

Alviso Master Plan EIR Addendum

North of Highway 237 Sign Ordinance Amendment

Prepared by



In Consultation with



March 2019

**ADDENDUM TO THE ALVISO MASTER PLAN ENVIRONMENTAL IMPACT
REPORT (SCH# 1995113003), ENVISION SAN JOSE 2040 GENERAL PLAN FINAL
ENVIRONMENTAL IMPACT REPORT, AND ENVISION SAN JOSE 2040 GENERAL
PLAN SUPPLEMENTAL PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH#
2009072096) AND ADDENDA THERETO**

Pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, the City of San José has prepared an Addendum to the Alviso Master Plan: A Specific Plan for the Alviso Community (Alviso Master Plan) Environmental Impact Report (EIR), Envision San José 2040 General Plan Final EIR, and Supplemental Program EIR and addenda thereto because proposed amendments to Title 23 (Sign Code) of the San José Municipal Code described below are pursuant to, in furtherance of, and within the scope of the previously approved EIRs and do not raise new issues about the significant impacts on the environment beyond those analyzed in the EIRs.

PP18-084 – North of State Route 237 – Alviso - Sign Code Amendment. Proposed City-initiated amendments to Title 23 of the San José Municipal Code (the Sign Code) to allow freeway-facing Business Center Signs within the extents of Alviso Master Plan Area Boundary. The proposed actions include an ordinance amending Title 23 (the Sign Code) of the San José Municipal Code to:

- i) Amend Chapter 23.04, Part 1, Commercial and Industrial Zoning Districts and Neighborhood Business Districts, to amend Section 23.04.036, "Business Center Signs," to allow freeway facing on-site signs for sites located within the Alviso Master Plan Area, that are developed with office or research and development uses; and
- ii) Make other non-substantive, ministerial, technical, or typographical changes to various Sections of said Chapter 23.04 of the Sign Code.

Location: Alviso Master Plan Area Boundary, as delineated in the Alviso Master Plan: A Specific Plan for the Alviso Community (See Attachment 2)

The environmental impacts of this project were addressed by the following EIRs: "Alviso Master Plan: A Specific Plan for the Alviso Community" adopted by City Council Resolution No. 68577 on December 7, 1998; the "Envision San José 2040 General Plan Final EIR," adopted by City Council Resolution No. 76041 on November 1, 2011; and the Supplemental Program EIR entitled, "Envision San José 2040 General Plan Supplemental EIR," adopted by City Council Resolution No. 77617 on December 15, 2015, and addenda thereto.

The following impacts were reviewed and found to be adequately considered by the above EIRs:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Hazardous Materials | <input checked="" type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Hydrology & Water Quality | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Land Use | <input checked="" type="checkbox"/> Utilities & Service Systems |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Energy |
| <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Noise | <input checked="" type="checkbox"/> Growth Inducing |
| <input checked="" type="checkbox"/> Geology and Soils | <input checked="" type="checkbox"/> Population and Housing | <input checked="" type="checkbox"/> Cumulative Impacts |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Public Services | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

ANALYSIS

The Alviso Master Plan Area, approximately measuring 10,730 acres, includes all properties within the City of San José north of State Route 237, between Coyote Creek and Guadalupe River. The proposed Sign Code amendments will continue the use of signs to foster economic development by further expanding Business Center Signs into the Alviso Master Plan Area. This would allow freeway-facing on-site signs for office/R&D uses that are located along the northern side of State Route 237. Specifically, sites developed with office/R&D uses that are at least ten (10) acres in size with at least six hundred (600) linear feet of freeway frontage, and located not more than 300 feet from the freeway travel lane, will qualify for freeway-facing Business Center Signs. Business Center signage on sites developed as destination entertainment uses are not proposed within the Alviso Master Plan Area, and are limited to sites developed with office/R&D uses. Any future eligible site will require environmental review and evaluation for consistency with the proposed requirements.

The current Sign Code regulations provide for different types of signage within the urbanized areas of the City, subject to specific regulations to ensure that signage does not cause any significant visual or aesthetic impacts. Additionally, the Goals and Policies of the General Plan encourage a more vibrant and urbanized city with emphasis on economic growth and promoting signage that directly affect the look and feel of neighborhoods and growth centers. Some of these Goals and Policies such as those related to community design, land use and environment promote increased signage to help advertise and attract businesses.

The proposed Sign Code amendments for Business Center Signs would be somewhat similar to the Sign Code's existing provisions for programmable electronic-display signage for large assembly spaces City-wide, including in the Alviso Master Plan/Alviso Specific Plan area. Additionally, as proposed, the Business Center Signs in the Alviso Master Plan/Alviso Specific Plan area will not have lighting directed upward, and will have illuminated/lighted business center signage areas fully shielded or turned off after dark at least during bird migration season from February through May and August through November each year they are in operation. Furthermore, lighting will not be directed into Riparian Corridors as they are defined in the San José Municipal Code.

The Alviso Master Plan: A Specific Plan for the Alviso Community EIR (Alviso Master Plan EIR), as adopted by City Council Resolution No. 68577 on December 7, 1998, programmatically assessed the environmental impacts of development under the land use designations and design standards in the Alviso Master Plan including but not limited to commercial and/or industrial development up to 60 feet in height fronting on State Route 237. Signage is specifically discussed in this EIR, including signage at the corners of North First Street and Route 237. The Alviso Master Plan EIR states that "new development should contribute a 'gateway feel' to these entrances to Alviso through landscaping, signage, building placement, or other features." The Alviso Master Plan EIR also states, "For most of the residents and employees who live and/or work in north Santa Clara County, particularly for the commuters on SR 237, this area will no longer appear to be a continuation of the baylands, but will look like any other industrial area."

The Alviso Master Plan is consistent with the Riparian Corridor Policy Study and requires that all buildings, structures, impervious surfaces, outdoor activity areas and ornamental landscaped areas be separated a minimum of 100 feet from the edge of any riparian corridor or top of bank, whichever is greater. The proposed Sign Code amendment consistent with City Council Policy 6-34, Riparian

Corridor Protection and Bird-Safe Design. Also City Council Policy 6-34 provides guidance for the design of bird-friendly buildings and structures located north of State Route 237.

No new or more significant environmental impacts beyond those identified in the Alviso Master Plan EIR, General Plan Final EIR, and General Plan Supplemental EIR have been identified, nor have any new mitigation measures or alternatives which are considerably different from those analyzed in the EIRs been identified. The project will not result in a substantial increase in the magnitude of any significant environmental impact previously identified in the EIRs. For these reasons, a supplemental or subsequent EIR is not required and an Addendum to the Alviso Master Plan EIR, General Plan Final EIR, and General Plan Supplemental EIR, and addenda thereto has been prepared for the proposed project.

The attached Initial Study provides background on the proposed Sign Code amendment and related environmental impacts. This addendum (including Initial Study) will not be circulated for public review, but will be attached to the Alviso Master Plan EIR, General Plan Final EIR, and General Plan Supplemental EIR pursuant of CEQA Guidelines §15164(c).

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

03/14/2019
Date

Jenny Nustaum
Deputy

*Attachment: North of Highway 237 Sign Ordinance Amendment, Alviso Master Plan EIR Addendum,
March 2019*

TABLE OF CONTENTS

Section 1.0	Introduction and Purpose	1
Section 2.0	Project Information	2
Section 3.0	Project Description.....	8
Section 4.0	Environmental Checklist and Impacts	15
4.1	Aesthetics.....	16
4.2	Agricultural and Forestry Resources	25
4.3	Air Quality	28
4.4	Biological Resources	35
4.5	Cultural Resources.....	42
4.6	Geology, Soils, and Minerals.....	48
4.7	Energy and Greenhouse Gas Emissions	54
4.8	Hazards and Hazardous Materials, Wildfire.....	61
4.9	Hydrology and Water Quality	67
4.10	Land Use and Planning, Population and Housing	72
4.11	Noise and Vibration	76
4.12	Public Services and Recreation	79
4.13	Transportation/Traffic.....	82
4.14	Utilities and Service Systems	86
4.15	Mandatory Findings of Significance	89
Section 5.0	References.....	93
Section 6.0	Lead Agency and Consultants.....	96

Figures

Figure 2.3-1: Regional Map.....	3
Figure 2.3-2: Vicinity Map	4
Figure 2.3-3: Aerial Photograph with Surrounding Land Uses	5
Figure 3.2.-1: Potential Signage Sites and Required Buffer Areas.....	14

Tables

Table 2.4-1: Planned Development Permits and Associated APNs.....	2
Table 4.4-1: Tree Replacement Ratios.....	40
Table 4.8-1: Hazardous Materials Summary	62

Appendices

Appendix A: Biological Technical Report	
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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE ADDENDUM

The City of San José, as the lead agency, has prepared this Addendum and Initial Study to the 1998 Alviso Master Plan Environmental Impact Report (EIR) (State Clearinghouse #1995113003) in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations Section 15000 et. seq.) and the regulations and policies of the City San José, California.

The City proposes to amend Title 23 – Signs (Sign Code) of the San José Municipal Code to allow business center signs, as defined in the Sign Code, for goods and services sold on-site (on-premise advertising) in the Alviso Master Plan/Alviso Specific Plan area, which could include up to six locations north of State Route 237 in the City of San José that are (in aggregate under previously issued Development or Use Permits) more than ten acres in size and have at least 600 continuous linear feet of freeway frontage or street frontage that parallels and is visible to a freeway. The proposed sign requirements and regulations will be at least as restrictive as those for business center signs currently allowed in the North San José Signage Area south of State Route 237 for Office and Research and Development uses (San José Municipal Code Chapter 23.04.036).

Business center signs (as defined by San José Municipal Code Chapter 23.04.036) can be up to 60 feet tall and 500 square feet in sign area, including up to a 375-square-foot programmable component (the remaining 125 square feet would be non-programmable). Placement of the Business Center Sign must result in the consolidation of Signs within the Business Center Site, such that fewer Signs will be displayed on the Site than would otherwise be allowed. The proposed Sign Code amendment could increase business center signage and programmable electronic displays within 300 feet of freeway of travel lanes in the area by up to 3,000 square feet over a distance of approximately three miles. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of this Sign Code amendment.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

North of State Route 237 – Alviso - Sign Code Amendment

2.2 LEAD AGENCY CONTACT

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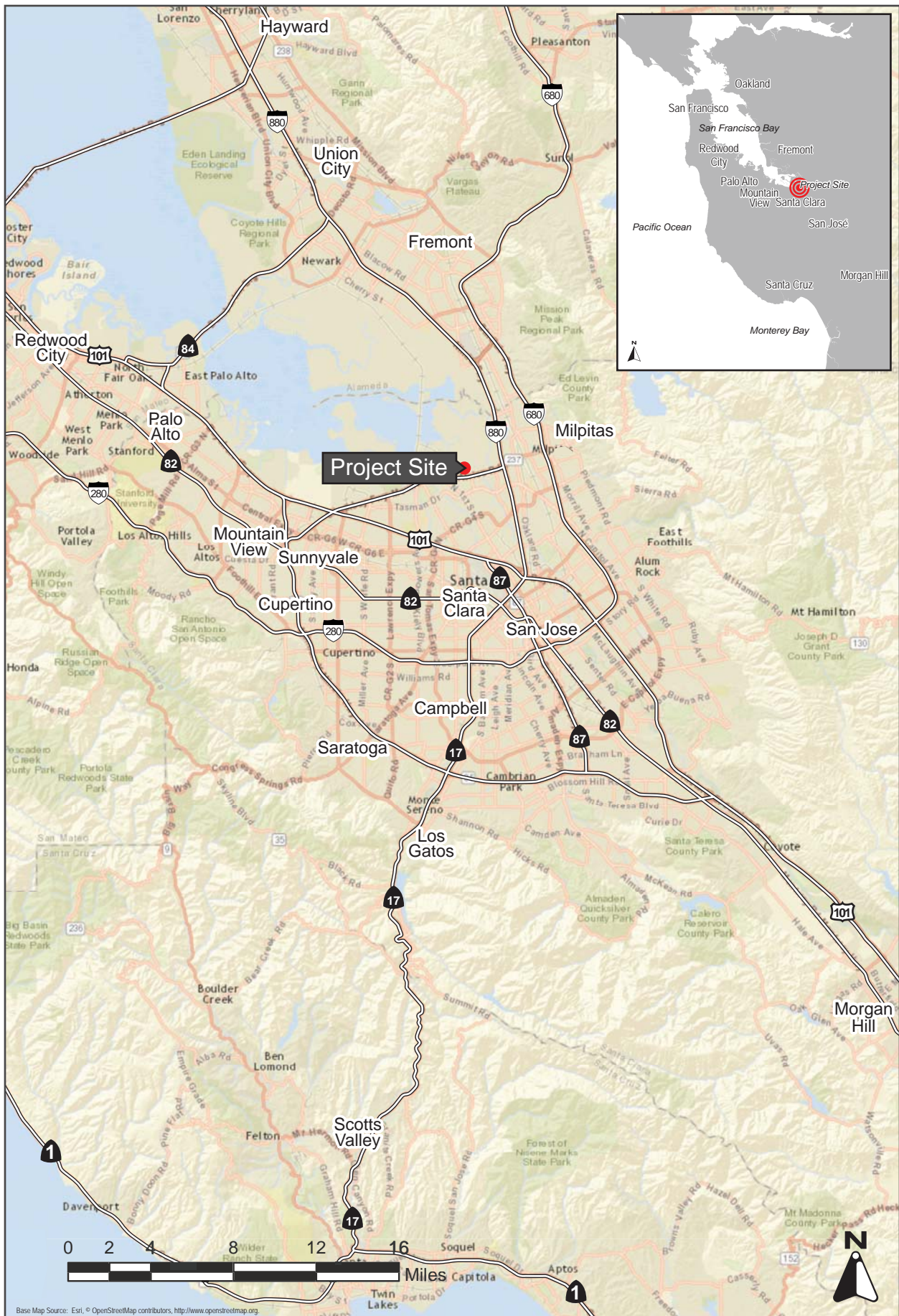
2.3 PROJECT LOCATION

The Sign Code amendment would apply to parcels that are located on the north side of State Route 237 in San José that are in aggregate under previously issued Development Permits more than ten acres in size and have 600 of continuous linear feet of freeway frontage or street frontage that parallels and are visible to a freeway where the business center sign would be within 300 feet of a freeway travel lane as defined in the Sign Code. These parcels are shown in Figure 2.3-1: Regional Map, Figure 2.3-2: Vicinity Map, and Figure 2.3-3: Aerial Photograph and Surrounding Land Uses.

2.4 ASSESSOR'S PARCEL NUMBERS

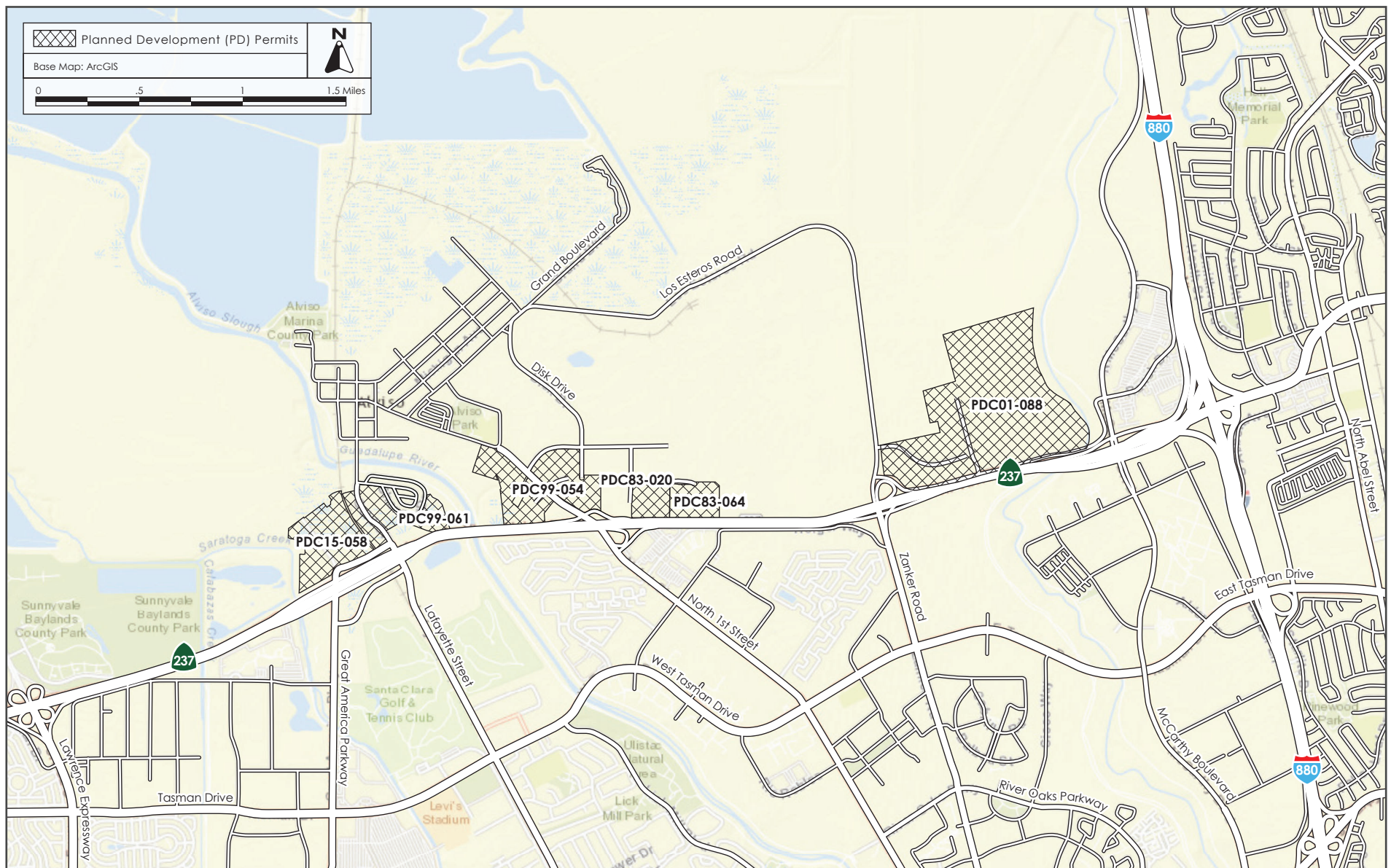
The Sign Code amendment could apply to a total of up to 28 parcels covered by separate Development Permits and/or Use Permits. The permit numbers and Assessor's Parcel Numbers (APNs) are shown in the following Table 2.4-1.

