

Appendix A
Notice of Preparation and
Scoping Comments

**NOTICE OF PREPARATION
ENVIRONMENTAL IMPACT REPORT FOR THE
CITY OF SAN JOSÉ 2023-2031 HOUSING ELEMENT UPDATE**

FILE NO.: ER21-032

PROJECT APPLICANT: City of San José

APN: Multiple, Citywide

Project Description: The City of San José (City) proposes a general plan amendment and rezonings to facilitate development of the City’s 2023-2031 Regional Housing Needs Allocation (RHNA) of 62,200 units (project). The project would also include reallocation of 3,095 planned dwelling units from the North San José growth area to other growth areas identified in the Envision San José 2040 General Plan (2040 General Plan). The project is intended to facilitate the development of housing units already planned for as part of the 2040 General Plan; the project would not increase residential development capacity in the City beyond what was envisioned in the 2040 General Plan.

Location: The project location comprises the City of San José, which is located in the easterly half of the Santa Clara Valley at the southern tip of the San Francisco Bay.

As the Lead Agency, the City will prepare an environmental impact report (EIR) for the project referenced above. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency’s statutory responsibilities in connection with the project. If you are affiliated with a public agency, this EIR may be used by your agency when considering subsequent approvals related to the project.

A virtual EIR Scoping Meeting for this project will be held via Zoom:

When: Thursday, December 1, 2022

Time: 6:00 p.m.

Zoom Link: <https://sanjoseca.zoom.us/j/83140706833>

The project description, location, and probable environmental effects that will be analyzed in the EIR for the project can be found on the City's Environmental Review Documents webpage at www.sanjoseca.gov/activeeirs, including the EIR Scoping Meeting information.

According to California law, the deadline for your response is 30 days after receipt of this notice. The City will accept comments on the scope of the EIR until 5 p.m. on Wednesday, December 14, 2022. If you have comments on this Notice of Preparation, please identify a contact person from your organization, and send your response to:

City of San José, Department of Planning, Building and Code Enforcement
Attn: Reema Mahamood, Planner III, Environmental Review
200 East Santa Clara Street, 3rd Floor Tower, San José CA 95113-1905
Phone: (408) 535 – 6872, email: reema.mahamood@sanjoseca.gov

Christopher Burton, Director
Planning, Building and Code Enforcement

Cassandra van der
Zweep

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der Zweep
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Signature

November 7, 2022

Date

NOTICE OF PREPARATION OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE ENVISION 2040 GENERAL PLAN ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF SAN JOSE 2023-2031 HOUSING ELEMENT UPDATE

November 2022

1. INTRODUCTION

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental effects of a proposed project that an agency may implement or approve. The EIR process is intended to provide information sufficient to evaluate a project and its potential for significant impacts on the environment; to examine methods of reducing adverse impacts; and to consider alternatives to the project.

A Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related: 1) geographically; 2) as a chain of contemplated actions; 3) in connection with the issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program; or 4) as individual activities carried out under the same regulatory authority and having generally similar environmental effects. If the lead agency finds that pursuant to Section 15162 of the CEQA Guidelines, no new effects could occur and no new mitigation measures would be required, the agency can approve the activities as being within the scope of the project covered by the Program EIR and new environmental review would not be required.

The present 2023-2031 Housing Element Update (“the Housing Element Update” or “the project”) has been developed to comply with the State law requirements by analyzing existing and projected housing needs, and updating goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing in the City of San José (City). As the lead agency under CEQA, the City has determined that the project includes changes to the land uses evaluated in the Envision San José 2040 General Plan EIR (General Plan EIR) that could involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Therefore, the City has determined that the preparation of a Supplemental EIR to the General Plan EIR is the appropriate environmental review document for the project, pursuant to the requirements of State CEQA Guidelines Section 15162.

The EIR for the proposed project will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. In accordance with the requirements of CEQA, the EIR will include the following:

- A summary of the project;
- A project description;
- A description of the existing environmental setting, environmental impacts, and mitigation measures for the project;
- Alternatives to the project as proposed; and

- Environmental consequences, including (a) any significant environmental effects which cannot be avoided if the project is implemented; (b) any significant irreversible and irretrievable commitments of resources; (c) the growth inducing impacts of the proposed project; and (d) cumulative impacts.

2. PROJECT LOCATION

The project area includes the entire City of San José, which is located in the easterly half of the Santa Clara Valley at the southern tip of the San Francisco Bay. The City is the largest in Santa Clara County, both in terms of population and land area. At slightly over a million people, the City is also the tenth largest city in the United States (U.S.). It is the population center of Silicon Valley, a region where the economy grew significantly even during the pandemic, with Silicon Valley tech companies exceeding \$14 trillion in market capitalization in 2022. **Figure 1** shows the City limits and all of the General Plan-designated growth areas within the City limits.

