

# **CEQA Analysis for The North 1st Street Local Transit Village Plan**

**January 2022**

**DETERMINATION OF CONSISTENCY WITH THE  
ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT AND  
SUPPLEMENTAL PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH# 2009072096) AND  
ADDENDA THERETO**

Pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the project described below is pursuant to or in furtherance of the Final Program Environmental Impact Report (Final Program EIR) and Supplemental Program Environmental Impact Report (Supplemental Program EIR) for the Envision San José 2040 General Plan and addenda thereto and does not involve new significant effects beyond those analyzed in the EIRs. Therefore, the City of San José may take action on the project as being within the scope of both the Final and Supplemental Program EIRs, and addenda thereto.

**File Number and Project Name: File Nos. GP21-016, GP21-017, C21-041, C21-042 and PP21-014; North 1<sup>st</sup> Street Local Transit Village Plan**

Approval of the North 1st Street Local Transit Village Plan which provides a vision for a well-connected, mixed-use, economically diverse, vibrant, affordable, and sustainable destination. This Plan is the City Council approved policy document for the corridor, providing goals, policies, actions, and guidelines to guide private and public investment to achieve this vision. As part of the implementation of this proposed Village Plan, the project would:

**File No. GP21-016:** modify the North 1st Street Local Transit Village boundary and changes to General Plan land use designations on properties within the boundary of the Urban Village Plan area as shown on the land use diagram; and adopt North 1st Street Local Transit Village Plan as the guiding policy document for new development and identified public improvements within the urban village area

**File No. GP21-017:** change the General Plan Amendment for General Plan Land Use Designation for properties located adjacent to the North 1st Street Local Transit Village boundary.

**File No. PP21-014:** Adopt an ordinance for changes to the San Jose Municipal Code Changes to Section 20.85.020.

**File No. C21-041:** Rezone 24 properties from the CO Commercial Office, CN Commercial Neighborhood zoning districts to the CP Commercial Pedestrian zoning district, one property from the CN Commercial Neighborhood to R-1-8 Single-Family Residence, 34 properties from the CO Commercial Office, CP Commercial Pedestrian, R-2 Two-Family Residence, R-M Multiple Residence to the TR Transit Residential Zoning District, 12 properties from the CO Commercial Office, CP Commercial Pedestrian, R-2 Two-Family Residence to the UR Urban Residential Zoning District, nine properties from the CO Commercial Office, CG Commercial General, CN Commercial Neighborhood to the UVC Urban Village Commercial Zoning District, located within the North 1st Street Local Transit Village.

**File No. C21-042:** Rezone 42 properties from the CO Commercial Office, CN Commercial Neighborhood, R-2 Two-Family Residence, R-M Multiple Residence, A(PD), to the CP Commercial Pedestrian Zoning District, Two properties from the R-1-8 Single-Family Residence Zoning District to the MUC Mixed-Use Commercial zoning district, three properties from the R-1-8 single-family residence, and CO Commercial Office Zoning District to the OS Open Space Zoning District, four properties from CO, R-1-8, LI to PQP, 43 properties from R-2, R-M, CO Commercial Office, CP Commercial Pedestrian, A(PD) Planned Development to R-1-8 Single-Family Residence zoning district, six properties from CO Commercial Office, LI Light Industrial, R-1-8, to TR

Transit Residential, 11 properties from the CO Commercial Office and LI Light Industrial Zoning District to the UR Urban Residential Zoning District located in proximity to the North 1st Street Local Transit Village.

**Location:** Generally properties along both sides of North 1<sup>st</sup> Street from Interstate 880 to midblock Jackson Street and Hensley Street, between North San Pedro Street and North 2<sup>nd</sup> Street.

**Assessor's Parcel Number:** Various.

**Council District:** 3.

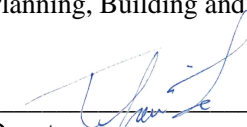
The environmental impacts of this project were addressed by a Final Program EIR entitled, "Envision San José 2040 General Plan Final EIR," adopted by City Council Resolution No. 76041 on November 1, 2011, and addenda thereto; and Supplemental Program EIR entitled, "Envision San José 2040 General Plan Supplemental EIR," adopted by City Council Resolution No. 77617 on December 15, 2015, and addenda thereto. The Final Program EIR and Supplemental Program EIR were prepared for the comprehensive update and revision of all elements of the City of San José General Plan, including an extension of the planning timeframe to the year 2035. The following impacts were reviewed and found to be adequately considered by the EIRs:

<input checked="" type="checkbox"/> Transportation	<input checked="" type="checkbox"/> Land Use	<input checked="" type="checkbox"/> Noise and Vibration
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Geology and Soils
<input checked="" type="checkbox"/> Hydrology & Water Quality	<input checked="" type="checkbox"/> Hazardous Materials and Hazards	<input checked="" type="checkbox"/> Public Facilities & Services
<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Energy
<input checked="" type="checkbox"/> Population and Housing	<input checked="" type="checkbox"/> Greenhouse Gas Emissions	<input checked="" type="checkbox"/> Public Facilities & Services
<input checked="" type="checkbox"/> Cumulative Impacts	<input checked="" type="checkbox"/> Growth Inducing Impacts	<input checked="" type="checkbox"/> Agriculture
<input checked="" type="checkbox"/> Mineral Resources	<input checked="" type="checkbox"/> Hazardous Materials and Hazards	<input checked="" type="checkbox"/> Public Facilities & Services

The proposed project is within the scope of the Envision San José 2040 General Plan, General Plan EIR, General Plan Supplemental EIR, and addenda thereto, pursuant to CEQA Guidelines Section 15168(c)(2). Also it is determined that the proposed Urban Village Plan does not involve any physical changes to the environment and no new significant impacts will occur pursuant to CEQA Guidelines 15162. The proposed Urban Village Plan conforms to the Major Strategies, Goals, Policies, and assigned new housing and job growth for the North 1<sup>st</sup> Street Local Transit Village in the Envision San José 2040 General Plan. Any further actions, such as rezoning's and development permits, will require additional environmental review at the time such a permit application is submitted.

Christopher Burton, Director  
Planning, Building and Code Enforcement

01/20/2022  
Date

  
Deputy

Environmental Project Manager:  
Thai-Chau Le

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## **Section 1.0 Background and CEQA Environmental Review Process**

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This Initial Study of environmental impacts has been prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.) and the regulations and policies of the City of San José. The City of San José is the Lead Agency under CEQA and has prepared this Initial Study to evaluate the environmental impacts that might reasonably be anticipated to result from the adoption of the North 1st Street Local Transit Village Plan.

All documents referenced in this Initial Study are available for public review in the Office of Planning, Building and Code Enforcement at San José City Hall, 200 East Santa Clara Street, during normal business hours.

### **1.1 Purpose and Background**

The purpose of this Initial Study is to provide objective information regarding the environmental consequences of the proposed project to the decision makers who will be reviewing and considering the project.

In November 2011, the City of San José approved the Envision San José 2040 General Plan (Envision General Plan), which is a long-range program for the future growth of the City. The Envision San José 2040 General Plan Final Program Environmental Impact Report (General Plan FPEIR) was a broad range analysis of planned growth and did not analyze specific development projects. The intent was for the General Plan FPEIR to be a program-level document from which subsequent development consistent with the General Plan could tier. The General Plan FPEIR evaluated additional growth of up to 470,000 additional jobs and 120,000 new dwelling units through 2035. In combination with existing development the Envision 2040 General Plan provided capacity for a population of approximately 1,313,811 people, including 839,450 jobs and 429,350 dwelling units in San José, which would result at full development of that capacity in a jobs to employed resident ratio (J/ER) of 1.3 to 1. The City of San José also subsequently approved a Supplemental Program EIR for the Envision San José 2040 General Plan in 2015 that specifically addressed and updated the greenhouse gas emissions analysis. In December 2016, as a part of the Four-Year General Plan Review, an Addendum to the Envision San José 2040 General Plan FPEIR and the Envision San José 2040 General Plan Supplemental Program EIR was approved. The Envision San Jose 2040 General Plan Four-Year Review modified the text of the General Plan to reduce the planned job capacity of the Envision General Plan from 839,450 to 751,650 jobs, which represents a reduction of 87,800 jobs, while maintaining the existing household capacity, and resulting in a J/ER of 1.1. In addition, a number of text changes were made related to the reduced job growth capacity of the Envision General Plan and to incorporate new affordable housing policies.

#### **1.1.1 CEQA Environmental Review Process**

The City of San José is proposing modifications, through the incorporation of the North 1st Street Local Transit Village Plan into the Envision San José 2040 General Plan for which an EIR, SEIR, and addenda were prepared. The mechanism for assessing the significance of these changes is found

in CEQA Guidelines Sections 15162 – 15164 and Public Resources Code Section 21166. Key considerations are whether one or more of the following would occur:

- 1) Substantial changes are proposed in the project that will require major revisions to the EIR;
- 2) Substantial changes occur in the circumstances under which the project is being undertaken that will require major revisions to the EIR; or
- 3) New information of substantial importance to the project that was not known and could not have been known at the time the EIR was certified as complete becomes available.

If the modifications would involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects, further environmental review (in the form of a Subsequent or Supplemental Environmental Impact Report) would be warranted per CEQA Guidelines Section 15162 and 15163. If the modifications do not meet these criteria, then an Addendum, per CEQA Guidelines Section 15164, may be prepared to document any resulting changes to environmental impacts or mitigation measures. If the proposed project is within the scope of the Envision San José 2040 General Plan and associated Final Program EIR, SEIR, and addenda thereto, and CEQA Guidelines Section 15168(c)(2), then a Determination of Consistency with these EIR's is appropriate pursuant to the CEQA Guidelines.

This Initial Study evaluates and documents the environmental impacts that might reasonably be anticipated to result from the adoption of the North 1st Street Local Transit Village Plan as described in Section 3.0, the Project Description. On the basis of the analysis provided in the following sections, the City of San José has determined that the proposed changes would not result in any new significant environmental impacts or a substantial increase in the severity of previously identified significant effects and a Determination of Consistency with the General Plan FPEIR, SEIR, and Addenda thereto is appropriate.