Table 2.4-1: Planned Development Permits and Associated APNs					
Site 1	Site 2	Site 3	Site 4	Site 5	Site 6
PDC15-058	PDC99-061	PDC99-054	PDC82-020	PDC83-064	PDC01-088
015-45-032	015-34-081	015-39-042	015-30-093	015-30-099	015-31-054
015-45-048	015-34-100	015-39-044		015-30-100	015-31-063
015-45-049	015-34-101	015-39-045			015-31-070*
015-45-050	015-34-102	015-39-055			015-31-072
015-45-051	015-34-112	015-39-056			
015-45-052	015-34-114				
015-45-053	015-34-120				
	015-34-121				
	015-34-123				
* excluding the portion with a PQP General Plan designation that is also zoned A – Agriculture					



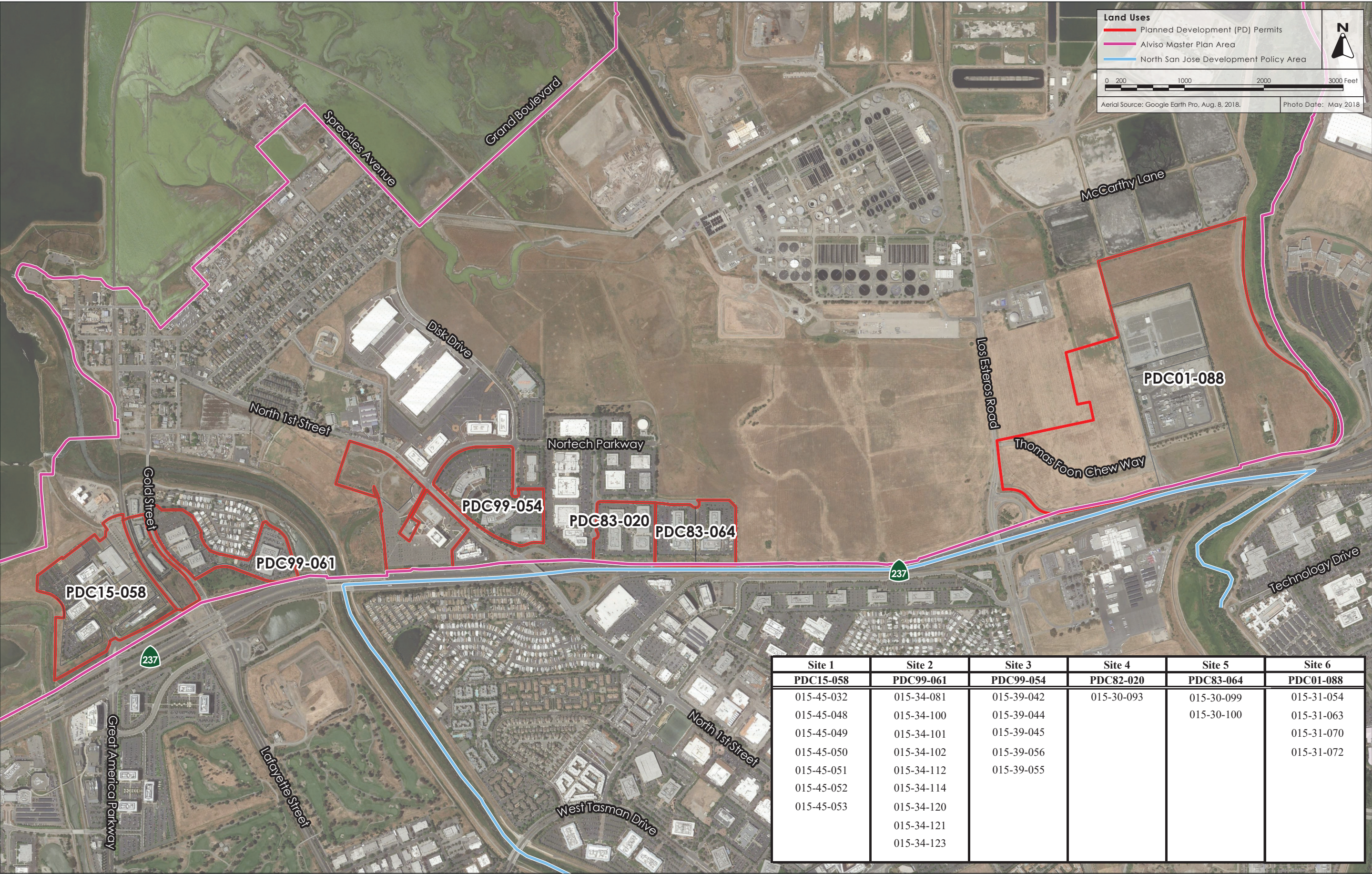
REGIONAL MAP

FIGURE 2.3-1



VICINITY MAP

FIGURE 2.3-2



Site 1	Site 2	Site 3	Site 4	Site 5	Site 6
PDC15-058	PDC99-061	PDC99-054	PDC82-020	PDC83-064	PDC01-088
015-45-032	015-34-081	015-39-042	015-30-093	015-30-099	015-31-054
015-45-048	015-34-100	015-39-044		015-30-100	015-31-063
015-45-049	015-34-101	015-39-045			015-31-070
015-45-050	015-34-102	015-39-056			015-31-072
015-45-051	015-34-112	015-39-055			
015-45-052	015-34-114				
015-45-053	015-34-120				
	015-34-121				
	015-34-123				

AERIAL PHOTOGRAPH

FIGURE 2.3-3

CEQA recognizes that between the date an environmental document is certified and the date the project is fully implemented, one or more of the following changes may occur: 1) the project may change; 2) the environmental setting in which the project is located may change; 3) laws, regulations, or policies may change in ways that impact the environment; and/or 4) previously unknown information can arise. Before proceeding with a project, CEQA requires the Lead Agency to evaluate these changes to determine if they affect the conclusions in the environmental document.

An EIR for the Alviso Master Plan was completed in 1998. This EIR did not contemplate the proposed Sign Code amendments. This Addendum will analyze the impacts which may result from the proposed Sign Code amendments.

CEQA Guidelines Section 15162 states that when an EIR has been certified, no subsequent EIR shall be prepared for that project unless the Lead Agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines Section 15164 states that the Lead Agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in 15162 (see above) calling for preparation of a subsequent EIR have occurred. This is the case for the subject project, and the reason for the preparation of this Addendum.

This Addendum will not be formally circulated for public review. Documents referenced in this Addendum and Initial Study are available for public review in the Department of Planning, Building and Code Enforcement at San José City Hall, 200 East Santa Clara Street, during normal business hours.

SECTION 3.0 PROJECT DESCRIPTION

3.1 BACKGROUND INFORMATION

This Initial Study addresses impacts from amendments to the Sign Code that could allow “Business Center” Signs in the Alviso Master Plan/Alviso Specific Plan Area that is on the north side of State Route 237, similar to those already allowed for on-premise advertising for research and development, and office developments, on the south side of State Route 237 within the North San José Area Development Policy Special Sign Zone.¹ The proposed Sign Code provisions for Business Center Signs would be somewhat similar to the Sign Code’s existing provisions for programmable-electronic-display signage for large assembly spaces City-wide, including in the Alviso Master Plan/Alviso Specific Plan area. Currently, six commercial and/or industrial properties on the north side of State Route 237 in the Alviso Master Plan area potentially meet the site criteria for business center sites.² The site criteria are described in Section 3.2.1, below. Additionally, as proposed, the business center signs in the Alviso Master Plan/Alviso Specific Plan area will not have lighting directed upward, and will have illuminated/lighted business center signage areas shielded or turned-off after dark at least during bird migration season from February through May and August through November each year they are in operation. Furthermore, lighting will not be directed into Riparian Corridors as they are defined in the San José Municipal Code.

The *Alviso Master Plan: A Specific Plan for the Alviso Community* Environmental Impact Report programmatically assessed the environmental impacts of development under the land use designations and design standards in the Plan including but not limited to commercial and/or industrial development up to 60 feet in height fronting on State Route 237. Signage is specifically discussed in this EIR, including signage at the corners of North First Street and Route 237. The EIR states that “new development should contribute a ‘gateway feel’ to these entrances to Alviso through landscaping, signage, building placement, or other features.”

This EIR also states, “For most of the residents and employees who live and/or work in north Santa Clara County, particularly for the commuters on SR 237, this area will no longer appear to be a continuation of the baylands, but will look like any other industrial area.”

3.1.1 Affected Sites

For purposes of this Sign Code amendment (and consistent with the Section 23.04.010 (J) of the San José Municipal Code), where more than one parcel is subject to a single Development Permit, the entire site is considered a single “parcel” for the purposes of determining the signage allowed at the site. The parcels in the Alviso Master Plan Area affected by the proposed Sign Code amendment are grouped together and discussed as single sites, from the westernmost site to the easternmost site, as follows.

¹ As defined in Section 23.02.096 of the Sign Code, a Business Center Sign means an Attached Sign, Monument Sign or Roof Sign located on a Business Center Site and oriented to and designed to be viewed from a Freeway.

² As defined in Section 23.02.094 of the Sign Code, a Business Center Site means a Site consisting of two or more contiguous parcels, located on only one side of any public right of way, in an individual development project, as defined in Section 65928 of the Government Code; approved for use for commercial, industrial, or mixed commercial industrial purposes, as shown on a subdivision map or site map approved by the City; and which includes shared facilities such as parking and pedestrian connections.

3.1.1.1 *Site 1*

Site 1 is commonly known as the America Center development site. The approximately 70.5-acre site contains four, five-story office buildings (with a fifth building under construction) and a five-story hotel, as well as surface parking and two parking garages (one of which is also under construction). The site has approximately 1,720 feet of State Route 237 highway frontage.

3.1.1.2 *Site 2*

Site 2 is approximately 20 acres in size and Gold Street bisects the site running north to south. On-site development includes a three-story hotel and two, two-story office buildings on the west side of Gold Street and five separate two-story office buildings on the east side of Gold Street. Surface parking surrounds all buildings. The site has approximately 1,880 feet of highway frontage on State Route 237.

3.1.1.3 *Site 3*

Site 3 is approximately 14.72 acres and is bisected by North First Street as it travels generally north/south. On the west side of North First Street is a five-story office building. Two three-story office buildings and a Pacific Gas & Electric Company (PG&E) substation are located on the east side of the street. The buildings are surrounded by surface parking lots. Site 3 has approximately 860 feet of highway frontage on State Route 237.

3.1.1.4 *Site 4*

Site 4 is approximately 13 acres in size and contains four separate two-story office buildings with surface parking. The site has approximately 750 feet of Highway 237 frontage.

3.1.1.5 *Site 5*

Site 5 is approximately 18 acres and contains three separate two-story office buildings with surface parking. This site has approximately 1,000 feet of highway frontage on State Route 237.

3.1.1.6 *Site 6*

Site 6 is approximately 174 acres in size. The site contains a PG&E substation and the Los Esteros Energy Center. A single-family residence is present along with several agricultural-related buildings. A data center has been approved for the site, which will be housed in four buildings ranging from one to four stories, as well as an additional substation and at-grade parking. These improvements have yet to be constructed. Site 6 has approximately 3,500 feet of highway frontage on State Route 237.

3.2 PROPOSED SIGN CODE AMENDMENTS

The City's Sign Code allows signage at commercial and/or industrial uses and regulations are intended to prevent visual clutter. The sign regulations address sign dimensions, type, quantity, use, and locations to accommodate the City's business community needs and to provide opportunities for distinctive and high-quality design. The proposed Sign Code amendment (described in detail below), requires City Council approval.

3.2.1 Business Center Signs

Per current Sign Code provisions, business center signs can include fixed (or non-programmable) and programmable electronic components. Development proposals, including signs, are subject to consistency with the General Plan and City Council Policy 6-34 (Riparian Corridor Protection and Bird-Safe Design) and based on the site location, may require additional restriction or prohibition on programmable signage. Non-programmable components include internal illumination and halo-illumination of letters. Programmable components are fully illuminated with a changeable display. Business center signs are subject to Section 23.04.036 of the Sign Code, which includes regulations on quantity, size, height, location, operational standards, and orientation of the signage. Freeway signs can advertise only on-site commercial businesses or non-commercial messages.

The City's Sign Code (Section 23.02.905 - Limitations on Programmable Electronic Signs) details regulations for business center signs to avoid visual impairments to motorists. These regulations include limits on effects that give the appearance of movement (flashing, blinking, fading, etc.), audio, message transitions, message timing, and lighting (including ambient light, brightness, and message content). Programmable portions of business center signs are required to utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that they do not exceed a brightness level of 0.3-foot candle above the ambient light level. Further, where business center signs are currently allowed, the Sign Code prohibits business center signs within 100 feet of a riparian corridor and business center signs that are visible from a riparian corridor are not allowed to be illuminated between 12:01 a.m. and 5:59 a.m.

Currently, the Sign Code allows business center signs for research and development and office uses within 300 feet of freeway travel lanes in the North San José Signage Area as defined in the Sign Code (located south of State Route 237 within the North San Jose Development Policy Area) on parcels at least ten (10) acres in size with at least 600 linear feet of freeway frontage. The proposed Sign Code amendment would allow business center signs at potentially up to six parcels north of State Route 237 in the Alviso Master Plan/Specific Plan area, pursuant to the requirements of Section 23.04.036 of the Sign Code and the provisions in the Alviso Master Plan/Specific Plan area including but not limited to maximum allowable height of buildings and structures. Under these regulations, potentially up to one business center sign would be allowed per site.³ The following bold and italicized text shows the proposed changes and additions to Section 23.04.036 of the Sign Code

23.04.036 – Business Center Signs

A. Quantity

2. One (1) Business Center Sign may be allowed on a Business Center Site located within the North San José Signage Area, ***and Alviso Master Plan Area***, and not more than three hundred (300) feet from a Freeway Travel Lane, if the Business Center Site also meets the following criteria:
 - a) Is at least ten (10) acres in size; and
 - b) Has at least six hundred (600) continuous linear feet of Freeway Frontage or six hundred (600) continuous linear feet of Street Frontage that parallels and

³ As described previously, consistent with the Section 23.04.010(J) of the San Jose Municipal Code, where more than one parcel is subject to a single development permit, the entire site is considered a single "parcel" or site for the purposes of determining the amount and type of signage allowed.

- is visible to a Freeway Travel Lane; and
- c) Is developed for research and development as defined in Section 20.200.1000 or for office, research, and development as defined in Section 20.200.818 and has a Zoning and General Plan Land Use Designation that supports such uses.