3. PROJECT DESCRIPTION

Overview

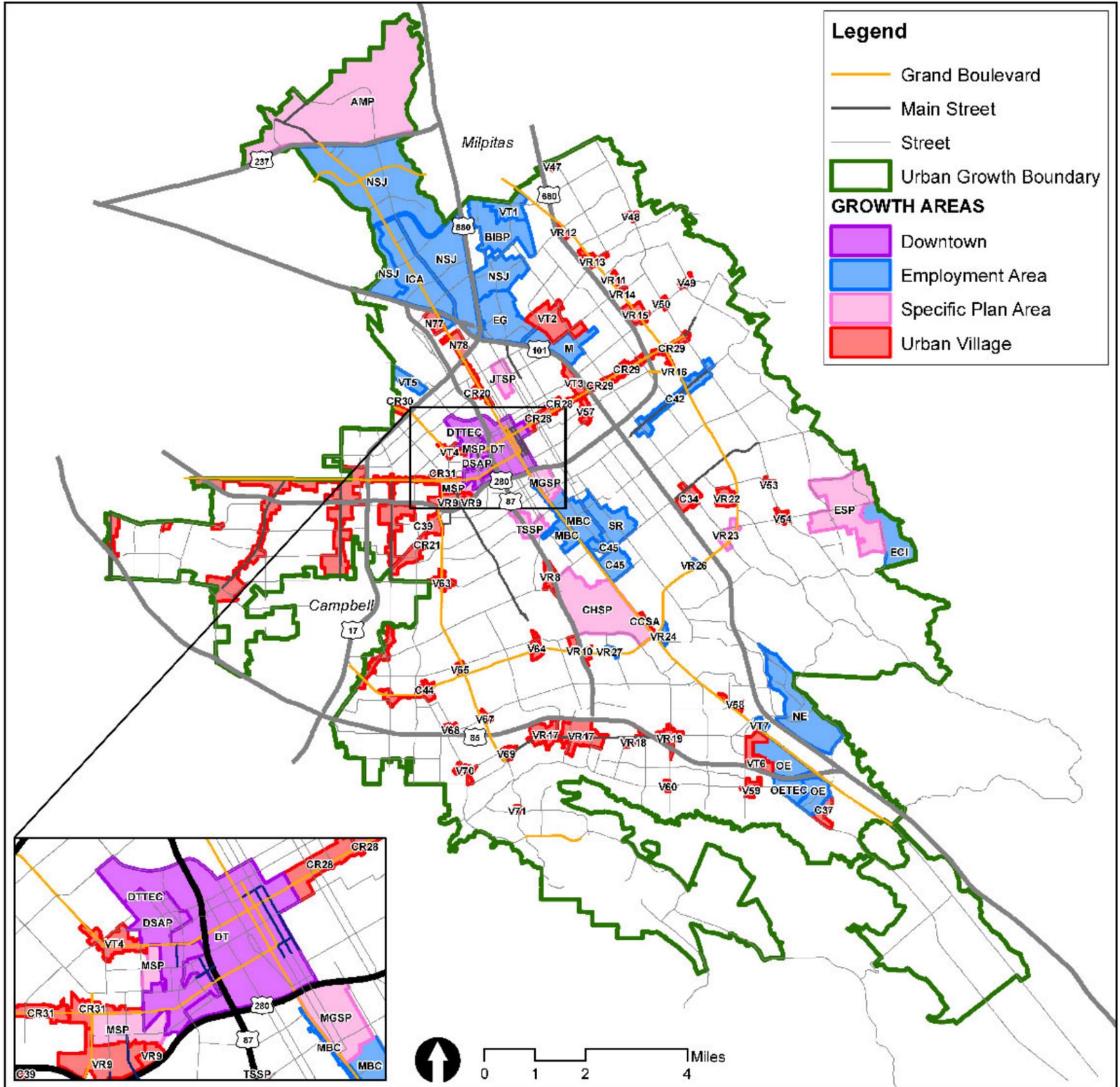
California state law (Government Code Section 65583) requires all cities to adopt a Housing Element that addresses the needs of everyone in the community, at all income levels. Each city and county in the Bay Area must update their current housing element to the satisfaction of the State Department of Housing and Community Development (HCD) by January 31, 2023 and must plan for a number of new housing units referred to as their Regional Housing Needs Allocation (RHNA). The project has been developed to comply with the State law requirements and covers the planning period of January 31, 2023 to January 31, 2031. It is closely aligned with the RHNA projection period, which runs January 1, 2023 to October 31, 2031. A RHNA is generally assigned to each jurisdiction by the Association of Bay Area Government Council of Governments (ABAG) for an eight-year planning period and includes housing units at various level of affordability (very low income, low income, moderate income, and above moderate). The total RHNA for Santa Clara County in the 2023-2031 cycle is 129,927 housing units, of which 62,200 units (approximately 48 percent) are assigned to the City. A breakdown of the City’s RHNA by income category is shown in Error! Reference source not found..

Table 1 Final RHNA Allocation for the Housing Element 6th Cycle

Very low income (<50% of area median income)	Low income (50%- 80% of area median income)	Moderate income (80%-120% of area median income)	Above moderate income (120% of area median income)	Total
15,088	8,687	10,711	27,714	62,200

Source: City of San José 2022

Figure 1 Planned Growth Area



Downtown

- DT = Downtown
- DSAP = Diridon Station Area Plan

Specific Plan Areas

- AMP = Alivio (Master Plan)
- CHSP = Communications Hill
- ESP = Evergreen
- JTSP = Jackson-Taylor (Residential Strategy)
- MGSP = Martha Gardens
- MSP = Midtown
- TSSP = Tamien Station Area
- VR23 = E. Capitol Ex/Silver Creek Rd

Employment Area

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

- C42 = Story Rd
- C 45 = County Fairgrounds

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

Employment Areas (cont.)

- VT1 = Lundy/Milpitas BART
- VT5 = Santa Clara/Airport West (FMC)
- CT7 = Blossom Hill Rd/Monterey Rd

Urban Villages

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

CCSA = Capitol Caltrain Station Area

- CR20 = N. 1st St
- CR21 = Southwest Ex
- CR28 = E. Santa Clara St
- CR30 = The Alameda (West)
- CR 31 = W. San Carlos St
- CR32 = Stevens Creek Bl

- N77 = Rincon South 1
- N78 = Rincon South 2

- V47 = Landess Av/Morrill Av
- V48 = Piedmont Rd/Sierra Rd
- V49 = McKee Rd/Toyon Av
- V50 = McKee Rd/White Rd
- V53 = Quimby Rd/S. White Rd
- V54 = Aborn Rd/San Felipe Rd

Urban Villages (cont.)