## Section 2.0 Project Information

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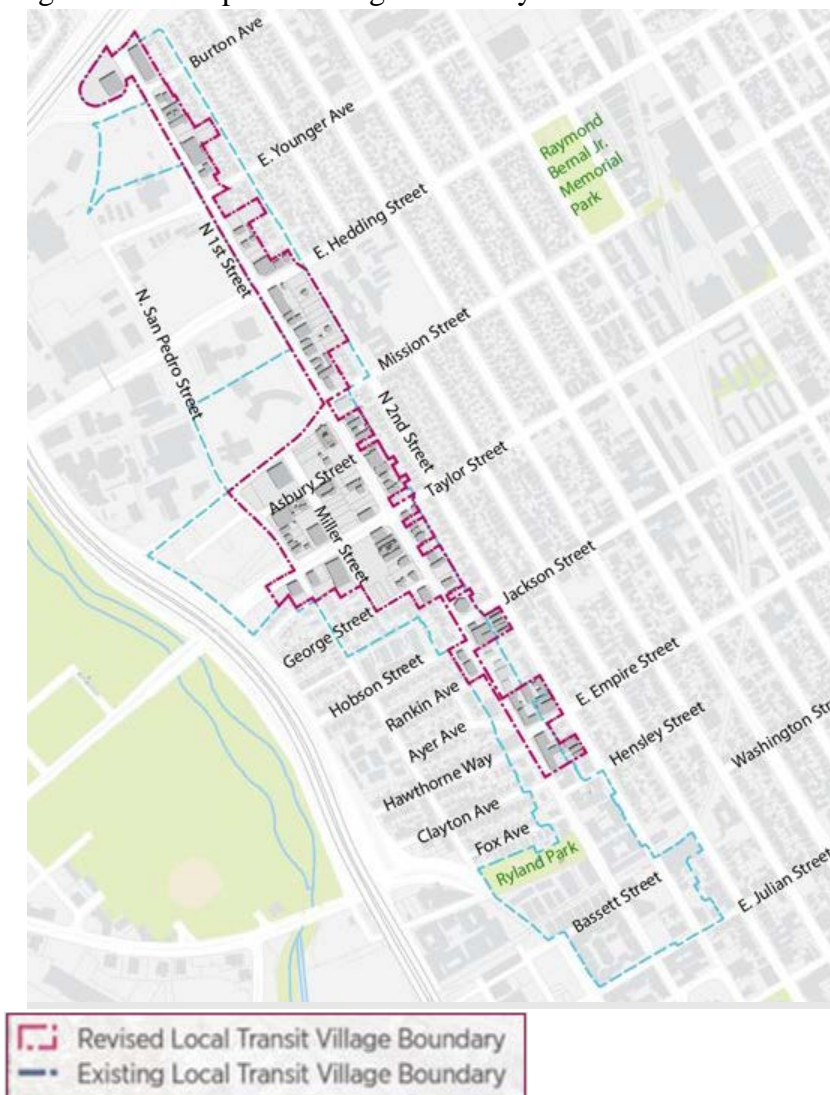
### 2.1 Project Title and File Numbers

North 1st Street Local Transit Village Plan, File Nos. GP21-016, GP21-017, C21-041, C21-042 and PP21-014

### 2.2 Project Location

Generally encompasses properties along both sides of North 1st Street from Interstate 880 to Hensley Street, bounded by North San Pedro Street and North 2<sup>nd</sup> Street.

Figure 2.2-1 Proposed Village Boundary



### 2.3 PROJECT-RELATED APPROVALS, AGREEMENTS AND PERMITS

General Plan Amendments, including amending the land use diagram and text changes, Rezoning actions, and Zoning Code alternations.

## **Section 3.0 Project Description**

### **3.1 Background Information**

The proposed North 1st Street Local Transit Village Plan (Plan) was prepared by the City with community input to provide a policy framework that will guide new job and housing growth within this Urban Village boundary. This Plan will also provide guidance as to the characteristics of future development, including buildings, parks, plazas, placemaking elements, streetscape, and circulation. The Plan supports the identified growth capacity for this Urban Village as designated in the Envision San José 2040 General Plan, providing the capacity for the development of 2,520 new jobs (equivalent to 756,000 square feet of new commercial space assuming approximately 300 square feet per job) and 1,678 new dwelling units since the adoption of the Envision San José 2040 General Plan in 2011.

The purpose of Urban Village Plans is to guide new development, and private and public investment in ways that further the achievement of goals outlined in the Envision San José 2040 General Plan (General Plan). The General Plan encourages intensification of land in the designated Urban Villages. The City's Urban Village strategy also focuses on placemaking and creating complete neighborhoods with efficient land uses that concentrate both commercial and residential growth. By creating a pedestrian-oriented, mixed-use community where jobs, housing, and amenities are situated close together, people can meet many of their daily needs by walking, bicycling, taking transit, or driving shorter distances.

### **3.2 Project Overview**

The North 1st Street Local Transit Village Plan provides a vision for a well-connected, mixed-use, economically diverse, vibrant, affordable, and sustainable destination. This Plan is the City Council approved policy document for the corridor, providing goals, policies, actions, and guidelines to guide private and public investment to achieve this vision.

Per the Envision San José 2040 General Plan, the North 1st Street Local Transit Village Plan includes a Land Use Diagram (Figure 3.2-1) that more specifically defines where the Village's assigned amount of future growth, 2,520 new jobs (756,000 square feet of new commercial space) and up to 1,678 units of new residential, would occur within the Village's boundaries. The Land Use Diagram does not change the assigned maximum density by the General Plan (but does assign minimum densities and Floor Area Ratios), but instead proposes modifications to the Village's existing Urban Village land use designation to best utilize existing land use growth capacity, address neighborhood context, and promote economic development through the identification of optimal sites for retail and other employment uses, as well as sites for mixed-use residential. In conjunction with the Land Use Diagram, the Height Diagram (Figure 3.2-2) in this Plan designates the maximum building heights for each property, which are to be used in conjunction with the setback guidelines and transitional height standards contained in the adopted Citywide Design Standards and Guidelines document. The Plan's proposed Height Diagram includes maximum building heights between 35 and 200 feet. Generally, the flexibility of the Plan includes taller development towards the "heart" of the Village, generally at the intersection of Taylor Street and North 1<sup>st</sup> Street, and lower heights for development towards single-family residences.

The North 1st Street Local Transit Village Plan encourages future development to complement and enhance the existing commercial corridor while also preserving the character of surrounding neighborhoods. The Plan is not a tool to force existing uses out of the area; rather, with significant community input, the City has created this Plan as a framework to guide any future redevelopment as market conditions allow. The full build-out envisioned for the North 1st Street Local Transit Village will take many years to realize, but in taking an organic and incremental approach to implementation, the strategies outlined in this Plan can have maximum positive impact on the neighborhood and the City.

### ***Village Plan Summary and Components***

This Plan includes goals, standards, guidelines, and action items to guide new development and private and public investment to achieve the vision of the Village consistent with the Urban Village Major Strategy outlined in the General Plan. This Village Plan includes seven chapters, as follows:

1. Chapter 1 – Introduction: Describes the planning areas and the Village Plan purpose and outlines the organization of the Village Plan document.
2. Chapter 2 – Vision: Conveys the community’s vision for the North 1st Street Local Transit Village and presents the guiding principles which inform the goals, standards, guidelines, and action items contained within this Village Plan.
3. Chapter 3 – Land Use: Describes the planned growth, identifies land use designations, and land use goals, standards, guidelines, and action items. Land uses are shown below in Figure 3.2-1 and maximum height limits are shown below in Figure 3.2-2 for the Village.
4. Chapter 4 – Parks and Open Space: Identifies policies, guidelines, standards, and action items and potential locations for new publicly-accessible open spaces, and presents strategies for incorporating plazas, pocket parks, paseos, parklets, and public art into the Village boundary.
5. Chapter 5 – Urban Design and Placemaking: Describes the concept of urban design and the placemaking strategy. Contains policies, standards, guidelines, and action items related to urban design and placemaking opportunities.
6. Chapter 6 – Circulation and Streetscape: Discusses the existing circulation network for pedestrians, bicyclists, and cars, streetscape treatments, and transportation improvements as future action items.
7. Chapter 7 – Implementation: Summarizes the City’s action items and potential funding sources to assist with implementing certain aspects of the Village Plan over time.
8. Appendix A – Village Planning and Community Outreach Process: Provides information related to the Village Planning Process and the Community Outreach Process. Agendas and meeting notes from the workshops are also contained within the appendix.
9. Appendix B: Affordable Housing Baseline Analysis: Provides an overview of the existing housing stock, planned housing units, and affordable housing goals. Also provides information related to the rental housing market, for-sale housing market, vulnerability of residents, and City policies that protect tenants (e.g. Ellis Act, Tenant Protection Ordinances).

10. Appendix C: Relationship to Other Documents: Provides an overview of the relationship between the Village Plan and other city documents.
11. Appendix D: Definitions: Contains definitions of terms used throughout the document. Terms defined in this appendix glossary are notated in italicized text.

As part of the implementation of this proposed Village Plan, the project would:

File No. GP21-016: modify the North 1st Street Local Transit Village boundary and changes to General Plan land use designations on properties within the boundary of the Urban Village Plan area as shown on the land use diagram; and adopt North 1st Street Local Transit Village Plan as the guiding policy document for new development and identified public improvements within the urban village area

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Figure 3.2-1 Proposed Land Use Plan

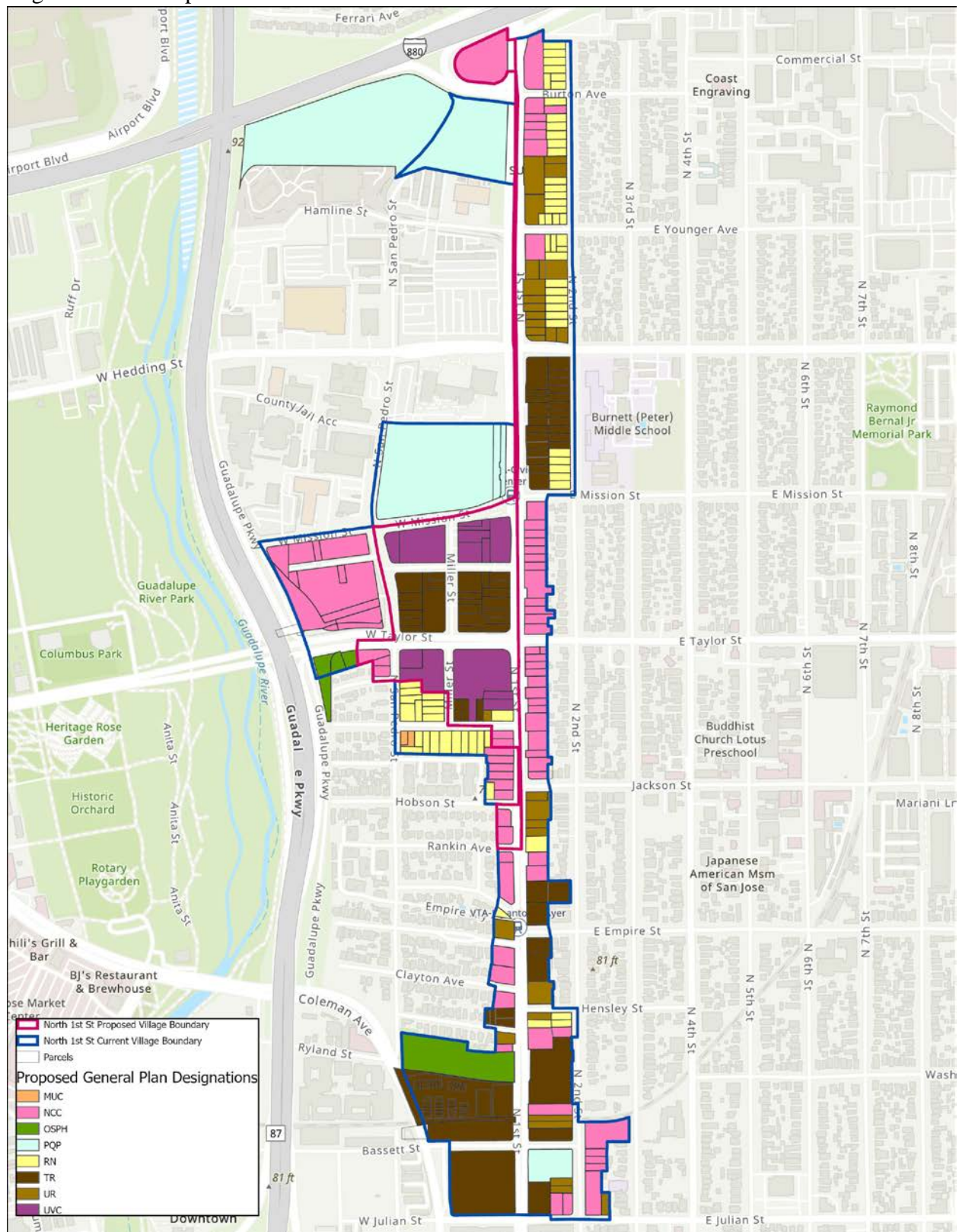


Figure 3.2-2 Proposed Height Diagram



In no event will the maximum allowable height for new buildings and structures exceed the height limitations of the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration.