E. Other Provisions

1. A Business Center Sign may include a Programmable Electronic Sign that does not exceed seventy-five percent (75%) of the total Sign Area and is integrated with the total Sign to form a cohesive design unit. In no case shall a Programmable Electronic Sign exceed three hundred and seventy-five (375) square feet in area.
2. The illuminated face of any Business Center Sign shall be oriented towards the Freeway and shall be oriented away from nearby residential dwelling units to the maximum extent feasible.
3. Any Programmable Electronic Sign shall conform to the requirements of Section 23.02.905.
4. ***A Business Center Sign shall be consistent with City Council Policy 6-34 “Riparian Corridor Protection and Bird Safe Design,” as may be amended from time to time.***
5. ***A Business Center Sign shall conform to Section 18.40.010 in Title 18 “Local Planning” of this Municipal Code pertaining to Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan.***
6. No Business Center Sign shall be allowed within one hundred (100) feet of the edge of a Riparian Corridor.
7. No Business Center Sign that is visible from a Riparian Corridor shall be illuminated between 12:01 a.m. and 5:59 a.m.
8. A Business Center Sign located within the Airport Influence Area:
 - a) Shall utilize automatic dimming technology as specified in Section 23.02.905.F.
 - b) Any application for a Business Center Sign shall include the following information in addition to any other information that the Director may require: evidence of Federal Aviation Administration (FAA) "no hazard" determination where the Sign is subject to Title 49 Code of Federal Regulations Part 77, and a lighting study to determine appropriate lighting standards for Signs within an Airport Influence Area.
 - c) Either a ceilograph machine (a mechanism which tracks cloud bases, measures fog and can be tied into the Sign dimming system) shall be provided to activate automatic dimming based on cloud cover or fog level, or a contact person shall be available by telephone at all times and able to respond onsite to activate automatic dimming technology as directed by the airport control tower.
9. Notwithstanding the provisions of Section 23.02.1300.C, a Business Center Sign shall require approval of a development permit.
10. Notwithstanding the provisions of Section 23.02.1010.A.9, a Business Center Sign may face and be visible from a Freeway.
11. Sign Base:
 - a) All Business Center Signs that are Freestanding Monument Signs shall have a base of at least eighteen (18) inches in height. The height of the base

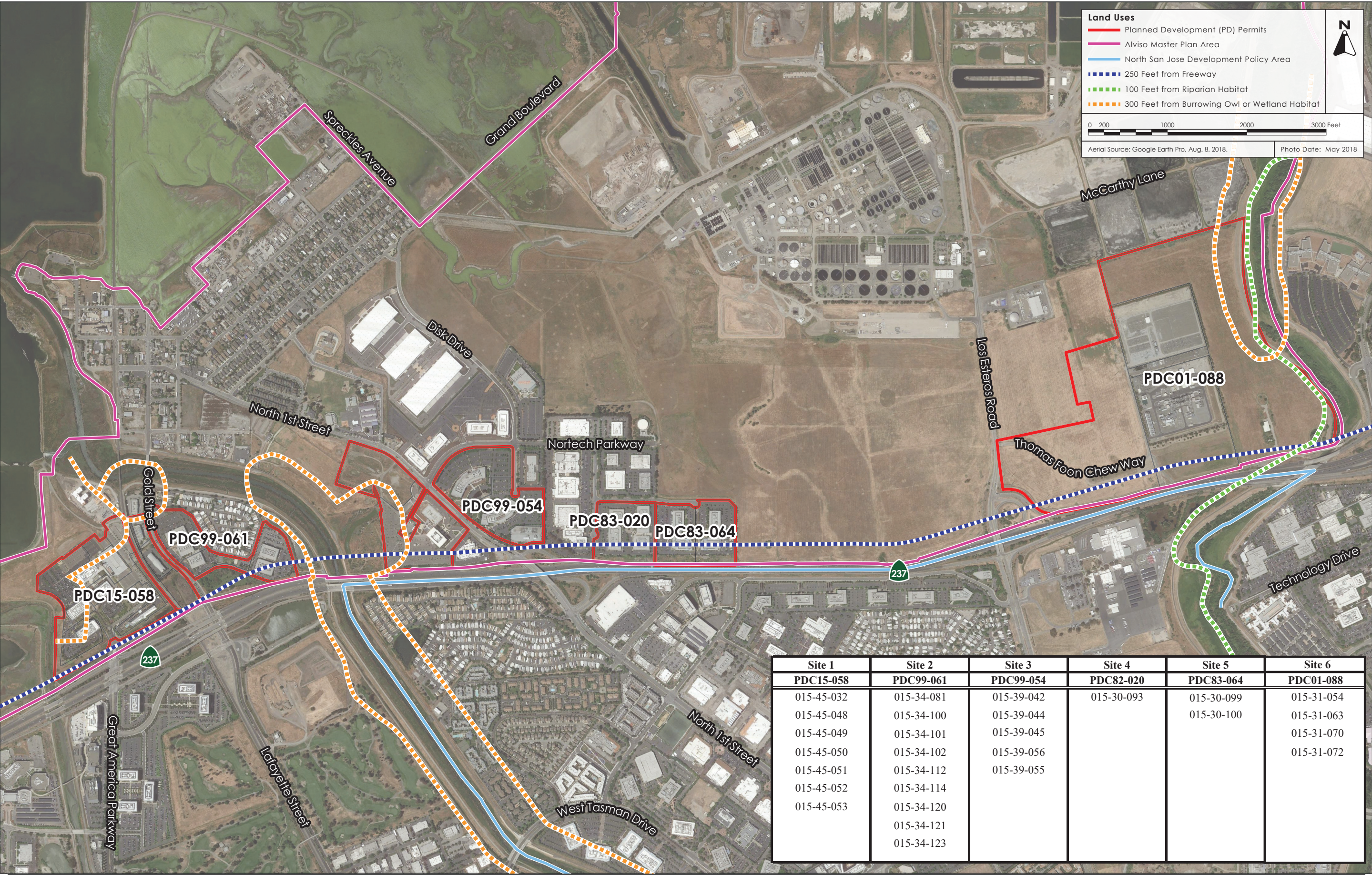
- measured from Grade to the top of the base shall not be more than twenty (20) feet above Grade.
- b) The base shall be architecturally consistent with the main building of the Parcel and the Business Center Sign it supports. The base shall be constructed of durable materials to reduce the likelihood of unsightly Signs and blighted conditions.
 - c) Landscaping surrounding the Business Center Sign shall be in accordance with Section 23.04.030.F.
12. A Business Center Sign shall display the name of the Business Center, if named.
13. Placement of the Business Center Sign must result in the consolidation of Signs within the Business Center Site, such that fewer Signs will be displayed on the Site than would otherwise be allowed.
- 14. Additional requirements for any Business Center Sign located within the Alviso Master Plan Area:**
- a) *The Sign shall conform to the following requirements:*
 - i. *No sign shall be allowed within at least one hundred (100) feet of a state and federally protected wetland, a burrowing owl habitat as identified in the Santa Clara Valley Habitat Conservation Plan, or the vegetative edge of a Riparian Corridor or top of bank, whichever is greater.*
 - ii. *No Sign shall direct lighting onto a wetland or Riparian Corridor.*
 - iii. *No Sign shall include up-lighting and spotlights.*
 - iv. *Non-emergency lighting on the sign shall be turned off, or shielded, at night to minimize light from signage that is visible to birds, especially during bird migration season (from February through May and from August through November); and*
 - b) *Any Sign, visible from a wetland, burrowing owl habitat or Riparian Corridor, shall be dimmed automatically one hour after sunset to 5% of their daylight luminance setting; and*
 - c) *No sign, visible from a wetland, burrowing owl habitat or Riparian Corridor, shall be illuminated between 9:59 p.m. and 5:59 a.m.; and*
 - d) *Any Sign that includes a programmable electronic component shall utilize shaders, or shall utilize other shading alternative(s) that the City determines will provide equivalent attenuation of upward illumination to the satisfaction of the Director of Planning; and*
 - e) *No sign shall be allowed on portion of a parcel that has an Open Space, Parklands and Habitat designation on the General Plan Land Use/Transportation Diagram, or OS-Open Space and A-Agricultural Zoning Districts.*

Each of the six sites north of State Route 237 could potentially be allowed one business center sign that is up to 60 feet tall and a maximum of 500 square feet in sign area, including an up to 375-square-foot programmable electronic display component (the remaining 125 square feet shall be non-programmable). The proposed Sign Code amendment would increase business center signage in the area by up to 3,000 square feet over a distance of approximately 2.5 miles. Potential signage locations are shown in Figure 3.2.-1: Potential Signage Sites and Required Buffer Areas.

Signs allowed under the proposed Sign Code amendment will be required to be compatible with the design of buildings on each site and in the immediate vicinity and would be reviewed under a Development Permit or Use Permit process. Additional site-specific environmental review would be conducted as part of the Development Permit or Use Permit process.

3.3 SUBSEQUENT ENVIRONMENTAL REVIEW

This document provides CEQA clearance for the proposed amendment to the Sign Code. This document does not provide development-project-level CEQA clearance for individual business center signs. Section 23.04.036(E)(5) of the Sign Code requires approval of a Development Permit for all business center signs. Additional technical analyses (i.e. biological resources, noise, light, hazards, aesthetics) and subsequent environmental review may be required for individual development-project-level CEQA clearances. Based on this analysis, if a development-project site is situated in close proximity to sensitive biological habitat then it will be determined on a case-by-case basis if the proposed sign could include a programmable electronic component. Because the programmable electronic components of the electronic business center signs will be adjacent to freeways and visible to motorists, they will be reviewed for site-specific environmental issues under CEQA (i.e., distance to riparian corridors, aesthetics, hazardous materials etc.) as part of a future Development Permit or Use Permit process. The development-project-specific environmental review will also include a technical evaluation of safety hazards to motorists.



Site 1	Site 2	Site 3	Site 4	Site 5	Site 6
PDC15-058	PDC99-061	PDC99-054	PDC82-020	PDC83-064	PDC01-088
015-45-032	015-34-081	015-39-042	015-30-093	015-30-099	015-31-054
015-45-048	015-34-100	015-39-044		015-30-100	015-31-063
015-45-049	015-34-101	015-39-045			015-31-070
015-45-050	015-34-102	015-39-056			015-31-072
015-45-051	015-34-112	015-39-055			
015-45-052	015-34-114				
015-45-053	015-34-120				
	015-34-121				
	015-34-123				

Potential Signage Sites and Required Buffer Areas

FIGURE 3.2-1

SECTION 4.0 ENVIRONMENTAL CHECKLIST AND IMPACTS

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

4.1	Aesthetics	4.9	Hydrology and Water Quality
4.2	Agricultural and Forestry Resources	4.10	Land Use and Planning, Population and Housing
4.3	Air Quality	4.11	Noise and Vibration
4.4	Biological Resources	4.12	Public Services and Recreation
4.5	Cultural Resources	4.13	Transportation/Traffic
4.6	Geology, Soils, and Minerals	4.14	Utilities and Service Systems
4.7	Energy and Greenhouse Gas Emissions	4.15	Mandatory Findings of Significance
4.8	Hazards and Hazardous Materials, Wildfire		

The discussion for each environmental subject includes the following subsections:

- **Environmental Checklist** – The environmental checklist identifies environmental impacts that could occur if the proposed project is implemented. The right-hand column of the checklist lists the source(s) for the answer to each question. The sources are identified at the end of this section.
- **Impact Discussion** – This subsection discusses the project’s impact as it relates to the environmental checklist questions.

Important Note to the Reader

The California Supreme Court in a December 2015 opinion in *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (*BIA v. BAAQMD*) confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, 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 has policies that address existing conditions affecting a proposed project, which are also discussed in this Initial Study. This is consistent with one of the primary objectives of CEQA, which is to provide objective information to decision-makers and the public. The CEQA Guidelines and the courts are clear that a CEQA can include information of interest even if such information is not an environmental impact as defined by CEQA.

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

State Scenic Highway Program

The California Department of Transportation (Caltrans) State Scenic Highways Program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The nearest state-designated scenic highway is Interstate 280, approximately seven miles west of the project area.⁴

Outdoor Advertising Act

The California Outdoor Advertising Act (Act), which is regulated by Caltrans applies to signs located along primary highways and freeways, including the business center signs that would be allowed as part of the proposed Sign Code amendment.⁵ 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. Given the size and distance of separation between the parcels subject to the proposed Sign Code amendment, the distance between future business center signs and distance from railroad lines would be consistent with the requirements of this Act.

Local

Envision San José 2040 General Plan

The City's General Plan Scenic Corridors Diagram identifies Gateways and Urban Throughways where preservation and enhancement of views of the natural and man-made environment are crucial. The nearest Gateway to the project site is located on State Route 237, where the North First Street overpass transects the highway and cuts through the parcels associated with Site 3. The City of San José has also designated State Route 237 as an Urban Throughway from the I-880 intersection to Fair Oaks Avenue in Sunnyvale. The project parcels are located along the State Route 237 urban throughway.⁶

⁴ Caltrans. "Scenic Highways Mapping System". Accessed July 18, 2018.

<http://www.dot.ca.gov/design/lap/livability/scenic-highways/index.html>.

⁵ Caltrans. *Outdoor Advertising Act and Regulations 2014 Edition*. Section 5405(d)(1). Accessed August 8, 2018.

http://www.dot.ca.gov/trafficops/oda/docs/ODA_Act_&_Regulations.pdf.

⁶ City of San Jose. Scenic Corridors Diagram. Accessed July 28, 2018.

<https://www.sanjoseca.gov/DocumentCenter/View/7466>.

City Council Outdoor Lighting Policy

City Council Policy 4-3 contains guidelines for use of outdoor lighting. The purpose of this policy is to promote energy-efficient outdoor lighting on private development in the City of San José. The policy includes guidelines for providing adequate light for nighttime activities while benefiting the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

4.1.1.2 *Existing Conditions*

The sites that would be subject to the Sign Code amendment are developed with two- to five-story office buildings and associated parking. Site 6 includes the Los Esteros Energy Center and associated substation, and several one- to four-story commercial buildings that will house a data center use recently approved for development at the site. Existing signage is primarily internally illuminated and attached to the buildings themselves, mostly at the upper stories of the buildings. Several monument signs are also present at the building street frontages.

Views in the immediate vicinity of the project area are dominated by the six lanes of State Route 237, which is elevated at Great America Parkway and Lafayette Street, and travels under North 1st Street and Zanker Road (see Photographs 1 through 5). On both sides of State Route 237 (north and south), there are commercial office buildings that vary in height from two to six stories. The buildings are of modern construction and are composed of glass, steel, and stucco materials. Paved parking lots with landscaping, grasslands, and several billboards are also present in the view corridor. Several 30-foot-tall, multi-tenant freestanding signs, somewhat similar to what would be allowed on the north side of State Route 237 under the Sign Code amendment, are currently present south of State Route 237 (as shown in Photograph 6).

It should be noted that the area south of Site 1 and Site 2 are within the City of Santa Clara, though similar business center signs are present (shown in Photographs 7 and 8). High-voltage electric transmission towers and lines are also visible in the vicinity, in particular along the north side of State Route 237.

Scenic vistas in the background of the project vicinity include views of the Diablo Range foothills (to the east) and the Santa Cruz Mountains (to the west). The wetlands and waters of San Francisco Bay are visible to the north of the project area in the distance. The distant views are interrupted by existing buildings and urban development.

Sources of light and glare in the immediate project area include street lights, parking lot lighting, security lights, vehicular headlights, internal building lights, and reflective building surfaces and windows.



Photograph 1: Site 1 looking north from eastbound State Route 237



Photograph 2: Site 2 looking north from eastbound State Route 237



Photograph 3: Site 3 looking north from eastbound State Route 237



Photograph 4: Site 5 looking north from eastbound State Route 237



Photograph 5: Site 6 looking north from eastbound State Route 237



Photograph 6: Existing signage across State Route 237 from Site 3, facing southeast



Photograph 7: Existing signage (in the City of Santa Clara) across State Route 237 from Site 1, facing southeast



Photograph 8: Existing signage (in the City of Santa Clara) across State Route 237 from Site 1, facing southeast

4.1.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
d) Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

4.1.3 Impact Discussion

a) Have a substantial adverse effect on a scenic vista?

Site 3 is located adjacent to a General Plan-designated Gateway and State Route 237 is designated an Urban Throughway to the south of all of the potential sites. Pursuant to General Plan Policy CD-10.2, new public and private development adjacent to Gateways and freeways will be designed with high-quality architecture, use high-quality materials, and contribute to a positive image of San José. Furthermore, pursuant to General Plan Policy CD-10.3, development visible from freeways will be designed to preserve and enhance attractive natural and man-made vistas.

The Sign Code amendment could potentially allow one business center sign (up to 60-foot-tall, 500-square-foot) at each of the six sites. As such, these business center signs would be limited in size and distributed over an approximately three-mile distance, such that they would not significantly block views or adversely impact vistas. Uses to the south of the project site vary and include (from west to east) commercial office, recreational BMX bicycle park, residential, commercial retail, and industrial storage yard uses. There are three large signs in the three miles to the south of Site 1 through Site 6. Given the range of uses and limited existing signage a significant adverse overall view shed impact would not occur as a result of the Sign Code amendment.

