. Thus, impacts associated with the release of hazardous materials into the environment through reasonably foreseeable upset and accident conditions would be less than significant.

Removal of the 11 billboards would involve minimal use, transport, and disposal of hazardous materials such as gasoline and fuel, resulting in minimal risk of release into the environment. Removal activities would comply with all applicable regulations. Impacts would be less than significant.

3) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?

Less than significant impact.

West Mission Street Billboard

The West Mission Street project site is not within 0.25 mile of a school. The nearest school to the project site is Muwekme Ohlone Middle School, approximately 0.39 mile northeast of the West Mission Street project site. Therefore, the proposed project would not generate hazardous emissions or handle hazardous materials that could affect a nearby school. The impact would be less than significant.

Mabury Road Billboard

The Mabury Road project site is not within 0.25 mile of a school. The nearest schools to the project site are Empire Gardens Elementary School, approximately 0.30 mile southwest of the Mabury Road billboard, and Anne Darling Elementary School and Head Start, approximately 0.37 miles southeast of the Mabury Road billboard. Therefore, the proposed project would not generate hazardous emissions or handle hazardous materials that could affect a nearby school. The impact would be less than significant.

Billboard Removals

The 11 billboards to be removed are located at varying distances from the multitude of education facilities in the City. Removal activities would comply with all applicable regulations. Impacts would be less than significant.

4) 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?

Less than significant impact. The DTSC EnviroStor and State Water Board's GeoTracker databases were reviewed to determine whether the project sites are included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

West Mission Street Billboard

According to the EnviroStor and GeoTracker databases, the proposed West Mission Street billboard is not located on a hazardous materials site.[52] No impact would occur.

Mabury Road Billboard

According to the EnviroStor and GeoTracker databases, the proposed Mabury Road billboard is located on a closed Leaking Underground Storage Tank (LUST) site. In 1996, four USTs (two 12,000-gallon gasoline tanks, one 10,000-gallon diesel tank, and one 500-gallon oil tank) were removed from this site. Remediation of the site included sampling of the soil and groundwater around the removed USTs and subsequent removal of contaminated soil. According to the closure letter, most of the contamination has been excavated and removed from the site. Based on the most recent soil and groundwater sampling results, which indicate the presence of minimal residual contamination in the soil and non-detectable amount of petroleum compounds and fuel oxygenates in the groundwater, Valley Water staff does not believe that there is a significant impact to soil or groundwater at the site. No further corrective action was necessary, and the site's case was closed in 2000.[53]

Based on review of the referenced databases and follow up regarding the status of identified cases, impacts related to Government Code Section 65962.5 would be less than significant.

Billboard Removals

Removal of the 11 billboards would not include excavation and would therefore not have the potential to create a hazard to the public or environment related to Government Code Section 65962.5 sites. No impact would occur.

[52] California State Water Resources Control Board (State Water Board). 2024. GeoTracker database, State Water Board, and DTSC hazardous materials sites listed near West Mission Street, San José, CA. Website: https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=san+jose%2C+ca. Accessed March 15, 2024.

[53] Santa Clara Valley Water District (Valley Water). 2000. Fuel Leak Site Case Closure—City of San José Mabury Yard, 1404 Mabury Road, San José, CA; Case No. 14-528. Website: https://documents.geotracker.waterboards.ca.gov/site_documents/2433918595/CLOS_L_2000-04-17.pdf. Accessed March 15, 2024.

5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

Less than significant impact.

West Mission Street Billboard

The nearest airports to the West Mission Street billboard project site are Norman Y. Mineta San José International Airport (San José Airport), approximately 0.53 miles northwest of the West Mission Street project site; and Reid-Hillview Airport, approximately 4.4 miles southeast of the West Mission Street project site. According to the Norman Y. Mineta San José International Airport Comprehensive Land Use Plan (CLUP), the proposed West Mission Street billboard site is outside of the established noise contours; however, it is within an established safety zone (Turning Safety Zone).[54]

A Photometric Analysis prepared for the West Mission Street proposed billboard concluded that installation of this billboard would not pose a hazard to flights landing at the San José Airport (see Appendix A). As shown in Figure 11, the billboard would face away from the air traffic control tower and would not create any visibility concern for the controllers. In addition, the proposed billboard would be mounted 1,100 feet from the edge of the flight path, with a flight elevation around 200 feet above ground at that location, making the billboard and the light emanating from it far enough away from the flight path as to not be a distraction or visual impediment at its dimmed evening luminance.[55]

Under Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace, any proposed structure at the West Mission Street project site exceeding approximately 17 feet in height above ground level (AGL)/87 feet above mean sea level (AMSL) would require submittal to the FAA for airspace safety review. The maximum proposed billboard height at the West Mission Street site exceeds 17 feet AGL. The FAA made a determination the that the proposed West Mission Street billboard does not exceed obstruction standards and would not be a hazard to air navigation (see Appendix F).[56]

Mabury Road Billboard

Mabury Road Billboard: The nearest airports to the project site are San José Airport, approximately 2.2 miles west of the Mabury Road project site; and Reid-Hillview Airport, approximately 3 miles southeast of the Mabury Road project site.

[54] Santa Clara County Airport Land Use Commission (ALUC). Norman Y. Mineta San José International Airport Comprehensive Land Use Plan (CLUP). Adopted May 25, 2011, Amended November 16, 2016.

[55] Exp. 2024. Clear Channel 84 W Mission St, San José, CA Digital Billboard Photometric Analysis. October 8.

[56] Federal Aviation Administration, Southwest Regional Office, Obstruction Evaluation Group. 2024. Determination of No Hazard to Air Navigation, Structure: Billboard Mission 20X60. June 4.

According to the Norman Y. Mineta San José International Airport Comprehensive Land Use Plan (CLUP), the proposed Mabury Road billboard site is outside of the established noise contours and safety zones.[57]

The FAA made a determination that the proposed Mabury Road billboard does not exceed obstruction standards and would not be a hazard to air navigation (see Appendix F).[58]

Impacts related to airport hazards and noise would be less than significant.

Billboard Removals

The 11 billboards to be removed are located at varying distances from the Norman Y. Mineta San José International Airport, and all are located outside the established noise contours of both airports. Impacts would be less than significant.

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

Less than significant impact. The proposed project would not result in modifications to existing roadways in a way that would impede emergency access or evacuation. Consistent with the Fire Code, the City Fire Department would review the site plan for the project to ensure adequate emergency vehicle access. The proposed project would not impair or interfere with the implementation of an adopted City of San José or County of Santa Clara emergency response plan or emergency evacuation plan. Impacts would be less than significant.

Removal of the 11 billboards would not require any street closures, would be limited to their existing footprints, and would not interfere with an adopted emergency response plan or emergency evacuation plan. No impact would occur.

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

Less than significant impact.

West Mission Street Billboard

There are no wildlands located within or near the project site. Furthermore, the West Mission Street project sites is bound by roadways and vacant land. Additionally, the project site is in a flat, urbanized areas that is not susceptible to landslides or flooding. Therefore, the proposed West Mission Street billboard project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. Impacts would be less than significant.

[57] Santa Clara County Airport Land Use Commission (ALUC). Norman Y. Mineta San José International Airport Comprehensive Land Use Plan (CLUP). Adopted May 25, 2011, Amended November 16, 2016.

[58] Federal Aviation Administration, Southwest Regional Office, Obstruction Evaluation Group. 2024. Determination of No Hazard to Air Navigation, Structure: Billboard Mabury Rd 14x48. June 4.

Mabury Road Billboard

There are no wildlands located within or near the project site. Furthermore, the Mabury Road project sites is bound by roadways, railway, and Coyote Creek. Additionally, the project site is in a flat, urbanized area that is not susceptible to landslides or flooding. Therefore, the proposed Mabury Road billboard project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. Impacts would be less than significant.

Billboard Removals

The 11 billboards are located in urban areas of the City and there are no wildlands located near them. Therefore, removal activity would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. Impacts would be less than significant.

Mitigation Measures

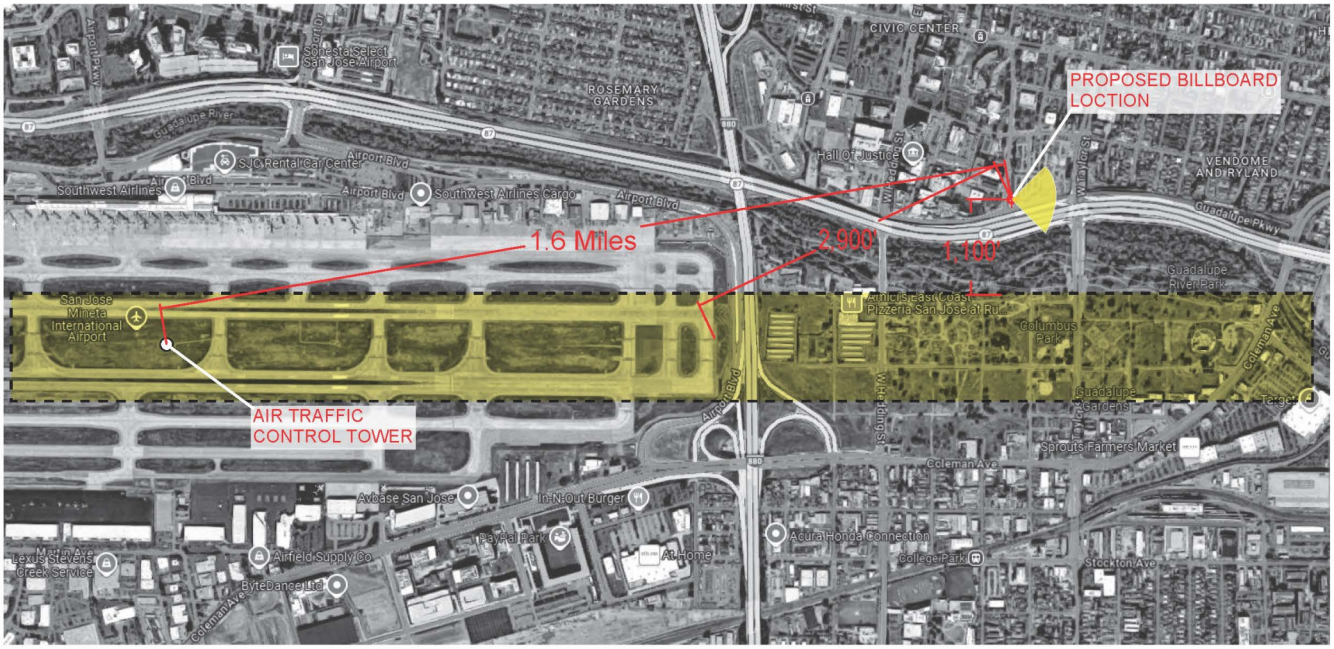
None have been identified.