## Section 4.0 Environmental Impacts

This section describes the existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

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

The City of San José currently has policies that address existing conditions (e.g., noise) affecting a proposed project, which are also addressed below. This is consistent with one of the primary objectives of

CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an “environmental impact” as defined by CEQA.

Therefore, where applicable, in addition to describing the impacts of the project on the environment, this chapter will discuss “planning considerations” that relate to City policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

#### **4.0.1 Environmental Resource Areas Analysis**

The following environmental resource areas are anticipated to have no impact or less than significant impacts based on existing federal, State, and local regulations and policies for all development projects that have been incorporated to the City’s Municipal Code or standard permit conditions. These resource areas include: mineral resources, agricultural and forestry, cultural and tribal resources, geology and soils, hazardous materials and wildfire hazards, hydrology and water quality, public services, and utility and service systems.

Related to mineral resources, the area of Communications Hill in central San José is the only area in the City designated as containing mineral deposits of regional significance by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975. The project site is not located on or near Communications Hill, and therefore, would result in no impacts to mineral resources, as previously identified in the Envision General Plan FPEIR, SEIR, and Addenda thereto

Related to agriculture and forestry resources, the project site is not located in an area identified as prime farmland or forestry area, nor is the site being used for or zoned for agricultural or forestry uses. Therefore, the proposed project will not result in a significant impact on the City’s or Region’s agricultural or forestry resources. The proposed Village Plan would not result in any new or substantially more severe agricultural or forestry impacts than previously identified in the Envision San Jose 2040 General Plan FPEIR, SEIR, and Addenda thereto.

*General Plan Policy ER-10.2* states, “Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.” *General Plan Policy ER-10.3* states, “Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.” Under these two policies, new development and development allowed under the Village Plan land use assumptions would not change the areas of the City in which new development or redevelopment would occur or change policies or requirements for avoiding and/or reducing impacts to mandatory, presumed, or discretionary historic resources or archaeological resources. The proposed Village Plan, therefore, would not result in any new or substantially more severe cultural resources impacts than previously identified in the Envision General Plan FPEIR, SEIR, and Addendum thereto.

Related to geology and soil impacts, all developments within the Village Plan area have to comply with the most recent most recent California Building Code and California Fire Code, which includes provisions for geologic impacts including expansive soil, grading, stormwater controls. The City also requires all new development to conform to the City of San José's Geologic Hazard Ordinance (General Plan Policy EC-4.4). Per General Plan Policy EC-4.5, an Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30. New development and development allowed under the Village Plan land use assumptions would not change the areas of the City in which new development or redevelopment would occur or allow development on steeper slopes prone to landslides or other hazardous areas. It would not change policies or Municipal Code requirements designed to reduce substantial risks to people, structures, or infrastructure from geologic hazards. The proposed Village Plan, therefore, would not result in any new or substantially more severe geology and soils impacts than previously identified in the Envision General Plan FPEIR, SEIR, and Addenda thereto.

For hazardous materials related impacts, future development projects would have to be analyzed for effects to public airports and private airstrips, potential wildlife hazards, and effects on regulated hazardous waste and substance sites. The Village is not located in the vicinity of a private airstrip. Although the FAA does not have the authority to approve or deny a proposed off-airport land use, for future developments that affects nearby airports (the nearest is the Mineta San José International Airport), the City's General Plan requires all projects to be in conformance with FAA height determinations (GP Policies: CD-5.8, TR-14.2, and TR-14.4). Based on the Airport Comprehensive Land Use Plan, the Village is partially located within the Airport's Influence Area, noise contour area, nor safety zones. Furthermore, the changes proposed for San José Municipal Code Section 20.85.020 (Height Exceptions) are required to be submitted for review by the Santa Clara County Airport Land Use Commission (ALUC). Development projects that are higher than 200 feet above ground, are encouraged to be submitted for review by the ALUC. Recommendations made by the ALUC are advisory to local jurisdictions and would be incorporated into the project as applicable.

In discussion of potential wildfire hazards, the project site is located in a developed, urban area and surrounded by urban development. The project site, therefore, is not located at the urban edge and is not located within a Very-High Fire Hazard Severity Zone.

In discussion of regulated hazardous materials, Section 65962.5 of the Government Code requires California Environmental Protection Agency to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by the State, local agencies, and developers to comply with CEQA requirements. As stated in GP Policies EC-7.1 and EC-7.2, future development within the Village would be required to be constructed, designed and operated to not result in an exacerbation of any existing hazardous materials conditions in accordance with the appropriate oversight agency including: Department of Toxic Substances Control (DTSC), State Water Resources Control Board (SWRCB), and the Department of Resources Recycling and Recovery (CalRecycle). New development and development allowed under the Village Plan land use assumptions would not change the areas of the City in which new development or redevelopment would occur or allow development in hazardous areas not previously identified in the General Plan FPEIR. It would not change policies or Municipal Code requirements designed to reduce substantial risks to people, structures, or infrastructure from hazards and hazardous materials. The proposed

Village Plan, therefore, would not result in any new or substantially more severe hazardous materials impacts than previously identified in the Envision General Plan FPEIR, SEIR, and Addenda thereto.

All new development and development allowed under the Village Plan would be required to comply with General Plan Policies IN-3.7, IN-3.9, MS-3.4, ER-8.1, ER-8.3, EC-4.1, EC-5.7, and EC-5.16, to reduce, minimize, and/or avoid impacts to the existing hydrology and water quality of the Village Plan area. During the entitlement process, developers are required to submit development plans that would adhere to the California Building Code and municipal code requirements, including provisions for expansive soil, and grading and stormwater controls and provide stormwater runoff management measures in compliance with the City's Post-Construction Urban Runoff (City Council Policy 6-29) and Hydromodification Management (City Council Policy 8-14) Policies. Standard measures reduce, minimize, and/or avoid adverse effects to hydrology and water quality are also incorporated into the planning permits of each new development project. The proposed Village Plan and new development within the Village, therefore, would not result in any new or substantially more severe hydrology and water quality impacts than previously identified in the Envision General Plan FPEIR, SEIR, and Addenda thereto.

New development and development allowed under the Village Plan land use assumptions would not change the areas of the City in which new development or redevelopment would occur or increase employment or development intensity within San José. As residential land use assumptions would remain the same and employment assumptions would decrease, it would not result in an increase in groundwater demand for water supplies. The Village Plan, associated GPAs and rezonings, and Municipal Code changes would not change City policies or Municipal Code requirements designed to: 1) reduce substantial risks to people, structures, or infrastructure from flooding and storm water runoff or 2) minimize and reduce water quality impacts associated with new and existing development. The Village Plan, associated GPAs and rezonings, and Municipal Code changes would not result in any new or substantially more severe hydrology and water quality impacts than previously identified in the Envision General Plan FPEIR, SEIR, and Addenda thereto.

For public services impacts, the proposed Village Plan, associated GPAs and rezonings, and Municipal Code changes for the Village Plan would not change the population assumptions citywide. Demand for fire protection and police protection, schools, parks, and other public facilities would be the same or similar as the population assumptions for the city would remain the same. The proposed Village Plan, therefore, would not result in any new or substantially more severe public services impacts than previously identified in the Envision General Plan FPEIR, SEIR, and Addenda thereto.

For recreation impacts (i.e., parks, trails, and community, senior, and youth centers), population assumptions citywide would not change under the proposed Village Plan. It is not anticipated that this would result in a substantial change in the use of neighborhood parks or other recreational facilities. The proposed Village Plan, therefore, would not result in any new or substantially more severe recreation impacts than previously identified in the General Plan FPEIR, SEIR, and Addenda thereto.

For utility and service system impacts, the proposed Village Plan does not change the population assumptions in the General Plan. Demand for wastewater treatment, water supply, and solid waste generation for non-residential, jobs generating land uses is the same what was assumed for the General Plan buildout. Storm water runoff and storm water system requirements, therefore, would be

the same or similar. The proposed Village Plan Amendment, therefore, would not result in any new or substantially more severe utilities and service system impacts than previously identified in the Envision General Plan FPEIR, SEIR, and Addenda thereto.

Based on the level of stakeholder interests, visual aesthetics, land use, population and housing, air quality, biological resources, greenhouse gas emissions, noise and vibration, and transportation are analyzed in greater detail in subsequent sections and are determined to be consistent with the Envision General Plan FPEIR, SEIR, and Addenda thereto.

**Setting**

The North 1st Street Local Transit Village planning area is located within an urbanized area north of Downtown San José along North 1<sup>st</sup> Street to mid-block between Jackson Street and Hensley Street, and between North 2<sup>nd</sup> Street and North San Pedro Street. This approximately 56-acre area encompasses primarily one to two-story developments (with the exception of the taller buildings generally located on the corner of Mission Street and North 1<sup>st</sup> Street, and Taylor Street and North 1<sup>st</sup> Street) with a variety of architectural styles and building types, such as Spanish Colonial Revival, Streamline Moderne, New Formalism, International, and Contemporary. Commercial uses primarily line North 1<sup>st</sup> Street with a few residential uses towards the southern portion of the Village. Residential properties ranging from single-family to multi-family is distributed throughout the Village and surrounds the Plan area.

**Applicable Plans, Policies, and Regulations*****California Scenic Highway Program***

The California Scenic Highway Program, maintained by the California Department of Transportation (Caltrans), protects State scenic highway corridors from changes which would diminish the aesthetic value of lands adjacent to the highways. There are no State-designated scenic highways in the vicinity of the project site.

***California Building Code***

The State of California provides a minimum standard for building design through Title 24 of the California Code of Regulations (CCR). The California Building Code (CBC) is located in Part 2 of Title 24. The CBC is updated every three years, and the current 2016 CBC went into effect in January 2019. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. The 2019 CBC has been adopted for use by the City of San José, according to San José Municipal Code (SJMC) Section 24.03.100. Commercial and residential buildings are plan-checked by local City and County building officials for compliance with the CBC.

***City Council Policy 4-3, Outdoor Lighting on Private Developments***

Adopted March 1, 1983 and revised June 20, 2000, City Council Policy 4-3, Outdoor Lighting on Private Developments, promotes energy-efficient lighting which furthers the goals of the Sustainable City Major Strategy. 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.

## ***Envision San José 2040 General Plan***

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to aesthetic resources. All future development under the proposed Village Plan would be subject to these General Plan policies.