Business center signs potentially allowed under the proposed Sign Code amendment would be required to be compatible with the design of the buildings on each site and in the immediate vicinity and would be reviewed under a Development Permit/Use Permit process so that the signs meet policies and standards in the Alviso Master Plan/Alviso Specific Plan, the Envision San José 2040 General Plan (General Plan) and Sign Code and so that future business center signs are compatible with the character of the built environment on each site and the Alviso Master Plan/Alviso Specific Plan.. For these reasons, scenic vistas would not be significantly adversely impacted. **(Less than Significant Impact)**

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

There are no scenic resources within a state scenic highway that would be affected by approval of the proposed Sign Code amendment because none are present in the project area. **(No Impact)**

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

The project area context is recognized as an urban employment center accommodating commercial, industrial, research and development uses, both north of State Route 237 in the Alviso Master Plan/Alviso Specific Plan area, and in the North San José Development Policy Area, which is south of State Route 237. While development of business center signs could intermittently block views of the hills from vehicles travelling on State Route 237, the restricted sign sizes (no more than 500 square feet), the speed of travelling vehicles (approximately 65 miles per hour), and the location of the signs adjacent to freeways in an urban environment would limit the visual effect of the signs on the overall character and quality of the area.

Per the provisions of the Outdoor Advertising Act, a programmable electronic sign within 1,000 feet of another a programmable electronic sign would not be permitted. Given the range of uses in the area (many of which would not be allowed a programmable electronic sign) and the fact that there aren't any existing programmable electronic signs currently, Sites 1 through 5 would be able to meet this requirement, especially given the large size of the sites. To ensure the consistency with the Outdoor Advertising Act, future business center signs would be reviewed during the Development Permit/Use Permit review process. Compliance with the Outdoor Advertising Act would provide spacing between signs and prevent an overabundance of signs in a given area along State Route 237.

Business center signs allowed under the proposed Sign Code amendment would be required to be compatible with the design of the buildings on each site and in the immediate vicinity and would be reviewed under a Development Permit/Use Permit process. The review process will analyze whether the proposed signs meet policies, design guidelines, and standards in or referenced in the Envision San José 2040 General Plan (General Plan), The Alviso Master Plan/Alviso Specific Plan and Sign Code to be aesthetically compatible with the built and natural environment on each site. For example, the General Plan states:

Attractive City 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.

Attractive Gateways Policy CD-10.2 – Require that new public and private development adjacent to Gateways and freeways (including 101, 880, 680, 280, 17, 85, 237, and 87), and Grand Boulevards consist of high-quality materials, and contribute to a positive image of San José.

Attractive Gateways Policy CD-10.3 – Require that development visible from freeways (including 101, 880, 680, 280, 17, 85, 237, and 87) is designed to preserve and enhance attractive natural and manmade vistas.

With the inclusion of the policies design standards in the Alviso Master Plan, the General Plan, and the Sign Code in the project, the visual character of the area will not be substantially degraded and the impact will be less than significant. **(Less than Significant Impact)**

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

Depending on factors such as brightness, size, reflectivity, and angle of viewing, lighting has the potential to cause glare, which in turn can result in a distraction or hazard to viewers. In addition, light spillover can cause adverse effects. The proposed Sign Code amendment would not change the lighting standards in the current Sign Code or City of San José Outdoor Lighting on Private Developments Policy 4-3, which are intended to minimize light and spillover impacts.⁷ Site-specific signage would be reviewed for consistency with these policies.

The Sign Code for programmable electronic signs currently limits the brightness of the sign relative to ambient light conditions, requires signs default to a black screen if the sign malfunctions, does not allow animated messages, requires signs not be illuminated between the hours of 10 p.m. to 6 a.m., and requires programmable electronic business center signs be located in such a manner to not adversely interfere with the visibility or functioning of traffic signals and traffic signage (as described further in Section 4.4 Biological Resources and Section 4.13 Transportation).

Each business center sign would require approval of a Development Permit or Use Permit, which would include development-project-level environmental review, including an analysis of light and glare impacts. Programmable and non-programmable lighting on signs would be required to comply with the San José Outdoor Lighting on Private Developments Policy 4-3. Approval of the proposed Sign Code amendment, therefore, would not result in signs that create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

⁷ City Council Policy 4-3 calls for private development to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. Low-pressure sodium lighting is required unless a photometric study is done and the proposed lighting referred to Lick Observatory for review and comment. One of the purposes of this policy is to provide for the continued enjoyment of the night sky and for continuing operation of Lick Observatory, by reducing light pollution and sky glow.

4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

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

California Land Conservation Act

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

Forest Land, Timberland, and Timberland Production

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

4.2.1.2 *Existing Conditions*

While a portion of Site 6 (APN: 015-31-054 and -063) is designated Grazing Land, which is land on which the existing vegetation is suited to the grazing of livestock, this land is not currently used for grazing or any other form of agriculture.¹² There is no forestland in the project area.

⁸ California Department of Conservation. "Farmland Mapping and Monitoring Program".

<http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>.

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

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

¹¹ Cal Fire. "FRAP". <http://frap.fire.ca.gov/>

¹² California Natural Resources Agency. *Santa Clara County Important Farmlands Map 2014*.

4.2.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,4,5
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,5
c) 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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,3
d) Result in a loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,3
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,3,4,5

4.2.3 Impact Discussion

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use? b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

None of the project's currently potentially eligible sites are designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance per the state's Farmland Mapping and Monitoring Program, nor are any of the sites under a Williamson Act contract. While a portion of Site 6 (APN: 015-31-054 and -063) is designated Grazing Land, which is land on which the existing vegetation is suited to the grazing of livestock, this land is not currently used for grazing or any other form of agriculture.¹³ The site has a General Plan land use designation of Combined Industrial Commercial, Industrial Park, and Public Quasi Public and is zoned Light Industrial and Planned Development for commercial uses. Use of a small portion of this land for a freeway sign would not result in a significant impact. **(Less than Significant Impact)**

¹³ California Natural Resources Agency. *Santa Clara County Important Farmlands Map 2014*.

- c) **Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?** d) **Result in a loss of forest land or conversion of forest land to non-forest use?**

None of the currently potentially eligible properties subject to the proposed Sign Code amendment are zoned or used for forestry/timberland purposes.¹⁴ Approval of the Sign Code amendment should not allow signs to encroach on property used for forestry purposes, or result in the conversion of forest land to non-forest uses. For these reasons, there would be a less than significant impact. **(Less than Significant Impact)**

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

The six sites that are currently potentially subject to the proposed Sign Code amendment are not located on or in the vicinity of Farmland or forest land; therefore, proposed Sign Code provisions potentially allowing business center signs should not result in changes or conversion to Farmland or forest land to other uses. Therefore, there would be a less than significant impact from approval of the proposed Sign Code amendment. **(Less than Significant Impact)**

¹⁴ City of San Jose. Envision 2040 General Plan. “Figure 3.1-3 Existing Land Uses (North)”.

4.3 AIR QUALITY

4.3.1 Environmental Setting

4.3.1.1 *Regulatory Framework*

Federal and State

Air Quality Overview

Federal and state agencies regulate air quality in the San Francisco Bay Area Air Basin, within which the proposed project is located. At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The California Air Resources Board (CARB) is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act.

Regional and Local Criteria Pollutants

The federal Clean Air Act requires the EPA to set national ambient air quality standards for six common air pollutants (referred to as criteria pollutants), including particulate matter (PM), ground-level ozone (O₃), carbon monoxide (CO), sulfur oxides, nitrogen oxides (NO_x), and lead. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Toxic Air Contaminants

Toxic Air Contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality, usually because they cause cancer. TACs are found in ambient air, especially in urban areas, and are released by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. CARB has adopted regulations for stationary and mobile sources to reduce emissions of diesel exhaust and diesel particulate matter (DPM). Several of these regulatory programs affect medium and heavy-duty diesel trucks, which represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).¹⁵

Fine Particulate Matter (PM_{2.5}) is a TAC composed of a mix of substances, such as carbon and metals, compounds such as nitrates, organics, and sulfates, and mixtures such as diesel exhaust and wood smoke. Because of their small size (particles are less than 2.5 micrometers in diameter), PM_{2.5}

¹⁵ CARB. "Overview: Diesel Exhaust and Health". Accessed April 16, 2018.
<https://www.arb.ca.gov/research/diesel/diesel-health.htm>.

can lodge deeply into the lungs. According to the Bay Area Quality Management District (BAAQMD), PM_{2.5} is the air pollutant most harmful to the health of Bay Area residents. Sources of PM_{2.5} include gasoline stations, dry cleaners, diesel vehicles, and diesel backup generators. Local risks associated with TACs and PM_{2.5} are evaluated on the basis of risk to human health rather than comparison to an ambient air quality standard or emission-based threshold.

Regional

2017 Clean Air Plan

BAAQMD is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards would be met. BAAQMD's most recently adopted plan is the *Bay Area 2017 Clean Air Plan* (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how 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 protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gasses (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.¹⁶

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The City of Santa Clara and other jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality Impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

4.3.2 Existing Conditions

Pollutant emissions at the project site are generated by vehicle trips and energy usage.

4.3.3 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

¹⁶ BAAQMD. *Final 2017 Clean Air Plan*. April 19, 2017. <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San Jose has considered the air quality thresholds updated by BAAQMD in May 2017 (identified in Table 4.3-1) and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and PM_{2.5}.

Table 4.3-1: BAAQMD Air Quality Significance Thresholds			
Pollutant	Construction Thresholds	Operation Thresholds	
	Average Daily Emissions (pounds/day)	Annual Daily Emissions (pounds/year)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG, NO _x	54	54	10
PM ₁₀	82 (exhaust)	82	15
PM _{2.5}	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust-Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	Single Source	Combined Cumulative Sources	
Excess Cancer Risk	10 per one million	0.3 µg/m ³	
Hazard Index	1.0	10.0	
Incremental Annual PM _{2.5}	0.3 µg/m ³	0.8 µg/m3 (average)	
Notes: ROG = reactive organic gases, NO _x = nitrogen oxides, PM ₁₀ = course particulate matter with a diameter of 10 micrometers (µm) or less, and PM _{2.5} = fine particulate matter with a diameter of 2.5 µm or less.			

4.3.4 Impact Discussion

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

The BAAQMD is required to prepare air quality plans specifying how state-mandated air quality standards would be met. BAAQMD's most recently adopted plan is the 2017 CAP. The 2017 CAP addresses air quality impacts with respect to obtaining ambient air quality standards, reducing exposure of sensitive receptors to TACs, and reducing greenhouse gas (GHG) emissions. The 2017 CAP measures are not applicable to signs and the proposed Sign Code amendment would not be inconsistent with the applicable 2017 CAP population or employment growth assumptions such that a conflict would occur. The proposed Sign Code amendment for business center signs would not, therefore, obstruct implementation of the 2017 CAP. **(Less than Significant Impact)**

- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?**

Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each criteria air pollutant. The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level ozone and particulate matter (PM)_{2.5} and state standards for PM₁₀. The area is considered in attainment or unclassified for all other pollutants.

Construction-Related Impacts

Wind blowing over exposed earth during foundation construction for the signs would generate dust, and construction equipment would emit exhaust that would temporarily affect air quality. All projects in the City (including sign installations) are required to implement BAAQMD Basic Construction Mitigation Measures for dust and construction equipment exhaust-control during construction to reduce impacts from air pollutants, including PM_{2.5} and PM₁₀, to a less than significant level. Future business center sign installation projects will implement the following measures and be included as conditions of approval in the site-specific Development Permit or Use Permit for each sign, recommended by BAAQMD to reduce air quality impacts associated with grading and construction.

The BAAQMD Basic Construction Mitigation Measures shall be implemented during all phases of construction to control dust and exhaust are as follows:

- Water active construction areas at least twice daily or as often as needed to control dust emissions.
- Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
- Construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. Equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

- Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

With the implementation of the above construction measures during future development of business center signs under a site-specific Development Permit or Use Permit, construction air quality impacts will be less than significant. **(Less than Significant Impact)**

Operational Impacts

The business center signs allowed as part of the proposed Sign Code amendment would result in operational air emissions from maintenance vehicle trips and (indirectly) through the use of electricity. The long-term operation of each sign would include vehicle trips for minimal and irregular maintenance activities, occurring only as needed (approximately four times per year). Since the signs would not generate many regular or daily vehicle trips, air pollutant emissions would be minimal and will not exceed significance thresholds identified by BAAQMD.¹⁷ The proposed Sign Code amendment could potentially increase, by approximately six sites, the number of locations where business center signs could be allowed. Future development of business center signs would require electricity to operate the signage displays, and the production of electricity used by the signs would generate air pollutants. Electricity use would be incremental and negligible when considered with the overall air pollution emissions from electricity used by the buildings at the sites. As a result, impacts would be less than significant. **(Less than Significant Impact)**

d) Expose sensitive receptors to substantial pollutant concentrations?

Construction activities associated with signs on these properties could temporarily affect sensitive receptors, with the nearest residences being located immediately adjacent to Site 2 at the Summerset Mobile Home Park and 200 feet south of Site 3 at the Oak Crest Estates Mobile Home Park. The nearest school to the project site is George Mayne Elementary School, located immediately north of Site 3 at 5030 North 1st Street. Because installation of the proposed signs would require relatively minor excavation for construction of foundations, and construction would be completed within a relatively short period of time (two to four weeks), impacts to sensitive receptors during construction would be less than significant. The maintenance trips (up to four per year) would also not expose receptors to substantial pollutants as compared to the daily trips to the existing uses and traffic on State Route 237. **(Less than Significant Impact)**

¹⁷ For reference, a 510-dwelling-unit high-rise condominium project, 6,000-square-foot fast food restaurant with a drive-through use, and a 99,000-square-foot regional shopping center – all uses likely to have signage – would have the potential to result in significant operational air pollutant emissions. Smaller versions of these uses would not result in significant operational air pollutant emissions. As noted above, the source of the majority of the air pollutant emissions for an office development would be from vehicle trips to and from the site.

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

Odor impacts can result from siting a new odor source near existing sensitive receptors or siting a new sensitive receptor near an existing odor source (e.g., landfills, asphalt batch plants, and food processors). Construction and operation of the signs would not include these odor sources and would, therefore, not generate objectionable odors. **(Less than Significant Impact)**

4.4 BIOLOGICAL RESOURCES

The discussion in this section is based in part on a Biological Technical Report prepared for the project sites by WRA, Inc. dated March 4, 2019. The report is included in this Initial Study as Appendix A.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

Special-status species are those plants and animals listed under the federal and state Endangered Species Acts as threatened, endangered, proposed threatened, proposed endangered, or a candidate species. The federal Endangered Species Act prohibits the take of any fish or wildlife species that is federally listed as threatened or endangered without prior approval. “Take” is broadly defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct. Take can also include habitat modification or degradation that directly results in death or injury of a listed wildlife species.

Special status species in California include plants or animals that are listed as threatened or endangered under the California Endangered Species, species identified by the California Department of Fish and Wildlife (CDFW) as California Species of Special Concern, as well as plants identified by the California Native Plant Society as rare, threatened, or endangered. The CDFW has jurisdiction over state-listed species and regulates activities that may result in take of individuals.

Migratory Bird Treaty Act and Nesting Bird Protection

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment, a violation of the MBTA. Additionally, nesting birds are considered special-status species and are protected by the U.S. Fish and Wildlife Service (USFWS) and CDFW under the MBTA. Most special status animal species occurring in the Bay Area use habitats that are not present on the project sites, such as salt marsh, freshwater marsh, and serpentine grassland habitats. Since the native vegetation of the area is no longer present, native wildlife species have been supplanted by species that are more compatible with an urbanized area; however, there is still the potential for nesting birds to be located in trees located on or in the area surrounding the project sites.

Regional and Local

Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan (Habitat Conservation Plan) is a conservation program intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in

approximately 500,000 acres of central and southern Santa Clara County. The Habitat Conservation Plan identifies and preserves land that provides important habitat for endangered and threatened species. The land preservation is intended to mitigate for the environmental impacts of planned development, public infrastructure operations, and maintenance activities, as well as to enhance the long-term viability of endangered species.

City of San José Tree Ordinance

The City of San José maintains the urban landscape partly by promoting the health, safety, and welfare of the City by controlling the removal of ordinance-sized trees on private property (San José Municipal Code Section 13.32). Ordinance-sized trees are defined as trees over 38 inches in circumference, at a height of 4.5 feet above natural grade. Ordinance-sized trees are generally mature trees that help beautify the City, slow erosion of topsoil, minimize flood hazards, minimize the risk of landslides, increase property values, and improve local air quality. A tree removal permit is required from the City of San José for the removal of ordinance sized-trees.

City of San José Council Policy 6-34 - Riparian Corridor Protection and Bird-Safe Design

Council Policy 6-34 provides guidance for protecting and restoring riparian habitat by limiting the creation of new impervious surface within Riparian Corridor setbacks, directing lighting away from riparian corridor areas and implementing bird-safe design in Bayland and riparian habitats of lower Coyote Creek (north of State Route 237). Specific guidance pertaining to setbacks, allowed activities, and materials and lighting in riparian areas are included within Council Policy 6-34. Further, bird-safe design guidelines for structures north of State Route 237 state that development projects:

- Avoid use of mirrors and large areas of reflective glass;
- Avoid use of transparent glass skyways, walkways, or entryways, free-standing glass walls, and transparent building corners;
- Avoid funneling open space to a building façade;
- Strategically place landscaping to reduce reflection and views of foliage inside or through glass;
- Avoid or minimize up-lighting and spotlights; and
- Turn non-emergency lighting off, or shield it, at night to minimize light from buildings that is visible to birds, especially during bird migration season (February through May and August through November).