Standard Permit Conditions

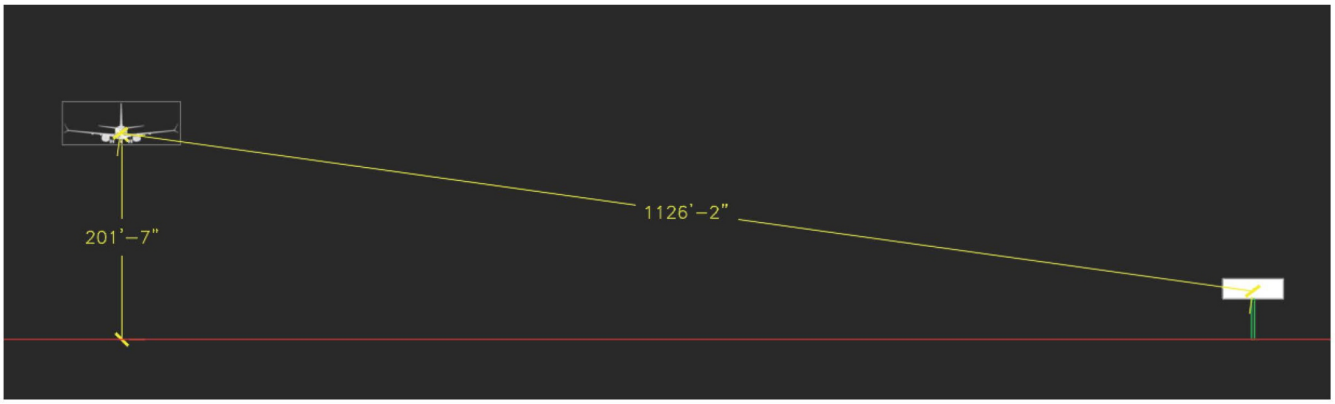
None have been identified.

4.9.3 - Conclusion

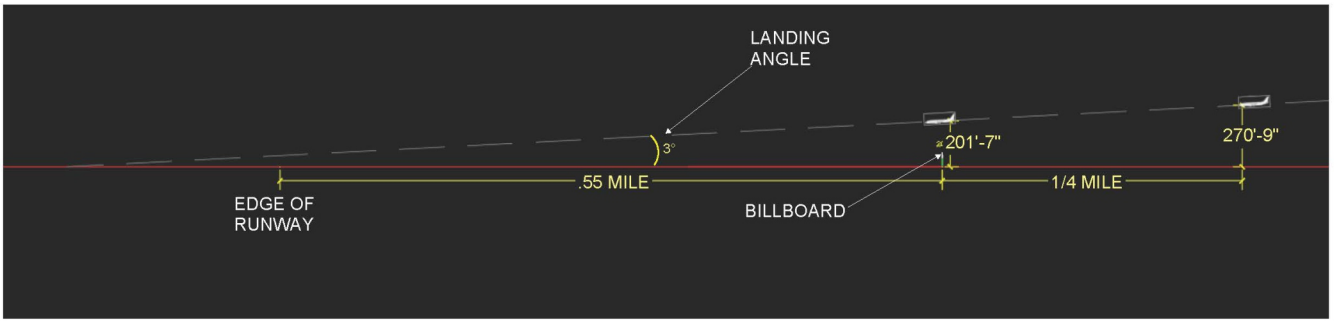
There would be no impacts related to hazards and hazardous materials.



OVERHEAD PLAN SHOWING RELATIONSHIP OF PROPOSED BILLBOARD AND LANDING APPROACH AT SAN JOSE INTERNATIONAL AIRPORT



REAR ELEVATION OF LANDING ZONE



SIDE ELEVATION OF LANDING ZONE

Source: exp, 10/08/2024

FCS
An ADEC Innovation

Figure 11
Airport Landing Approach and Landing Zone
West Mission Street Billboard

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4.10 - HYDROLOGY AND WATER QUALITY

This section describes the existing hydrology and water quality setting and the potential impacts from project implementation on the project sites and their surrounding areas.

4.10.1 - Environmental Setting

West Mission Street Billboard

The project site is located in urban areas of the City. The Guadalupe River is located on the west side of SR-87, approximately 400 feet from the West Mission Street project site.

The project site is within the Santa Clara subbasin, within the larger Santa Clara Valley groundwater basin.[59] This subbasin is managed by the Groundwater Management Plan (GWMP) for the Santa Clara and Llagas Subbasins.[60]

According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the project site is within Zone X, which is considered an area within the 0.2 percent (500-year) Annual Chance Flood Hazard; this zone is also an area within the 1 percent (100-year) annual chance flood with an average depth of less than 1 foot or with drainage areas of less than 1 square mile.[61,62]

Mabury Road Billboard

The project site is located in urban areas of the City. Coyote Creek is located approximately 150 feet west of the Mabury Road billboard project site.

The project site is within the Santa Clara subbasin, within the larger Santa Clara Valley groundwater basin.[63] This subbasin is managed by the GWMP for the Santa Clara and Llagas Subbasins.[64]

According to the FEMA FIRM, the project site is within Zone X, which is considered an area within the 0.2 percent (500-year) Annual Chance Flood Hazard; this zone is also an area within the 1 percent

[59] Department of Water Resources (DWR). 2024. Sustainable Groundwater Management Agency (SGMA) Portal, Groundwater Sustainability Agency (GSA) Map Viewer. Website: https://sgma.water.ca.gov/webgis/index.jsp?jsonfile=https%3a%2f%2fsgma.water.ca.gov%2fportal%2fresources%2fjs%2fmapconfigs%2fGsaMaster.js. Accessed March 15, 2024.

[60] Santa Clara Valley Water District (Valley Water). 2021. Groundwater Management Plan for the Santa Clara and Llagas Subbasins. November 2021.

[61] Federal Emergency Management Agency (FEMA). 2009. Flood Insurance Rate Map (FIRM), Panel 232 of 805, Map Number 06085C0251J. National Flood Insurance Program (NFIP). Effective date May 18, 2009.

[62] Federal Emergency Management Agency (FEMA). 2018. Flood Insurance Rate Map (FIRM), Panel 251 of 805, Map Number 06085C0232H. National Flood Insurance Program (NFIP). Effective date May 18, 2018.

[63] Department of Water Resources (DWR). 2024. Sustainable Groundwater Management Agency (SGMA) Portal, Groundwater Sustainability Agency (GSA) Map Viewer. Website: https://sgma.water.ca.gov/webgis/index.jsp?jsonfile=https%3a%2f%2fsgma.water.ca.gov%2fportal%2fresources%2fjs%2fmapconfigs%2fGsaMaster.js. Accessed March 15, 2024.

[64] Santa Clara Valley Water District (Valley Water). 2021. Groundwater Management Plan for the Santa Clara and Llagas Subbasins. November 2021.

(100-year) annual chance flood with an average depth of less than 1 foot or with drainage areas of less than 1 square mile.[65, 66]

Applicable Plans, Policies, and Regulations

Clean Water Act and Porter-Cologne Water Quality Control Act

The federal Clean Water Act (CWA) and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. The CWA forms the basis for several State and local laws throughout the nation. Its objective is to reduce or eliminate water pollution in the nation's rivers, streams, lakes, and coastal waters. The CWA outlines the federal laws for regulating discharges of pollutants as well as sets minimum water quality standards for all "waters of the United States." The Porter-Cologne Act established the State Water Board.

Several mechanisms are employed to control domestic, industrial, and agricultural pollution under the CWA. At the federal level, the CWA is administered by the EPA. At the State and regional level, the CWA is administered and enforced by the State Water Board and the nine RWQCB. The State of California has developed a number of water quality laws, rules, and regulations, in part to assist in the implementation of the CWA and related federally mandated water quality requirements. In many cases, the federal requirements set minimum standards and policies and the laws, rules, and regulations adopted by the State and regional boards exceed the federal requirements.

Post-construction Urban Runoff Management and Post-construction Hydromodification Management Policies

Council Policy 6-29, Post-construction Urban Runoff Management, requires all new development projects to incorporate site design and source control measures as a means to manage runoff. The policy requires projects creating 10,000 square feet or more of impervious surfaces to employ Low Impact Development (LID) measures.

Council Policy 8-14, Post-construction Hydromodification Management, addresses the management of stormwater runoff to minimize erosion and sedimentation in local waterways through the use of post-construction hydromodification management.

Municipal Regional Stormwater NPDES Permit

The EPA has delegated oversight of National Pollutant Discharge Elimination System (NPDES) requirements for municipal urban runoff discharges in California to the State Water Board and the nine RWQCB offices. In 2009, the San Francisco Bay RWQCB issued a regional NPDES permit (NPDES Permit Order R2-2009-0074, 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.

[65] Federal Emergency Management Agency (FEMA). 2009. Flood Insurance Rate Map (FIRM), Panel 232 of 805, Map Number 06085C0251J. National Flood Insurance Program (NFIP). Effective date May 18, 2009.

[66] Federal Emergency Management Agency (FEMA). 2018. Flood Insurance Rate Map (FIRM), Panel 251 of 805, Map Number 06085C0232H. National Flood Insurance Program (NFIP). Effective date May 18, 2018.

Under the Municipal Regional Stormwater NPDES Permit (also referred to as an MRP), development projects that create, add, or replace 10,000 square feet or more of impervious surface area are required to control post-development stormwater runoff through source control, site design, and treatment control BMPs. Additional requirements must be met by certain large projects that create one acre or more of impervious surfaces (see Hydromodification discussion below). Beginning December 1, 2011, the impervious surface threshold for Regulated Projects decreased from 10,000 square feet to 5,000 square feet for special land use categories (e.g., auto services facilities, gas stations, restaurants, parking lots) and most Regulated Projects will have to treat stormwater runoff with additional treatment measures, such as harvesting and reuse, infiltration, evapotranspiration, or biotreatment.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following policies are specific to hydrology and water quality and are applicable to the proposed project.

Envision San José 2040 General Plan Relevant Hydrology and Water Quality Policies

Policies	Description
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 1 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-5.7	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, require 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.
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 preventive measures when new development is proposed in areas where storm runoff will 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.

Envision San José 2040 General Plan Relevant Hydrology and Water Quality Policies

Policies	Description
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 IN-3.7	Design new projects to minimize potential damage due to storm waters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.

4.10.2 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
(a) result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
(b) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
(c) 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	☐	☐	☒	☐
(d) impede or redirect flood flows?	☐	☐	☒	☐
4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Impact Discussion

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

Less than significant impact. Construction of the foundations for the proposed billboards could result in temporary impacts to surface water quality. However, the proposed project would be required to comply with the City's Standard Permit Condition for Construction-Related Water Quality, the existing NPDES permits, and the City's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while a site is under construction. These measure include, but are not limited to, those listed in the Standard Permit Condition (Construction-related Water Quality). With adherence to the Standard Permit Condition and compliance with other required permits and ordinances, construction impacts would be less than significant.