### **Envision San José 2040 Relevant Aesthetic Policies**

Policies	Description
CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City.
CD-4.8	Include development standards in Urban Village Plans that establish streetscape consistency in terms of street sections, street-level massing, setbacks, building facades, and building heights.
IP-5.1	Identify for specific properties within the Village Planning area minimum and maximum thresholds for building heights and densities. These standards should fall within the broader ranges established in the Land Use/Transportation Diagram.
CD-7.1	Support intensive development and uses within Urban Villages, while ensuring an appropriate interface with lower-intensity development in surrounding areas and the protection of appropriate historic resources.
CD-7.3	Review development proposed within an Urban Village Area prior to approval of an Urban Village Plan for consistency with any applicable design policies pertaining to the proposed use. Review proposed mixed-use projects that include residential units for consistency with the Design Policies for Urban Villages. Following adoption of an Urban Village Plan, review new development for consistency with design policies included within the Urban Village Plan as well as for consistency with any other applicable design policies.
CD-7.4	Identify a vision for urban design character consistent with development standards, including but not limited to building scale, relationship to the street, and setbacks, as part of the Urban Village planning process. Accommodate all planned employment and housing growth capacity within each Urban Village and consider how to accommodate projected employment growth demand by sector in each respective Urban Village Plan.
CD-7.9	Build new residential development within Urban Village areas at a minimum of four stories in height with a step down in height when building new residential development immediately adjacent to single-family residential sites that have a Residential Neighborhood designation. Individual Urban Village Plans may establish more specific policies or guidelines to ensure compatibility with adjacent single family neighborhoods, and development should be consistent with these policies and guidelines, established in approved Urban Village Plans.

## **Environmental Checklist and Impact Discussion**

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-5
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"/>	<input type="checkbox"/>	1-5
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-5
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-5

### **Impact Discussion**

The City has not designated any scenic view sheds and the project site is not located in proximity to a State designated scenic highway. Further, the project site and the land surrounding it are relatively flat, and urbanized.

In the PEIR for the Envision San Jose 2040 General Plan, under Section 3.1.3.2, Land Use Impacts from Villages and Corridors, stated the following:

- The physical presence of newer, bigger buildings along almost all of the major City streets, the increased intensity of activities in and around the new development, and the changing relationships between older single-family neighborhoods with the larger numbers of people who will be living, walking, and working much closer to their neighborhoods, represents a new type of community.
- The changes in the concept of neighborhood and the implementation of community are not classified as adverse impacts because they are the realization of the goals and policies set out in the General Plan.

- The new Villages and Corridors will represent a substantial change in scale, use, and intensity from the land uses they replace and from many of those existing land uses to which they will be adjacent.

Most of the City of San José is already urbanized, and recent development and redevelopment has produced increasingly large buildings and building complexes all over the City. The PEIR concluded that the policies that are part of the General Plan are proposed to minimize conflicts and maximize compatibility. Furthermore, the Village Plan is located in an urbanized area within the City with already development existing on most parcels within the Plan.

New development and redevelopment allowed under the Village Plan would alter views to and from North 1<sup>st</sup> Street, and North San Pedro. While a potential future development would result in a change to the existing visual character of the area, future development under the proposed project would be required to comply with the Village Plan goals, standards, and design guidelines, as well as the Citywide Design Standards and Guidelines, and the General Plan's goals and policies (listed above). Future development would also be subject to the City's Outdoor Lighting Policy (Council Policy 4-3). This would be completed during the Planning Permit stage as part of the City's planning review process. For this reason and those stated above, the future redevelopment of the site under the proposed Village Plan would not substantially degrade the existing visual character of the site or its surroundings.

### **Conclusion**

The proposed Village Plan General Plan would not result in any new or substantially more severe aesthetic impacts than previously identified in the Envision San Jose 2040 General Plan FPEIR, SEIR and Addenda thereto. **(Same Impact as Approved Project)**

## 4.2 LAND USE

### Existing Land Uses

The North 1st Street Local Transit Village (Village) planning area encompasses properties along both sides of North 1<sup>st</sup> Street from Interstate 880 to midblock of Jackson and Hensley Streets, west along North San Pedro Street, and east along North 2<sup>nd</sup> Street. This 56-acre area encompasses a mix of commercial, institutional and residential uses. Commercial uses are comprised of general offices, government agencies, commercial businesses, and single-family and multi-family residences. Commercial uses are primarily concentrated on North 1<sup>st</sup> Street and at the intersections of West Mission Street and North 1<sup>st</sup> Street, and Taylor Street and North 1<sup>st</sup> Street.

The project site is located in an urban, developed area with primarily commercial uses and some residential and institutional land uses. The uses surrounding the project site are shown in Table 4.2-1. Beyond the immediate project site, primarily single-family residential uses comprise the greater area to the east, west, and south.

<b>Table 4.2-1: Land Uses Surrounding the Project Site</b>	
<b>Direction</b>	<b>Existing Use</b>
North	Single-family residences, multifamily residences
South	Single-family residences, multifamily residences, commercial offices, public park
East	Single-family residences, multifamily residences
West	Single-family residences, multifamily residences, civil services, commercial
<b>*Zoning Districts Nomenclature</b>	
R-1: Single-Family Residence	PQP: Public/Quasi-Public
R-2: Two-Family Residence District	CP: Commercial Pedestrian
R-M: Multiple Residence District	(A)PD: Planned Development
OS: Open Space	CO: Commercial Office
TR: Transit Residential	UR: Urban Residential

### Applicable Plans, Policies, and Regulations

#### ***Santa Clara Valley Habitat Plan/Natural Community Conservation Plan***

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (SCVHP) was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill and Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife. The SCVHCP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The project site is located within the boundaries of the SCVHCP and is designated Urban-Suburban which comprises of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures.

As discussed in *Section 4.4 Biological Resources*, in the Habitat Plan the project site is primarily located in an area designated as *Urban-Suburban*.

#### ***Envision San José 2040 General Plan***

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to land use. All future development under the proposed Village Plan would be subject to these General Plan policies.

#### **Envision San José 2040 Relevant Land Use Policies**

Policies	Description
Policy IP-5.10	<p>Allow non-residential and mixed-use (with residential) developments to proceed within Urban Village areas prior to the adoption of an Urban Village Plan as a “Signature Project.” The Signature Project shall act as a catalyst for future development within the Urban Village, as prescribed in General Plan Major Strategy #5: Urban Villages. Pending Signature Projects that have submitted an application prior to December 7, 2021 are not subject to the Signature Project Policy. A signature project shall:</p> <ol style="list-style-type: none"> <li>1. Locate on a site within an Urban Village with a Land Use / Transportation Diagram designation of residential, commercial, or a mix of either.</li> <li>2. Replace the existing commercial or office space on site and exceed jobs/acre planned for the developable portions of the entire Village Planning area (see Appendix 5) with 5% more for Neighborhood Villages; 10% for Local Transit and Commercial Corridor and Center Villages; and 15% for Regional Transit Urban Villages. Additionally, regardless of urban village type, additional commercial is required as follows for a project site if: project site is between five and up to 10 acres in size must provide additional 5%; project site is above 10 acres provide additional 10%. This additional percentage is a cumulative amount with the original above and beyond requirement. In addition, projects including residential units shall be at densities of 45 dwelling units per acre or greater for projects in Neighborhood Villages, 55 dwelling units per acre or greater for projects in Local Transit and Commercial Corridor and Center Villages, and 75 dwelling units per acre or greater for projects in Regional Transit Villages. The commercial/office component of the Signature project must be constructed before or concurrently with the residential component.</li> <li>3. Located at a strategic location within the urban village area to serve as an example for future development. Strategic locations shall be defined as a corner within the village, or an interior parcel of at least 1.5 acres with at least 150 feet of street frontage. A signature project shall not result in the creation of remnant parcels of less than one acre.</li> <li>4. Include publicly-accessible open space areas (such as a public park or privately-maintained plaza). Size requirements for a privately-maintained open space are as follows: at least 2,000 square feet for Neighborhood Urban Villages; at least 5,000 square feet for Local Transit and Commercial Corridor and Center Urban Villages; and at least 10,000 square feet for Regional Transit Urban Villages.</li> <li>5. Comply with the City’s Urban Village Zoning Districts and Citywide Design Guidelines design standards.</li> <li>6. Create a tailored community engagement strategy to optimize broad and diverse stakeholder engagement in the community where the project is located to better collect feedback of the design and quality of the project. The community engagement strategy must adhere to and include the policies outlined under General Plan Goal CE-1 Active Community Engagement.</li> </ol>
Policy CD-1.12	<p>Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where</p>

applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.

Policy CD-1.18	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
Policy CD-1.24	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-2.11	Within the Downtown and Urban Village Area Boundaries, consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures.
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy CD-5.8	Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.
Policy CD-7.1	Support intensive development and uses within Urban Villages and Corridors, while ensuring an appropriate interface with lower-intensity development in surrounding areas and the protection of appropriate historic resources.
Policy CD-7.3	Review development proposed within an Urban Village Area prior to approval of an Urban Village Plan for consistency with policies pertaining to the proposed use (e.g., general Urban Design policies). Encourage such development to be consistent with Design Policies for Urban Villages.
Policy CD-7.7	Maintain and implement land use policies that are consistent with the urban nature of Urban Village areas. Incorporate spaces and support outdoor uses for limited 24-hour uses, so long as the potential for significant adverse impacts is mitigated.
Policy TR-8.7	Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments.
Policy TR-14.2	Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.

## **Environmental Checklist and Discussion of Impacts**

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-5
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-5
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-5

## **Impact Discussion**

The project site is surrounded by primarily residential uses. The Village Plan is a policy document which provides guidance for future development and investment within the Village boundary, like future housing and job growth. This Plan is not a development proposal and adoption of this Plan will not directly result in any physical development (demolition or construction) in the area. If and when a private property owner wishes to redevelop their land, they will be required to comply with the Village Plan, City policies and regulations, as well as the City's permitting process. The Village Plan amends the General Plan's Land Use/Transportation Diagram to provide more specificity of how the area will accommodate the allocated jobs square footage and housing units within the Village boundary. The proposed changes to the Land Use/Transportation Diagram are consistent with the General Plan FPEIR, SEIR, and Addenda thereto, as the General Plan intends to revitalize the area by creating a transit-oriented, pedestrian/bicycle-friendly environment with a vibrant urban character. The changes include design guidelines, which ensure compatibility with the surrounding uses, integrating future projects with the surrounding neighborhood and existing development. The changes to the Land Use/Transportation Diagram are not anticipated to cause development incompatible with its surroundings through the implementation of Design Guidelines, Village goals and standards, Zoning Ordinance regulations, and other applicable regulations, and would not result in a significant impact on an established community.

The Village area is designated Urban Village under the General Plan which supports a wide variety of commercial, residential, institutional or other land uses with an emphasis on establishing an attractive urban form in keeping with the Village concept. The uses and the associated maximum densities are determined for each site under the proposed Village Plan, all of which are consistent

with the existing Village identification. The proposed number of housing units and jobs square footage are consistent with those determined under the General Plan. The changes to the Land Use/Transportation Diagram are not anticipated to cause development incompatible with its surroundings through the implementation of Design Guidelines, Village goals and standards, Zoning Ordinance regulations, and other applicable regulations, and would not result in significant land use conflicts.