- V57 = S. 24th St/William Ct
- V58 = Monterey Rd/Chynoweth Av
- V59 = Santa Teresa Bl/Cottle Rd
- V60 = Santa Teresa Bl/Snell Av
- V61 = Bollinger Rd/Miller Av
- V62 = Bolling Rd/Lawrence Ex
- V63 = Hamilton Av/Meridian Av
- V64 = Almaden Ex/Hillsdale Av
- V65 = Foxworthy Av/Meridian Av
- V67 = Branham Ln/Meridian Av
- V68 = Camden Av/Branham Ln
- V69 = Kooser Rd/Meridian Av
- V70 = Camden Av/Kooser Rd
- V71 = Meridian Av/Redmond Av

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

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

As shown in **Table 2**, approximately 20,399 units have been planned or approved for development consistent with existing 2040 General Plan land use designations and zoning since the 6th cycle RHNA projection period began on June 30, 2022. Additionally, 3,552 permits for accessory dwelling units (ADUs) are forecasted to be issued during the planning period given recent development trends. A total of 204 alternative housing sites have also been identified through HCD’s project Homekey. Together, planned, approved, and forecasted housing units comprise 24,155 housing units out of the City’s total 62,200 RHNA. To achieve the full 62,200 housing units, the City has identified opportunity sites that are vacant or underutilized to allow development for the remaining 38,045 units. Per HCD’s guidelines, the City also included a buffer of 15,387 units (or approximately 25 percent of the 62,200 RHNA), for a total of 53,432 units in opportunity sites and 77,587 units overall. As **Table 2** demonstrates, the Housing Element Update is able to accommodate the City’s share of RHNA at all income levels.

Changes to the Envision San José 2040 General Plan land use designations and zoning to allow for residential units in certain areas of the City will be required for some of these opportunity sites where housing is currently not permitted. These actions are the primary components of the project and are the subject of this EIR.

Table 2 Planned and Projected Housing Units

Type of Housing Unit	Low	Moderate	Above Moderate	Total
Planned and Approved	5,344	178	14,877	20,399
ADUs	2,131	1,066	355	3,552
Alternative Sites	204	0	0	204
Opportunity Sites	21,799	11,779	19,854	53,432
Total	29,478	13,023	35,086	77,587
<i>Buffer</i>	24%	22%	27%	25%

Source: City of San José 2022

Project Components

Growth Areas

Growth areas are areas identified in the 2040 General Plan for higher density development to support job and/or housing growth within the existing City boundaries through redevelopment and intensification of already developed properties. Each of the growth areas identified in the 2040 General Plan have specific development capacities with a maximum number of housing units allowed. By focusing on specific growth areas, the 2040 General Plan sought to reduce environmental impacts while fostering transit use and walkability, protecting the quality of existing

neighborhoods, and enabling the development of new Urban Village areas that are attractive to the growing demographic groups (i.e., an aging population and young workers seeking an urban experience). Growth areas identified in the 2040 General Plan include:

- North San José (including the Rincon Urban Village)
- Downtown
- Diridon Station Area
- Specific Plan Areas
- Neighborhood Business Districts (NBDs)
- Urban Villages with adopted plans (“Planned UVs”)
- Urban Villages without adopted plans (“Unplanned UVs”)

A complete map of all planned growth areas identified by the City is shown in **Figure 1**. To facilitate the development of the 38,045 opportunity site housing units identified in **Table 2**, the City conducted a comprehensive inventory of remaining development capacity in previously identified growth areas and land suitable and available for residential development. The City also considered recent development trends, including the effects of the Covid-19 pandemic (for a full description of the City’s methodology, refer to Chapter 5 of the Housing Element Update). Through this exercise, the City found that some growth areas have an excess of available land suitable for residential development, while some growth areas have an excess of unused residential development capacity. **Table 3** shows the growth areas with available land for residential development that currently lack residential growth capacity as assigned by the 2040 General Plan. As part of the project, the City proposes to reallocate the required units for each growth area from the North San José and Rincon Urban Village Growth Area, which has a planned growth capacity surplus of approximately 23,000 units. The total development capacity for the City would remain unchanged; no additional growth beyond what was analyzed under the 2040 General Plan EIR would occur.

Table 3 Growth Areas Receiving Additional Growth Capacity from North San José

Urban Villages/Growth Areas	Planned Growth Capacity in Housing Element Update (Units)	Remaining Growth Capacity in 2040 General Plan (Units)	Units to be Reallocated from North San José
Saratoga Avenue	680	225	455
Blossom Hill Road/Snell Avenue	753	209	544
Camden Avenue/Hillsdale Avenue	676	450	147
Capitol Expressway/Highway 87 Light Rail	617	531	723

Urban Villages/Growth Areas	Planned Growth Capacity in Housing Element Update (Units)	Remaining Growth Capacity in 2040 General Plan (Units)	Units to be Reallocated from North San José
Curtner Light Rail Station	463	435	28
S. Bascom Avenue (South)	694	195	499
S. De Anza Boulevard	754	463	291
Urban Villages (Aborn Road/San Felipe Road, Almaden Expressway/Hillsdale Avenue, Camden Avenue/Kooser Road, Hamilton Avenue/Meridian Avenue, McKee Road/Toyon Avenue, McKee Road/White Road, Piedmont Road/Sierra Road, Santa Teresa Boulevard/Snell Avenue)	1973	1430	408
Total Reallocation from North San José and Rincon Urban Village			3,095

Source: City of San José 2022

2040 General Plan Amendments and Zoning Code Amendments

Several land use and zoning changes would be required to facilitate the development of the City’s RHNA and to allow for the reallocation of residential development capacity discussed in Growth Areas, above. These would occur within the North San José and Rincon Urban Village growth area. While 2040 General Plan-designated land uses within this growth area are primarily employment-related (i.e., industrial and commercial), a Transit Employment Residential Overlay (TERO) allows for transit-oriented residential development as an alternate use on certain sites within the growth area.

The TERO is intended to make efficient use of land to provide residential units in support of nearby industrial employment centers. This overlay supports residential development as an alternate use at a minimum average net density of 75 units per acre. Sites with this overlay may also be developed with uses consistent with the underlying designation. This designation permits development with commercial uses on the first two floors and residential use on the upper floors, as well as wholly residential projects. Land within this overlay area may also be converted for the development of new schools and parks as needed to support residential development.