The proposed project includes installation of a double-sided electronic billboard mounted on a single pole at each project site. The proposed project's long-term disturbed footprint would be approximately 28.25 square feet of impervious area at each billboard location. Because of the small scale of disturbance, stormwater treatment control measures would not be required to be implemented and operational impacts would be less than significant.

Removal of the 11 billboards would not include excavation and would not result in discharges that could affect water quality. No impact would occur.

2) 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?

Less than significant impact. The proposed project would not extract groundwater or create a new demand for water which could impact groundwater supplies. As such, the proposed project would not decrease groundwater supplies and would not impede sustainable groundwater management of the Santa Clara subbasin. Impacts would be less than significant.

Removal of the 11 billboards would not include excavation and all debris would be removed from the site. Accordingly, it would not have the potential to impede sustainable groundwater management. No impact would occur.

3) Would the project substantially alter the existing drainage pattern of 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:

(a) Result in substantial erosion or siltation on- or off-site;

Less than significant impact. The proposed project's long-term disturbed footprint would be approximately 28.25 square feet at each of the two project sites. Construction of the proposed billboards' foundation structure would result in a limited, negligible increase in impervious area, which would not result in substantial erosion or siltation on- or off-site. Therefore, the impact would be less than significant.

Removal of the 11 billboards would not include excavation and would not have the potential to result in erosion or siltation. No impact would occur.

(b) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

Less than significant impact. As previously stated, the proposed billboards' foundation structures would have a limited construction footprint area. Construction of the proposed billboards would not substantially impact the amount of runoff from the project sites nor increase the impervious surface area compared to existing conditions. Therefore, project implementation would not substantially increase the rate of runoff water that would result in flooding on- or off-site. Impacts would be less than significant.

Removal of the 11 billboards would not include excavation and would not have the potential to result in runoff. No impact would occur.

(c) 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

Less than significant impact. As previously stated, the proposed project's long-term disturbed footprint would be very small, approximately 28.25 square feet at each of the two project sites, which would not substantially impact the amount of runoff from the site nor substantially increase the impervious surface area, compared to existing conditions. Therefore, project implementation would not substantially contribute to runoff water, which would exceed the capacity of existing drainage systems or provide sources of polluted runoff. Impacts would be less than significant.

Removal of the 11 billboards would not include excavation and would be limited to their existing footprints. Removal activities would not result in runoff and would therefore not have the potential to exceed the capacity of existing drainage systems or provide sources of polluted runoff. No impact would occur.

(d) impede or redirect flood flows?

Less than significant impact. Because of the small scale of development and the minimal impervious surfaces that would be created, the proposed project would not substantially impede or redirect flood flows. Impact would be less than significant.

Removal of the 11 billboards would not include excavation and would be limited to their existing footprints. Removal activities would not change existing impervious surface and would therefore not have the potential to impede or redirect flood flows. No impact would occur.

4) In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

Less than significant impact. According to FEMA FIRMs, both project sites are within Zone X, which is an area with the 0.2 percent (500-year) Annual Chance Flood Hazard. There are no landlocked bodies of water near the project sites that could generate a seiche that would affect the project, and the project sites are over 25 miles from the San Francisco Bay and thus are not at risk of tsunami inundation.

The proposed project would include minimal ground disturbance during the construction period and the billboards' foundation disturbance areas would be minimal as well. There would be no hazardous materials or pollutants stored at the project sites that would be at risk of impacting the public or environment in the event of flood inundation at the project sites. Therefore, the impact would be less than significant.

Removal of the 11 billboards would not include excavation, would be limited to their existing footprints, and would not result in release of pollutants due to project inundation. No impact would occur.

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

Less than significant impact. The proposed project would result in minimal ground disturbance at each of the project sites. Development of the proposed project would not substantially change the amount of impervious surface area of the project sites. Furthermore, the proposed billboards would not utilize any materials or equipment that could lead to surface water pollution. As stated above, the project sites are within the Santa Clara subbasin, which is managed by the GWMP for the Santa Clara and Llagas Subbasins. The proposed project would be designed and constructed in adherence to the GWMP. Therefore, the proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable GWMP. Impacts would be less than significant.

Removal of the 11 billboards would not include excavation and would be limited to their existing footprints. Removal activities would not result in change to impervious surface and would therefore not have the potential to obstruct the implementation of a water quality control plan or sustainable GWMP. No impact would occur.

Mitigation Measures

None have been identified.

Standard Permit Conditions

Construction-related Water Quality

i. Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.

ii. Earthmoving or other dust-producing activities shall be suspended during periods of high winds.

iii. All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.

iv. Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.

v. All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.

vi. All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).

vii. Vegetation in disturbed areas shall be replanted as quickly as possible.

viii. 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.

ix. 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.

4.10.3 - Conclusion

With adherence to Standard Permit Conditions, impacts to hydrology and water quality would be less than significant.

4.11 - LAND USE

This section describes the existing land use setting and the potential impacts from project implementation on the project sites and their surrounding areas.

4.11.1 - Environmental Setting

West Mission Street Billboard

The General Plan land use designation for West Mission Street billboard project site is NCC.

According to the General Plan, the NCC designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood-serving retail and services and commercial/professional office development.

Land uses surrounding the West Mission Street billboard project site include NCC to the east and south, PQP to the north, and OSPH to the west, across SR-87.

Mabury Road Billboard

The General Plan land use designation for Mabury Road billboard project site is LI.

According to the General Plan, the LI designation is intended for a wide variety of industrial uses such as warehousing, wholesaling, and light manufacturing. Sites designated LI may also contain service establishments that serve only employees of businesses located in the industrial areas. Because of the limited supply of land available for industrial suppliers/services firms in the City, Land Use Policies in the General Plan restrict land use changes on sites designated LI. Uses with unmitigated hazardous or nuisance effects are not permitted in this zoning district.

Land uses surrounding the Mabury Road billboard project site include LI to the east and south, and OSPH to the west and the north (along Coyote Creek).

Applicable Plans, Policies, and Regulations

California Outdoor Advertising Act

The California Outdoor Advertising Act is regulated by Caltrans and applies to signs located along primary highways and freeways, including the proposed project. This act specifies that if an on-site sign is located within 660 feet of the highway right-of-way, and it is a programmable electronic sign, the sign cannot be located within 1,000 feet of another message center display on the same side of the highway. Further, this Act generally prohibits signs within 300 feet of the point of intersection of a highway or highway and railroad lines, and signs that could prevent any traveler of the highway from having a clear view of approaching vehicles for a distance of at least 500 feet.

City of San José Municipal Code

City Council Policy 6-4 revised the Municipal Code to allow for new off-site advertising on City-owned sites throughout the City, including the exchange of existing legal static billboards on other sites for new electronic billboards on City-owned sites, as well as the exchange of existing legal static billboards for new electronic billboards on non-City-owned existing freeway-facing billboard sites

and/or new freeway-facing sites in the North San José Development Policy Area and new off-site advertising on non-City-owned sites in the Downtown Sign Zone, including exchange of existing legal static billboards on other sites for new electronic billboards in the Downtown Sign Zone. The policy includes regulations for the implementation of future signs.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following policy is specific to land use and are applicable to the proposed project.

Envision San José 2040 General Plan Relevant Land Use Policies

Policies	Description
Policy IP-1.5	Implementation of existing planned development zonings and/or approved and effective land use entitlements, which were previously found to be in conformance with the General Plan prior to its comprehensive update, are considered as being in conformance with the Envision General Plan when the implementation of such entitlements supports its goals and policies.

4.11.2 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Physically divide an established community?	☐	☐	☐	☒
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Impact Discussion

1) Would the project physically divide an established community?

No Impact.

The physical division of an established community would occur if construction of a large linear feature such as a railroad or interstate highway separated an existing community or if a feature that connects a community is removed, such as a bridge.

The proposed project does not propose a large linear feature that could separate a community. The proposed project would result in the installation of two electronic billboards on two separate City-owned lots that are used as a service yard and a parking lot and are surrounded by urban development. Currently, West Mission Street and North San Pedro Street provide access to the West Mission project site, and Mabury Road provides access to the Mabury Road project site. These roads

would not be altered by the proposed project in any way that would reduce connectivity. As a result, the proposed project would not physically divide an established community, and no impact would occur.

Removal of the 11 billboards would be limited to their existing footprints and would therefore not physically divide an established community. No impact would occur.

2) 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?

Less than significant impact.

- The West Mission Street project site is zoned as CP, which allows for electronic billboards.[67]
- The Mabury Road project site is zone as LI, which also allows for electronic billboards.

The proposed project would comply with the California Outdoor Advertising Act, which regulates the distance of electronic signs from other electronic billboards as well as the maximum light output of such signs. The proposed project would operate pursuant to Caltrans regulations, the Municipal Code regulations, and City Council Policy 6-4. Specifically, the proposed project would comply with the following elements of City Policy 6-4:

1. The location of both proposed billboards comply with all requirements of State and Federal law.
2. Both signs would be located in accordance with City Policy 6-4 requirements:
   a) Neither signs would be visible from any dwelling units located within 150 feet of the sign
      - Guadalupe Emergency Interim Housing facility at 702 Guadalupe Parkway is located approximately 350 feet from the West Mission Street proposed billboard, exceeding the 150 feet distance required by the policy.
      - The Mabury Road billboard would be located on a City-owned service yard along SR-87, and there are no dwellings units it its vicinity.

   b) Neither of the proposed billboard locations are within 150 feet of a Residential Zoning District as shown in Figure 4a and Figure 4b.
3. Neither sign has a total sign area in excess of 1,200 square feet.
      - The West Mission Street proposed billboard faces would be 14 feet by 48 feet (height by width), or 672 square feet.
      - The Mabury Road proposed billboard faces would be 17 feet by 58 feet (height by width), or 986 square feet.
4. The areas of the proposed signs are computed in accordance with City Code Section 23.02.910, Computation of Area of Sign.

[67] San José City Policy 6-4 allows installation of signs, including electronic ones, on sites with or within a "Zoning District other than Open Space (OS) or Agricultural (A)."

5. Both signs would be approximately 45 feet in height, thus not exceeding the 60-foot limit set in the policy.

As such, the proposed project would not cause a significant environmental impact due to conflict with any City land use plan, policy, or regulation, and impacts would be less than significant.

Removal of the 11 billboards would implement City Policy 6-4 and would be limited to their existing footprints. Removal activities would not conflict with any City land use plan, policy, or regulation. No impact would occur.

Mitigation Measures

None have been identified.

Standard Permit Conditions

None have been identified.

4.11.3 - Conclusion

Impacts related to land use would be less than significant.

4.12 - MINERAL RESOURCES

This section describes the existing mineral resources setting and the potential impacts from project implementation on the project sites and their surrounding areas.