### ***Santa Clara Valley Habitat Plan/Natural Community Conservation Plan***

As discussed in *Section 4.4 Biological Resources*, the project site is located within the Santa Clara Valley Habitat Plan. The Urban Village is within *Area 1: Private Development* and *Area 4: Urban Development Equal to or Greater Than 2 Acres Covered* and the Urban Village area is under the land cover designation of *Urban-Suburban*. The *Urban-Suburban* designation is for land that has been identified for residential, commercial, industrial, or other urban development, and is defined as having one or more structures per 2.5 acres. The proposed Village has various land use designations that support the abovementioned uses, and is therefore consistent with the land use assumptions for the area in the Habitat Plan.

The Habitat Plan requires payment for nitrogen deposition fees for all covered projects that generate net new trips and create or replace more than two acres of impervious surfaces. As this is not a development project, the assessment of the impact under the Habitat Plan's covered species cannot be assessed, and the impacts would be assessed on a project by project basis during Planning entitlements. Therefore, the Village Plan is not a "Covered Project."

The City of San José, however, adopted the Santa Clara Valley Habitat Conservation Plan EIR which determined a cumulative nitrogen deposition impact. To address the cumulative impact, the City determined that all projects generating new vehicle trips would be subject to payment of the nitrogen deposition fee.

### ***Envision San José 2040 General Plan***

The Village Plan would establish new General Plan land use designations for all properties within its boundary, including: *Public/Quasi-Public*, *Neighborhood/Community Commercial*, *Mixed-Use Commercial*, *Urban Residential*, *Residential Neighborhood* and *Urban Village*. As part of the cleanup in removing properties from the Village Plan, new General Plan land use designations for properties previously in the boundary will be changed to the following: *Residential Neighborhood*, *Public/Quasi-Public*, *Transit Residential*, *Urban Residential*, *Open Space*, *Parklands*, and *Habitat*, and *Mixed-Use Commercial*. Once the Plan is approved, all future development projects would find consistency with the General Plan by conforming with their land use designation as identified in the Village Plan. The proposed Village Plan is consistent with the General Plan goals and policies in that it accommodates the designated growth within its boundaries, which aims to transform the area with appropriate urban form that supports walking, transit use, and public interaction. For these reasons, the Village Plan as proposed is consistent with the General Plan.

### **Conclusion**

The Village Plan would not physically divide an established community or conflict with plans, policies, or regulations adopted for the purpose of avoiding an environmental impact. Implementation of the proposed changes to the Land Use /Transportation Diagram would not result in new or more significant land use impacts than disclosed in the General Plan FPEIR, SEIR, and Addenda thereto. **(Same Impact as Approved Project)**

**Environmental Checklist and Discussion of Impacts**

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
Would the project:					
a) 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Significant Impacts Identified in the General Plan FEIR**

Based on information from the Department of Finance, the City of San José population was estimated to be approximately 1,049,187 in January 2020.<sup>1</sup> In 2014, there were approximately 382,200 jobs in San José. The General Plan assumptions, as amended in the first Four-Year Review in 2016, envisions a Jobs/Employee Resident ratio of 1.1/1 or 382,000 jobs by 2040.<sup>2</sup> To meet the current and projected housing needs in the City, the Envision San José 2040 General Plan identifies growth areas such as Urban Villages new employment and residential development by 2040.

The jobs/housing balance is the relationship between the number of housing units required as a result of local jobs and the number of residential units available in the City. This relationship is quantified by the jobs/employed resident ratio. When the ratio reaches 1.0, a balance is struck between the supply of local housing and local jobs. The jobs/employed resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing. At the time of preparation of the Envision San José 2040 General Plan FEIR, San José had a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident) but this trend is projected to reverse with full build-out under the current General Plan.

<sup>1</sup> California Department of Finance. Table 2: E-5 City/County Population and Housing Estimates, 1/1/2020. Available at: <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/>. Accessed August 24, 2020.

[1] State of California Employment Development Department. Available at: <http://www.labormarketinfo.edd.ca.gov/data/labor-force-and-unemployment-for-cities-and-census-areas.html>, accessed August 24, 2020.

<sup>2</sup> City of San José. *Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report and Supplemental Program Environmental Impact Report*. November 2016. Page 16.

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

Job growth allowed under the General Plan could require substantial residential development elsewhere in the region to provide adequate housing opportunities for future workers. This was identified as a significant unavoidable population and housing and growth inducing impact.

**Discussion** The proposed Village Plan does not change the amount of jobs and housing assigned to it in the Envision San José 2040 General Plan. Population assumptions would not change. Therefore, the impact would remain significant and avoidable.

**Conclusion** The proposed Village Plan would not result in any new or substantially more severe population and housing and growth inducing impacts than previously identified in the Envision General Plan FPEIR, SEIR, and Addenda thereto. **(Same Impact as Approved Project)**

**Setting*****Climate and Topography***

The City of San José is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin. The project area's proximity to both the Pacific Ocean and the San Francisco Bay has a moderating influence on the climate. This portion of the Santa Clara Valley is bounded by the San Francisco Bay to the north and the Santa Cruz Mountains to the southwest, and the Diablo Range to the east. The surrounding terrain greatly influences winds in the valley, resulting in a prevailing wind that follows the valley's northwest-southwest axis.

***Regional and Local Criteria Pollutants***

Major criteria pollutants, listed in "criteria" documents by the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB), include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter (PM). These pollutants can have health effects such as respiratory impairment and heart/lung disease symptoms.

Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each air pollutant. The Bay Area, as a whole, does not meet state or federal ambient air quality standards for ground level ozone and fine particulate matter (PM<sub>2.5</sub>) and state standards for particulate matter (PM<sub>10</sub>). The area is considered in attainment or unclassified for all other pollutants.

***Local Community Risks/Toxic Air Contaminants and Fine Particulate Matter***

Besides criteria air pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs). TACs tend to be localized and are found in relatively low concentrations in ambient air. Exposure to low concentrations over long periods, however, can result in adverse chronic health effects. Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average).

Fine Particulate Matter (PM<sub>2.5</sub>) is a complex mixture of substances that includes elements such as carbon and metals; compounds such as nitrates, organics, and sulfates; and complex mixtures such as diesel exhaust and wood smoke. Long-term and short-term exposure to PM<sub>2.5</sub> can cause a wide range of health effects. Common stationary sources of TACs and PM<sub>2.5</sub> include gas stations, dry cleaners, and diesel backup generators. The other, more significant, common source is motor vehicles on roadways and freeways.

Mobile TAC sources within 1,000 feet of the project site include Interstate 280, located 70 feet from the northern boundary of the site, McArthur Avenue, located 190 feet from the western boundary, and Moorpark Avenue located adjacent to the southern boundary of the site.

## ***Sensitive Receptors***

The Bay Area Air Quality Management District (BAAQMD) defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill, and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, hospitals, and medical clinics. Sensitive receptors near the project site include the adjacent residential uses.

## ***Federal, State, and Regional Regulations***

Federal, state, and regional agencies regulate air quality in the San Francisco Bay Area Air Basin, within which the proposed project is located. At the federal level, the USEPA is responsible for overseeing implementation of the Federal Clean Air Act and its subsequent amendments. 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.

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

Regional Air Quality Management Districts, such as BAAQMD, must prepare air quality plans specifying how state air quality standards would be met. BAAQMD's most recent adopted plan is the Bay Area 2017 Clean Air Plan (CAP).

For all proposed projects, BAAQMD recommends implementation of the updated Basic Construction Mitigation Measures whether or not construction-related emissions exceed applicable thresholds.

## ***Envision San José 2040 General Plan***

In connection with the implementation of the CAP, various policies in the General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts from development projects. All future redevelopment under the proposed land use designation would be subject to the air quality policies listed in the General Plan, including the following:

### **Envision San José 2040 General Plan Relevant Air Quality Policies**

Policy	Description
Policy MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
Policy MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.

Policy MS-11.1	Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
Policy MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
Policy MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
Policy MS-12.1	For new, expanded, or modified facilities that are potential sources of objectionable odors (such as landfills, green waste and resource recovery facilities, wastewater treatment facilities, asphalt batch plants, and food processors), the City requires an analysis of possible odor impacts and the provision of odor minimization and control measures as mitigation.
Policy MS-12.2	Require new residential development projects and projects categorized as sensitive receptors to be located an adequate distance from facilities that are existing and potential sources of odor. An adequate separate distance will be determined based upon the type, size and operations of the facility.
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
Policy MS-13.3	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.
Policy CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.
Policy TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

## Environmental Checklist and Impact Discussion

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Consistency with Air Quality Plan

Determining consistency with the 2017 CAP involves assessing whether the project would conflict with the primary goals of the 2017 CAP (i.e., protecting public health and protecting the climate) or prevent implementation of Control Measures contained in the 2017 CAP. The 2017 CAP defines an integrated, multipollutant control strategy to reduce emissions of particulate matter, toxic air contaminants, ozone precursors, and greenhouse gasses. The 2017 CAP includes control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. The control measures are divided into five categories that include:

- Measures to reduce emissions from stationary and area sources;
- Mobile source measures;
- Transportation control measures;
- Land use and local impact measures; and
- Energy and climate measures

The project is a General Plan amendment for the adoption of the North 1st Street Local Transit Village Plan, including modifications to the boundary and changes to General Plan land use designations on properties within and outside the boundary of the Village Plan consistent the identified growth capacity for this Urban Village as designated in the Envision San José 2040

General Plan. The project does not include a specific development that could be compared to control measures for stationary, area, or mobile sources or energy control measures. Project design and conditions for vehicle, bicycle and pedestrian access and access to public transit would be reviewed for consistency with City General Plan policies and Design Guidelines by the City (e.g., building energy efficiency, energy use, provision for pedestrian and bicycle modes, appropriate transportation demand management [TDM] measures) that correspond with Control Measures in the 2017 CAP. This review would be undertaken during the development environmental and permit review phase.

Exposure of sensitive receptors to TAC and PM<sub>2.5</sub> emissions that might be associated with construction of a future project would be required to implement City's Standard Permit Conditions for dust and diesel exhaust control in addition to any project specific measures as identified through the City's environmental review. Conformance with policies MS-11.1 and MS-13.3 and implementation of Standard Permit Conditions at the time of construction would reduce impacts and would not conflict with control measures in the 2017 CAP to reduce air pollutant emissions or the goals of protecting public health or the climate. The project would also not affect population forecasts used for 2017 CAP projections and would not conflict with implementation of the 2017 CAP. The project, therefore, would not result in new or more significant air quality impacts related to implementation of an air quality plan that was identified in the General Plan FPEIR, SEIR, and Addenda thereto. **(Same Impact as Approved Project)**

### **Air Quality Standards and Criteria Pollutants**

The General Plan FPEIR, SEIR, and Addenda states that new development and redevelopment allowed under the General Plan could increase air pollutant emissions and concentrations within the Air Basin. Reducing vehicles miles travelled (VMT) through concentrating residential and employment growth could result in lower levels of air pollutant emissions and less congestion on area roadways and intersections by reducing the need for commuters to travel long distances between work and home. VMT is potentially affected by a range of factors including, but not limited to: population demographics; economic, social, and cultural influences; the mix of employment activities; the distance between employee residences and their work places; the proximity of employment and residential uses to transit systems; congestion levels on roadways and diversion from congested roadways to other roadways, transit or other modes; and the availability of alternative modes of transportation, such as the regional transit system.