4.4.1.2 *Existing Conditions*

Habitat in the undeveloped areas within the vicinity of State Route 237 at the six sites where future business center signs could most likely be placed, subject to the proposed Sign Code amendment provisions, is dominated by non-native annual grassland. Riparian corridors including San Tomas Aquino Creek, Guadalupe River, and Coyote Creek, as well as designated open space preserves, are adjacent to Sites 1, 2, 3, and 6. Roads and pedestrian trails are present along most of the riparian areas and are subject to regular human disturbances and influences, including automobile traffic on State Route 237 and arterial roads, dog walkers, joggers, and cyclists.

Based on the Habitat Agency Geobrowser, sites 3, 4, 5, and 6 are within the Habitat Conservation Plan area.¹⁸ Project sites 1 and 2 are not within the Habitat Conservation Plan area but are located within a designated Expanded Study Area for Burrowing Owl Conservation where conservation activities for the species may occur.

4.4.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,11
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,11
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,11
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,11
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,11
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,11

¹⁸ Santa Clara Valley Habitat Agency. "GIS Data & Key Maps." Accessed August 21, 2018. <https://scv-habitatagency.org/193/GIS-Data-Key-Maps>.

4.4.3 Impact Discussion

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

As discussed in Section 3.0 Project Description, the project area is located on the north side of State Route 237 and is mostly developed with industrial, commercial, and infrastructure improvements (i.e. roadways, pedestrian facilities, and utilities). The remaining undeveloped habitats on the project's potentially likely sites are dominated by non-native annual grassland. Riparian corridors exist along San Tomas Aquino Creek, Guadalupe River, and Coyote Creek, as well as designated open space preserves and pedestrian trails. Several special-status wildlife species are known or presumed to be present in the vicinity of the project area, including the burrowing owl, tricolored blackbird, California Ridgway's rail, salt marsh harvest mouse, steelhead trout, and chinook salmon.

Business center signs that would be allowed as part of the proposed Sign Code amendment would be subject to the regulations in Section 23.04.036 of the City's Sign Code. These regulations include limits on sign quantity, size, height, location, operation, and orientation. The following four regulations specific to programmable electronic business center signs would specifically help reduce potential impacts, such as behavioral changes or breeding success, to special-status species:

- Signs visible from riparian corridors will not be illuminated from 12:01 a.m. to 5:59 a.m.
- Signs will not be placed within 100 feet of riparian corridors
- Signs will use automatic dimming technology to adjust the brightness of the sign relative to ambient light
- Signs will utilize shaders to avoid direct lighting upward.

In addition, the illuminated signs would be located in close proximity to and oriented towards State Route 237, where wildlife is already subject to substantial and widespread artificial light. It is unlikely that, given the existing artificial light sources, the illuminated signs with shaders installed as recommended in the Biotics Report entitled six and dated six would increase the overall magnitude of artificial light in the project area. Also, the illuminated signs would utilize LED lighting, which is suggested to be less likely to attract birds than other mechanisms such as incandescent lighting. Given the above discussions, the proposed Sign Code amendment and construction of illuminated signs would have a less than significant impact on special-status species.

If tree removal is required to accommodate signage, conditions of approval or mitigation measures for nesting bird surveys would be required in the Development Permit or Use Permits for future development of the signage. **(Less than Significant Impact)**

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

The project area contains riparian corridors along San Tomas Aquino Creek, Guadalupe River, and Coyote Creek. As discussed above under Checklist Question a), future business center signs would

be subject to the current regulations in the Sign Code requiring at least a 100-foot setback and limits on the hours and brightness of signs, be located in an urban environment with existing artificial light sources, and utilize LED technology. For these reasons, impacts to riparian habitat or other sensitive natural communities would be limited and impacts would be less than significant. **(Less than Significant Impact)**

- c) **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Future business center signs potentially allowed under the proposed Sign Code amendment would be subject to Sign Code regulations that prohibit business center signs within 100 feet of a riparian corridor. Thus, the proposed project would have a less than significant impact any federally protected wetlands. **(Less than Significant Impact)**

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

Migratory and resident birds can be affected by artificial lighting from human-built structures. Potential impacts due to artificial lighting include disorientation, bird strikes, behavioral changes, and increased visibility to predators. As discussed under Checklist Question a), the proposed Sign Code amendment would be subject to the regulations in Section 23.04.036 of the City's Municipal Code, be located in an urban environment with existing artificial light sources, and utilize LED technology which lessen the potential for impacts to wildlife movement or species. In addition, the illuminated signs would be located on and visually oriented toward drivers along a highly urbanized transportation corridor (State Route 237) already subject to substantial artificial light, as well as a wide variety of other visual disturbances. For these reasons, the State Route 237 corridor is not as likely to be used by low-flying migrating birds as other areas north of State Route 237. Additionally, the City will require through Development Permit/Use Permit conditions that future business signs artificial lighting be dimmed, shielded and turned off during nighttime as necessary to result in less than significant impacts to migratory and resident birds. Thus, the proposed Sign Code amendment would not have a significant impact on the movement of migratory birds or movement of other wildlife species. **(Less than Significant Impact)**

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

Trees are dispersed throughout the project area and development of future business center signs under the provisions of the proposed Sign Code amendment could result in the removal of trees. The impact to the urban forest resulting from the removal of the trees would be offset by the planting of replacement trees on-site, in conformance with General Plan Policies MS-21.4, MS-21.6, and MS-21.8. The removed trees would be replaced according to tree replacement ratios required by the City, summarized in Table 4.4-1. Removal and replacement of street trees will be coordinated with the Department of Transportation.

Table 4.4-1: Tree Replacement Ratios				
Circumference of Tree to be Removed¹	Type of Tree to be Removed²			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more ³	5:1	4:1	3:1	15-gallon
19 to 38 inches	3:1	2:1	None	15-gallon
Less than 19 inches	1:1	1:1	None	15-gallon
¹ As measured 4.5 feet above ground level				
² X:X = tree replacement to tree loss ratio				
³ Ordinance-sized tree				

If replacement trees cannot be fully planted on the subject property site, then after approval of the Development Permits or Use Permits for such future potential development, the development-project applicant shall make a payment to the City for funding to plant any additional trees within the City's jurisdictional boundaries prior to issuance of building permits. These funds will be used for tree planting and maintenance of planted trees for approximately three years.

This requirement would be included as a condition of approval in the Development Permits or Use Permits for future potential business center signs. Because future business center signs would be required to comply with the City's Tree Replacement Standards, there would be no substantial conflict and a less than significant impact. **(Less Than Significant Impact)**

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

Projects in the Habitat Conservation Plan area are subject to the requirements of the Habitat Conservation Plan if they meet the following criteria:

- The activity is subject to either ministerial or discretionary approval by the County or one of the cities;
- The activity is described in Section 2.3.2 Urban Development or in Section 2.3.7 Rural Development;¹⁹
- In Figure 2-5 of the Habitat Conservation Plan, the activity is located in an area identified as "Private Development is Covered," or the activity is equal to or greater than two acres and;
 - The project is located in an area identified as "Rural Development Equal to or Greater than 2 Acres is Covered," or "Urban Development Equal to or Greater than 2 Acres is Covered" or,
 - The activity is located in an area identified as "Rural Development is not Covered" but, based on land cover verification of the parcel (inside the Urban Service Area) or development area, the project is found to impact serpentine, wetland, stream, riparian,

¹⁹ Covered activities in urban areas include residential, commercial, and other types of urban development within the Cities of Gilroy, Morgan Hill, and San José planning limits of urban growth in areas designated for urban or rural development, including areas that are currently in the unincorporated County (i.e., in "pockets" of unincorporated land inside the cities' urban growth boundaries).

or pond land cover types; or the project is located in occupied or occupied nesting habitat for western burrowing owl.

Sites 3, 4, 5, and 6 are located within the Habitat Conservation Plan area. The development of structures for Signs is a covered activity under the Habitat Conservation Plan. Future development under the provisions of the City's Municipal Code will be required to comply with the provisions of the Habitat Conservation Plan and would not conflict with the Habitat Conservation Plan's goals because the area of ground disturbance for each structure for each sign will be small, will not substantially disturb mapped sensitive habitat identified for conservation as part of the Plan, and will not substantially affect covered species. **(Less than Significant Impact)**

4.5 CULTURAL RESOURCES

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal

National Historic Preservation Act

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

State

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.²⁰

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

Archaeological Resources and Human Remains

Archaeological, and historical sites are protected by a number of state policies and regulations under the California Public Resources Code, California Code of Regulations (Title 14 Section 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 provides for the treatment and disposition of human remains and associated grave goods. Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains to protect them from disturbance, vandalism, and inadvertent destruction.

Both state law and County of Santa Clara County 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

²⁰ CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6. March 14, 2006.

determines the remains are those of Native Americans, the Native American Heritage Commission and a “most likely descendant” must also be notified.

4.5.1.2 *Existing Conditions*

Sites 1 through Site 6 contain on-site office buildings constructed within the last 20 years. Site 6 contains the Jackson House, that Archives and Architecture documented in a report dated March 9, 2017, as eligible for listing on the City’s Historic Resources Inventory as a Structure of Merit.²¹

4.5.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,9
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,9
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,9
d) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,9
e) 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:					2
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2

²¹ City of San Jose. *Draft Environmental Impact Report 237 Industrial Center Project*. June 2017.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying this criteria, the significance of the resource to a California Native American tribe shall be considered.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2

4.5.3 Impact Discussion

a) Cause a substantial adverse change in the significance of an historical resource?

Site 6 contains the Jackson House, which is eligible for listing on the City's Historic Resources Inventory as a Structure of Merit.²² If or when future Development Permit/Use Permit applications are submitted to the City for any future business center signs potentially allowed as part of the proposed Sign Code amendment, the City will do development-project-level discretionary review of such site-specific business center sign development proposals including environmental assessments of potential impacts to historic resources from any proposed development on a site, and the City will include permit conditions to avoid any significant impact to historic resources from any proposed development of business center signs on sites in the Alviso Master Plan/Alviso Specific Plan area. With the inclusion of these measures, the proposed Sign Code amendment would have a less than significant impact on historic structures. **(Less than Significant Impact)**

b) Cause a substantial adverse change in the significance of an archaeological resource? d) Disturb any human remains, including those interred outside of dedicated cemeteries?

In the project area, Native American sites have been recorded within one-half mile of major waterways and creeks and adjacent to the original San Francisco Bay shoreline. Given their locations near San Tomas Aquino Creek, Coyote Creek, and the Guadalupe River, all six sites that are potentially subject to the proposed Sign Code amendment are located in areas of archaeological sensitivity.²³ Further, Site 6 contains one recorded prehistoric site; however, only minor archaeological fragments were identified when the resource was further defined. A Native American site was recorded approximately 0.25 mile southeast of Site 6, which contained a shell midden, heat affected rock, and human remains, thus indicating the potential for sensitivity of the area. Prehistoric and historic subsurface artifacts (including human remains) could be present on all six of the project's potentially eligible sites.²⁴

²² City of San Jose. *Draft Environmental Impact Report 237 Industrial Center Project*. June 2017.

²³ Basin Research Associates, Inc. *Cultural Resources Existing Setting Envision San José 2040 General Plan*. June 2009.

²⁴ City of San Jose. *Draft Environmental Impact Report 237 Industrial Center Project*. June 2017.

It is anticipated that the maximum disturbance depth would be ten feet below grade for sign footings. While grading activities associated with the construction of the office buildings at Sites 1 through 4 and agricultural operations at Site 6 have resulted in a high level of disturbance in at least the top two feet of soil, disturbance of deeper native soils could occur during excavation for the sign foundations.²⁵ While unlikely, given the location of the project sites in comparison to known culturally sensitive areas and previous development activities, there is the potential for future business center signs to damage as yet unrecorded subsurface resources. Consistent with the City's General Plan policies and Municipal Code requirements, the Development Permit/Use Permit application review process will include the following conditions of approval to reduce and avoid impacts to buried archaeological resources:

- In the event that any prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning or the Director's designee and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement shall be notified, and a qualified archaeologist will examine the find and make appropriate recommendations prior to the issuance of a building permit. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring shall be submitted to the Director of Planning or the Director's designee and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement prior to issuance of building permits.
- If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The development-project applicant shall immediately notify the Director of Planning or the Director's designee of the City of San José Department of Planning, Building, and Code Enforcement and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American.

If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
- The descendant identified fails to make a recommendation; or

²⁵ Ibid.

- The landowner or his authorized representative rejects the recommendation of the descendant, the mediation by the NAHC fails to provide measures acceptable to the landowner.

With implementation of the identified conditions of approval as part of the Development Permit/Use Permit, the project would result in a less than significant impact to archaeological resources and human remains. **(Less than Significant Impact)**

c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?

Based on the underlying geologic formations at the six potentially eligible sites, the sites have a high sensitivity for paleontological resources at depths greater than ten feet below the ground surface.²⁶ While it is unlikely that paleontological resources would be discovered given the depths of foundations for the business center signs (at most 10 feet), to protect from inadvertent discovery during construction, the project will comply with General Plan policies ER-10.1 and ER-10.3. The following measures will be included as conditions of approval as part of the Development Permit/Use Permit process.

- The development-project proponent shall ensure all construction personnel receive paleontological resources awareness training that includes information on the possibility of encountering fossils during construction; the types of fossils likely to be seen, based on past finds in the development-project area; and proper procedures in the event fossils are encountered. Worker training shall be prepared and presented by a qualified paleontologist.
- If vertebrae fossils are discovered during construction, all work on the site shall stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend an appropriate treatment plan. The treatment plan shall be submitted to the Supervising Environmental Planner and Historic Preservation Officer to approval. The approved treatment may include 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.

With implementation of the identified conditions of approval as part of the Development Permit/Use Permit process, the project would result in a less than significant impact to paleontological resources. **(Less than Significant Impact)**

e) Cause a substantial adverse change in the significance of a tribal cultural resource that is: 1) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources, 2) determined to be a significant resource to a California Native American tribe.

Assembly Bill (AB) 52 requires that tribal cultural resources be considered under CEQA. A tribal cultural resource can be a site, feature, place, object, or cultural landscape with value to a California Native American tribe that is also eligible for listing on the California Register of Historic Resources.

²⁶ Wentworth et al. Helley et al. *Figure 1a. Paleontologic Sensitivity, San Jose, Northern Section*. 1994 and 1999.

AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if tribes through their tribal representatives have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only to new Negative Declarations, Mitigated Negative Declarations, and Environmental Impact Reports, if the tribes have sent written requests for notification of projects to the lead agency. The consultation requirement does not apply to Addenda. **(Less Than Significant Impact)**

4.6 GEOLOGY, SOILS, AND MINERALS

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

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

Seismic Hazards Mapping Act

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

California Building Standards Code

The California Building Standards Code (CBC) prescribes standards for constructing safer buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions, such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years; the current version is the 2016 CBC.

California Division of Occupational Safety and Health Regulations

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

Paleontological Resources 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 valued for the information they yield about the history of the earth and its past ecological settings. The California Public Resources Code (Section 5097.5) specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

City of San José Municipal Code

Title 24 of the San José Municipal Code includes the current California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.10 (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.

4.6.1.2 *Existing Conditions*

Geology

The sites subject to the proposed Sign Code Amendments are located in relatively flat areas. While Site 1 does have slopes around the site perimeter due to the fact that it sits on top of a former landfill, the slopes are composed of engineered fill that has been designed not to become unstable under seismic conditions.²⁷ Expansive soils are also likely to be present and the sites are located within a liquefaction zone.^{28,29} Sites 1 through 3 are located on top of former landfills. Surface and subsurface materials vary by site but generally consist of an engineered landfill soil cap, landfill refuse, unengineered fill material, and underlying native soils (Bay Mud and alluvium).

Minerals

Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation. Therefore, other than Communications Hill cited above, San José does not have known mineral resource deposits. The project site is located approximately eight miles northwest of Communications Hill.

²⁷ Crawford Consulting, *Postclosure Design Summary America Center Phase II Development Highway 237 Landfill, San José, CA*. March 11, 2013.

²⁸ United States Department of Agriculture. *Supplement to the Soil Survey of Santa Clara Area, California, Western Part*. Accessed August 10, 2018.
https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/santaclaraCAwest2015/Santa-Clara-CA_West.pdf.