4.12.1 - Environmental Setting

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. According to the General Plan, the Communications Hill area is the only area known to contain mineral deposits which are of regional significance as a source of construction aggregate materials; this area is 4 to 4.5 miles south of the project sites. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in the City as containing mineral deposits which are either of Statewide significance or the significance of which requires further evaluation. Other than the Communications Hill area, the City does not have mineral deposits subject to the Surface Mining and Reclamation Act of 1975 (SMARA) discussed below.

Applicable Plans, Policies and Regulations

Surface Mining and Reclamation Act

The State Mining and Geology Board under SMARA has designated an area of Communications Hill in Central San José, bounded by the Union Pacific Railroad, Curtner Avenue, SR-87, and Hillsdale Avenue, as a regional source of construction aggregate materials. Other than the Communications Hills area, San José does not have mineral deposits subject to SMARA.

Envision San José 2040 General Plan

The General Plan does not include mineral resources-related policies that are applicable to the proposed project.

4.12.2 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. 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?	☐	☐	☐	☒
2. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Impact Discussion

1) 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?

No impact. According to the General Plan, the project site is not located within an area of San José containing known mineral resources that would be of value to the region or the residents of the State. As stated above, the California State Mining and Geology Board identified only one area within the City (Communications Hill in Central San José) as containing minerals of regional significance. The General Plan further states that neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of Statewide significance or of significance which requires further evaluation. The West Mission Street billboard project site is approximately 4 miles northwest of Communications Hill, and the Mabury Road billboard is approximately 4.5 miles northeast of it. As such, no impacts would occur.

The 11 billboards to be removed are located at varying distances from Communications Hills. However, removal activities would not include excavations and would therefore not have the potential to 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. No impact would occur.

2) Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. The project sites are not located within a mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. The West Mission Street billboard project site is approximately 4 miles northwest of the only City-designated mineral resource recovery site (Communications Hill), and the Mabury Road billboard is approximately 4.5 miles northeast of the same City-designated mineral resource recovery site. As a result, the proposed project would not result in the loss of availability of a locally important mineral recovery site. No impact would occur.

The 11 billboards to be removed are located between 0.5 and 6.9 miles from Communications Hills. The closest one is identified in Table 1 and on Figure 6 as Location ID 4 (1817 Stone Avenue), which is approximately 0.5 miles north of Communications Hill. All other billboards to be removed are at least 1 mile away from Communications Hill. Regardless of the distance, removal activities would not include excavations and would therefore not have the potential to result 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. No impact would occur.

Mitigation Measures

None have been identified.

Standard Permit Conditions

None have been identified.

4.12.3 - Conclusion

There would be no impacts to mineral resources.

4.13 - NOISE AND VIBRATION

4.13.1 - Environmental Setting

Noise Fundamentals

Noise is generally defined as unwanted sound. Sound becomes unwanted when it interferes with normal activities, causes physiological harm, or interferes with communication, work, rest, recreation, and sleep. The vibration of sound pressure waves in the air produces sound. Sound pressure levels are used to measure the intensity of sound and are described in terms of decibels. The decibel (dB) is a logarithmic unit, which expresses the ratio of the sound pressure level being measured to a standard reference level. The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3 dB or less are only perceptible in laboratory environments. Audible increases in noise levels generally refer to a change of 3 dB or more, as this level has been found to be barely perceptible to the human ear in outdoor environments. Only audible changes in existing ambient or background noise levels are considered potentially significant.

An increase of 10 dB represents a 10-fold increase in acoustic energy, while an increase of 20 dB is 100 times more intense, and an increase of 30 dB is 1,000 times more intense. Each 10 dB increase in sound level is perceived as approximately a doubling of loudness. Sound intensity is normally measured through the A-weighted sound level. A-weighted decibels (dBA) approximate the subjective response of the human ear to a broad frequency noise source by discriminating against very low and very high frequencies of the audible spectrum. They are adjusted to reflect only those frequencies that are audible to the human ear.

Noise Descriptors

There are many ways to rate noise for various time periods, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound, including during sensitive times of the day and night. The predominant rating scales in the State of California are L_{eq}, Community Noise Equivalent Level (CNEL), and L_{dn} that are based on dBA. The L_{eq} is the total sound energy of time varying noise over a sample period. The CNEL is the time varying noise over a 24-hour period, with a 5 dBA weighting factor applied to the hourly L_{eq} for noises occurring from 7:00 p.m. to 10:00 p.m. (defined as relaxation hours) and 10 dBA weighting factor applied to noise occurring from 10:00 p.m. to 7:00 a.m. (defined as sleeping hours). The L_{dn} is similar to the CNEL scale but without the adjustment for events occurring during the evening relaxation hours. CNEL and L_{dn} measurements are typically within 1 dBA of each other and are normally exchangeable. These additions are made to the sound levels at these times because there is a decrease in the ambient noise levels during the evening and nighttime hours, which creates an increased sensitivity to sounds. For this reason, sound is perceived to be louder in the evening and nighttime hours as compared with daytime hours and is weighted accordingly. Many cities rely on the CNEL noise standard to assess transportation-related impacts on noise-sensitive land uses.

Characteristics of Groundborne Vibration

Groundborne vibration consists of rapidly fluctuating motion through a solid medium, specifically the ground, which has an average motion of zero and in which the motion's amplitude can be described in terms of displacement, velocity, or acceleration. Several different methods are used to quantify vibration amplitude such as the maximum instantaneous peak in the vibrations velocity, which is known as the peak particle velocity (PPV) or the root mean square (rms) amplitude of the vibration velocity. Construction activities, such as blasting, pile driving and operating heavy earthmoving equipment, are common sources of groundborne vibration. Construction vibration impacts on building structures are generally assessed in terms of PPV.

As vibration waves propagate from a source, the vibration energy decreases in a logarithmic nature and the vibration levels typically decrease by 6 VdB (vibration in decibels) per doubling of the distance from the vibration source. As stated above, this drop-off rate can vary greatly depending on the soil type, but it has been shown to be effective enough for screening purposes, in order to identify potential vibration impacts that may need to be studied through actual field tests. The vibration level (calculated below as PPV) at a distance from a point source can generally be calculated using the vibration reference equation:

$$PPV = PPV_{ref} * (25/D)^n \text{ (in/sec)}$$

Where:

PPV_{ref} = reference measurement at 25 feet from vibration source
D = distance from equipment to property line
n = vibration attenuation rate through ground

According to Section 7 of the Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment Manual, an "n" value of 1.5 is recommended to calculate vibration propagation through typical soil conditions.[68]

Applicable Plans, Policies and Regulations

State Noise Insulation Standard

The State of California has established regulations that help prevent adverse impacts to occupants of buildings located near noise sources. Referred to as the State Noise Insulation Standard, it requires buildings to meet performance standards through design and/or building materials that would offset any noise source near the receptor. State regulations include requirements for the construction of new hotels, motels, apartment houses, and dwellings other than detached single-family dwellings that are intended to limit the extent of noise transmitted into habitable spaces. The State also includes noise requirements in the California Code of Regulations Title 24 (known as the Building Standards Administrative Code), Part 11 (CALGreen). The noise insulation standards require that the wall and roof-ceiling assemblies of new nonresidential developments that are exposed to exterior noise in excess of 65 dBA CNEL shall meet a composite Sound Transmission Class (STC) rating of at least 50, with exterior windows of a minimum STC rating of 40. In addition, the standards require

[68] Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual. September.

preparation of an acoustical analysis demonstrating the manner in which dwelling units have been designed to meet this standard (i.e., to achieve a maximum interior sound level of 45 dBA L_{dn}/CNEL in any habitable room), where such development is proposed in an area with exterior noise levels greater than 65 dBA CNEL.

Government Code Section 65302 mandates that the legislative body of each county and city in California adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines published by the State Department of Health Services. The guidelines rank noise and land use compatibility in terms of normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable.

Envision San José 2040 General Plan

The following are the noise goals and policies established by General Plan that are applicable to the proposed project:

Envision San José 2040 General Plan Relevant Noise and Vibration Policies

Policies	Description
Policy EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, State and City noise standards and guidelines as a part of new development review.
Policy EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels 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 Day-Night Average Sound Level (Ldn) at noise-sensitive receptors to increase by five A-weighted decibel (dBA) Ldn or more where the noise levels would remain "Normally Acceptable"; or • Cause the Ldn at noise-sensitive receptors to increase by three dBA Ldn or more where noise levels would equal or exceed the "Normally Acceptable" level.
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 will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
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-

Envision San José 2040 General Plan Relevant Noise and Vibration Policies

Policies	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-2.1	Near light and heavy rail lines or other sources of groundborne 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 vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec (peak particle velocity) PPV will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

The City's land use compatibility standards are shown in Table 7.

Table 7: Land Use Compatibility Guidelines for Community Noise in San José

Exterior Noise Exposure (L_{dn} in Decibels (DBA))										
Land Use Category	**55**	**60**		**65**		**70**		**75**		**80**
1. Residential, Hotels and Motels, Hospitals and Residential Care[1]										
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds										
3. Schools, Libraries, Museums, Meeting Halls, Churches										
4. Office Buildings, Business Commercial, and Professional Offices										
5. Sports Arena, Outdoor Spectator Sports										
6. Public and Quasi-Public Auditoriums, Concert Halls, Amphitheaters										

Exterior Noise Exposure (L_{dn} in Decibels (DBA))										
Land Use Category	**55**	**60**		**65**		**70**		**75**		**80**
Key:										
	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 needed noise insulation 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.									
Note: [1] Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required. Source: City of San José. 2011. Envision San José 2040 General Plan, Noise Element. November 1.										

City of San José Municipal Code

Municipal Code 20.30.700 establishes a noise performance standard for combined noise generated on a project site as measured at any receiving property line, not to exceed a maximum of 55 dBA L_{eq}.

According to Municipal Code 20.100.450, construction hours within 500 feet of a residential unit before 7:00 a.m. or after 7:00 p.m., Monday through Friday, or at any time on weekends. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

4.13.2 - Environmental Checklist and Impact Discussion

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. 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?	☐	☐	☐	☒
2. 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?	☐	☐	☒	☐
3. Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Impact Discussion

1) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No impact. A significant impact would occur if the proposed project caused 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 City does not have a land use category in their Land Use Compatibility Guidelines for Community Noise in San José within the General Plan that is applicable to billboards. Billboards are not considered noise-sensitive receptors. As a result, there is no conflict with the City's Land Use Compatibility Guidelines for Community Noise in San José. Therefore, no impact would occur.

2) 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?

Less than significant impact. A significant impact would occur if the proposed project would generate a substantial temporary or permanent increase in ambient noise levels in the project vicinity in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies.