Due to a variety of economic factors, development within TERO areas of the North San José and Rincon Urban Village growth area has continued to be primarily employment-related despite the residential overlay, resulting in the 23,000-unit residential development capacity surplus referenced in Growth Areas, above.

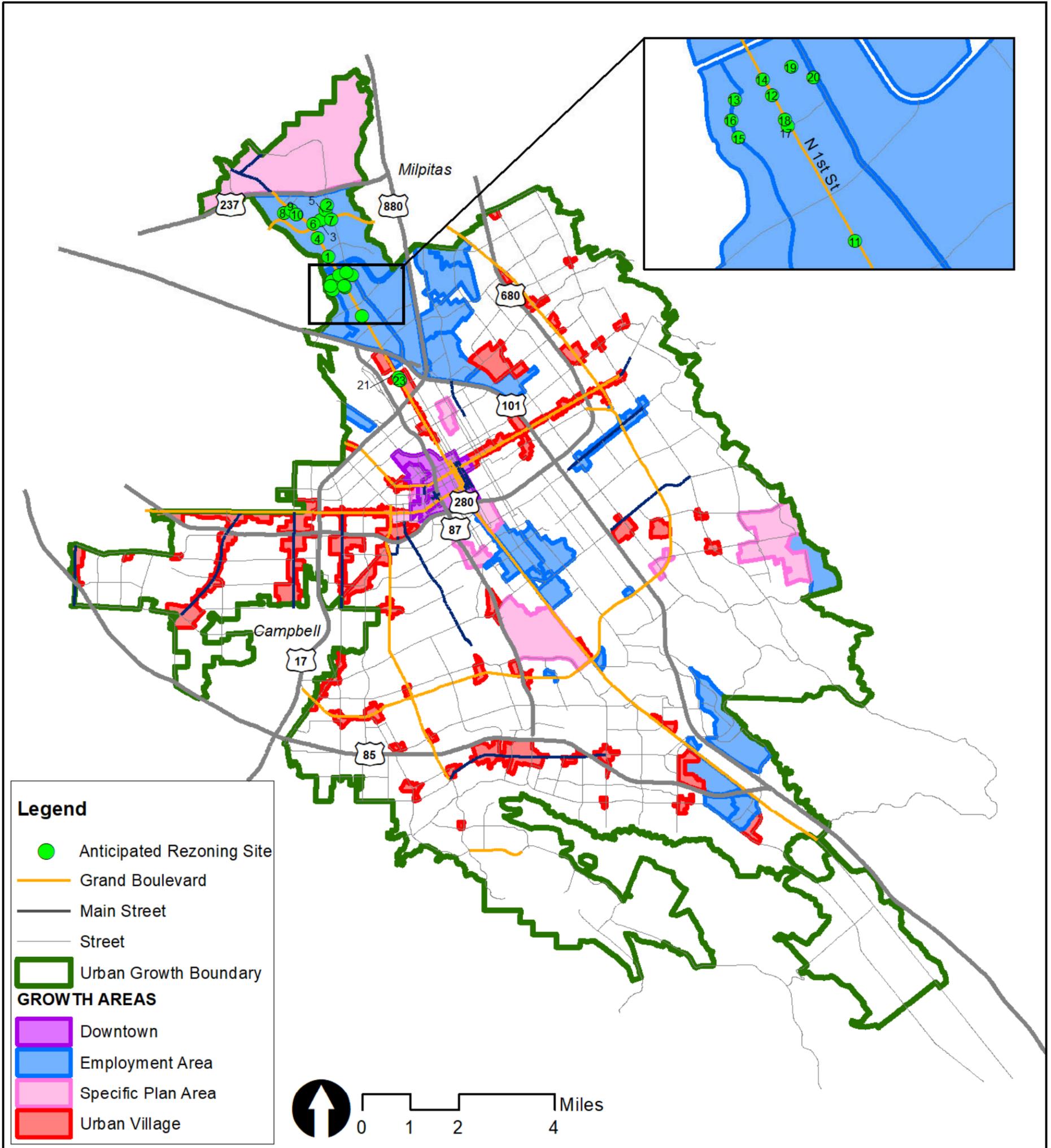
Staff is proposing to add one site (1601 Technology Drive) to the TERO General Plan and Zoning overlay. Staff is proposing to remove the General Plan and Zoning TERO overlay from 9 other sites that are no longer feasible residential properties due to changed circumstances. These sites are identified in **Table 4**.

Similar to the TERO, staff is developing two new General Plan land use designation overlays: the Affordable Housing Overlay (AHO) and Mixed Income Housing Overlay (MIHO). The AHO overlay would support residential development as an alternate use at a minimum average net density of 75 units per acre. The residential uses however must be one hundred percent affordable at incomes at or below eighty percent of area median income (AMI). Sites with this overlay may also be developed with uses consistent with the underlying designation.

The Mixed-Income Housing Overlay (MIHO) would support residential development as an alternate use at a minimum average net density of 75 units per acre. Staff is proposing that at least twenty-five percent (25 percent) of the units built on a MIHO site be affordable at or below eighty percent (80 percent) of area median income (AMI). In addition to the proposed General Plan land use designation overlays, staff is developing zoning overlays, consistent with these designations, that would include development standards. Table 1 8 identifies the sites proposed to be part of these new overlays.

In addition to reallocating 3,095 units to other growth areas shown in **Table 3**, the City proposes to expand the TERO areas within the North San José and Rincon Urban Village growth area to encourage more residential development, as part of the implementation of an updated Housing Element. Zoning in these areas would also be updated, consistent with the new overlay. New TERO sites and accompanying zoning changes are shown in **Table 5** and **Figure 2**.