Implementation of the General Plan and City policies and existing regulations and programs would reduce air pollutant emissions per capita, but not to a less than significant level. The growth of employment and housing developments within the City, including this Village, has been previously analyzed in the General Plan FPEIR, SEIR, and Addenda thereto for air quality effects. **(Same Impact as Approved Project)**

As part of Standard Permit Conditions, construction of any future development on the site would be required to implement BAAQMD's Best Management Practices for dust control in accordance with the City's General Plan policies MS-13.1 and MS-13.3. For these reasons, the proposed General Plan Amendment would not result in a cumulatively considerable net increase of criteria pollutants beyond that was previously identified in the General Plan FPEIR, SEIR, and Addenda thereto for air quality effects. **(Same Impact as Approved Project)**

### **Sensitive Receptors and Odors**

While there are sensitive receptors adjacent to the project site, the future development allowed under the proposed General Plan Amendments, Rezonings, and Municipal Code updates are not expected to result in any localized emissions that could expose sensitive receptors in the surrounding environment to unhealthy air pollutant levels, which typically come from industrial uses involving gas stations, incinerators, automotive repair, cooling towers, dry cleaners, and metal melting.<sup>3</sup> Residential, office, and typical commercial uses anticipated with the Village are not stationary sources of major toxic air contaminants (TAC), and do not involve significant diesel-powered trucks that generate mobile TAC emissions.

Future construction under the proposed Village would require the use of diesel equipment (e.g., generators, excavators, dozers, graders, etc.). The exhaust from diesel equipment contains diesel particulate matter, which is a known TAC. Depending on the proximity and duration of use, the operation of diesel equipment on the project site during future construction activities under the proposed land use designation has the potential to expose the occupants of the surrounding residences to substantial TAC emissions. Consistent with General Plan Policy MS-13.1, this impact would be addressed at the time a specific project is proposed on the project site and mitigation measures (e.g., use of alternative fuel construction equipment) would be required to reduce the impact to a less than significant level, if necessary. Once construction is complete, operation of future developments would not be a source TAC emissions and, therefore, would not expose sensitive receptors to substantial pollutant concentrations. For these reasons, new development and redevelopment under the proposed Urban Village would not generate new or greater air quality impacts to sensitive receptors that were not previously identified in the General Plan FPEIR, SEIR, and Addenda thereto. **(Same Impact as Approved Project)**

Odors are generally regarded as an annoyance rather than a health hazard. The ability to detect odors varies considerably among the population and people may have different reactions to the same odor. The General Plan FPEIR does not identify any potential odor sources in the project area. No new stationary odor sources, such as industrial material processing or recycling, are anticipated as part of the General Plan Amendments, Rezonings, and Municipal Code updates for the Village. In the event that eventual development projects within the Village were to involve land uses that emit regulated odors, as part of permit conditions developments would be required to adhere to the BAAQMD CEQA Air Quality Guidelines, which, provide a list of odor screening distances for specific odor-generating facilities and General Plan Policy MS-12.1 for locating new residential development a certain distance from existing odor generating facilities. While construction activities from future development can create odors, odors during construction would be temporary and would not affect a substantial number of people. For these reasons, new development and redevelopment under the proposed Urban Village would not create objectionable odors affecting a substantial number of people or odor impacts that were not previously identified in the General Plan FPEIR, SEIR, and Addenda thereto. **(Same Impact as Approved Project)**

## **Conclusion**

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<sup>3</sup> California Air Toxics Program. Updated June 8, 2018. <https://www.arb.ca.gov/toxics/toxics.htm> Accessed August 28, 2018.

Implementation of the proposed Village Plan would have a less than significant impact on air quality and would not expose sensitive receptors on or off site to excessive pollutants. Future development of the project site under the proposed land use designations, in conformance with existing General Plan policies, would ensure that the project would not result in new or more significant odor impacts than identified in the General Plan FPEIR, SEIR, and Addenda thereto. **(Same Impact as Approved Project)**

**Setting****Applicable Plans, Policies, and Regulations*****Federal Endangered Species Act and California Endangered Species Act***

The Federal Endangered Species Act and California Endangered Species Act protect listed wildlife species from harm or “take,” which can include habitat modification or degradation that directly results in death or injury to a listed wildlife species. The long-term purpose of these laws are to ultimately restore listed wildlife species numbers to where they are no longer threatened or endangered.

***Federal Migratory Bird Treaty Act***

The Federal Migratory Bird Treaty Act protects migratory birds. It prohibits killing, taking, selling, 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. State Fish and Game Code

Birds of prey, such as owls and hawks, are protected in California under provisions of the State Fish and Game Code, it is “unlawful to take, possess, or destroy any birds in the order falconiformes or strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Construction disturbance during the breeding season can result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “taking” by the California Department of Fish and Wildlife (CDFW).

***Santa Clara Valley Habitat Plan/Natural Community Conservation Plan***

The Santa Clara Valley Habitat Plan (Habitat 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 southern Santa Clara County. The Habitat Plan is a regional partnership between six Local Partners (the County of Santa Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, and the cities of San José, Gilroy, and Morgan Hill) and two Wildlife Agencies (the CDFW and the United States Fish and Wildlife Service [USFWS]).

The Habitat 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.

The Habitat Plan requires nitrogen deposition fees for all study area projects that generate new vehicle trips in order to address cumulative nitrogen deposition impacts. Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the Habitat Plan study area, as well as the host plants that support the Bay checkerspot butterfly. Mitigation for the impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. Fees collected under the Habitat Plan for new vehicle trips will be used to purchase conservation land for the Bay checkerspot butterfly.

### ***Riparian Corridor and Bird-Safe Building Policy 6-34***

The City of San José's Riparian Corridor and Bird Safe Building Policy, adopted in September 2016, provides guidance consistent with the goals, policies, and actions of the General Plan for: 1) protecting, preserving, or restoring riparian habitat; 2) limiting the creation of new impervious surface within Riparian Corridor setbacks to minimize flooding from urban runoff, and control erosion; and 3) encouraging bird-safe design in bay lands and riparian habitats of lower Coyote Creek, north of State Route 237. It supplements the regulations for riparian corridor protection in the Envision San José 2040 General Plan Four – Year Review EIR Addendum (adopted November 2016), and Council-adopted Santa Clara Valley Habitat Plan, the Zoning Code (Title 20 of the San José Municipal Code), and other existing City policies that may provide for riparian protection and bird safe design. The general guidelines for setbacks and lighting apply to development projects within 300 feet of riparian corridors. Bird-Safe design guidance for buildings and structures, including avoiding large areas of reflective glass, transparent building corners, up-lighting and spotlights, applies to projects north of SR 237. Extending or developing bird-safe design guidance for other parts of the City in the future, especially near riparian corridors, is being considered by the City.

### ***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 trees on private property (San José Municipal Code Section 13.32). Ordinance trees are defined as trees over 38 inches' in circumference, or approximately 12 inches in diameter, at a height of 4.5 feet inches above natural grade. Ordinance 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 trees covered under the ordinance.

### ***Envision San José 2040 General Plan***

The General Plan includes the following policies, which are specific to biological resources and are applicable to development projects in San José. All future development under the proposed Village Plan would be subject to these General Plan policies.

### Envision San José 2040 Relevant Biological Policies

Policies	Description
ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
MS-21.8	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals: <ol style="list-style-type: none"> <li>1. Avoid conflicts with nearby power lines.</li> <li>2. Avoid potential conflicts between tree roots and developed areas.</li> <li>3. Avoid use of invasive, non-native trees.</li> <li>4. Remove existing invasive, non-native trees.</li> <li>5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species.</li> <li>6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.</li> </ol>
CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Any adverse effect on the health and longevity of such trees should be avoided through design measures, construction, and best maintenance practices. When tree preservation is not feasible include replacements or alternative mitigation measures in the project to maintain and enhance our Community.

## Environmental Checklist and Impact Discussion

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
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 California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## **Significant Impacts Identified in General Plan FPEIR**

New development and redevelopment allowed under the General Plan would result in emissions of nitrogen compounds that could affect the species composition and viability of sensitive serpentine grasslands. As there was no assurance that the then draft Santa Clara Valley Habitat Plan or other system of managed preserves would be established to offset new nitrogen deposition impacts from vehicular emissions, this impact was identified as significant and unavoidable in the General Plan FPEIR.

## **Discussion**

New development and development allowed under the Village Plan land use assumptions would not change the areas of the City in which new development or redevelopment would occur or allow development closer to sensitive habitats or habitats occupied by special status plant or wildlife species. It would not change policies or Municipal Code requirements designed to protect riparian habitats or maintain the health of the City's urban forest. Subsequent to adoption of the 2040 General Plan, the City approved implementation of the Santa Clara Valley Habitat Plan for covered activities within the boundaries of the plan area. The Habitat Plan requires the acquisition of at least 4,000 acres of serpentine bunchgrass grassland, 120 acres of serpentine rock outcrop, and 10 acres of serpentine seep. These areas will be placed into the Habitat Plan reserve system and actively managed via grazing, weeding, and burning to improve/enhance the habitat. Acquisition of serpentine grassland will occur primarily on Coyote Ridge from Silver Creek south to Anderson Reservoir. Large stands of serpentine grassland will also be acquired in the Santa Teresa Hills, near Chesbro Reservoir, and north of Morgan Hill. These geographically specific land acquisition targets for serpentine grassland are intended to ensure that the most valuable stands are acquired to support the covered serpentine species. Furthermore, the project site is within an urbanized and existing developed area of the City. Future project development would be subject to subsequent review and will comply with the provisions of the Habitat Plan, including payment of fees to establish management preserves designed to offset the effects of development in San José on serpentine grasslands and serpentine species. Therefore, future development of land uses under the Village Plan would not result in new or more significant impacts that previously identified in the General Plan FPEIR, SEIR, and Addenda thereto. **(Same Impact as Approved Project)**

## **Conclusion**

The adoption of the Village Plan would not result in any new or substantially more severe biological resources impacts than previously identified in the Envision General Plan FPEIR, SEIR, and Addenda thereto. The proposed Village Plan would not conflict with provisions of the Santa Clara Valley Habitat Plan, adopted by the City subsequent to certification of the General Plan FPEIR and approval of the General Plan in 2011. **(Same Impact as Approved Project)**

**Background Information**

Unlike emissions of criteria and toxic air pollutants, which are discussed in *Section 4.4 Air Quality* and have local or regional impacts, emissions of Greenhouse Gases (GHGs) have a broader, global impact. Global warming associated with the “greenhouse effect” is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth’s atmosphere over time. The principal GHGs contributing to global warming and associated climate change are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and fluorinated compounds. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial/manufacturing, utility, residential, commercial, and agricultural sectors.

**Existing On-site GHG Emissions**

The project site is currently developed with various land uses including residences, commercial/office, and government agencies. GHG emissions are generated from operation of these uses, and from vehicles traveling to and from the project site.

**Applicable Plans, Policies and Regulations*****California Assembly Bill 32 - California Global Warming Solutions Act***

Under the California Global Warming Solution Act, also known as Assembly Bill 32, California Air Resources Board (CARB) has 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, that identifies how emission reductions will be achieved from significant GHG sources via regulations, market mechanisms and other actions.

On September 8, 2016, Governor Brown signed Senate Bill 32 into law, amending the California Global Warming Solution Act. SB 32 requires the California Air Resources Board to ensure that statewide greenhouse gas emissions are reduced to 40 percent below the 1990 level by 2030. As a part of this effort, CARB is required to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent. CARB has initiated the public process to update the state’s Climate Change Scoping Plan. The updated plan will provide a framework for achieving the 2030 target and is anticipated to be completed and adopted by CARB in 2017.