Short-Term Construction Impacts

Less than significant impact. Short-term, temporary construction noise may result during the construction of the proposed billboards. The loudest piece of heavy equipment that would be expected to operate at the proposed billboard construction location would be a large crane. Typical maximum noise levels generated by a large crane are documented to range up to approximately 85 dBA maximum noise/sound level (L_{max}) with typical hourly average noise levels during operation of 77 dBA L_{eq} as measured at 50 feet.

West Mission Street Billboard

The West Mission Street billboard's closest noise-sensitive receptor is the Guadalupe Emergency Interim Housing facility at 702 Guadalupe Parkway, which is located as close as 350 feet from the

construction footprint where a large crane would potentially operate. At this distance, and assuming minimal shielding from intervening structures, worst-case construction noise levels could range up to approximately 65 dBA L_{max} and an hourly average noise level of 49 dBA L_{eq}.

These construction noise levels for the West Mission Street billboard would not result in what would be considered a substantial temporary increase above existing ambient noise levels in the project vicinity. Therefore, construction noise impacts would be less than significant.

Mabury Road Billboard

The Mabury Road billboard's closest noise-sensitive receptor are residential homes and located 1,500 feet or farther from the construction footprint where a large crane would potentially operate. At this distance, and assuming minimal shielding from intervening structures, worst-case construction noise levels could range up to approximately 52 dBA L_{max} and an hourly average noise level of 30 dBA L_{eq}. The calculation sheet is provided in Appendix G.[69]

These construction noise levels for the Mabury Road billboard would not result in what would be considered a substantial temporary increase above existing ambient noise levels in the project vicinity. Therefore, construction noise impacts would be less than significant.

Billboard Removals

Short-term, temporary construction noise may result during the demolition of 11 billboards. In compliance with City Policy 6-4,[70] the applicant, as part of the proposed project, would remove 11 existing billboards within the City. The existing billboards would be dismantled and removed at the base and no excavation would be required. Billboard removal would take a total of 1 day per billboard. Removal of existing billboard structures could involve the use of hand tools, a haul truck, and a crane. The loudest piece of heavy equipment that would be expected to operate would be a large crane. Typical maximum noise levels generated by a large crane are documented to range up to approximately 85 dBA L_{max} with typical hourly average noise levels during operation of 77 dBA L_{eq} as measured at 50 feet. The crane would operate only a few hours in a single day at each location, with the maximum operational noise levels only occurring for a few minutes. Therefore, these demolition related noise levels would not result in a substantial increase in the average daily noise levels in the vicinity of any of the demolition sites. In addition, the project must comply with the best management noise reduction measures of the City's Standard Permit Conditions, which would further reduce potential noise impacts. Therefore, demolition noise impacts would be less than significant.

Therefore, project-related temporary construction and demolition noise impacts would be less than significant.

[69] Modeling was based on removal of 13 existing billboards, inflating the actual impact of actual proposed removal of 11 billboards.

[70] City of San José. City of San José, California Council Policy, Resolution No. 78814, Signs on City-owned Land Including Billboards, Programmable Electronic Signs and Displaying Off-site Commercial Speech. Effective Date November 9, 2018.

Operational/Stationary Source Noise Impacts

No impact. A significant impact would occur if operational noise levels generated by stationary noise sources at the existing billboard locations would result in a substantial permanent increase in ambient noise levels in excess of any of the noise performance thresholds established in the San José California Code of ordinance.

The applicant proposes to construct two double-sided electronic billboards, one at the corner of Guadalupe Parkway and West Mission Street on APN 259-04-019 and one at 1404 Mabury Road on APN 254-01-004. The proposed digital display billboards would not emit any sound and operation of a digital display billboard would not generate regular vehicle trips. As a result, the proposed project would not result in a substantial permanent increase in ambient noise levels in the project vicinity. Therefore, the project would result in no impact related to substantial permanent increase in noise levels.

The removal of 11 billboards would have no impact on ambient noise levels.

3) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Less than significant. The City has not established a standard for excessive groundborne vibration levels resulting from construction activities. However, the FTA has established industry accepted standards for vibration impact criteria and impact assessment in its Transit Noise and Vibration Impact Assessment Manual.[71] Therefore, for purposes of this analysis, the FTA's vibration impact criteria are utilized. The FTA guidelines include thresholds for construction vibration impacts for various structural categories.

Groundborne noise is generated when vibrating building components radiate sound, or noise generated by groundborne vibration. In general, if groundborne vibration levels are do not exceed levels considered to be perceptible, then groundborne noise levels would not be perceptible in most interior environments. Therefore, this analysis focuses on determining exceedances of groundborne vibration levels.

In extreme cases, excessive groundborne vibration has the potential to cause structural damage to buildings. Common sources of groundborne vibration include construction activities such as blasting, pile driving and operating heavy earthmoving equipment. Construction vibration impacts on building structures are generally assessed in terms of PPV. For purposes of this analysis, project-related impacts are expressed in terms of PPV.

Short-term Construction Vibration Impacts

Less than significant. Of the variety of equipment that would be used to construct the proposed billboard, cranes would produce the greatest groundborne vibration levels. Cranes produce groundborne vibration levels ranging up to 0.051 inch per second (in/sec) PPV at 25 feet from the

[71] Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual. September.

operating equipment.[72] Impact equipment such as pile drivers would not be used during replacement or relocation activities.

West Mission Street Billboard

The closest off-site structure from the West Mission Street construction site where the crane would operate is a police station located approximately 250 feet northwest and the Guadalupe Emergency Interim Housing building located at 702 Guadalupe Parkway, approximately 350 south of the proposed billboard location. At this distance, groundborne vibration levels would range up to 0.001 PPV from the operation of a crane. This is well below the FTA damage threshold criteria of 0.5 in/sec PPV for a structure of this type (a building of steel frame construction). Therefore, impacts resulting from construction-related groundborne vibration levels at the West Mission Street project site would be less than significant.

Mabury Road Billboard

The closest off-site structure from the Mabury Road construction site where the crane would operate is a commercial City of San José Service Yard building located approximately 330 feet north of the proposed billboard. At this distance, groundborne vibration levels would range up to 0.0003 PPV from the operation of a crane. This is well below the FTA damage threshold criteria of 0.5 in/sec PPV for a structure of this type, a building of steel frame construction. Therefore, impacts resulting from construction-related groundborne vibration levels at the Mabury Road project site would be less than significant.

Billboard Removals

None of the 11 billboard demolition sites have structures that would be closer than 25 feet from where a crane would operate to conduct demolition activities. Therefore, resulting groundborne vibration levels would be below 0.051 In/sec PPV at any receiving structure. This is well below the FTA damage threshold criteria of 0.12 in/sec PPV for even the most sensitive type of structures. Therefore, impacts resulting from construction-related groundborne vibration levels from billboard removal would be less than significant.

Operational Vibration Impacts

Less than significant. Upon completion of construction, the proposed project would not include any permanent sources of groundborne vibrations. As such, implementation of the proposed project would not expose persons within the project vicinity to excessive groundborne vibration levels. Therefore, project-related groundborne vibration impacts would be considered less than significant.

4) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No impact. Construction of the proposed billboards would not introduce any new sensitive receptors to the environment. Furthermore, both project sites are not located within the vicinity of a private airstrip

[72] Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual. September.

or an airport land use plan or within 2 miles of any public airport or public use airport. The demolition of the 11 existing billboards within the City would not introduce any new sensitive receptors to the environment and would not expose people residing or working in the project area to excessive airport-related noise levels. Therefore, no impact would occur.

Mitigation Measures

None have been identified.

Standard Permit Condition

Construction- and Operations-Related Noise

Noise minimization measures include, but are not limited to, the following:

Construction-Related Noise

i. Pile driving is prohibited.

ii. Limit construction to the hours of 7:00 a.m. to 7:00 p.m. 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 PBCE that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential use.

iii. Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.

iv. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

v. Prohibit unnecessary idling of internal combustion engines.

vi. 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.

vii. Utilize "quiet" air compressors and other stationary noise sources where technology exists.

viii. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

ix. 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.

x. 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 façades that face the construction sites.

xi. 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.

4.13.3 - Conclusion

With adherence to Standard Permit Conditions, all project-related noise and vibration impacts would be less than significant.

4.14 - POPULATION AND HOUSING

This section describes the existing population and housing setting and the potential impacts from project implementation on the project sites and their surrounding areas.

4.14.1 - Environmental Setting

The proposed project includes the installation of two, two-sided billboards and removal of 11 existing billboards within the City. No residential units are proposed to be constructed, and no demolition of existing residential units are proposed.

- West Mission Street Billboard: As described in the Project Description, the West Mission Street billboard project site is zoned for CP. This zoning designation does not support residential uses. The General Plan land use designation for the West Mission Street site is NCC. This land use designation does not support residential uses.
- Mabury Road Billboards: As described in the Project Description, the Mabury Road billboard project site is zoned LI. This zoning designation does not support residential uses. The General Plan land use designation for the Mabury Road site is LI. This land use designation does not support residential uses.

Both project sites are located in industrial areas, separated from residential uses by major roadways. The proposed project would not include new housing or employment opportunities. While the zoning and land use designation of the project sites could support uses that provide employment opportunities, the labor required for the short-term construction and intermittent maintenance of the proposed project would be limited and is expected to draw from the local labor pool.

Applicable Plans, Policies and Regulations

California Housing Element Law

Since 1969, California has required that all local governments (cities and counties) adequately plan to meet the housing needs of everyone in the community. California's local governments meet this requirement by adopting housing plans as part of their "general plan" (also required by the State). General plans serve as the local government's "blueprint" for how the city and/or county will grow and develop and include seven elements: land use, transportation, conservation, noise, open space, safety, and housing. The law mandating that housing be included as an element of each jurisdiction's general plan is known as "housing element law."

Association of Bay Area Governments

The Association of Bay Area Governments (ABAG) is the official comprehensive planning agency for the San Francisco Bay region, which is composed of the nine counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma, and contains 101 municipalities. ABAG is responsible for taking the overall Regional Housing Needs Allocation provided by the State and preparing a formula for allocating that housing need by income level across its jurisdiction. ABAG produces regional growth forecasts so that other regional agencies,

including the MTC and the BAAQMD, can use the forecast to make project funding and regulatory decisions.

Plan Bay Area 2040

The MTC/ABAG Plan Bay Area is the Bay Area's Regional Transportation Plan (RTP)/Sustainable Community Strategy (SCS). Plan Bay Area is therefore the long-range transportation and land use/housing strategy through 2040 for the Bay Area, pursuant to Senate Bill 375, the Sustainable Communities and Climate Protection Act. It lays out a development scenario for the region which, when integrated with the transportation network and other transportation measures and policies, would reduce greenhouse gas emissions from transportation (excluding goods movement) below the per capita reduction targets identified by the ARB. The 2040 Plan Bay Area is a limited and focused update to 2013 Plan Bay Area, with updated planning assumptions that incorporate key economic, demographic, and financial trends from the last several years.

Envision San José 2040 General Plan

The General Plan does not include population and housing-related policies that are applicable to the proposed project.