Figure 2 Anticipated Rezoning Sites



Anticipated Rezoning Sites

- 1 - (APN: 097-06-032) 3331 N 1st St, San Jose, CA, 95134
- 2 - (APN: 097-07-028) 255 Baypointe Pkwy, San Jose, CA, 95134
- 3 - (APN: 097-07-039) 111 Baypointe Pkwy, San Jose, CA, 95134
- 4 - (APN: 097-07-040) 3550 N 1st St, San Jose, CA, 95134
- 5 - (APN: 097-07-047) 240 Baypointe Pkwy, San Jose, CA, 95134
- 6 - (APN: 097-07-063) No Address Assigned, San Jose, CA, 95134
- 7 - (APN: 097-07-085) No Address Assigned, San Jose, CA, 95134
- 8 - (APN: 097-52-027) 71 Vista Montana, San Jose, CA, 95134
- 9 - (APN: 097-53-007) 4001 N 1st St, San Jose, CA, 95134
- 10 - (APN: 097-53-008) 3939 N 1st St, San Jose, CA, 95134
- 11 - (APN: 101-02-011) 2347 N 1st St, San Jose, CA, 95134
- 12 - (APN: 101-29-005) 3011 N 1st St, San Jose, CA, 95134

- 13 - (APN: 101-29-006) 3000 Orchard Pkwy, San Jose, CA, 95134
- 14 - (APN: 101-29-007) 3003 N 1st St, San Jose, CA, 95134
- 15 - (APN: 101-29-010) 2820 Orchard Pkwy, San Jose, CA, 95134
- 16 - (APN: 101-29-011) 2904 Orchard Pkwy, San Jose, CA, 95134
- 17 - (APN: 101-29-012) 3 W Plumeria Dr, San Jose, CA, 95134
- 18 - (APN: 101-29-013) 2825 N 1st St, San Jose, CA, 95134
- 19 - (APN: 101-30-004) 101 Daggett Dr, San Jose, CA, 95134
- 20 - (APN: 101-30-006) 2865 Zanker Rd, San Jose, CA, 95134
- 21 - (APN: 235-02-031) 1488 N 1st St, San Jose, CA, 95112
- 22 - (APN: 235-02-033) 1550 N 1st St, San Jose, CA, 95112
- 23 - (APN: 235-02-035) 1490 N 1st St, San Jose, CA, 95112

Table 4 Sites Removed from TERO Overlay

Parcel ID	Address
097-54-015	250 W Tasman Drive, San José, CA 95134
097-54-016	230 W Tasman Drive, San José, CA 95134
097-54-017	210 W Tasman Drive, San José, CA 95134
097-54-018	190 W Tasman Drive, San José, CA 95134
097-54-019	180 W Tasman Drive, San José, CA 95134
097-54-020	150 W Tasman Drive, San José, CA 95134
097-06-055	Montague Expressway, San José, CA
097-07-029	225 Baypointe Pkwy, San José, CA 95134
097-15-038	Address Not Assigned

Source: City of San José 2022

Table 5 New AHO-MIHO Sites and Anticipated Rezoning

ID#	Location	Current Zoning	Proposed New Zoning Overlay
1	3331 N 1st St, San José, CA, 95134	Industrial Park	MIHOZ
2	255 Baypointe Pkwy, San José, CA, 95134	Industrial Park, TERO Overlay	AHOZ
3	111 Baypointe Pkwy, San José, CA, 95134	Industrial Park	AHOZ
4	3550 N 1st St, San José, CA, 95134	Industrial Park	MIHOZ
5	240 Baypointe Pkwy, San José, CA, 95134	Industrial Park, TERO Overlay	AHOZ
6	Address Not Assigned, San José, CA	Industrial Park, TERO Overlay	AHOZ
7	Address Not Assigned, San José, CA	Industrial Park, TERO Overlay	AHOZ
8	71 Vista Montana, San José, CA, 95134	Industrial Park, TERO Overlay	AHOZ

ID#	Location	Current Zoning	Proposed New Zoning Overlay
9	4001 N 1st St, San José, CA, 95134	Industrial Park	AHOZ
10	3939 N 1st St, San José, CA, 95134	Industrial Park	MIHOZ
11	2347 N 1st St, San José, CA, 95131	Transit Employment Center	MIHOZ
12	3011 N 1st St, San José, CA, 95134	Transit Employment Center	MIHOZ
13	3000 Orchard Pkwy, San José, CA, 95134	Transit Employment Center	MIHOZ
14	3003 N 1st St, San José, CA, 95134	Transit Employment Center	MIHOZ
15	2820 Orchard Pkwy, San José, CA, 95134	Transit Employment Center	MIHOZ
16	2904 Orchard Pkwy, San José, CA, 95134	Transit Employment Center	MIHOZ
17	3 W Plumeria Dr, San José, CA, 95134	Transit Employment Center	MIHOZ
18	2825 N 1st St, San José, CA, 95134	Transit Employment Center	MIHOZ
19	101 Daggett Dr, San José, CA, 95134	Transit Employment Center	MIHOZ
20	2865 Zanker Rd, San José, CA, 95134	Transit Employment Center	MIHOZ
21	1488 N 1st St, San José, CA, 95112	Urban Village	AHOZ
22	1550 N 1st St, San José, CA, 95112	Urban Village	AHOZ
23	1490 N 1st St, San José, CA, 95112	Urban Village	AHOZ

Source: City of San José 2022 Potential Environmental Impacts of the Project

4. PROBABLE ENVIRONMENTAL IMPACTS OF THE PROJECT

The EIR will address the potential environmental impacts associated with the project. Mitigation measures will be identified for significant impacts, as warranted. Given the nature of the project, many environmental categories will have no potential to be impacted by the project. These categories will be addressed in the beginning of the EIR but will not be analyzed in detail. The EIR will focus on the following specific environmental categories which have the potential to be impacted by the project:

Air Quality

The EIR will address the regional air quality conditions in the Bay Area and qualitatively discuss the project's construction and operational emissions impacts to local and regional air quality in accordance with the latest Bay Area Air Quality Management District (BAAQMD) CEQA guidelines and thresholds. Specifically, the EIR will analyze the effects of moving development capacity from North San José to other growth areas on toxic air contaminant (TAC) emissions and associated health risks. The EIR will also evaluate the project's consistency with BAAQMD's 2017 Clean Air Plan.