## ***California Senate Bill 375***

Senate Bill 375 (SB 375), known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. It builds on AB 32 by requiring CARB to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035 in comparison to 2005 emissions. The per capita 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.<sup>4</sup> The four major requirements of SB 375 are:

1. Metropolitan Planning Organizations (MPOs) must meet greenhouse gas emission reduction targets for automobiles and light trucks through land use and transportation strategies.
2. MPOs must create a Sustainable Communities Strategy (SCS), to provide an integrated land use/transportation plan for meeting regional targets, consistent with the Regional Transportation Plan (RTP).
3. Regional housing elements and transportation plans must be synchronized on eight-year schedules, with Regional Housing Needs Assessment (RHNA) allocation numbers conforming to the SCS.
4. MPOs must use transportation and air emissions modeling techniques consistent with guidelines prepared by the California Transportation Commission (CTC).

Consistent with the requirements of SB 375, Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and Bay Conservation and Development Commission (BCDC) to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan (RTP) process. The SCS is referred to as Plan Bay Area. MTC and ABAG adopted *Plan Bay Area* in July 2013. The strategies in the plan are intended to promote compact, mixed-use development close to public transit, jobs, schools, shopping, parks, recreation, and other amenities, particularly within Priority Development Areas (PDAs) identified by local jurisdictions. The project site is located within a PDA. Building upon the development strategies outlined in the original plan, Plan Bay Area 2040 was adopted in July 2017 as a focused update with revised planning assumptions based current demographic trends. Target areas in the Plan Bay Area 2040 Action Plan area related to reducing GHG emissions, improving transportation access, maintaining the region's infrastructure, and enhancing resilience to climate change (including fostering open space as a means to reduce flood risk and enhance air quality).

### ***Bay Area Clean Air Plan***

The Bay Area 2010 Clean Air Plan addresses air emissions in the San Francisco Bay Area Air Basin. One of the key objectives in the CAP is climate protection. The 2010 CAP includes emission control measures and performance objectives, consistent with the state's climate protection goals under AB 32 and SB 375, designed to reduce emissions of GHGs to 1990 levels by 2020 and 40 percent below 1990 levels by 2035. On April 19, 2017, the BAAQMD adopted the 2017 Bay Area Clean Air Plan, (2017 CAP). This plan updates the previous 2010 Clean Air Plan and focuses on two closely-related goals: protecting public health and protecting the climate. To protect the climate, the 2017 CAP

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<sup>4</sup> The emission reduction targets are for those associated with land use and transportation strategies, only. Emission reductions due to the California Low Carbon Fuel Standards or Pavley emission control standards are not included in the targets.

defines a vision for transitioning the region to a post-carbon economy needed to achieve ambitious GHG reduction targets for 2030 and 2050, and provides a regional climate protection strategy that will put the Bay Area on a pathway to achieve those GHG targets.

### ***City of San José Municipal Code***

The City's Municipal Code includes the following regulations that would reduce GHG emissions from future development:

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

### ***City of San José Private Sector Green Building Policy (6-32)***

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. Future redevelopment under the proposed land use designation would be subject to this policy and would be required to achieve a GreenPoint Rated 50 Points or Leadership in Energy and Environmental Design (LEED) Certification, at minimum.

### ***Envision San José 2040 General Plan***

The General Plan includes strategies, policies, and action items that are incorporated in the City's Greenhouse Gas (GHG) Reduction Strategy to help reduce GHG emissions. The GHG Reduction Strategy identifies a series of GHG emissions reduction measures to be implemented by development projects that would allow the City to achieve its GHG reduction goals. The City of San José approved a Supplemental Program EIR for the General Plan to include and update the greenhouse gas emissions analysis in December 2015. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The City's Green Vision, as reflected in these policies, also has a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Guidelines and the recent standards for "qualified plans" as set forth by BAAQMD.

### ***City of San Jose Greenhouse Gas Reduction Strategy***

The City of San José updated its Greenhouse Gas Reduction Strategy, to the 2030 Greenhouse Gas Reduction Strategy (GHGRS), in August 2020, in alignment with SB 32. SB 23 has established an interim statewide greenhouse gas reduction goal for 2030 to meet the long-term target of carbon neutrality by 2045 (EO B-55-18). SB 32 expands upon AB 32, the Global Warming Solutions Act

of 2006, and requires a reduction in greenhouse gas emissions of at least 40% below the 1990 levels by 2030.

The 2030 GHGRS allows for tiering and streamlining of GHG analyses under CEQA because it serves as a qualified Climate Action Plan for the City of San José. The 2030 GHGRS identifies major General Plan strategies and policies to be implemented by development project such as green building practices, transportation strategies, energy use, water conservation, waste reduction and diversion, and other sectors that contribute to GHG reductions and advancements of the City's broad sustainability goals.

The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion.

Compliance with the mandatory measures and voluntary measures required by the City would ensure an individual project's consistency with the 2030 GHGRS. Implementation of the proposed General Plan through 2030 would not constitute a cumulatively considerable contribution to global climate change.

### ***City of San José Municipal Code***

The City's Municipal Code includes the following regulations that would reduce GHG emissions from future development:

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New & Rehabilitated Landscaping (Chapter 15.10)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105)
- Construction & Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

### ***City of San José Private Sector Green Building Policy (6-32)***

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. The proposed project would be subject to this policy.

## **Environmental Checklist and Discussion of Impacts**

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **Significant Impacts Identified in the General Plan FPEIR**

Both the General Plan FPEIR (2011) and the General Plan Supplemental FPEIR (2015) identified significant greenhouse gas emissions. The City's projected 2035 GHG emissions, without further reductions, would constitute a cumulatively considerable contribution to global climate change by exceeding the average carbon-efficiency standard and in total emissions compared to emissions in 2008 necessary to maintain a trajectory to meet statewide 2050 goals as established by Executive Order S-3-05. Mitigation measures, in the form of additional policies to be implemented by the City, were identified in the 2015 Supplemental FPEIR; however, given the uncertainties of achieving the needed emission reductions, the identified significant impacts were determined to be significant and unavoidable. The thresholds of significance utilized an efficiency metric, based upon an approach in the 2011 BAAQMD CEQA Guidelines.

### **Discussion**

#### ***Overview of Impact Assessment – Generating GHG Emissions***

GHG emissions worldwide cumulatively contribute to the significant adverse environmental impacts of global climate change. No single land use project could generate sufficient GHG emissions on its own to noticeably change the global average temperature. The combination of GHG emissions from past, present, and future projects in San José, the entire state of California, across the nation and around the world, contribute cumulatively to the phenomenon of global climate change and its associated environmental impacts.

Per the CEQA Guidelines, a lead agency may analyze and mitigate significant greenhouse gas emissions in a plan for the reduction of greenhouse gas emissions that has been adopted in a public process following environmental review. The City of San José has an adopted GHG Reduction Strategy that was initially approved by the City Council in November 2011 in conjunction with the General Plan, and following litigation, was re-adopted after certification of a Supplemental EIR in December 2015. The City's projected emissions and the GHG Reduction Strategy are consistent with measures necessary to meet statewide 2020 goals established by AB 32 and addressed in the Climate Change Scoping Plan.

The City's GHG Reduction Strategy measures center around five strategies: energy, waste, water, transportation, and carbon sequestration. Some measures are considered mandatory for all proposed development projects while others are considered voluntary. Voluntary measures could be incorporated as mitigation measures for future proposed projects at the discretion of the City.

Compliance with the mandatory measures and any voluntary measures required by the City would ensure an individual project's consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would then be considered to have a less than significant impact related to GHG emissions.

### ***Construction Greenhouse Gas Emissions***

Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of San José nor BAAQMD has established a quantitative threshold or standard for determining whether a project's construction-related GHG emissions are significant. Because project construction would be a temporary condition, would not result in a permanent increase in emissions that would interfere with the implementation of AB 32, the increase in emissions would be consistent with the GHG Reduction Strategy. The proposed Village Plan, therefore, would not result in any new or substantially more severe greenhouse gas emissions impacts than previously identified in the Envision General Plan FPEIR, SEIR, and Addenda thereto. **(Same Impact as Approved Project)**

### ***Operational Greenhouse Gas Emissions***

The City of San José 2030 Greenhouse Gas Reduction Strategy outlines the actions the City will undertake to achieve its proportional share of State GHG emission reductions for the interim target year 2030. For this purpose, the City has implemented a Greenhouse Gas Reduction Strategy Compliance Checklist for project level proposal.

The project site is within an urbanized and existing developed area of the City. Future project development would be subject to subsequent review and will comply with the provisions of the GHGRS including incorporation of green building codes, design for pedestrian and transit oriented developments, and enrollment in San Jose Clean Energy, as appropriate.

The City's GHG Reduction Strategy, as well as local and state regulations for low carbon and no carbon fueled transportation, energy, efficiency, and the California Renewables Portfolio Standard, are measures that would minimize cumulative GHG impacts. Future redevelopment of the project site under the proposed Urban Village Plan, consistent with the City's GHG Reduction Strategy, would not result in a significant operational GHG emissions impact as compared to the BAAQMD threshold for 2030 GHG emissions. The project, a General Plan Amendment for proposed land use designations within the Urban Village Plan, would not result in any new or greater impacts than were previously identified in the Envision 2040 General Plan FPEIR, SEIR, and Addenda thereto. **(Same Impact as Approved Project)**

## *San José Zero Waste Strategic Plan/Climate Smart San José*

Climate Smart San José provides a comprehensive approach to achieving sustainability through new technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José foster a healthier community and achieve its Climate Smart San Jose goals, including 75 percent diversion of waste from the landfill by 2013 and zero waste by 2022. Climate Smart San José also includes ambitious goals for economic growth, environmental sustainability, and enhanced quality of life for San José residents and businesses.

### **Conclusion**

The proposed Village Plan would not result in any new or substantially more severe greenhouse gas emissions impacts than previously identified in the Envision 2040 General Plan FPEIR, SEIR, and Addenda thereto. **(Same Impact as Approved Project)**

## 4.7 NOISE AND VIBRATION

As overall vehicle miles traveled and vehicle trips have increased along with an increased population and jobs, noise levels on some roadways are expected to have increased, as projected in the General Plan FPEIR, SEIR, and Addenda thereto.

### **Applicable Plans, Policies, and Regulations**

#### ***2014 State Building Code, Title 24, Part 2***

The State Building Code, Title 24, Part 2 of the State of California Code of Regulations establishes uniform minimum noise insulation performance standards to protect persons within new buildings which house people, including hotels, motels, dormitories, apartment houses and dwellings other than single-family dwellings. Title 24 mandates that interior noise levels attributable to exterior sources shall not exceed 45 dB DNL or CNEL in any habitable room.

#### ***Envision San José 2040 General Plan***

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to noise and vibration. All future development under the proposed Village Plan would be subject to these General Plan policies. In addition, the noise and land use compatibility guidelines set forth in the General Plan are shown in Table 4.12-2.

#### **Envision San José 2040 Relevant Noise and Vibration Policies**

Policies	Description
Policy ES-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:

##### **Interior Noise Levels**

- The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.