4.14.2 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
2. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

A project can induce substantial population growth by (1) proposing new housing beyond projected or planned development levels, (2) generating demand for housing as a result of new businesses, (3) extending roads or other infrastructure to previously undeveloped areas, or (4) removing obstacles to population growth (e.g., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

Impact Discussion

1) 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)?

No Impact. The proposed project would not include new housing or employment opportunities. No extension of roads or other infrastructure is proposed as part of the proposed project that could indirectly result in population growth. Therefore, the proposed project would not induce population growth, either directly or indirectly, and no impact would occur.

Removal of the 11 billboards would be limited to their existing footprints and would not create housing or employment opportunities. Therefore, removal activities would not induce, directly or indirectly, population growth. No impact would occur.

2) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No impact. There is no existing housing on the project sites. The proposed project includes the Installation of two billboards and removal of 11 existing billboards. Therefore, the proposed project would not displace substantial numbers of existing people or housing and would not necessitate the construction of replacement housing elsewhere. No impact would occur.

Mitigation Measures

None have been identified.

Standard Permit Conditions

None have been identified.

4.14.3 - Conclusion

No impacts related to population and housing would occur.

4.15 - PUBLIC SERVICES

This section describes the existing public services setting and the potential impacts from project implementation on the project sites and their surrounding areas.

4.15.1 - Environmental Setting

The San José Fire Department provides fire protection to the project sites. The San José Police Department provides police protection to the project sites. While the project sites are located within the San José Unified School District for elementary, middle, and high schools, no new housing or employment opportunities are proposed as part of the project and, therefore, no school services would be provided to the project sites. Similarly, while the City of San José Department of Parks, Recreation and Neighborhood Services owns and maintains parks in the project sites vicinity and provides community and recreational services within the City, no new housing or employment opportunities are proposed so these services would not be provided to the project sites.

Applicable Plans, Policies and Regulations

Government Code Section 65995 through 65998

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Government Code Sections 65995—65998 set forth provisions for the payment of school impact fees from new development by "mitigating impacts on school facilities that occur as a result of the planning, use, or development of real property" (Section 65996(a)). The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA Guidelines (Section 65996(b)).

Developers are required to pay a school impact fee to the school district to offset the increased demands on school facilities caused by the proposed residential development project. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Envision San José 2040 General Plan

The following are the goals and policies established by the General Plan and are applicable to the proposed project:

Envision San José 2040 General Plan Applicable Public Services Policies

Policies	Description
Policy ES-3.1	Provide rapid and timely Level of Service 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 11 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. 4. Measure service delivery to identify the degree to which services are meeting the needs of San José's community.

Envision San José 2040 General Plan Applicable Public Services Policies

Policies	Description
	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-3.10	Incorporate universal design measures in new construction and retrofit existing development to include design measures and equipment that support public safety for people with diverse abilities and needs. Work in partnership with appropriate agencies to incorporate technology in public and private development to increase public and personal safety.
Policy ES-3.14	Encourage property maintenance and pursue appropriate code enforcement to reduce blight, crime, fire hazards or other unsafe conditions associated with under-maintained and under-utilized properties.
Policy ES-3.15	Apply demand management principles to control hazards through enforcement of fire and life safety codes, ordinances, permits and field inspections.
Policy ES-3-19	Remove excessive/overgrown vegetation (e.g., trees, shrubs, weeds) and rubbish from City-owned property to prevent and minimize fire risks to surrounding properties.

4.15.2 - Environmental Checklist and Impact Discussion

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. 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:				
Fire Protection?	☐	☐	☒	☐
Police Protection?	☐	☐	☒	☐
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other Public Facilities?	☐	☐	☐	☒

Impact Discussion

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:

a) Fire protection?

Less than significant impact.

- West Mission Street Billboard: San José Fire Station No. 1 is located approximately 1 mile (driving distance) southeast of the West Mission Street billboard project site at 225 North Market Street.
- Mabury Road Billboard: San José Fire Station No. 34 is located approximately 0.9 mile (driving distance) east of the Mabury Road billboard project site at 1634 Las Plumas Avenue.

Electronic billboards present a potential fire hazard due to thermal heat that accumulates in the screen system. Therefore, the proposed project may increase demand for fire protection at the project sites. However, the proposed electronic billboards would be constructed in conformance with the most recently adopted California Building Code, California Electrical Code, and California Fire Code, which would reduce potential fire hazards. As such, both of the proposed electronic billboards would not adversely impact service ratios, response times, or other San José Fire Department performance standards and, thus, would not result in the need for new or expanded fire protection facilities. Impacts would be less than significant.

Removal of the 11 billboards would be localized to their footprint and would take a total of 1 day per billboard, limiting the need for fire protection. Impact would be less than significant.

b) Police protection?

Less than significant impact.

- West Mission Street Billboard: Located at 201 West Mission Street, San José Police Headquarters is approximately 0.1 mile (driving distance) east of the West Mission Street billboard project site.
- Mabury Road Billboard: Located at 201 West Mission Street, San José Police Headquarters is approximately 4.1 miles (driving distance) west of the Mabury Road billboard project site.

The proposed project would not result in an increase in population and would not be used, occupied, or inhabited by people. Although the proposed electronic billboards could create a potential site for graffiti and a limited incremental increase in need for police services, impacts would be less than significant.

Removal of the 11 billboards would be localized to their footprint and would take a total of one day per billboard, limiting the need for police protection. Impact would be less than significant.

c) Schools?

No impact. The proposed project, including the removal of 11 billboards, would not directly or indirectly increase the population and, thus, would not increase demand for school facilities. Therefore, the proposed project would not necessitate the construction of new school facilities. No impact would occur.

d) Parks?

No impact. The proposed project, including the removal of 11 billboards, would not directly or indirectly increase the population and, thus, would not increase demand for parks facilities. Therefore, the proposed project would not necessitate the construction of new park facilities. No impact would occur.

e) Other public facilities?

No impact. The proposed project, including the removal of 11 billboards, would not directly or indirectly increase the population and, thus, would not increase demand for new public facilities. Therefore, the proposed project would not necessitate the construction of new public facilities. No impact would occur.

Mitigation Measures

None have been identified.

Standard Permit Conditions

None have been identified.

4.15.3 - Conclusion

Impacts related to public services would be less than significant.

4.16 - RECREATION

This section describes the existing recreation setting and the potential impacts from project implementation on the project sites and their surrounding areas.

4.16.1 - Environmental Setting

The City operates and maintains a wide array of recreational facilities to provide a high-quality life in the City. The City's Parks, Recreation, and Neighborhood Services (PRNS) department oversees nine regional parks, 207 neighborhood parks, 290 park playgrounds, 48 community centers, and almost 61 miles of trail.

West Mission Street Billboard

The following park is located in the vicinity of the West Mission Street Billboard:

- Guadalupe River Park is located approximately 370 feet west of the West Mission Street billboard project site, across SR-87 (Guadalupe Parkway). The Guadalupe River Park Conservancy operates a visitor center in this 120-acres park.

Mabury Road Billboard

The following parks are located in the vicinity of the Mabury Road Billboard:

- The Coyote Creek Trail is planned and partially developed as one of the San José trails network's longest trail systems, ultimately extending from the San Francico Bay to the City's southern boundary. At this time, hikers can access a northern portion of the trail system from the SR-237 Bikeway to Montague Expressway. A short Downtown portion travels through Selma Olinder Park. The southern portion begins at Tully Road and extends southward through county jurisdiction and reaches Morgan Hill. The Coyote Creek Trail provides views of the waterway, and urban and rural settings extend from the trail. The trail is located adjacent to the western boundary of Mabury Road billboard project site; however, it is approximately 140 feet west of the actual sign location.
- Watson Park is located approximately 310 feet west of Mabury Road billboard project site, across US-101. This 26.6-acres park includes playgrounds, a dog park, two basketball courts, and picnic/barbeque facilities.

Applicable Plans, Policies and Regulations

Government Code Section 66477

The Quimby Act (Government Code Section 66477) was established by the California legislature in 1965 to preserve open space and parkland in rapidly urbanizing areas of the State. The Quimby Act allows cities and counties to establish requirements for new development to dedicate land for parks, pay an in lieu fee, or provide a combination of the two.

Envision San José 2040 General Plan

The General Plan does not include recreation-related policies that are applicable to the proposed project.

4.16.2 - Environmental Checklist and Impact Discussion

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
2. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Impact Discussion

1) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact. The proposed project, including the removal of 11 billboards, does not include new housing or employment opportunities and it would not have any occupants or visitors that could increase the use of recreational facilities. No impact would occur.

2) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

No Impact. The proposed project, including the removal of 11 billboards, does not include new housing or employment opportunities, and would not have any occupants or visitors that could increase the use of recreational facilities. Therefore, construction or expansion of recreational facilities would be required. No impact would occur.

Mitigation Measures

None have been identified.

Standard Permit Conditions

None have been identified.

4.16.3 - Conclusion

No impacts to recreation would occur.

4.17 - TRANSPORTATION

This section describes the existing transportation setting and the potential impacts from project implementation on the project sites and their surrounding areas.

4.17.1 - Environmental Setting

Existing Roadway Network.

- West Mission Street Billboard: The project sites are located in urban areas, and both are surrounded by a network of roadways. Roadways around the West Mission Street project site include Guadalupe Parkway, directly adjacent to the site; SR-87, approximately 55 feet west of the project site and approximately 100 feet west of the billboard location; and West Mission Street, approximately 90 feet north of the project site and the billboard location.
- Mabury Road Billboard: Roadways around the Mabury Road project site include US-101, adjacent to the southern boundary of the project site and approximately 70 feet south of the billboard location; and Mabury Road, adjacent to the northern boundary of the project site and approximately 1,350 feet north of the billboard location.

Existing Pedestrian Facilities.

- West Mission Street Billboard: Pedestrian facilities near the West Mission Street project site include sidewalks on West Mission Street, along the northern boundary of the project site, and a sidewalk along Guadalupe Parkway, which forms the project site's western property boundary.
- Mabury Road Billboard: Pedestrian facilities near the Mabury Road project site include sidewalks on Mabury Road, along the northern boundary of the project site; there are no sidewalks on US-101 adjacent to the southern boundary of the project site.

Existing Bicycle Facilities.

- West Mission Street Billboard: Bicycle facilities adjacent to West Mission Street project site include the shared bike lanes along West Mission Street.
- Mabury Road Billboard: There are no bicycle facilities adjacent to Mabury Road project site.

Existing Transit Facilities.

- West Mission Street Billboard: Civic Center Light Rail Train Station is located on North First Street, approximately 0.08 mile to the north of the West Mission Street project site. Additionally, multiple bus stops are located along North First Street.
- Mabury Road Billboard: The closest transit facility to the Mabury project site is a bus stop, approximately 0.41 mile to the northeast, along Mabury Road.