Greenhouse Gas Emissions

The EIR will address the project's contribution to regional and global greenhouse gas (GHG) emissions. Circulation changes resulting from the reallocation of development capacity from North San José to other growth areas may affect local VMT and thereby affect GHG emissions from vehicles. The EIR will consider this potential impact and evaluate the project's consistency with the City's Climate Action Plan, 2017 Scoping Plan, and other applicable GHG plans and regulations.

Land Use and Planning

The project would alter allowable land uses and zoning designations within previously-identified growth areas. The EIR will evaluate the consistency of these changes with the City's General Plan, zoning code, Urban Village Plans, Plan Bay Area 2040, and Sustainable Communities Strategy. The EIR will also evaluate the compatibility of the proposed land use changes with existing development in relevant growth areas.

Noise

The EIR will evaluate the change in traffic noise that would result from reallocation of development capacity from North San José to other growth areas in the City. The EIR will also examine temporary construction noise and long-term operational noise.

Public Services and Recreation

The EIR will study whether the project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities for any public services, such as fire and police protection, schools, and parks. The EIR will also study whether the project would increase the use of existing parks or recreational facilities that may result in adverse

physical effects on the environment, or whether the project's proposed parks and recreational facilities will result in such effects.

Transportation

The EIR will describe the existing traffic conditions in the project area and compare them to project traffic conditions, based on a Traffic Impact Analysis (TIA) to be completed according to the requirements of the City's transportation policy (Council Policy 5-1). Effects of the project on travel mode split (the percentage of travelers using a particular type of mode of travel or number of trips) and vehicle miles traveled (VMT) per service population will be evaluated for informational purposes to better understand the transportation-related outcomes associated with the project. A long-range General Plan Amendment (GPA) traffic analysis also will be completed for the purpose of evaluating the effects of the project. However, the determination of project impacts per CEQA requirements will be based solely on VMT metrics. The EIR will not include an evaluation of peak hour levels of service on the roadway network typically included as part of a Local Transportation Analysis (LTA).

Cumulative Impacts

The EIR will include a Cumulative Impacts section that will address the potentially significant cumulative impacts of the project when considered with other past, present, and reasonably foreseeable future projects in the City.

Alternatives

The EIR will evaluate possible alternatives to the project, based on the results of the environmental analysis. The alternatives discussion will focus on those alternatives that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant environmental effects (CEQA Guidelines Section 15126.6). The environmentally superior alternative(s) will be identified based on the number and degree of associated environmental impacts.

Other Sections

In conformance with the CEQA Guidelines, the EIR will also include the following sections: 1) consistency with local and regional plans and policies, 2) growth inducing impacts, 3) significant irreversible environmental changes, 4) references and organizations/persons consulted, and 5) EIR authors.



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

December 12, 2022

Ms. Reema Mahamood
City of San Jose, Planning Division
200 East Santa Clara Street, T-3
San Jose, CA 95113
Reema.Mahamood@sanjoseca.gov

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF SAN JOSE 2023-2031 HOUSING ELEMENT UPDATE– DATED NOVEMBER 7, 2022 (STATE CLEARINGHOUSE NUMBER: 2022110256)

Dear Ms. Mahamood:

The Department of Toxic Substances Control (DTSC) received a Notice of Preparation of an Environmental Impact Report (EIR) for the City of San Jose 2023-2031 Housing Element Update (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, work in close proximity to mining or suspected mining or former mining activities, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

The listing compiled in accordance with California Government Code Section 65962.5, commonly known as the Cortese List is commonly referenced in California Environmental Quality Act (CEQA) documents. Not all sites impacted by hazardous waste or hazardous materials will be found on the Cortese List. DTSC recommends that the Hazards and Hazardous Materials section of the EIR address actions to be taken for any sites impacted by hazardous waste or hazardous materials within the Project area, not just those found on the Cortese List. DTSC recommends consulting with other agencies that may provide oversight to hazardous waste facilities and sites in order to determine a comprehensive listing of all sites impacted by hazardous waste or hazardous materials within the Project area. DTSC hazardous waste facilities and sites with known or suspected contamination issues can be found on DTSC's [EnviroStor](#) data

management system. The [EnviroStor Map](#) feature can be used to locate hazardous waste facilities and sites for a county, city, or a specific address. A search within EnviroStor indicates that numerous hazardous waste facilities and sites are present within the Project's region.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the EIR:

1. A State of California environmental regulatory agency such as DTSC, a Regional Water Quality Control Board (RWQCB), or a local agency that meets the requirements of [Health and Safety Code section 101480](#) should provide regulatory concurrence that Project sites are safe for construction and the proposed use.
2. The EIR should acknowledge the potential for historic or future activities on or near Project sites to result in the release of hazardous wastes/substances on Project sites. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
3. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil, DTSC recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the Project described in the EIR.
4. If any sites within the Project area or sites located within the vicinity of the Project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the EIR. DTSC recommends that any Project sites with current and/or former mining operations onsite or in the Project area should be evaluated for mine waste according to DTSC's 1998 [Abandoned Mine Land Mines Preliminary Assessment Handbook](#).

5. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 [Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers](#).
6. If any projects initiated as part of the proposed Project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 [Information Advisory Clean Imported Fill Material](#).
7. If any sites included as part of the proposed Project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 [Interim Guidance for Sampling Agricultural Properties \(Third Revision\)](#).

DTSC appreciates the opportunity to comment on the EIR. Should you choose DTSC to provide oversight for any environmental investigations, please visit DTSC's [Site Mitigation and Restoration Program](#) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website](#).