##### **Exterior Noise Levels**

- The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan or Table 4.12-1 in this Initial Study). Residential uses are considered "normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.




## Envision San José 2040 Relevant Noise and Vibration Policies

Policies	Description
Policy EC-1.2	<p>Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan or Table 4.12-1 in this Initial Study) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:</p> <ul style="list-style-type: none"> <li>• Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain “Normally Acceptable”; or</li> <li>• Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level.</li> </ul>
Policy EC-1.3	Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to uses through noise standards in the City’s Municipal Code.
Policy EC-1.6	Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City’s Municipal Code.
Policy EC-1.7	<p>Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City’s Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:</p> <ul style="list-style-type: none"> <li>• Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.</li> </ul> <p>For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.</p>
Policy EC-2.3	<p>Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or building that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Equipment or activities typical of generating continuous vibration include but are not limited to: excavation equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.</p>

## City of San José Municipal Code

The Municipal Code restricts construction hours within 500 feet of a residential unit to 7:00 AM to 7:00 PM Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.

The Zoning Ordinance limits noise levels to 55 dBA  $L_{max}$  at any residential property line and 60 dBA  $L_{max}$  at commercial property lines, unless otherwise expressly allowed in a Development Permit or other planning approval. The Zoning Ordinance also limits noise emitted by stand-by/backup and emergency generators to 55 dBA at the property line of residential properties. The testing of generators is limited to 7:00 AM to 7:00 PM, Monday through Friday.

Table 4.12-2: General Plan Land Use Compatibility Guidelines						
Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care <sup>1</sup>						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						
<p>Notes: <sup>1</sup>Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.</p> <p><b>Normally Acceptable:</b>  Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.</p> <p><b>Conditionally Acceptable:</b>  Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.</p> <p><b>Unacceptable:</b>  New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.</p>						

## Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
Would the project result in:					
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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"/>	<input type="checkbox"/>
f)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## **Discussion**

The General Plan FPEIR and Addenda thereto anticipated increase in vehicular traffic from implementation of the General Plan would result in a significant increase in traffic noise levels on roadway segments and significant noise impacts to sensitive land uses adjacent to roadways throughout the City. Adequate mitigation measures for all outdoor areas and existing development near heavily traveled transportation corridors may not be feasible to implement and this impact was identified as significant and unavoidable. The proposed Village Plan would not change land use assumptions for the locations of new residential or other sensitive receptor development. Therefore, it would not result in any new or substantially more severe noise impacts than previously identified in the Envision General Plan FPEIR, SEIR, and Addenda thereto. **(Same Impact as Approved Project)**

## 4.8 TRANSPORTATION

### **Existing Conditions**

The Valley Transportation Authority (VTA) has local bus, bus rapid transit routes, light rail, and is planning the Bay Area Rapid Transit (BART) route along East Santa Clara Street, connecting East San José to the Downtown.

### ***Regional Access***

Regional access to the project site is provided via Interstate 280 (I-280), State Route 87 (SR-87) and Highway 101 (US-101).

### ***Local Access***

Local access to the project site is provided through a variety of streets, though mainly served by North 1<sup>st</sup> Street, East/West Hedding Street, and East/West Taylor Street.

### ***Pedestrian and Bicycle Facilities***

There are multiple bicycle routes through the Village including:

- Bike Boulevard on North San Pedro, Hobson Street, and Mission Street;
- Protected Bike Lanes on North 1<sup>st</sup> Street, from Interstate 880 to Taylor Street, from Guadalupe Parkway to North 1<sup>st</sup> Street
- Bike lanes on East Taylor Street (from North 1<sup>st</sup> Street to North 4<sup>th</sup> Street), and on Mission Street from North San Pedro to North 1<sup>st</sup> Street.

Sidewalks exist throughout the Village, but some segments need repair. Crosswalks with pedestrian signal heads are located at all signalized intersections in the Village (except at the intersection of Jackson Street and at the intersection of North 1<sup>st</sup> Street).

### ***Transit Service***

The Village is served by public transit with two light rail lines, the blue and green lines, which run to South San Jose, Campbell, and North San José. Route 61 also serves the Village. Route 61 serves West San Jose and Berryessa.

### ***Envision San José 2040 General Plan***

The Circulation Element of the General Plan contains several long-term goals and policies that are intended to:

- Provide a transportation network that is safe, efficient, and sustainable (minimizes environmental, financial, and neighborhood impacts);
- Improve multimodal accessibility to employment, housing, shopping, entertainment, schools, and parks;
- Create a city in which people are less reliant on driving to meet their daily needs; and

- Increase bicycle, pedestrian, and transit travel, while reducing motor vehicle trips.

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to transportation. All future development under the proposed Village Plan would be subject to these General Plan policies.

<b>Envision San José 2040 Relevant Transportation Policies</b>	
<b>Policy</b>	<b>Description</b>
Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
Policy TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
Policy TR-1.5	Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
Policy TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-5.3	The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas and specified exceptions identified in the General Plan for Area Development Policies, small projects, the Downtown Core Area, Special Strategy Areas, and Protected Intersections. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.
Policy TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
Policy TR-8.6	Allow reduced parking requirements for mixed-use developments and for developments provided shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Urban Villages and other Growth Areas.
Policy TR-8.9	Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.
Policy TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

### Envision San José 2040 Relevant Transportation Policies

Policy	Description
Policy CD-2.3	Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.

### ***San José Better Bike Plan***

The San José Better Bike Plan 2025 defines the City’s vision to make bicycling an integral part of daily life in San José and contains policies for guiding the development and maintenance of bicycle and trail facilities within San José. The plan also includes the following goals for improving bicycle access and connectivity: 1) improving safety, 2) increase bike mode share, and 3) lead with equity. The Bike Plan defines a 100-mile network of bikeways that focuses on connecting off-street bikeways with on-street bikeways, in addition to achieving a 15% cityside bicycle mode shift by 2040 and a 20% citywide bicycle mode shift by 2050. Better Bike Plan also looks to eliminate all roadway fatalities and major injuries, expand the availability of sidewalk bike parking, secure bike parking, and end-of-trip facilities at transit stops, achieve gold status for bike friendly status, and expand shared micromobility (bike and scooter share).

### ***San José Transportation Impact 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 under CEQA, as suggested by SB 743. According to the policy, a residential project’s transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average citywide per capita VMT. An employment (e.g., office, R&D) project’s transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional per employee VMT. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional per employee VMT. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. If a project’s VMT does not meet the established thresholds, mitigation measures would be required, where feasible.

The policy also requires preparation of a Local Transportation Analysis (LTA) to analyze non-CEQA transportation issues, which may include local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and to recommend needed transportation improvements.

### **Environmental Checklist and Discussion of Impacts**

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
<b>Would the project:</b>					
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **Significant Impacts Identified in the General Plan PEIR**

New development and redevelopment allowed under the General Plan was identified to result in four significant transportation impacts. These include:

- Generation of a significant increase in vehicular traffic, resulting in a level of VMT per service population which is a substantial increase over the baseline conditions in 2008.
- Significant increases in congestion on already congested roadways that cross most of the City's 27 identified screenlines.
- Adverse impacts on 12 of 14 Transit Priority Corridors from significant increases in traffic congestion.

- Significant increases in traffic congestion on congested roadways in 13 of 14 neighboring cities and on County and Caltrans facilities.

Policies and goals included in the General Plan would not reduce the identified impacts to transportation impacts. Such policies and goals include development of a transportation policy to reduce VMT and GHG. Even so, the General Plan FPEIR concluded that these impacts would be significant and unavoidable for the full built-out of the Envision General Plan 2040.

### **Discussion**

The proposed Village Plan consists of land use changes to the General Plan Land Use/Transportation diagram, but does not change the development capacity assigned to the Village in the Envision San José 2040 General Plan. Future redevelopment of any parcels within the Village Plan would be subject to subsequent review when a project is proposed or known and would be subject to analysis for transportation circulation and VMT. No changes are proposed to the citywide transportation system nor transportation and level of service policies that were adopted as part of the General Plan.

### **Conclusion**

The proposed Village Plan would not result in any new or substantially more severe transportation impacts than previously identified in the Envision General Plan FPEIR, SEIR, and Addenda thereto.  
**(Same Impact as Approved Project)**

## 4.9

## MANDATORY FINDINGS OF SIGNIFICANCE

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 4.18.1 Cumulative Impacts Identified in the General Plan FPEIR

The General Plan FPEIR identified that build out of the General Plan would contribute to five, significant and unavoidable cumulative impacts in the areas of biological resources, land use, noise, population and housing, and transportation. They include:

- Cumulative Biological Resources Impact:  
Cumulative development would result in emissions of nitrogen compounds that could affect the species composition and viability of sensitive grasslands.
- Cumulative Agricultural Resources Impact:  
Build-out of the General Plan in the north Coyote Valley area in conjunction with other planned or proposed development would make a cumulatively considerable contribution to cumulative impacts to agricultural resources.
- Cumulative Noise:  
Increased development in the South Bay Area will result in a significant increase in traffic noise levels on roadway segments throughout the region, beyond accepted noise thresholds in various communities.
- Cumulative Population and Housing:  
Build-out of the General Plan in conjunction with other planned development would contribute cumulatively to impacts arising from a regional jobs-housing imbalance.
- Cumulative Transportation Impact:  
Build-out of the General Plan in conjunction with other planned development in the South Bay Area would result in a substantial contribution to cumulatively significant regional transportation impacts on roadways and highways.

## **Discussion**

Subsequent to the certification of the General Plan FPEIR, the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) was adopted and became effective in October 2013. With the implementation of the Habitat Plan, the cumulative impacts of development City-wide and within the areas of Santa Clara County covered by the Habitat Plan on sensitive serpentine habitats would be offset through conservation and management of land for the Bay checkerspot butterfly. The General Plan's contribution to cumulative nitrogen emissions and impacts on serpentine habitats has been reduced to a less than significant level through implementation of this program. Implementation of the proposed Village Plan would not result in new cumulative biological resources impacts. **(Same Impact as Approved Project)**

The Village is not located in Coyote Valley and would not result in a significant or cumulatively considerable contribution to cumulative impact to agricultural resources. The Village would not change the land use assumptions in the General Plan and therefore would not result in new significant or cumulative considerable impacts to noise, population and housing, and transportation than previously identified in the General Plan FPEIR, SEIR, and Addenda thereto. **(Same Impact as Approved Project)**

## ***Short-Term versus Long-Term Environmental Goals***

As discussed in the General Plan FPEIR, development under the General Plan would result in the intensification of underutilized areas and development of a proportionally small number of vacant

sites within the City's planned Urban Growth Boundary. The current General Plan includes long-term goals for development and redevelopment in San José and the proposed Village Plan would not interfere with the environmental goals of the plan, including progress on meeting the San José's Green Vision for sustainable development. With the implementation of the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan), the General Plan's contribution to cumulative nitrogen emissions and impacts on serpentine habitats has been reduced to a less than significant level through implementation of this program. Therefore, the proposed Village Plan would not result in any new or substantially more severe effects on either short-term or long-term environmental goals than previously identified in the General Plan FPEIR, SEIR, and Addenda thereto.

***Direct or Indirect Adverse Effects on Human Beings***

The proposed Village Plan would not result in any new or substantially more severe direct or indirect adverse effects on human beings than previously identified in the General Plan FPEIR, SEIR, and Addenda thereto. **(Same Impact as Approved Project)**

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