Applicable Plans, Policies and Regulations

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 analysis of VMT in determining the significance of transportation impacts. Local jurisdictions were required by the California Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

California Department of Transportation

Pursuant to Caltrans regulations regarding the operation of electronic signs along the State Highway System, which includes US-101, the proposed electronic signs would comply with all Caltrans policies. Caltrans regulates outdoor advertising under the California Outdoor Advertising Act and Regulations. The Act specifies that signage located within 660 feet of the highway right-of-way cannot be located within 1,000 feet of another programmable electronic sign on the same side of the highway. Further, the Act prohibits signs within 300 feet of the point of intersection of a highway or highway and railroad lines, as well as signs that could prevent any traveler of the highway from having a clear view of approaching vehicles for a distance of at least 500 feet.

Regional Transportation Planning

The MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. The MTC is charged with regularly updating the RTP, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. The MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes the region's SCS (integrating transportation, land use, and housing to meet GHG reduction targets set by the ARB) and RTP (including a regional transportation investment strategy for revenues from federal, State, regional and local sources over the next 24 years).

Santa Clara Valley Transportation Authority Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the Congestion Management Program (CMP), a program aimed at reducing regional traffic congestion. The relevant State legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gas tax revenues. The CMP legislation requires that each CMP contain the following five mandatory elements: (1) a system definition and traffic LOS standard element; (2) a transit service and standards element; (3) a trip reduction and TDM element; (4) a land use impact analysis program element; and (5) a capital improvement element. The Santa Clara County CMP includes the five mandated elements and three additional elements including: (1) a countywide transportation model and data base element; (2) an annual monitoring and conformance element; and (3) a deficiency plan element. The Santa Clara VTA has review responsibility for proposed development projects that are expected to affect CMP designated intersections.

City of San José's Transportation Analysis Policy (Council Policy 5-1)

In March 2018, Council Policy 5-1, Transportation Analysis Policy, replaced Council Policy 5-3, Transportation Impact Policy, as the policy for transportation development review in the City of San José. Council Policy 5-1 aligns the City's transportation analysis with California Senate Bill 743 (SB 743) and the City's goals as set forth in the General Plan. Council Policy 5-1 establishes the thresholds for transportation impacts under CEQA by removing LOS and replacing it with VMT.

The intent of this change is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway auto capacity to a reduction in vehicle emissions and the creation of robust multimodal networks that support integrated land uses. The new transportation policy aligns with the currently adopted General Plan, which seeks to focus new development growth within Planned Growth Areas, bringing together office, residential, and supporting service land uses to internalize trips and reduce VMT.

City Council Policy 6-4: Signs on City-owned Land Including Billboards, Programmable Electronic Signs and Signs Displaying Off-site Commercial Speech

Council Policy 6-4 allows for new off-site advertising on City-owned sites throughout the City and includes regulations for the implementation of future signs. The following provisions of Policy 6-4 apply to the proposed project:

- Signs shall not display animated messages, including flashing, blinking, fading, rolling, shading, dissolving, or any other effect that gives the appearance of movement.
- Signs shall not include any audio message.
- No sign message shall be displayed for a period of time less than eight seconds.
- Transitions from one message to another message shall appear instantaneous as perceived by the human eye.
- Each sign message shall be complete in and of itself and shall not continue on a subsequent sign message.
- Each sign shall utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that at no time shall a sign exceed a brightness level of 0.3 foot-candle above ambient light. Light measurements shall be taken with the meter aimed directly at the sign message face, or at the area of the sign emitting the brightest light if that area is not the sign message face, at a distance of 350 feet from the sign area being measured.
- The signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.
- Signs shall be located in a manner that the Director determines based on reasonable evidence will not adversely interfere with the visibility or functioning of traffic signals and traffic signage, taking into consideration the physical elements of the sign and the surrounding area, such as information analyzing physical obstruction issues, line of sight issues, brightness issues and visual obstruction or impairment issues, but not including the message content on the sign.

- Advertisement for on- and off-site commercial speech,[73] as well as emergency broadcasting messages when necessary.
- Signs shall be illuminated only with continuous external or internal lighting.
- Signs shall not include neon letters.
- Signs shall not be illuminated between the hours of 12:00 a.m. and 6:00 a.m.
- Signs shall be tilted downward toward the ground by at least 15 degrees and provide a rimmed edge along the top of the sign, or shall utilize other alternatives which the City determines would provide equivalent attenuation of upward illumination.
- The signs shall utilize warmer colors, or display a background with bright text and/or images, and restrict white or bright backgrounds. The project applicant would provide alternative attenuation of the light.
- Signs shall not have a total Sign Area in excess of 1,200 square feet.

Envision San José 2040 General Plan

The City General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following policies are specific to transportation and are applicable to the proposed project.

Envision San José 2040 General Plan Relevant Transportation Policies

Policy	Description
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure project.

4.17.2 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Conflict with a program plan, ordinance, or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
2. Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☒	☐

[73] Off-site commercial speech is defined as commercial speech that identifies or promotes any commercial activity, product, good, or service that is conducted, manufactured, or offered on a site that is not the site on which the commercial speech is displayed and that is not conducted, manufactured, or offered on the same parcel of land on which the commercial speech is displayed (San José Municipal Code Section 23.02.104). On-site commercial speech is defined as commercial speech to identify and promote the presence of the commercial activities, products, goods, or services conducted, manufactured, or offered: (a) on the same parcel of land on which the Commercial Speech is displayed; or (b) on the same Business Center Site on which the Commercial Speech is displayed (San José Municipal Code Section 23.02.106).

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
4. Result in inadequate emergency access?	☐	☐	☐	☒

Impact Discussion

1) Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Less than significant impact. The proposed electronic sign would be programmed in accordance with Caltrans and City regulations regarding the operation of electronic signs, which are described in the Environmental Setting section above.

Construction of the proposed project would be temporary and brief (approximately 2 weeks, see Section 3.3, Construction Details). Pedestrians and cyclists in the vicinity of the project site would, at most, experience brief delays when passing by the project site. As such, the proposed project would not conflict with any program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities, and impacts would be less than significant.

Removal of the 11 billboards would be limited to their existing footprints and would not conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. No impact would occur.

2) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Less than significant impact. The proposed project, including the removal of 11 billboards, would not have any users or occupants and would not generate vehicle trips besides the limited trips required for the two-week construction period and infrequent trips associated with maintenance. Therefore, the proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). Impacts would be less than significant.

3) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less than significant impact. As described in the Environmental Setting section above, the proposed electronic signs would be subject to Caltrans regulations and the requirements of Section 23.02.905 of the Municipal Code as they relate to programmable electronic signs. These regulations include required design measures to ensure signs do not increase hazards on adjacent roadways.

In order to reduce driver distraction, the California Outdoor Advertising Act require a minimum of 4-seconds dwell time before the display may transition (see Section 4.17.1 above). The City's Sign Code

Section 23.02.905, Limitations on programmable electronic signs, states that no sign message shall be displayed for a period of time less than 8 seconds on any sign located within 400 feet of a freeway travel lane or on any sign the illuminated face of which is visible from a freeway travel lane. The proposed project would comply with these legal requirements.

Furthermore, the proposed project would comply with additional Caltrans requirements as follows:

West Mission Street Billboard

- While the proposed billboard would be located within 600 feet of SR-87, it would not be located within 1,000 feet of another billboard on the same side of the highway;
- The proposed billboard would not include illumination or message change that is in motion or appears to be in motion;
- The proposed billboard location is not within 300 feet of the point of an intersection of a highway or highway and railroad line; and
- The proposed billboard would not obstruct views on SR-87 in a way that would prevent any traveler of the highway from having a clear view of approaching vehicles for a distance of at least 500 feet.

Mabury Road Billboard

- While the proposed billboard would be located within 600 feet of US-101, it would not be located within 1,000 feet of another billboard on the same side of the highway;
- The proposed billboard would not include illumination or message change that is in motion or appears to be in motion;
- The proposed billboard location is not within 300 feet of the point of an intersection of a highway or highway and railroad line (the proposed billboard location is approximately 400 feet west of the intersection of BART spur lines with US-101); and
- The proposed billboard would not obstruct views on US-101 in a way that would prevent any traveler of the highway from having a clear view of approaching vehicles for a distance of at least 500 feet.

Because the proposed signs are designed in compliance with these regulations, the proposed project would not increase hazards along SR-87 (Guadalupe Parkway) or US-101 due to a geometric design feature or incompatible use. No impacts would occur.

Removal of the 11 billboards would be limited to their existing footprints and would not increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses. No impact would occur.

Analysis of Driver Distraction

Driver distraction could occur due to the changing of electronic messages on the proposed LED billboards. Several federal and State regulations apply to the operation of electronic billboards, as discussed below. This data is provided for information purposes; it is not a CEQA threshold.

- California law allows LED billboards to operate at a minimum dwell time of no less than 4 seconds before the display may transition to the next image. This requirement is set forth in Business and Professions Code Section 5405(d)(1), which provides, in pertinent part, ". . . no message center display may include any illumination or message change that is in motion or appears to be in motion or that changes in intensity or exposes its message for less than 4 seconds."
- The Out of Home Advertising Association of America (OAAA) likewise recommends that billboards display a message for no less than 4 seconds.
- The Federal Highway Administration (FHWA), meanwhile, has approved of a similar dwell time standard. According to a FHWA memorandum, the acceptable range for the "[d]uration of each display is generally between 4 and 10 seconds—8 seconds is recommended."

The proposed project would not allow the sign face display at either location to change less frequently than every 4 seconds and messages would be static (i.e., not moving or animated). The proposed electronic billboards, therefore, would not exceed the relevant State and federal requirements and would avoid any significant distraction on drivers. Thus, impacts would be less than significant.

4) Would the project result in inadequate emergency access?

No Impact. The proposed project, including the removal of 11 billboards, does not include any changes or modifications to roadways, and would therefore not affect emergency access. No impact would occur.

Mitigation Measures

None have been identified.

Standard Permit Conditions

None have been identified.

4.17.3 - Conclusion

Impacts related to transportation would be less than significant.

4.18 - UTILITIES AND SERVICE SYSTEMS

This section describes the existing utilities and service systems setting and the potential impacts from project implementation on the project sites and their surrounding areas.

4.18.1 - Environmental Setting

The project site is located within the San José Water Company (San José Water) service area.[74] San José Water services over 1 million people in the City and provides water to municipal, residential, commercial, and industrial customers, landscape irrigation, operations and maintenance, billing, and backflow testing. Electricity in the City is provided by SJCE.

Applicable Plans, Policies and Regulations

California Integrated Waste Management Act (Assembly Bill 939)

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000.