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,



Gavin McCreary, M.S.
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (next page)

Ms. Reema Mahamood
December 12, 2022
Page 4

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Mahamood, Reema

From: Heba Hamouda <hhamouda28@gmail.com>
Sent: Monday, November 14, 2022 2:19 PM
To: Mahamood, Reema
Subject: 2023-2031 Housing Element Update EIR

[You don't often get email from hhamouda28@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

[External Email]

Hello,

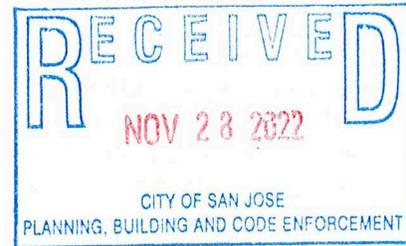
Some of the neighborhoods identified as included in the plan are already high density, and not near transit areas (Such as Kooser & Camden). Further construction will just add more congestion & pollution as the number of drivers on the road simply increases with no realistic public transportation options around. This would make sense in areas with massive office parks, but the City is already looking at high density residential areas which quite frankly, is ridiculous and no where near transformative enough.

Heba (local resident of San Jose)

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NATIVE AMERICAN HERITAGE COMMISSION



November 17, 2022

Reema Mahamood
City of San Jose, Planning Division
200 East Santa Clara Street, T-3
San Jose, CA 95113

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NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: 2022110256, 2023-2031 Housing Element Update Project, Santa Clara County

Dear Ms. Mahamood:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Cody.Campagne@nahc.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse



November 16, 2022

Reema Mahamood
City of San Jose
200 E Santa Clara St, T-3
San Jose, CA 95113

Ref: Gas and Electric Transmission and Distribution

Dear Reema Mahamood,

Thank you for submitting the City of San Jose 2023-2031 Housing Element plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management

Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 24 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch



wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ($90^\circ \pm 15^\circ$). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.



11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

Mahamood, Reema

From: Lisa Brancatelli <LBrancatelli@valleywater.org>
Sent: Friday, December 2, 2022 9:50 AM
To: Mahamood, Reema
Cc: Colleen Haggerty
Subject: RE: Notice of Preparation--City of San José 2023-2031 Housing Element Update EIR

[External Email]

Hello Reema,

Valley Water has reviewed the Notice of Preparation (NOP) of an Environmental Impact Report for the City of San Jose 2023-2031 Housing Element Update, dated and received by Valley Water on November 14, 2022. Based on our review we have the following comment:

The NOP suggests that residential growth required by San Jose's share of the Regional Housing Needs Assessment and accommodated by the proposed changes to the Housing Element are accounted for in the 2040 General Plan. Valley Water's 2020 Urban Water Management Plan determined that there will be adequate water supplies to meet countywide projected growth through 2045, but water use reductions may be required in multiple dry years. The Urban Water Management Plan assumes a substantial increase in water conservation to meet this goal. Valley Water encourages the City to require new water conservation measures in new development and redevelopment projects. Valley Water has been working with jurisdictions throughout the county on a Model Water Efficient New Development Ordinance that the City may consider to ensure there are sufficient water supplies into the future.

We appreciate the opportunity to review the document and would like to review future documents as they become available. If you have any questions, you may reach me at (408) 630-2479, or by email at LBrancatelli@valleywater.org. Please reference Valley Water File No. 31811 on further correspondence regarding this project.

Thank you,

LISA BRANCATELLI

ASSOCIATE ENGINEER (CIVIL)

Community Projects Review Unit

lbrancatelli@valleywater.org

Tel. (408) 630-2479 / Cell. (408) 691-1247

CPRU Hotline: (408) 630-2650

Santa Clara Valley Water District is now known as:



Clean Water • Healthy Environment • Flood Protection

5750 Almaden Expressway, San Jose CA 95118

www.valleywater.org

From: Mahamood, Reema <reema.mahamood@sanjoseca.gov>
Sent: Monday, November 14, 2022 1:33 PM
To: Mahamood, Reema <reema.mahamood@sanjoseca.gov>
Subject: Notice of Preparation--City of San José 2023-2031 Housing Element Update EIR

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NOTICE OF PREPARATION ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF SAN JOSÉ 2023-2031 HOUSING ELEMENT UPDATE

File No.: ER21-032
Project Applicant: City of San José
APN: Multiple, Citywide

Project Description: The City of San José (City) proposes a general plan amendment and rezonings to facilitate development of the City's 2023-2031 Regional Housing Needs Allocation (RHNA) of 62,200 units (project). The project would also include reallocation of 3,095 planned dwelling units from the North San José growth area to other growth areas identified in the Envision San José 2040 General Plan (2040 General Plan). The project is intended to facilitate the development of housing units already planned for as part of the 2040 General Plan; the project would not increase residential development capacity in the City beyond what was envisioned in the 2040 General Plan.

Location: The project location comprises the City of San José, which is located in the easterly half of the Santa Clara Valley at the southern tip of the San Francisco Bay.

As the Lead Agency, the City will prepare an environmental impact report (EIR) for the project referenced above. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the project. If you are affiliated with a public agency, this EIR may be used by your agency when considering subsequent approvals related to the project.

A virtual EIR Scoping Meeting for this project will be held via Zoom:

When: Thursday, December 1, 2022
Time: 6:00 p.m.
Zoom Link: <https://sanjoseca.zoom.us/j/83140706833>

The project description, location, and probable environmental effects that will be analyzed in the EIR for the project can be found on the City's Environmental Review Documents webpage at www.sanjoseca.gov/activeeirs, including the EIR Scoping Meeting information.