²⁹ California Geological Survey. *Earthquake Zones of Required Investigation Milpitas Quadrangle*. 2004

4.6.2

Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					1,2,9
1. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,9
2. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,9
3. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,9
4. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,9
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,9
d) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,9
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
f) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9
g) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9

4.6.3 Impact Discussion

- a) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: 1) rupture of a known earthquake fault, 2) strong seismic ground shaking, 3) seismic-related ground failure, or 4) landslides?**

The project sites are located in a seismically active region of California and strong ground shaking would be expected during the lifetime of any future business center signs. There are, however, no known active faults traversing the project sites and the potential for surface rupture from displacement or fault movement directly beneath the proposed project is low. Depending upon the intensity and magnitude of a seismic event, new signage may experience shaking due to the site's proximity to the active faults in the vicinity. The project would not, however, exacerbate potential seismic events or activities. Nonetheless, implementation of the following measures would be required as conditions of approval in the future Development Permit/Use Permits for the business center signs to reduce seismic hazards and impacts to a less than significant level.

- To avoid or minimize potential damage from seismic shaking, the development-project will be built using standard engineering and seismic safety design techniques. Building design and construction at the site will be completed in conformance with the recommendations of a design-level geotechnical investigation. The structural designs for the proposed development will account for repeatable horizontal ground accelerations. The report shall be reviewed and approved by the City of San José's Building Division as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes, including the 2016 California Building Code Chapter 16, Section 1613, as adopted or updated by the City. The development-project shall be designed to withstand soil hazards identified on the site and the development-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. **(Less than Significant Impact)**

- b) **Result in substantial soil erosion or the loss of topsoil? c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? d) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code, creating substantial risks to life or property?**

The sites subject to the proposed Sign Code Amendments are located in relatively flat areas that would not be exposed to substantial slope instability, erosion, or landslide-related hazards. Engineered fill at slopes surrounding Site 1 have been specifically designed not to become unstable under seismic conditions. To ensure that future business center signs are designed properly to account for the presence of unstable soils and to ensure that erosion would not occur during construction, the following will be conditions of approval during the future Development Permit/Use Permit review process for the business center signs.

Future business center signs shall be developed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José, including the measures outlined below, so that future buildings or structures on the sites are designed properly to account for soils-related hazards on the sites and to prevent soil erosion.

- The development-project shall conform to the recommendations of a development-project-specific geotechnical report or calculations, including design considerations for proposed foundations.
- The development-project shall prepare and implement an Erosion Control Plan as part of the grading permit process in conformance with the requirements of the Department of Public Works.

The project, with the implementation of the Standard Permit Conditions outlined above, would not result in significant soil impacts from expansive and liquefiable soils, or result in soil erosion.

Soil Stability – Sites 1 through 3

Sites 1 through 3 are located on top of former landfills. Differential settlement during seismic shaking could occur because of the relative instability of the underlying landfill material. Foundations on top of the landfill material can settle unevenly, which can cause one part of a structure to settle into the ground more than other, which could cause damage to adjacent improvements or utilities.

As described in Section 4.8 Hazards and Hazardous Materials and Wildfire, a Post-closure Land Use Plan was prepared for the State Route 237 Landfill at Site 1 (which includes buried asbestos-containing material). The Post-closure Land Use Plan includes requirements for grading, improvements (buildings, utilities, drainage, and erosion control), environmental monitoring systems, and post-closure maintenance activities.³⁰ Site 2 is subject to a Site Management Plan (SMP) for asbestos-containing landfill material, and Site 3 is subject to a SMP and Voluntary Clean-Up Agreement due to unpermitted landfill material and contamination (mostly heavy metals) past agricultural uses.³¹ These plans contain requirements for maintaining proper cover over contaminated material, including notification of the DTSC and compliance with the SMPs to ensure underlying soils are properly handled (i.e., protected, controlled for erosion, stable given underlying soils conditions, stockpiled, and/or disposed of) during construction activities.^{32,33}

Future business center signs will be reviewed during the Development Permit/Use Permit process so that the integrity of the landfill cover is not compromised and that underlying soil stability issues are addressed. Further, the previously described conditions of approval for soils-related hazards and prevention of soil erosion would be required as conditions of approval to avoid structural hazards caused by on-site soil conditions. All work would be conducted in conformance with approved SMPs and Post-Closure Land Use Plans (described further in Section 4.8) for each site and conditions of

³⁰ Crawford Consulting. *Postclosure Design Summary America Center Phase II Development Highway 237 Landfill*, San José, CA. March 11, 2013.

³¹ DTSC. *Annual Inspection Report Cisco Systems Site 6 Site North First Street and Syntax Court San Jose, Santa Clara County*. Accessed August 29, 2018.
https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/9695724308/2011%20Cisco%20Systems%20Cap%20Inspection.pdf.

³² EPA. Celebrating Success South Bay Asbestos Area, Alviso California. Accessed September 14, 2016.
<https://semspub.epa.gov/work/09/2400136.pdf>.

³³ Lowney Associates. *Soil Management Plan Site 6 Cisco Systems*. Accessed August 29, 2018.
https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/2693097770/1094-13i%20Cisco%20Site%206%20Soil%20Management%20Plan%204-9-01.text%20and%20f.pdf.

approval. Additionally, mitigation measures will be included during the development-project-level Development Permit/Use Permit CEQA review process to address potential site-specific impacts. For these reasons, impacts from the Sign Code amendment at Site 1 through Site 3 as a result of instability would be less than significant. **(Less than Significant Impact)**

- e) **Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

The future business center signs would not generate a need for septic tanks or alternative wastewater disposal systems. **(No Impact)**

- f) **Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?** g) **Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

The State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 (SMARA) has designated an area of Communications Hill in Central San José, bounded by the Union Pacific Railroad, Curtner Avenue, State Route 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. The project site is located approximately 14 miles southeast outside of the Communications Hill area; therefore, there would be no impact. **(No Impact)**

4.7 ENERGY AND GREENHOUSE GAS EMISSIONS

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework - Energy*

State

Renewables Portfolio Standard Program

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

Building Codes

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, and the 2016 Title 24 updates went into effect on January 1, 2017.³⁴ Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.³⁵

The California Green Building Standards Code (CALGreen) establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. The most recent update to CALGreen went in to effect on January 1, 2017, and covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

4.7.1.2 *Existing Conditions*

Total energy usage in California was approximately 7,830 trillion Btu in the year 2016, the most recent year for which this data was available. Out of the 50 states, California is ranked 2nd in total energy consumption and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,384 trillion Btu) for residential uses, 19 percent (1,477 trillion Btu) for commercial uses, 24 percent (1,853 trillion Btu) for industrial uses, and 40 percent (3,116 trillion

³⁴ California Building Standards Commission. "Welcome to the California Building Standards Commission". Accessed February 6, 2018. <http://www.bsc.ca.gov/>.

³⁵ California Energy Commission (CEC). "2016 Building Energy Efficiency Standards". Accessed February 6, 2018. <http://www.energy.ca.gov/title24/2016standards/index.html>.

Btu) for transportation.³⁶ This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2016 was consumed primarily by the commercial sector (77 percent), followed by the residential sector consuming 23 percent. In 2016, a total of approximately 16,800 GWh of electricity was consumed in Santa Clara County.³⁷

San José Clean Energy (SJCE) is the default electricity provider for residents and businesses in the City of San José. SJCE sources the electricity and the Pacific Gas and Electric Company delivers it to customers over their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can choose to enroll in SJCE's TotalGreen program at any time to receive 100 percent GHG emission-free electricity from entirely renewable sources.

Natural Gas

PG&E provides natural gas services within the City of San Jose. In 2017, approximately 10 percent of California's natural gas supply came from in-state production, while 90 percent was imported from other western states and Canada.³⁸ In 2016, residential and commercial customers in California used 29 percent, power plants used 32 percent, and the industrial sector used 37 percent.

Transportation accounted for one percent of natural gas use in California. In 2017, Santa Clara County used approximately 3.5 percent of the state's total consumption of natural gas.³⁹

Fuel for Motor Vehicles

In 2017, 15 billion gallons of gasoline were sold in California.⁴⁰ The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 13.1 miles-per-gallon (mpg) in the mid-1970's to 22 mpg in 2016.⁴¹ Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks Model Years 2011 through

³⁶ United States Energy Information Administration. *State Profile and Energy Estimates, 2016*. Accessed September 6, 2018. <https://www.eia.gov/state/?sid=CA#tabs-2>.

³⁷ CEC. Energy Consumption Data Management System. "Electricity Consumption by County". Accessed July 13, 2016. <http://ecdms.energy.ca.gov/elecbycounty.aspx>.

³⁸ California Gas and Electric Utilities. 2017 California Gas Report. Accessed August 27, 2018. https://www.socalgas.com/regulatory/documents/cgr/2017_California_Gas_Report_Supplement_63017.pdf

³⁹ CEC. "Natural Gas Consumption by County". Accessed February 21, 2019. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

⁴⁰ California Department of Tax and Fee Administration. Net Taxable Gasoline Gallons. Accessed February 16, 2018. http://www.cdtfa.ca.gov/taxes-and-fees/MVF_10_Year_Report.pdf.

⁴¹ U.S. EPA. Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles. Accessed August 28, 2018. <https://www.bts.gov/content/average-fuel-efficiency-us-light-duty-vehicles>.

2020.^{42,43} In 2012, the federal government raised the fuel economy standard to 54.5 miles per gallon for cars and light-duty trucks by Model Year 2025.⁴⁴

4.7.1.3 *Regulatory Framework – GHGs*

State

Global Warming Solutions Act

Under the California Global Warming Solutions Act, also known as Assembly Bill (AB) 32, the California Air Resources Board (CARB) established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHG, 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, Senate Bill (SB) 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of carbon dioxide equivalent (MMTCO_{2e}). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCO_{2e}.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035, as compared to 2005 emissions levels. The per-capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing (criteria) pollutants and GHG emissions into a single coordinated set of requirements for model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.⁴⁵

⁴² U.S. Department of Energy. Energy Independence & Security Act of 2007. Accessed February 8, 2018. <http://www.afdc.energy.gov/laws/eisa>.

⁴³ Public Law 110–140—December 19, 2007. Energy Independence & Security Act of 2007. Accessed February 8, 2018. <http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf>.

⁴⁴ National Highway Traffic Safety Administration. *Obama Administration Finalizes Historic 54.5 mpg Fuel Efficiency Standards*. August 28, 2012. Accessed February 8, 2018. <http://www.nhtsa.gov/About+NHTSA/Press+Releases/2012/Obama+Administration+Finalizes+Historic+54.5+mpg+Fuel+Efficiency+Standards>.

⁴⁵ CARB. “The Advanced Clean Cars Program”. Accessed April 6, 2018. <https://www.arb.ca.gov/msprog/acc/acc.htm>.

Regional

Bay Area 2017 Clean Air Plan

Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards would be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect the climate, the 2017 CAP 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.

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The City of Santa Clara and other jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

4.7.1.4 Existing Conditions

Energy is used at the six project sites in the form of electricity, natural gas, and gasoline (from vehicle trips). GHG emissions result from this energy use, as well as waste generation and water use at the sites.

4.7.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					1,2,3
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
c) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
d) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

4.7.3 Impact Discussion

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

Construction

Construction of future signage would require energy for the manufacture and transportation of building materials, preparation of the project sites, and the construction of signage. Construction processes are generally designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel are not typically used wastefully on the site because of the added expense associated with renting the equipment, as well as maintenance and fuel. Further, construction with close access to roadways, construction supplies, and workers is already more efficient than construction occurring in outlying areas. For these reasons, the construction process is already efficient and opportunities for increasing energy efficiency during construction are limited.

Future projects constructed within the Alviso Master Plan area will be required to implement BAAQMD Best Management Practices, included as conditions of approval in Section 4.3 Air Quality, restricting equipment idling times and requiring the applicant to post signs on the project site reminding workers to shut off idle equipment, thus reducing the potential for energy waste. Future projects would also comply with the City's requirements to recycle and/or salvage for reuse a minimum of 75 percent of nonhazardous construction and demolition waste, minimizing energy impacts from the creation of excessive waste. For these reasons, construction activities would not use fuel or energy in a wasteful manner. **(Less than Significant Impact)**

Operation

Operation of future signage 24.5 megawatt hours (MWHs) of electricity per year (see the detailed energy calculations under question c), below), as well as up to 24 vehicle trips per year for maintenance. This minor energy use would not be considered wasteful or inefficient given the required compliance with energy and lighting efficiency standards in Title 24 and CalGreen. **(Less than Significant Impact)**

- b) **Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?**

As described previously, future sign signs allowed under the Sign Code amendment would be subject to Title 24 and CalGreen. The project would use SJCE electricity, as the default option. They would not obstruct any plans for renewable energy or efficiency. **(Less than Significant Impact)**

- c) **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

The sites potentially likely subject to the proposed Sign Code amendment are developed with industrial or commercial uses, including offices, substations, and a natural-gas fired power plant. Additionally, a data center use has been approved at Site 6. Emissions of GHGs occur as part of operation of these uses, as well as vehicle trips to and from the site by employees.

Construction

Construction of the future development-projects of business center signs under the provisions of the proposed Sign Code amendment would result in a minor increase in GHG emissions from on-site equipment and construction worker vehicles traveling to and from the construction sites for the business center signs. Construction-related GHG emissions vary depending on the length of the construction period, type of equipment used, and number of personnel. Because development-project construction would be a temporary condition (two to four weeks), it would not result in a permanent increase in emissions. Further, BAAQMD does not have a threshold for construction emissions. The temporary increase in emissions would be less than significant. **(Less than Significant Impact)**

Operation

The proposed Sign Code amendment could allow an increase in the number of programmable electronic business center signs in the area north of State Route 237 by up to approximately six signs. GHG emissions would occur as part of energy use for the business center signs (i.e., lighting). Aside from occasional maintenance vehicles traveling to and from the sites (approximately four times per year), GHG emissions are primarily associated with the production of electricity for the business center signs.

It is anticipated that up to approximately six future business center signs potentially allowed under the provisions of the proposed Sign Code amendment as part of future development-projects under the provisions of the proposed Sign Code amendment could result in GHG emissions of up to 21 metric tons of carbon dioxide equivalent (MT CO₂e) per year, which is below the BAAQMD CEQA Air Quality Guidelines project-level significance threshold of 1,100 MT CO₂e per year.⁴⁶ Even including the approximately 24 vehicle trips (four per year per site) the project would still be below the threshold.

Programmable electronic signs are subject to energy efficiency requirements under Title 24 of the California Code of Regulations. The business center signs would be required under the Sign Code to be dimmable, which would reduce energy use and GHG emissions associated with the generation of electricity. For these reasons, impacts would be less than significant. **(Less than Significant Impact)**

d) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The California Air Resources Board has adopted a Climate Change Scoping Plan, which outlines a comprehensive set of actions intended to reduce overall GHG emissions in California and improve public health. Similarly, the 2017 CAP includes performance objectives, consistent with the state's climate protection goals under Assembly Bill 32 and Senate Bill 32, designed to reduce emissions of GHGs to 1990 levels by 2020 and 40 percent below 1990 levels by 2030. Additionally, the City's

⁴⁶ Lighting Design Alliance, Inc. estimated a daily energy demand of 179 watt-hours per day per illuminated square foot of business center sign. Assuming a sign up to 375 square feet in area and 24-hour operation, the annual energy use of a typical business center sign would be approximately 24.5 MWHs per year. Using PG&E's GHG estimated emission factor for 2018 of 0.149 MT CO₂/MWH, the CO₂ emissions would be approximately 21 MT CO₂ per year. For the estimated emissions factor see https://www.ca-ilg.org/sites/main/files/file-attachments/ghg_emission_factor_guidance.pdf

General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions.

The six business center signs potentially allowed would include energy-efficient lighting, consistent with recommendations in the Climate Change Scoping Plan, the 2017 CAP, and General Plan policies related to energy-efficient lighting. For these reasons, the project would not conflict with implementation of recommended actions in these plans intended to reduce GHG emissions. **(Less than Significant Impact)**

4.8 HAZARDS AND HAZARDOUS MATERIALS, WILDFIRE

4.8.1 Environmental Setting

4.8.1.1 *Regulatory Framework*

Federal and State

Hazardous Materials Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. Federal regulations and policies related to development include the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, and the Resource Conservation and Recovery Act (RCRA). In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

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

Cortese List

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

California Accidental Release Prevention Program

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

Fire Hazard Severity Zones

The California Department of Forestry and Fire Protection (Cal Fire) is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZ), these maps influence how people construct buildings and

protect property to reduce risk associated with wildland fires. FHSZ are divided into areas where the state has financial responsibility for wildland fire protection, known as state responsibility areas (SRA), and areas where local governments have financial responsibility for wildland fire protection, known as local responsibility areas (LRA). Homeowners living in a SRA are responsible for ensuring that their property is in compliance with California's building and fire codes. Only lands zoned for very high fire hazard are identified within LRA.

4.8.1.2 *Existing Conditions*

Hazardous Materials

Hazardous materials have existed, or exist, at the project sites as summarized below in Table 4.8-1.