Assembly Bill 341 (2011)

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 (2014)

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 (2016)

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.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling

In January 2023, the State of California adopted the most recent version of the California Green Building Standards Code (CALGreen), establishing mandatory green building standards for all new

[74] San José Water Company (San José Water). Does San José Water service my locale? Website: https://www.sjwater.com/customer-care/start-stop-or-transfer-service/does-sjw-service-my-locale. Accessed February 15, 2024.

and qualifying remodeled structures in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition (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.

The City of San José requires 75 percent diversion of nonhazardous C&D debris for projects that qualify under CALGreen, which is more stringent than the State requirement of 65 percent (Municipal Code Section 9.10.2480).

San José Construction & Demolition Diversion Program

The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50 percent of total projected project waste in order to be refunded the application 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 nonresidential 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 C&D materials were reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photos, 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.

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 of San José 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.

Envision San José 2040 General Plan

There are no policies in the General Plan related to utilities that apply to the proposed project.

4.18.1 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
2. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
3. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
4. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
5. Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Impact Discussion

1) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less than significant impact. The proposed project would not include new housing or employment opportunities and would therefore have no occupants. As such it would not generate demand for water or wastewater services that could necessitate the relocation or construction of new facilities. The negligible increase in stormwater runoff, electricity demand, and telecommunications needs generated by the proposed project would not require the construction or relocation of facilities. No natural gas demand is associated with the proposed project. Impacts would be less than significant.

Removal of the 11 billboards would not generate demand for water, wastewater, stormwater runoff, electricity, and gas services. No impact would occur.

2) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less than significant impact. Construction of the proposed billboards would use a negligible amount of water for a temporary, limited duration. Operation of the proposed project would not create a demand for water; therefore, the proposed project would not affect water supplies and impacts would be less than significant.

Removal of the 11 billboards would not require the use of water. No impact would occur.

3) Would the project 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?

No impact. The proposed project would not include new housing or employment opportunities and would therefore have no occupants. As such it would not generate wastewater during its construction or operation. Therefore, the proposed project would not generate demand for wastewater services and would not require the construction of new wastewater treatment facilities or expansion of existing facilities, and thus no impact would occur.

Removal of the 11 billboards would not generate demand for wastewater treatment. No impact would occur.

4) 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?

Less than significant impact. The proposed project would generate solid waste only during construction in the form of off-hauling of soils, waste cleaning products, and other waste generated by construction and maintenance workers while they are on-site. Because of the project size and the temporary nature of construction, waste generated during construction would be incremental and would not exceed the capacity of landfill facilities. Additionally, the City's Zero Waste Strategic Plan policies ensure that at least 75 percent of C&D debris is recovered and diverted from landfills. Accordingly, the proposed project would not impair the attainment of solid waste reduction goals and would be compliant with federal, State, and local reduction statutes related to solid waste. Impacts would be less than significant.

Removed billboard materials would generate a limited amount of solid waste which would not exceed the capacity of landfill facilities. Removal activities would comply with the City's Zero Waste Strategic Plan to further reduce the amount of waste in landfills. Impacts would be less than significant.

5) Would the project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?

Less than significant impact. As stated above, the proposed project would generate solid waste during construction. However, compliance with City's Zero Waste Strategic Plan policies would ensure that the proposed project would not violate applicable federal, State, and local statutes and regulations related to solid waste, and impacts would be less than significant.

Removed billboard materials would generate a limited amount of solid waste. Removal activities would comply with the City's Zero Waste Strategic Plan ensuring that applicable federal, State, and local statutes and regulations related to solid waste are not violated. No impact would occur.

Mitigation Measures

None have been identified.

Standard Permit Conditions

None have been identified.

4.18.2 - Conclusion

Impacts related to utilities and service systems would be less than significant.

4.19 - WILDFIRE

This section describes the wildfire-related setting and the potential impacts from project implementation on the project sites and their surrounding areas.

4.19.1 - Environmental Setting

Both project sites are located within an urban environment classified as a Local Responsibility Area (LRA) and are classified as a Non-Wildland Urban Interface by the Santa Clara County Firesafe Council and are not located in or near State Responsibility Areas (SRAs) or lands classified as Very High Fire Hazard Severity Zones (VHFHSZs). [75,76] The closest locations with risk of wildland fires are the largely open space lands to the east in Alum Rock in the foothills east of the City as well as areas to the southwest of the project sites in the City of Saratoga.

Applicable Plans, Policies and Regulations

California Fire Code

The California Fire Code, codified as California Code of Regulations, Title 24, Part 9, includes provisions associated with emergency planning and preparedness, fire protection systems, and means of egress. In addition, the Fire Code provides appendices detailing fire-flow requirements for new buildings, fire hydrant locations and distribution, and fire apparatus access roads. Local governments administer the Fire Code. New development projects must demonstrate compliance with applicable Fire Code requirements at the time building permits are issued.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following policies are specific to wildfire resources and are applicable to the proposed project.

Envision San José 2040 General Plan Relevant Wildfire Policies

Policies	Description
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.

[75] California Department of Forestry and Fire Protection (CAL FIRE). Fire Hazard Severity Zone Viewer. Website: https://egis.fire.ca.gov/FHSZ/. Accessed January 2, 2023.

[76] City of San José. Wildland-Urban Interface. Website: https://www.sanjoseca.gov/your-government/departments-offices/fire-department/public-education/wildfire-preparedness/wildland-urban-interface. Accessed January 2, 2023.

4.19.2 - Environmental Checklist and Impact Discussion

If located in or near State Responsibility Areas or lands classified as Very High Fire Hazard Severity Zones, would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
1) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Impact Discussion

1) Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

Less than significant impact. The proposed project would not result in modifications to existing roadways in a way that would impede emergency access or evacuation. Consistent with the Fire Code, the City Fire Department would review the site plan for the project to ensure adequate emergency vehicle access. The proposed project would not impair or interfere with the implementation of an adopted City of San José or County of Santa Clara emergency response plan or emergency evacuation plan. Impacts would be less than significant.

Removal of the 11 billboards would be limited to their existing footprints and would not impair an adopted emergency response plan or emergency evacuation plan. No impact would occur.

2) Due to slope, prevailing winds, and other factors, would the project exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Less than significant impact. As described above, the proposed project sites are not located in a VHFHSZ. The project site is relatively flat and surrounded by development. The BAAQMD monitors wind speeds at locations in the Bay Area, including the Santa Clara Valley, and has data up to October 10, 2021. For the months with data in 2021, the highest average wind speed was 8 mph. As such, the proposed project does not have high prevailing winds that would further exacerbate wildfire risks. In addition, the proposed project would comply with the requirements stated in the

City of San José Fire Code, including the requirement that plans for proposed projects be reviewed and approved by the San José Fire Department to ensure that all requirements are satisfied.

Compliance with required fire protection measures set forth in the Municipal Code and the California Fire Code would reduce risk of loss, injury, or death due to wildland fires to less than significant levels.

Compliance with required fire protection measures set forth in the Municipal Code and the California Fire Code would reduce risk of loss, injury, or death due to wildland fires to less than significant levels.

3) 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?

Less than significant impact. The proposed project would not require new roadways, fire breaks, installation of emergency water sources, or overhead power lines. Both of the proposed billboards are located in heavily urbanized areas and would connect to existing power infrastructure; therefore, impacts would be less than significant.

Removal of the 11 billboards would not require installation or maintenance of infrastructure. No impact would occur.

4) 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?

Less than significant impact.

West Mission Street Billboard

The West Mission Street project site is bound by roadways and vacant land. Additionally, the project site is in a flat, urbanized area that is not susceptible to landslides or flooding. Therefore, impacts would be less than significant.

Mabury Road Billboard

The Marbury Road project site is bound by US-101, local roadways, a railway, and Coyote Creek. Additionally, the project site is in a flat, urbanized areas that is not susceptible to landslides or flooding. Therefore, impacts would be less than significant.

Billboard Removals

The 11 billboards to be removed are located in urbanized areas that are not susceptible to landslides or flooding. No impact would occur.

Mitigation Measures

None have been identified.

Standard Permit Conditions

None have been identified.

4.19.3 - Conclusion

Impacts related to wildfire would be less than significant.

4.20 - MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
3. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

4.20.1 - Project Impacts

Less than significant impact with mitigation incorporated. As discussed in this Initial Study, with adherence to the City's Standard Permit Conditions and included mitigation measures, the proposed project would not degrade the quality of the environment. The proposed project could result in impacts to biological resources, specifically, nesting birds and roosting bats. However, impacts would be avoided or reduced to a less than significant level by adherence to the City's Standard Permit Condition for compliance with the Santa Clara Valley Habitat Plan, which requires payment of the nitrogen deposition fee and compliance with other applicable SCVHP conditions; MM BIO-1, which would require protection of active bird nests via pre-construction surveys, scheduling demolition and construction activities outside of nesting season and implementation of avoidance buffers if found; MM BIO-2, which would require limits on billboard light luminance, and MM BIO-3, which would require protection of active roosting bats via pre-construction surveys and removal of trees and structures with active roosts outside of bat maternity roosting season.

The proposed project would not directly or indirectly result in impacts to cultural or Tribal cultural resources. In addition, the City Standard Conditions (Subsurface Cultural Resources and Human Remains) would be implemented to further ensure that impacts to cultural resources and Tribal cultural resources would be less than significant.

The proposed project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. In addition, the City's Standard Permit Condition (Paleontological Resources) related to discovery of vertebrate fossils during construction would be implemented to further ensure that impacts to paleontological resources would be less than significant.

With implementation of the aforementioned mitigation measures and adherence to the City's Standard Permit Conditions, the proposed project would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

4.20.2 - Cumulative Impacts

No impact. The proposed project would not make a cumulatively considerable contribution to an environmental impact. Construction activities necessary to construct the signs would require very little equipment and occur within a short timeframe of approximately 2 weeks. As detailed in this Draft IS/MND, construction activities would not result in significant impacts with adherence to City Standard Conditions and compliance with all applicable regulations. The proposed project would not contribute to cumulative impacts.

4.20.3 - Direct or Indirect Adverse Effects on Human Beings

Less than significant impact. As reflected in this Initial Study, the proposed project does not have the potential to result in substantial adverse impacts to humans.

The proposed project would not result in impacts related to seismic activity and soil conditions such as erosion/loss of topsoil, landslides, lateral spreading, subsidence, liquefaction, and expansive soil. In addition, the City Standard Conditions (Seismic Hazards and Construction-Related Water Quality) would be implemented to further ensure that impacts to geology and soils would be less than significant.

The proposed project would not result in impacts related to degraded water quality standards. In addition, the City Standard Conditions (Construction-Related Water Quality) would be implemented to further ensure that impacts to hydrology and water quality would be less than significant.

The proposed project would not result in impacts related to short-term construction noise. In addition, the City Standard Conditions (Construction and Operations-Related Noise) would be implemented to further ensure that impacts to noise would be less than significant.

SECTION 5: AUTHORS AND CONSULTANTS

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