According to California law, the deadline for your response is 30 days after receipt of this notice. The City will accept comments on the scope of the EIR until 5 p.m. on Wednesday, December 14, 2022. If you have comments on this Notice of Preparation, please identify a contact person from your organization, and send your response to:

City of San José, Department of Planning, Building and Code Enforcement
Attn: Reema Mahamood, Planner III, Environmental Review

200 East Santa Clara Street, 3rd Floor Tower, San José CA 95113-1905
Phone: (408) 535 – 6872, email: reema.mahamood@sanjoseca.gov

Reema Mahamood

Planner III, Environmental Review

City of San José | Planning, Building & Code Enforcement
200 E. Santa Clara St., T-3
San José, CA 95113
d - 408.535.6872
reema.mahamood@sanjoseca.gov

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County of Santa Clara

Roads and Airports Department

101 Skyport Drive
San Jose, CA 95110-1302
(408) 573-2460 FAX 441-0276



December 12, 2022

Reema Mahamood

Planner III, Environmental Review
City of San José | Planning, Building & Code Enforcement
200 E. Santa Clara St., T-3
San José, CA 95113
d - 408.535.6872
reema.mahamood@sanjoseca.gov

SUBJECT: Notice of Preparation--City of San José 2023-2031 Housing Element Update EIR

The County of Santa Clara Roads and Airports Department (The County) appreciates the opportunity to review the Notice of Preparation--City of San José 2023-2031 Housing Element Update EIR. We submit the following comments:

Transportation – The EIR will describe the existing traffic conditions in the project area and compare them to project traffic conditions based on a Traffic Impact Analysis (TIA) to be completed according to the requirements of the City’s transportation policy (Council Policy 5-1). Effects of the project on travel mode split (the percentage of travelers using a particular type of mode of travel or number of trips) and vehicle miles traveled (VMT) per service population will be evaluated for informational purposes to better understand the transportation-related outcomes associated with the project. A long-range General Plan Amendment (GPA) traffic analysis also will be completed for the purpose of evaluating the effects of the project. However, the determination of project impacts per CEQA requirements will be based solely on VMT metrics. The EIR will not include an evaluation of peak hour levels of service on the roadway network typically included as part of a Local Transportation Analysis (LTA).

- Although the LOS will not be evaluated, City should include a queuing impact discussion in the LTA at turn pockets and on/off ramp locations where the project is expected to add a significant amount of vehicle queue.
- TIA should evaluate the effect on on-street parking supply due to the reallocation of the 3,095 planned dwelling units.

Thank you again for your continued outreach and coordination with the County. If you have any questions or concerns about these comments, please feel free to contact me at ben.aghegnehu@rda.sccgov.org

Thank you,





December 14, 2022

City of San José
Department of Planning, Building and Code Enforcement
Attn: Reema Mahamood, Planner III, Environmental Review
200 East Santa Clara Street, 3rd Floor
San José, CA 95113-1905

Re: City of San José 2023-2031 Housing Element Update, File No. ER21-032

Dear Reema,

VTA appreciates the opportunity to comment on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the City of San José 2023-2031 Housing Element Update. VTA has reviewed the NOP and related materials and has the following comments:

Land Use/Transportation Integration and Housing Location

VTA supports the direction of the City's Housing Element Update to facilitate the development of the City's regional housing needs by continuing to channel housing to existing growth areas within walking distance of locations served by frequent transit services (including VTA light rail and VTA Rapid and local bus service) as well as shops and services. This will help increase opportunities for residents to walk, bike, and take transit for daily activities, resulting in reduced Vehicle Miles Traveled (VMT) and greenhouse gas emissions.

VTA notes that the draft Housing Element Update would also reallocate about 10% of 3,095 planned housing units from North San José/Rincon Urban Village to seven existing Urban Villages. Two of the seven Urban Villages identified are not served by frequent transit services: McKee Road/Toyon Avenue and Camden Avenue/Kooser Road Urban Villages. VTA recommends allocating such capacity to other Urban Villages served by frequent transit services to achieve the desired goals of increasing opportunities for residents to walk, bike, and take transit, thus reducing VMT and greenhouse gas emissions.

Analysis of Effects of Adding Housing to Predominately Commercial Locations

VTA supports the concept of intensifying land uses at Urban Villages that are currently occupied by predominately shopping centers if they are located close to frequent transit, shops, and services. However, adding housing must be done carefully at these locations to prevent the loss of retail and services. The loss of these other uses can reduce the convenience of such areas and make it more difficult to walk, bike, and take transit, both for residents of newly constructed housing in such Urban Villages and residents in nearby neighborhoods. VTA recommends that the DEIR include an analysis of potential effects of adding housing to such locations on walk, bike, and transit mode shares and VMT, including a range of possibilities including a 'best-case scenario' where the existing retail stays when the

housing is added, to a 'worst-case scenario' where retail does not return due to construction disruption, higher rents, and other factors.

Analysis of Alternative with Reduced Parking Ratios

Given the City's recent policy change to eliminate minimum parking requirements VTA encourages the analysis of an alternative in the DEIR that would assume higher density on housing opportunity sites through the reduction of on-site parking ratios. The environmental analysis could include the effects of the reduced parking ratios and higher densities on land consumption, walk, bike, and transit mode shares, VMT, and other environmental indicators.

With additional housing and a reduction of off-street parking ratios, on-street parking could potentially become more crowded on some streets. Bus stop operating space must be maintained and enhanced whenever possible to ensure that the bus stop area is adequate when bracketed by parked vehicles. The City and VTA should continue to coordinate regarding bus stops and work together on assessments to enhance bus stops, as appropriate. These assessments should consider opportunities to provide the space needed for buses to serve the stop with all doors near the curb and minimize the need for buses to have to enter/exit the stop area at high approach and departure angles.

Zoning Designation of VTA's Property

The NOP includes information about VTA's property (ID# 1 – 3331 N. 1st Street, San José, CA, 96134) in "Table 5 New AHO-MIHO Sites and Anticipated Rezoning" (p. 11). VTA notes that the current zoning for our property is "TERO" not "Industrial Park" and requests that this correction be made.

Thank you again for the opportunity to review this project. Please do not hesitate to contact me at 408-780-8110 or Melissa.Cerezo@vta.org to schedule a meeting, or to discuss any questions you may have on this letter.

Sincerely,



Melissa R. Cerezo, AICP
Land Use Transportation Integration Program Manager