Table 4.8-1: Hazardous Materials Summary		
Site	Potential Hazardous Issues	Conclusion
Site 1	Closed State Route 237 Landfill - municipal trash, soil, concrete, asphalt, wood, and other construction rubble, landfill in operation from 1962 to 1982 South Bay Asbestos Area - received asbestos wastes from a cement pipe manufacturing plant in operation from 1953 to 1982	Soil Management Plan (SMP) developed for closure, capping, maintenance, and post-capping construction activities at the State Route 237 Landfill as part of the Closure/Post-Closure Land Use Plan Recorded Covenant and Agreement for Environmental Restriction, implementation of SMP for asbestos
Site 2	South Bay Asbestos Area - received asbestos wastes from a cement pipe manufacturing plant in operation from 1953 to 1982	Recorded Covenant and Agreement for Environmental Restriction, implementation of SMP for asbestos
Site 3	Syntax Court Disposal Site and Cisco Systems Site 6 – unregulated waste/fill placement (municipal and construction waste) at 1.5 to 6.5 feet beneath existing grade to a maximum depth of 13 feet between 1956 and 1963, as well as contamination from past agricultural operations (lead and arsenic)	Under active remediation and monitoring, a SMP and Voluntary Clean Up Agreement were approved by the California Department of Toxic Substances Control (DTSC)
Site 4	None	None
Site 5	None	None
Site 6	Leaking underground gasoline storage tank	Case closed, no further action required
Source: DTSC. Envirostor Database. Accessed August 13, 2018. https://www.envirostor.dtsc.ca.gov .		

Site 2 is subject to a Site Management Plan (SMP) for asbestos-containing landfill material, and Site 3 is subject to a SMP and Voluntary Clean-Up Agreement due to unpermitted landfill material and heavy metals contamination from past agricultural uses.⁴⁷ These plans contain requirements for maintaining proper cover over contaminated material, including notification of the DTSC and

⁴⁷ DTSC. *Annual Inspection Report Cisco Systems Site 6 Site North First Street and Syntax Court San Jose, Santa Clara County*. Accessed August 29, 2018. https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/9695724308/2011%20Cisco%20Systems%20Cap%20Inspection.pdf

compliance with the SMPs to ensure underlying soils are properly handled (i.e., protected, controlled for erosion, stockpiled, and/or disposed of) during construction activities.^{48,49}

Wildfire

The project is not located in or near an area identified as a state responsibility area or on lands classified as very high fire hazard severity zones.

4.8.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,3
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,3
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,9
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2
f) For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3

⁴⁸ EPA. Celebrating Success South Bay Asbestos Area, Alviso California. Accessed September 14, 2016. <https://semspub.epa.gov/work/09/2400136.pdf>.

⁴⁹ Lowney Associates. *Soil Management Plan Site 6 Cisco Systems*. Accessed August 29, 2018. https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/2693097770/1094-13i%20Cisco%20Site%206%20Soil%20Management%20Plan%204-9-01.text%20and%20f.pdf.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,9
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2

4.8.3 Impact Discussion

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

Construction and maintenance of any future business center signs allowed as part of the proposed Sign Code amendment could require the use of hazardous materials including petroleum products, lubricants, cleaners, paints, and solvents. These materials would be used in accordance with federal, state, and local laws; therefore, if used as directed, these materials would not pose a hazard to workers, the public, or the environment during routine transport, use, or disposal. For these reasons, the impact would be less than significant. **(Less than Significant Impact)**

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?

CalRecycle is the state regulatory agency responsible for closed landfill oversight, along with the Local Enforcement Agency (City of San José for landfills within City limits) and San Francisco Bay Regional Water Quality Control Board (RWQCB). The RWQCB and California Department of Toxic Substances Control (DTSC) oversee clean-up and long-term management of contaminated sites through implementation of Site Management Plans (SMPs). A Post-closure Land Use Plan was prepared for the State Route 237 Landfill at Site 1 (which includes buried asbestos-containing material). The Post-closure Land Use Plan includes requirements for grading, improvements (buildings, utilities, drainage, and erosion control), environmental monitoring systems, and post-closure maintenance activities.⁵⁰

As shown previously in Table 4.8-1, Site 1 and Site 2 are also located within the South Bay Asbestos Area, which is a 330-acre federal Superfund area (and on the Cortese List prepared pursuant to Government Code Section 65962.5). These sites are contaminated with waste from an asbestos

⁵⁰ Crawford Consulting. *Postclosure Design Summary America Center Phase II Development Highway 237 Landfill, San José, CA*. March 11, 2013.

cement pipe manufacturing facility. Remedial action for asbestos has occurred at Sites 1 and 2, in that the final cover (a clay cap) has been placed over the landfill material.⁵¹ A Covenant and Agreement for Environmental Restriction has been recorded against the properties, which requires any ground-disturbing activities to be conducted consistent with an Environmental Protection Agency (EPA)- and DTSC-approved SMP. The recorded Covenant and Agreement for Environmental Restriction and implementation of SMPs ensure long-term asbestos contamination management, monitoring, and worker protection, in particular where there is the potential for any excavation activities to penetrate the clay cap.⁵²

Site 1 and Site 3 are former landfills. Site 1 has a cap, clay cover, and several feet of fill over landfill material. Site 3 has several feet of cover over the landfill material, in areas where the material hasn't already been excavated and disposed of as part of past commercial development at the site. It is assumed that the maximum depth of the future business center sign footings/foundations would be 10 feet, which could damage the landfill cap or layer and/or soil cover over the existing landfill and/or contaminated material at the sites (including asbestos and heavy metals).

To avoid impacts, however, installation of any future site-specific signage would occur consistent with the relevant regulatory-agency approved Post-Closure Land Use Plan (Site 1) and/or DTSC-approved SMP (Site 2 and Site 3). To ensure compliance, the technical details for each sign's footings/foundation would be reviewed during the PD Permit/Permit Amendment process. Conditions of approval or development-project-specific mitigation measures would be included, as part of the Development Permit/Use Permit process, as necessary. Future review of these design details for the individual business center signs would ensure consistency with the SMPs and/or Post-Closure Land Use Plan so that the integrity of the cap and/or soil cover is not compromised and a release of hazardous materials would not occur. Additionally, worker training (current asbestos certification and Hazwoper training), worker protection (asbestos exposure limits) testing, and off-haul disposal are included in the Post-Closure Land Use Plan and SMPs to minimize the potential for impacts to construction staff. For these reasons, the project would also not result in a significant hazard to the public or the environment; therefore, impacts would be less than significant. **(Less than Significant Impact)**

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

The nearest school to the project sites is George Mayne Elementary School, located immediately north of Site 3 at 5030 North 1st Street. Construction and maintenance of future business center signs could require the use of hazardous materials including petroleum products, lubricants, cleaners, paints, and solvents in small quantities. Implementation of the requirements of the SMP would ensure that hazardous emissions would not occur during construction. These materials would be used and disposed of in accordance with federal, state, and local laws. For these reasons, impact to schools from acutely hazardous materials or emissions would be less than significant. **(Less than Significant Impact)**

⁵¹ Cornerstone Earth Group. *Phase I Environmental Site Assessment, North 1st Street at Highway 237*. Site accessed August 13, 2018. <https://www.sanjoseca.gov/DocumentCenter/View/23935>.

⁵² EPA. Celebrating Success South Bay Asbestos Area, Alviso California. Accessed September 14, 2016. <https://semspub.epa.gov/work/09/2400136.pdf>.

- e) **Result in a nearby airport-related safety hazard for people residing or working in the project area?** f) **Result in a private airstrip-related safety hazard for people residing or working in the project area?**

Moffett Federal Airfield and the Norman Y. Mineta San José International Airport are located approximately 3.3 miles from the project's potentially eligible sites (to the northwest and south, respectively). The sites are not subject to the Comprehensive Airport Land Use Plans for the airports, nor are the sites located within the vicinity of any other private airstrip. Thus, there would be no impact.^{53,54} **(No Impact)**

- g) **Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?**

The project sites are not located within an area designated for emergency response or evacuation in the City of San José's Emergency Access Plan or County of Santa Clara Hazard Mitigation Plan.^{55,56} Business center signs allowed as part of the proposed Sign Code amendment would be placed on private property. Signage would be reviewed during the Development Permit/Use Permit process and permits would include conditions so that that emergency access routes are not blocked or compromised. The project would not, therefore, interfere with any emergency response or evacuation plans. **(No Impact)**

- h) **Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

The project is not located in or near an area identified as a state responsibility area or on lands classified as very high fire hazard severity zones. The project sites are not located within an area subject to wildfires; therefore, there would be no impact.⁵⁷ **(No Impact)**

⁵³ Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan Moffett Federal Airfield*. November 2, 2012 and amended November 18, 2016.

⁵⁴ Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan Santa Clara County Norman Y. Mineta San Jose International Airport*. May 25, 2011 and amended November 16, 2016.

⁵⁵ City of San José. Emergency Access Plan. Accessed August 14, 2018.
<https://www.sanJoseca.gov/DocumentCenter/View/47603>

⁵⁶ County of Santa Clara. Santa Clara County Hazard Mitigation Plan. Accessed August 14, 2018.
<https://www.sccgov.org/sites/oes/SCCOAHMP20162017/abouttheproject/Pages/home.aspx>.

⁵⁷ CAL FIRE. *Very High Fire Hazard Severity Cones in LRA, Santa Clara County*.
http://frap.fire.ca.gov/webdata/maps/santa_clara/fhszl_map.43.pdf. Accessed on August 21, 2018.

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Water Quality Overview

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

Federal and State

National Flood Insurance Program

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

Statewide Construction General Permit

The SWRCB has implemented a NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction. The Construction General Permit includes requirements for training, inspections, record keeping, and for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional

Municipal Regional Stormwater Permit (MRP)

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit⁵⁸ (MRP) to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.

⁵⁸ MRP Number CAS612008

City of San Jose

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

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

4.9.1.2 *Existing Conditions*

The project area is relatively flat. Currently, there are no landlocked bodies of water near the project sites that would be subject to a seiche. The potentially eligible project sites are also not subject to tsunami events.⁵⁹

Site 1 through Site 5 are located in FEMA flood zone AE, which designates areas that have a one percent probability of flooding every year (known as the 100-year floodplain). Site 6 is located within Flood Zone X, which designates areas that have a 0.2 percent probability of flooding every year (known as the 500-year floodplain).⁶⁰ Sites 2 through 4 are located in the Anderson Dam Flood Inundation area.⁶¹

4.9.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3

⁵⁹ Association of Bay Area Governments. *Tsunami Inundation Map for Coastal Evacuation*. Accessed August 13, 2018. <http://quake.abag.ca.gov/tsunamis>.

⁶⁰ FEMA. "National Flood Hazard Layer (Official)". Accessed August 13, 2018.

<http://fema.maps.arcgis.com/home/webmap/viewer.html?webmap=cbe088e7c8704464aa0fc34eb99e7f30>

⁶¹ Santa Clara County. *Anderson Dam Flood Inundation Maps*. April 2016.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
e) Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,8
h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,8
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

4.9.3 Impact Discussion

- a) Violate any water quality standards or waste discharge requirements? e) Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? f) Otherwise substantially degrade water quality?**

Construction of future sign structures potentially allowed under the proposed Sign Code amendment, which includes grading and excavation activities, may result in temporary impacts to surface water quality due to disturbance to the underlying soil materials, thereby increasing the potential for sedimentation and erosion. Construction of any future business center signs allowed as part of the proposed Sign Code amendment would, however, comply with applicable federal, state, and local regulations for water quality. During construction, future development-projects would be required to

implement an Erosion Control Plan reviewed as part of the grading permit process in conformance with the requirements of the Department of Public Works (described as a Standard Permit Condition in Section 4.6 Geology, Soils, and Minerals). The Erosion Control Plan would specify measures to control stormwater runoff from disturbed soils during construction and would ensure that water standards are not violated and water quality is not degraded.

City of San José Policy 6-29 requires development-projects to implement post-construction best management practices (BMPs) to the maximum extent practicable. BMPs include methods, activities, maintenance procedures, or other management practices designed to reduce the amount of stormwater pollutant loading from a site. Future business center signs would be required to implement BMPs, which would be reviewed as part of the Development Permit/Use Permit process. As a result, the future business center signs would not result in erosion, nor diminish or otherwise substantially degrade water quality. For these reasons, the impact would be less than significant. **(Less than Significant Impact)**

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?**

The project would not require the direct use of groundwater nor would business center free-standing-sign footing/foundation structures interfere with groundwater recharge. **(No Impact)**

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site? d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?**

Business center signs are not allowed within one hundred feet of the edge of a riparian corridor; therefore, they would not alter a stream or river such that erosion, siltation, or flooding would occur. Business center signs generally have a relatively small footprint (given the overall sign size limitations in the Sign Code) and thus require minimal subsurface work for the footings/foundations. Signs would need to be at least 100 feet from riparian areas; therefore, avoiding drainage features. The footings/foundations would not substantially alter existing drainage patterns as compared to the relatively large minimum-10-acre lot size necessary for a business center signs potentially allowed under the Sign Code. Future business center signs would not, therefore, substantially alter the drainage pattern of a site, create a substantial amount of runoff, or impede flood flows. **(Less than Significant Impact)**

- g) **Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**
- h) **Place within a 100-year flood hazard area structures which will impede or redirect flood flows?**
- i) **Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

The business center signs would not place housing, people, or significant structures in an area prone to risk of loss, injury, or death involving flooding because none of these would be allowed under the Sign Code amendment. As discussed previously, the up to approximately six business center signs would not impede or redirect flood flows given the relatively small size the signs would be. As a result, the impact is less than significant. **(Less than Significant Impact)**

j) Result in inundation by seiche, tsunami, or mudflow?

The potentially eligible project sites that would be subject to a seiche. The potentially eligible project sites are also not subject to tsunami events.⁶² The project area is flat and not likely to incur mudflow. For these reasons, there would be a less than significant impact. **(Less than Significant Impact)**

⁶² Association of Bay Area Governments. *Tsunami Inundation Map for Coastal Evacuation*. Accessed August 13, 2018. <http://quake.abag.ca.gov/tsunamis>.

4.10 LAND USE AND PLANNING, POPULATION AND HOUSING

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

State

In order to attain the state housing goal, cities must make sufficient suitable land available for residential development, as documented in an inventory, to accommodate their share of regional housing needs. California's Housing Element Law requires all cities to: 1) zone adequate lands to accommodate its Regional Housing Needs Allocation (RHNA); 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.⁶³

Regional

The Association of Bay Area Governments (ABAG) allocates regional housing needs to each city and county within the nine-county Bay Area, based on statewide goals. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, Metropolitan Transportation Commission, and local jurisdiction planning staff created the Regional Forecast of Jobs, Population and Housing (upon which Plan Bay Area 2040 is based), which is an integrated land use and transportation plan looking out to the year 2040 for the nine-county San Francisco Bay Area.

Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan (Habitat Conservation Plan) is a conservation program intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of central and southern Santa Clara County. The Habitat Conservation Plan identifies and preserves land that provides important habitat for endangered and threatened species. The land preservation is intended to mitigate for the environmental impacts of planned development, public infrastructure operations, and maintenance activities, as well as to enhance the long-term viability of endangered species.

4.10.1.2 *Existing Conditions*

The project area is either undeveloped or developed with two- to four-story commercial office structures and hotel uses, except for Site 6 where a single-family residence is present (along with agricultural structures and vacant land). Large parking lots surround the commercial office and hotel structures.

Based on the Habitat Agency Geobrowser, sites 3, 4, 5, and 6 are within the Habitat Conservation Plan area.⁶⁴ Project sites 1 and 2 are not within the Habitat Conservation Plan area but are located

⁶³ "Regional Housing Needs Allocation and Housing Elements" Accessed April 27, 2018.

<http://hcd.ca.gov/community-development/housing-element/index.shtml>.

⁶⁴ Santa Clara Valley Habitat Agency. "GIS Data & Key Maps." Accessed August 21, 2018. <https://scv-habitatagency.org/193/GIS-Data-Key-Maps>.

within a designated Expanded Study Area for Burrowing Owl Conservation where conservation activities for the species may occur.

4.10.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,3,9
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,3,9
d) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,3
e) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,3
f) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,3

4.10.3 Impact Discussion

a) **Physically divide an established community?**

Allowing up to approximately six 500-square-foot, 60-foot-tall business center signs across an almost three-mile stretch of land north of State Route 237 will not divide an established community due to the distance of separation between signs and their relatively small size. The Alviso Village Area is located 300 feet north of the project area, and the approximately six business center signage sites are located within the Alviso Master Plan/Alviso Specific Plan boundaries; however, the business center signs would not be located adjacent to established residential or commercial areas in Alviso Village.⁶⁵ **(Less Than Significant Impact)**

⁶⁵ City of San Jose. *Alviso Master Plan: A Specific Plan for the Alviso Community*. December 1999.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

The approximately six programmable electronic business center signs that could potentially be allowed under the provisions of the proposed Sign Code amendment with approval of Development Permits/Use Permits will also be subject to the regulations in Section 23.04.036 of the Sign Code. These regulations include limits on sign quantity, size, height, location, and orientation. Additionally, future programmable electronic business center signs would be required to conform to the lighting requirements listed in Section 23.02.905 of the Sign Code, which includes regulations to avoid visual impairments to motorists.

The California Outdoor Advertising Act, regulated by Caltrans, specifies that if an on-site sign is within 660 feet of the highway right-of-way, and it is a message center display (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 distance between future business center signs would be reviewed and conditioned as part of the Development Permit or Use Permit process and must comply with the requirements of the State of California Outdoor Advertising Act. Further, the 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 on the highway from having a clear view of approaching vehicles for a distance of at least 500 feet. The provisions of the California Outdoor Advertising Act, including distance/orientation requirements will be applicable to future business center signs potentially allowed under the proposed Sign Code amendment.

As part of the development-project-level review, future business center signs potentially allowed by the proposed Sign Code amendment must comply with the State Vehicle Code, which limits the brilliance of signs so that their maximum light output would not exceed 1,000 times the minimum measured brightness in a driver's field of view, within ten degrees of that field of view. The proposed Sign Code amendment would not conflict with state policies and regulations pertaining to the brightness of lights and any impact would be less than significant. **(Less Than Significant Impact)**

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

Sites 3, 4, and 5 are within the Habitat Conservation Plan area.⁶⁶ Sites 1 and 2 are not within the Habitat Conservation Plan area but are within the Expanded Study Area for Burrowing Owl Conservation. As discussed in Section 4.4 Biological Resources, the potential future development of structures for the business center signs would be very small in size, and would be designed and operated to avoid up-lighting, avoid lighting directed into riparian corridors, and avoid lighting during the nighttime hours. Thus, there will be a less than significant impact. **(Less than Significant Impact)**

⁶⁶ Santa Clara Valley Habitat Agency. "GIS Data & Key Maps." Accessed August 21, 2018. <https://scv-habitatagency.org/193/GIS-Data-Key-Maps>.

- d) **Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? e) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? f) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

The proposed Sign Code amendment would not induce population growth or allow development (i.e., housing, businesses, etc.) except for up to approximately six future business center signs. The area north of State Route 237 where the business center signs could potentially be allowed is developed primarily with commercial office and industrial uses. One residential dwelling is present on Site 6. While there is a potential that it could be displaced by a sign, the loss of a one unit would not be considered significant. As a result, there will be a less than significant impact. **(Less than Significant Impact)**

4.11 NOISE AND VIBRATION

4.11.1 Environmental Setting

4.11.1.1 *Background Information*

Several factors influence sound as it is perceived by the human ear, including the actual level of sound, the period of exposure to the sound, the frequencies involved, and the fluctuation in the noise level during exposure. Noise is measured on a “decibel” scale which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness over a fairly wide range of intensities. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are almost always expressed using one of several noise averaging methods, such as L_{eq} , DNL, or CNEL.⁶⁷ Using one of these descriptors is a way for a location’s overall noise exposure to be measured.

4.11.1.2 *Existing Conditions*

Noise in the project area is primarily generated by vehicles traveling on State Route 237 and local access roads. Noise levels of between 70dBA to 75 dBA are present in the project vicinity from vehicle traffic on State Route 237.⁶⁸

4.11.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3,9
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3,9

⁶⁷ L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 p.m. and 7:00 a.m. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 p.m. and 10:00 p.m. As a general rule of thumb where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq} .

⁶⁸ Illingworth & Rodkin, Inc. *Envision San José 2040 General Plan Comprehensive Update Environmental Noise Assessment San José, California*. December 7, 2010.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3,9
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3,9
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3
f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3

4.11.3 Impact Discussion

- a) **Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?** c) **Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

Future business center signs allowed under the proposed Sign Code amendment would not create or result in noticeable operational noise or vibration, as noise-emitting sound is not allowed under the provisions of the Sign Code. While the signs would generate approximately four vehicle trips per site per year for maintenance, noise from the vehicle would not be noticeable given the relatively high (70dBA to 75 dBA) noise levels in the immediate vicinity from vehicle traffic on State Route 237.⁶⁹ Therefore, future business center signs would not expose people to excessive noise levels from operation, aircraft, or traffic. **(Less than Significant Impact)**

- b) **Result in exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?** d) **Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

Construction noise associated with future business center signs could temporarily affect sensitive receptors, with the nearest residences being located immediately adjacent to Site 2 at the Summerset Mobile Home Park and 200 feet south of Site 3 at the Oak Crest Estates Mobile Home Park. Additionally, the nearest school to the project sites is George Mayne Elementary School, located immediately north of Site 3 at 5030 North 1st Street.

⁶⁹ Illingworth & Rodkin, Inc. *Envision San José 2040 General Plan Comprehensive Update Environmental Noise Assessment San José, California*. December 7, 2010.

Construction of the future business center signs would require relatively minor excavation for construction of footings/foundations. It is anticipated that the signage at each site would be completed within a short period of time (two to four weeks). Given the potential scale and size of future development-projects for business center signs, and the high ambient noise levels from State Route 237, it is anticipated that impacts from construction noise would be reduced to a less than significant level with adherence to the City's mandated construction hours and the following would be required as a condition of approval as part of the individual Development Permit or Use Permit for future business center signs.

- Construction activities shall be limited to the hours between 7:00 am and 7:00 pm, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the development-project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Implementation of this conditions of approval as part of the Development Permit or Use Permit would ensure noise impacts are less than significant. **(Less than Significant Impact)**

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

The nearest airport is six, which is approximately six miles away from the nearest boundary of the Alviso Master Plan/Alviso Specific Plan area. Therefore, the project is not located within two miles of an airport (public or private) and is not subject to an airport land use plan; therefore, there would be no impact. **(No Impact)**

4.12 PUBLIC SERVICES AND RECREATION

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

State

Quimby Act

The Quimby Act (California Government Code Sections 66477) was approved by the California legislature to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees due in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two at the discretion of the City.

Countywide Trails Master Plan

The Santa Clara County Trails Master Plan Update is a regional trails plan approved by the Santa Clara County Board of Supervisors. It provides a framework for implementing the County's vision of providing a contiguous trail network that connects cities to one another, connects cities to the County's regional open space resources, connects County parks to other County parks, and connects the northern and southern urbanized regions of the County. The plan identifies regional trail routes, sub-regional trail routes, connector trail routes, and historic trails.

4.12.1.2 *Existing Conditions*

Several community facilities are located in the project area in Alviso, including San Jose Fire Department 25, the Alviso Branch Library, Alviso Marina County Park, George Mayne Elementary School, and Alviso Youth Center. Several public trails in the vicinity, located adjacent to Site 1 and Site 2 (San Tomas Aquino Creek Trail, Bay Trail, and Guadalupe River Trail), as well as Site 6 (Coyote Creek Trail).

4.12.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project					
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
- Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
- Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

4.12.3 Impact Discussion

- a) **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire Protection? Police Protection? Schools? Parks? Other Public Facilities?** b) **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?** c) **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?**

Signs potentially allowed in the area north of State Route 237 as a result of the proposed Sign Code amendment will generate less than significant demand for public services or recreational facilities because they are not occupied or inhabited by people. The proposed Sign Code amendment and

potential subsequent business center signs will not significantly impact public services or recreational facilities or require the expansion of such facilities.

While there are public trails adjacent to Site 1 and Site 2 (San Tomas Aquino Creek Trail, Bay Trail, and Guadalupe River Trail), as well as Site 6 (Coyote Creek Trail), these facilities will not be significantly impacted by signage located on private property. While potential future business center signs would be visible from these trails, the signage would be placed adjacent to the State Route 237 corridor where there is existing development. Signage would not be placed in the less developed trail areas near the trails. Further, programmable electronic signs would need to be at least 100 feet from riparian corridors, which would maintain separation between the signage and the trails. For these reasons, there will be less than significant physical impact or need for expanded facilities. **(Less than Significant Impact)**

4.13 TRANSPORTATION/TRAFFIC

4.13.1 Environmental Setting

4.13.1.1 *Regulatory Framework*

State

Regional Transportation Planning

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes the region’s Sustainable Communities Strategy (integrating transportation, land use, and housing to meet GHG reduction targets set by CARB) and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, state, regional and local sources over the next 24 years).

Senate Bill 743

Senate Bill 743 (SB 743), which became effective September 2013, initiated reforms to the CEQA Guidelines to establish new criteria for determining the significance of transportation impacts that “promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses.” Specifically, SB 743 directs the Governor’s Office of Planning and Research (OPR) to update the CEQA Guidelines to replace automobile delay—as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion—with vehicle miles traveled (VMT) as the recommended metric for determining the significance of transportation impacts. OPR has approved the CEQA Guidelines implementing SB 743. Beginning on July 1, 2020, the provisions of SB 743 will apply statewide.

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1 “Transportation Analysis Policy” (2018), the City of San José uses vehicle miles traveled (VMT) as the metric to assess transportation impacts from new development. If a project’s VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and recommend needed transportation improvements.

4.13.1.2 *Existing Conditions*

Traffic in the project area is due primarily to vehicle trips traveling to and from the commercial offices and hotel uses present.

4.13.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

4.13.3 Impact Discussion

- a) **Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system?** b) **Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?** f) **Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?**

Signs potentially allowed in the area north of State Route 237 as a result of the proposed Sign Code amendment would not generate significant traffic because they are not occupied or inhabited by people. The proposed Sign Code amendment and potential subsequent business center signs will not significantly impact public transit facilities because these structures would be located on private property. **(Less than Significant Impact)**

- c) **Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

The site is over three miles from the nearest airport. It would not affect air traffic patterns or increase safety risks. **(No Impact)**

- d) **Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?**

The California Department of Transportation (Caltrans) regulates outdoor advertising under the California Outdoor Advertising Act and Regulations (the Act). 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.

The proposed Sign Code amendment would also be subject to the requirements of Section 23.02.905 of the City's Municipal Code as they relate to programmable electronic signs. This section requires that no sign message shall be displayed for a period of time less than eight seconds on any sign located within four hundred feet of a freeway travel lane or on any sign the illuminated face of which is visible from a freeway travel lane, signs shall use automatic dimming technology to adjust to ambient lighting, signs shall revert to black screen in case of malfunctions, and signs shall not be illuminated between the hours of 10:00 p.m. and 6:00 a.m.

During the Development Permit/Use Permit process, each business center sign will be reviewed so that emergency access will not be compromised (as also discussed in Section 4.8 Hazards and Hazardous Materials and Wildfire). Additionally, each business center sign will be reviewed for consistency with the Sign Code (as discussed above) so that these signs do not create traffic hazards through lighting and size limitations. For these reasons, future business center signs (that are

consistent with the Sign Code) will not result in a traffic safety hazard and any impact would be less than significant. **(Less than Significant Impact)**

e) Result in inadequate emergency access?

During the Development Permit/Use Permit process, each business center sign will be reviewed for compliance with the Building Code and Fire Code, and other applicable codes, so that emergency access will not be compromised (as also discussed in Section 4.8 Hazards and Hazardous Materials and Wildfire). **(Less than Significant Impact)**

4.14 UTILITIES AND SERVICE SYSTEMS

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State and Regional

Urban Water Management Plan

Pursuant to The State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events.

Wastewater

The San Francisco Bay RWQCB includes regulatory requirements that each wastewater collection system agency shall, at a minimum, develop goals for the City's Sewer System Management Plan to provide adequate capacity to convey peak flows.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or Assembly Bill (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, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program in the Public Resources Code. All businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 1383

Senate Bill (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 not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025.

4.14.1.2 *Existing Conditions*

Existing utility facilities are present in the project area that are utilized by the existing uses at the potential project sites and other uses present in the vicinity.

4.14.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
g) Comply with federal, state, and local statutes and regulations related to solid waste.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

4.14.3 Impact Discussion

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Unlike a typical development project (e.g., residential, commercial, or industrial development) that will result in water usage and wastewater generation, business center signs will generate little or no

demand for water or wastewater services, nor will they require the construction of new facilities. **(Less than Significant Impact)**

- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

A limited amount of water will be used for dust control during the anticipated two to four weeks of construction. Future business center signs will generate little or no wastewater. For these reasons, new water or wastewater facilities are not required. **(Less than Significant Impact)**

- c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

As discussed in Section 4.9 Hydrology and Water Quality, signs have a minimal footprint and will not substantially impact storm drain facilities. The existing stormwater system will not be significantly impacted by the proposed project. **(Less than Significant Impact)**

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

Construction of future business center signs will use a negligible amount of water on a temporary basis. The operation of future business center signs will generate little or no demand for water and, therefore, will not exceed existing water entitlements. **(Less than Significant Impact)**

- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? g) Comply with federal, state, and local statutes and regulations related to solid waste?**

The solid waste potentially generated as part of construction of signs at Sites 1 through 6 will be disposed at the Newby Island Landfill, which has an estimated remaining capacity to operate through 2041.⁷⁰ Construction and operation of the proposed signs will not generate significant amounts of solid waste and will not cause the landfill to exceed its solid waste capacity. The project will comply with the General Plan and state regulations for disposal of solid waste. For these reasons, the project will create a less than significant impact. **(Less Than Significant Impact)**

⁷⁰ City of San José. *Solid Waste Facility Permit. Facility Number: 43-AN-0003*. February 9, 2015. <http://www.calrecycle.ca.gov/SWFacilities/Directory/43-AN-0003/Document>.

4.15 MANDATORY FINDINGS OF SIGNIFICANCE

4.15.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a) Does the project have the potential to 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, 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-11
b) Does the project have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-11
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-11

4.15.2 Impact Discussion

- a) Does the project have the potential to 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, 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?**

As described in Section 4.4, Biological Resources of this Initial Study, the project would not result in significant environmental impacts to wildlife or plant species. Potential future business center signs will comply with Sign Code requirements to limit artificial light disturbance, including light-level limits, shielding, and buffering from riparian areas and potential burrowing owl habitat. With the implementation of the conditions of approval for development-project-specific Development Permits/Use Permits described in Section 4.5, Cultural Resources, the project will not result in significant impacts related to archaeological or historic resources. With implementation of the standard measures and future development-project permit conditions described in this Initial Study, the project will not significantly degrade the quality of the environment or have significant biological or cultural impacts. **(Less than Significant Impact)**

b) Does the project have impacts that are individually limited, but cumulatively considerable?

When viewed in connection with the effects of past, current, and future projects, the proposed Sign Code amendment and construction of signs in an urbanized area of Alviso will not make a cumulatively considerable contribution to an environmental impact. Construction activities necessary to construct potential future business center signs will require very little equipment and occur within a timeframe of approximately two to four weeks. However, as detailed in this Initial Study, construction activities could result in air quality, cultural resources, and noise impacts. Accordingly, future development-project-specific Development Permits/Use Permits for each sign will require conditions of approval to reduce impacts to these resources so that these impacts are less than significant. These measures are included in the project so that not only the project, individually, will not have a significant impact, but it will not make a considerable contribution to any cumulative impact. Therefore, with implementation of conditions of approval for development-project-specific Development Permits/Use Permits, the proposed Sign Code amendment will not result in a cumulatively considerable impact.

Future signs potentially allowed under the proposed Sign Code amendment could involve illuminated displays on the north side of State Route 237, but will not generate significant noise. Uses to the south of the project sites vary and include (from west to east) commercial office, recreational BMX bicycle park, residential, commercial retail, and industrial storage yard uses. Given the range of uses and limited existing signage present and currently allowable, a cumulative adverse impact will not occur as a result of the Sign Code amendment.

Operation of the signage will add incremental vehicle trips and air emissions due to maintenance trips, but the trips will only occur as needed (approximately four times per year) and will not result in a significant impact to traffic or air quality. Future potential development-projects' business center sign lighting could have the potential to result in cumulative impacts when combined with other reasonably foreseeable projects, but the lighting specifications (limiting operation to a maximum of 0.3-foot candles above ambient levels) take account of existing ambient lighting levels. Moreover, the LED lighting used in the proposed potentially allowable illuminated business center signs will meet Title 24 requirements for energy efficiency and will be dimmable to reflect ambient light conditions. There are no reasonably foreseeable development projects in the immediate vicinity that could cause the future signage lighting to be cumulatively considerable. Future business center signs, due to their size and utilization of energy efficient lighting, will not make a cumulatively considerable contribution to cumulative GHG emissions or result in an overall impact to local and regional levels of GHG emissions. The project will not interfere with the City's implementation of its GHG Reduction Plan or preclude the county or state from meeting emission reduction goals. The project also will not make sizable contributions to traffic or noise, such that a cumulative impact would occur. **(Less than Significant Impact)**

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be

treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air pollutants, and noise. Implementation of the Standard Permit Conditions, General Plan policies, Municipal Code, and state and federal regulations described in this Initial Study as part of future Development Permits/Use Permits will avoid significant impacts. No other direct or indirect adverse effects on human beings have been identified. **(Less than Significant Impact)**

Checklist Sources

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6. BAAQMD. *CEQA Air Quality Guidelines*. May 2017.
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10. California Emergency Management Agency. *Tsunami Inundation Map for Emergency Planning San Francisco Bay Area*. December 9, 2009.
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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

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